

Buncombe County Board of Elections
Asheville/Buncombe County Board of Elections

Monitor Name: Elaine and George Elam and Cheryl Williams in person

Date & Time: October 17, 2023 3:30 PM

Names of Board Members Attending:

Jake Quinn, Chairman

Steven Aceto, Board Member

Glen Shults, Secretary (virtual)

Mary Ann Braine, Board Member

Sally Stein: Board Member

Names of Buncombe Co Staff Attending: Corrine Duncan, Director; Neggy Fox, Deputy Director; Justin Tate, Absentee Coordinator; Devin Whitney, Elections Technical Specialist; Anna Katherine Moore, Administrative Coordinator and Clerk to the Board; plus at least 3 other staff whose names I do not know.

Location of Meeting: 59 Woodfin Place, Asheville NC

Observers:

At least 10 observers including 1 from the Friendship Community Association, 1 from NCEIT, 2 with no obvious affiliation, and 3 from LWVAB.

Four observed the meeting virtually.

Agenda Items

I. **Minutes** from October 10 meeting approved unanimously

II. Office Updates: Corrine Duncan

- FYI items
 - Training for Early Voting workers started today
 - This Thursday, October 19, training will start for Election Day workers
 - The Observer Information Session on Friday, October 13, went well
Video is at <https://publicinput.com/C55356>
 - The deadline to register was last Friday, October 13.
- Elections staff took their photo equipment to two festivals in the Community (the Reparations Meeting and the Hispanic Heritage Festival) but no IDs were issued at the Reparations Meeting and only two at the festival.
- Morgan Chance will present a demonstration at the October 24 meeting on election accounting. Mr. Quinn noted that training allows the journals

to be completed quickly on Election Day which allows officials to get home earlier.

- Delegation to Director: Ms. Duncan passed around a copy of the general statement of duties for the Director's office which is on file with the State Board and a draft resolution on Delegation to the Director prepared by Curt Euler, County Attorney, and Elections staff.
 - Mr. Quinn noted that the statement of duties is very like the job description that was used in 2020 and the resolution will be discussed at the next meeting.
 - Ms. Duncan reported that they referred to the statute (163.33) and examples from other, larger counties, in drafting the resolution. She invited questions.
 - Ms. Braine asked about a date for the statement of duties and Mr. Quinn said he thought it was in February of 2020.
 - Ms. Stein asked what specific things were deleted from the 2020 document and what things were added from the statute and prior Board discussions.
 - Ms. Duncan replied that she had not constructed the document in that way and so could not respond but thought that she had not omitted anything. She also noted that a job description differs from a delegation of authority.
 - Mr. Quinn noted again that the delegation will be on next agenda.
- Ms. Duncan presented 4 issues that need resolutions from the Board.
 - First concerns the Duplication of Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots which will be demonstrated later because the Board has received a civilian ballot.
 - Second is how to handle ID mismatches which 3 sitting Board Members have encountered previously.
 - Third is whether the Board or Elections staff may process write in votes which the Board has previously done but wondered whether staff may do.
 - Fourth concerns procedures to close Early Voting sites under certain circumstances such as weather events. This is less pressing for the municipal elections but will rise in importance for the March primary.
 - Mr. Quinn requested that copies of the existing resolutions but thought there was none for the tallying of write in votes.
 - Ms. Duncan said often the matters were discussed in Board meetings and so were not in resolutions, which Mr. Quinn said is an acceptable way to address issues. He reiterated that he wants the current Board informed of what has been done in the past.

- Ms. Duncan said they will provide a demonstration of UOCAVA duplication today and retrieve the policy from the past on the mismatches.
- Mr. Quinn thought the new machines would tally the write in votes but Ms. Duncan said it would not provide totals by race on a grand total.
- Mr. Aceto is especially interested in past practice to see how the Board discussed delegations to staff that involves the use of staff discretion.
- Mr. Quinn asked that Ms. Duncan provide Members with copies of the past emergency closure plan which applies to Election Day sites, so it will need adjustment to apply to early voting sites. In essence, the rule is if the City closes, the polls close.

III. Finalize Early Voting Plan for Primary presented by Ms. Neggy Fox

- The proposed plan includes the 11 sites previously discussed: Black Mountain Library, East Asheville Library, Enka Candler Library, Fairview Library, Leicester Library, North Asheville Library (TBD, due to limited parking another north Asheville site would be preferred), South Buncombe Library, Friendship Center in the Shilo neighborhood in South Buncombe, Weaverville Community Center, the newly remodeled Wesley Grant Center in lieu of BOE office, and West Asheville Library.
- The proposed additional days of operation the Board can approve are Saturday February 17 and February 24, and Sunday, February 25.
- The hours of operation for the weekend locations will be from 10 am to 3 pm allowing for a single shift of poll workers.
- Otherwise, the days and hours of operation are mandated: Weekdays from 8 am to 7:30 pm and the last Saturday, March 2, from 8 am to 3 pm.
- Staff and the Board have until November 27 to resolve the question of a second North Asheville site. If no other option is found, the North Asheville Library will be the polling location. The North Asheville Community Center is a good location but it lacks adequate parking.
- All locations are in densely populated areas. Ms. Braine asked for a map of Early Voting locations showing population density and precinct boundaries.
- Mr. Quinn noted that typically the General Election will have more Early Voting sites than the Primary. He also said he would provide members a copy of his spreadsheet that shows voting by site during Early Voting. For example, Swannanoa seldom has an Early Voting site but always has an Election Day site.

