

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

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

Date & Time: February 13, 2024 3:30 PM

Names of Board Members Attending:

Jake Quinn, Chairman

Mary Ann Braine, Board Member

Steven Aceto, Board Member

Glen Shults, Secretary

Sally Stein: Board Member

Names of Buncombe Co Staff Attending: Corrine Duncan, Director; Devin Whitney, Elections Technical Specialist; Justin Tate, Absentee Coordinator; and Anna Katherine Moore, Administrative Coordinator and Clerk to the Board; Joyce Kanavel (back temporarily)

Location of Meeting: 59 Woodfin Place, Asheville NC

Observers:

10 observers (including 4 assistants for absentee ballot review) as follows: 5 Democrats, 2 Republicans, and 3 LWVAB. Two virtual observers.

Agenda Items

I. Minutes from February 6 approved 5/0 and Agenda for this meeting approved 5/0.

II. Office Updates – Corrine Duncan

Early Voting starts 2/15. Ten of the 11 precincts are set up. The exception, Reynolds Mountain Village, will be set up tomorrow. Early Voting ends March 2.

The registration deadline has passed but people can register during Early Voting with a Photo ID and proof of residency if the Photo ID does not have a residential address.

Since 2020 the number of absentee ballot requests has increased. We have now exceeded the number of requests in 2020.

Victoria Pickens and Corrine Duncan attended the NCSBE conference on Feb 4-6, which focused on the many changes that have taken place since the last legislative session, many of which have been discussed at Board meetings.

A new PDF log book will be available soon followed by a hard copy in April.

The next NCSBE conference will be in August. All staff and Board Members will attend.

She reminded everyone of the need to observe open meeting laws. A County had been challenged for not doing so, although she thought it was found not to be in violation. Mr. Shults asked for more detail. She said she did not know more but would inquire and get back to him.

Ms. Duncan will host a media availability event so the Wesley Grant Center tomorrow as well as a Let's Talk Town Hall on Friday, Feb 16 at 1:00 pm. It will be in Facebook Live and the public input portal is open now.

The Candidate and Media guides are out now and have been sent to all candidates and media outlets.

The Emergency Services Table top exercise last week went well. It was a good networking opportunity. Details of the exercises cannot be shared for security reasons.

NCSBE is doing a Photo ID campaign that includes mailing a postcard to all households in North Carolina.

Training for Early Voting workers is complete. Training for Elections Workers in November will start March 1.

Workers on the last Saturday before the March 5 Primary Election will be in overtime status.

III. Absentee Ballot Review – Justin Tate

About 12 ballots were reviewed by Board Members including ballots that voters had indicated contained the Photo ID in the same envelope as their ballot rather than in the clear plastic sleeve. Members reviewed the outside for required documentation, placed Photo IDs in the clear sleeve, resealed the ballot envelope, and returned them to staff for further review and presentation to the Board at the next meeting.

1 mailed in Military was reviewed ballot approved 5/0.

5 Overseas Civilian were reviewed ballots approved 5/0.

58 absentee ballots with exception forms were reviewed and approved 5/0.

Team assistants worked with Board Members to review the remaining 149 ballots. All were approved 5/0.

All 213 approved absentee ballots were scanned and, signed by Board Members and placed in security envelopes for storage. Scanner tapes were also reviewed, signed, and placed in a security envelope for storage.

IV. Updated Resolution for Counting Absentee Ballots – Anna Katherine Moore (copy passed out to all Board Members)

A provision in the newly passed law (SB747) requires that the high-speed scanners used to scan and tabulate ballots cannot be opened until 7:30 pm on the night of the Primary Election. However, counting of paper ballots can begin at 2 pm on March 5. As a result, the wording of the Resolution for Counting Absentee Ballots that was passed on Feb. 6 had to be changed. The updated resolution conforms to the law and repeals the

resolution from Feb. 6. Prior to the passage of SB 747 electronic ballots could be counted earlier in the day.

Consequently, counting the ballots from all 11 Early Voting sites will begin after the polls close on March 5. NCSBE has said it will issue a numbered memo outlining the change and the statutory requirements. The Board, however, needs to pass the resolution to meet statutory requirements for legal notice in newspapers.

Mr. Shults read from the statute and commented that SB 747 changed the status of Early Voting so that it is no longer considered a form of absentee voting.

Ms. Duncan clarified that the DS 200 machines tabulate the paper ballots submitted by voters. So, the votes are counted electronically but the ballots are paper.

Regarding the increasing use of Early Voting, Ms. Duncan said that in the 2020 Primary voters cast 183,000 ballots, of which 38,000 were cast during Early Voting, about 20 percent. Votes cast during Early Voting could double in this primary election.

The Elections office will report the count of Absentee Ballots at 7:30 when the polls close, but the results of ballots cast during Early Voting and on Primary Election Day will be reported at or after 8:30 in an optimistic assessment. Ms. Duncan thought results could be reported before midnight. She noted it takes time to bring the 11 flash drives back to the Elections Office.

Ms. Stein asked about notice to the public. Ms. Duncan replied that she wanted to have the numbered memo from the NCSBE before making a public announcement and alerting the press.

Mr. Quinn observed that the Primary will allow people to adjust their expectations for the announcement of election results in November.

The Updated Resolution for Counting Absentee Ballots in the 2024 Elections approved 5/0.

V. Discussion on Early Voting Elections Officials Vacancies – Jake Quinn

At an earlier Board meeting, Members approved a roster of Early Voting Election Officials for the 11 Early Voting precincts. A change in the law gives the Board the authority to fill vacancies as they occur. The Board delegated this authority to Ms. Duncan including the authority to outsource such appointments to the recruiting contractor. The Board wants to see how that works and to ensure that all laws were followed.

However, depending on the interpretation of the term “Election Officials”, the Board may need to update the delegation because the previous delegation assumed judges and chief judges, but not assistants, were covered. In Numbered Memo 2023-07 (Appointment of Early Voting Officials issued Dec. 19, 2023) the two positions are treated separately. However, the memo states that the Board may delegate to staff

appointment from a roster of individuals who meet qualifications for one or more of the positions. The roster also included the names of people who could serve as substitutes when an official must be absent.

Mr. Shults consulted the statutes and asked whether the roster that had been approved contained people qualified for all three positions. Karen Rae is most qualified to answer that question.

Ms. Stein said the confusion arises from changing the labels that have historically been given to specific positions. She asked for a clarification of the terms for the Board to consider at its next meeting.

Mr. Shults asked whether assistants need to be balanced by party as judges and chief judges are. Ms. Duncan said they do not but should be to the extent possible and that staff let party officials review the roster to voice objections if they have any.

One “captain” at Oakley needs to be replaced. All vacancies will be presented to the Board.

Ms. Stein asked whether staff track why people don’t show or back out after being appointed. If so, might those results help guide future recruitment efforts.

Mr. Quinn said the Board needed to pass a new resolution and include wording to permit Ms. Duncan to delegate the authority to the recruiting contractor.

Mr. Aceto said the resolution passed earlier was well crafted and is a good model for going forward.

Mr. Quinn said that the resolution should include the term assistants to ensure that all positions are covered.

The motion to amend the resolution to delegate authority to the Director to fill vacancies that occur among Early Voting assistants in 2024 elections was approved 5/0. (GS 163-41(d))

Recessed at 6:15 pm to reconvene at 7 pm at Cox Avenue

Move to 50 Coxe Avenue, Asheville NC 28801

The Board reconvened at 7 pm at 50 Coxe Avenue with Ms. Duncan, Ms. Moore, and 1 LWVAB observer. The Board tested a minimum of 10 percent of the 80 tabulators in the warehouse. All tested machines returned results that matched the correct number of “ballots” in this simulation. The tapes were signed by the Board Members and secured for storage. The observer left at 8:30 when testing was complete and most materials secured.

VI. Next Meeting: Tuesday, February 13 at 3:30 **Location:** 59 Woodfin Place