- Ms. Stein asked how the population growth in South Asheville was considered. The matter was not further discussed.
- Mr. Aceto said we need to have data driven reasons to provide more confidence that partisan bias is not shaping decisions. We want to add sites only when we know that voters are not being served. In particular, he noted that North Asheville is a big hole where growth is significant but sites are few.
- Ms. Duncan observed that the discussion highlighted the complexity of decisions surrounding the selection of polling locations. Further she said the proposed plan tends to be closely matched to population density apart from North Asheville where attempts to locate additional sites have not been fruitful. Moreover, the 11 sites serve all precincts.
- The Board unanimously approved the proposed Early Voting Plan

IV. Absentee Ballot Review – presented by Justin Tate

- To date, one civilian UOCAVA ballot has been received. All such ballots must be duplicated onto paper because they are allowed to be transmitted by email. Each ballot must be accompanied by an affidavit attesting to the voter’s eligibility to submit the ballot.
- Mr. Tate gave the affidavit to each member to sign. Then the ballot was passed to the duplication team consisting to 2 readers and 2 recorders which are evenly divided by party and/or unaffiliated. This team consists of 1 democrat, 1 republican, and 2 unaffiliated staff.
- Ms. Duncan said that UOCAVA ballots are processed under federal, not state rules. As such they can be submitted by email and do not require photo identification. The email must be converted to a paper ballot that can be read by their tabulator.
- Mr. Tate instructed the team to be very careful not to read the voter’s name or the CIV number because both are protected private information.
- Several comments were made when the ballot was scanned by the tabulator about how quiet the machine was. It was the first time the new machine had been used.
 - An observer affiliated with NCEIT questioned how, without photo ID, staff or members could be certain the UOCAVA ballot presented was submitted by the person who was named.
 - Ms. Duncan said the ballot must be accompanied by an affidavit stating why the voter needed the UOCAVA ballot.
 - Ballots are returned to the State Board of Elections which reviews them to ensure the person who submitted the ballot applied for one,

then sends the ballots to the appropriate county. To her knowledge, no questions have ever been raised about military ballots although a small number have been raised about civilian ballots.

- A total of 6 absentee ballots were processed by two teams of members consisting each of 1 democrat and 1 republican. Ms. Duncan reminded the members that she had provided them a checklist for this process at the last meeting on October 10. The checklist contains the following steps
 - Check to see that required signatures and information are on the outside of the ballot.
 - Check the voter's name and witness information.
 - Confirm the ballot is valid and the envelope is intact
 - Check that the Voter signed the ballot along with 2 witnesses or 1 notary.
 - Confirm that if assistance was provided the name and type of assistance is on the ballot.
 - Confirm that an acceptable photo ID or exception form is included. Exception forms require a different review process but none of these ballots involved an exception.
- All ballot envelopes have been reviewed by staff before the Board meeting and any deficiencies flagged. Staff recommended that all 6 ballots be approved.
- Once the Board has determined by their review and initials the ballot has all the required information it is eligible to be scanned and later counted.
- First staff run a report to determine that the scanner has not scanned any ballots, called a zero report. Following the scanning of ballots, a scan report is run which must show that the number of ballots scanned equals the number of ballots reviewed. Both reports are sealed in plastic envelopes and stored in a fire proof location. The flash drive from the scanner is also sealed in a plastic envelope and stored in a separate fire proof location. This process will be repeated for all absentee ballots.
- At 2 pm on March 5, staff will process all the flash drives so that the results can be added to the results from Early Voting.
- Mr. Quinn expressed comfort that the staff processed the ballots accurately and asked other members for their views. Mr. Aceto said he was grateful that their discussions were documented. Mr. Shults said he believes the process is reliable and appreciated the delegation to staff.
- The Board unanimously approved the 1 civilian UOACVA ballot and the 6 absentee ballots.

General Discussion

- A discussion ensued about the difference between counting the ballots and tabulating election results. These ballots have been counted but will not be included in official election results until the November 7 results are approved by the November 17 canvass.
- One observer asked what would cause an exception form to be rejected. Mr. Quinn and Ms. Duncan said the process is new. She had spoken to election officials in other counties that have conducted municipal elections this year and who reported it is rare that a form is rejected. One scenario for rejection would be if the Board had evidence that the exception form was false or if the voter wrote on the form that they didn't approve of photo ID. In either case, the form would not be appropriately complete. Because it is a new process everyone is learning together.
- The observer asked if the voter did not complete the requested phone and email information, would that be grounds to reject it. Mr. Quinn brought a form over and together they examined it. The only requested information was the voter's name.
- Ms. Duncan referred everyone to the State Board of Elections numbered memo 2021-3 which covers the exception form.
- Another observer asked about the processes of the USPS regarding postmarking absentee ballot envelopes. Ms. Duncan said that at the state level USPS has prioritized marking such ballots and agreed to report any problems, especially with postmarks.
- Mr. Quinn noted that the required postage to return an absentee ballot is \$1.59 which led to a discussion about what happens when ballots are returned without postage. Ms. Duncan said they accept the ballots and, to her knowledge, the USPS does not bill them for any such deficiencies, but she was not familiar with USPS policies.
- Another observer asked about the use of drop boxes to return absentee ballots. Ms. Duncan and Mr. Quinn said there are no drop boxes in NC. Ballots must be returned in a manner that allows staff or poll workers to log the receipt.

Meeting adjourned at 6:53 pm

**V. Next Meeting Date:
October 24 at 5:30 pm
Location: 59 Woodfin Place**