

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

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

Date & Time: May 7, 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; Anna Katherine Moore, Administrative Coordinator and Clerk to the Board; Bria Bailey, Elections Technical Specialist; Neggy Fox, Deputy Director.
County Staff: Kassi Day, Public Relations Coordinator

Location of Meeting: 59 Woodfin Place, Asheville NC

Observers:

12 observers as follows: 7 Republicans, 1 Democrat, 3 LWVAB, 1 Common Cause. No one online. One Republican observer left early and another one arrived late.

Agenda Items

I. Agenda for this meeting approved 5/0

II. Minutes (G.S. § 143-318.10) – for the April 30 meeting approved 5/0.

III. Office Updates – Corrine Duncan, Director

- Have completed poll worker training
- On Sunday, will start the Chief Judges supply pickups for about 40 Judges continuing with the other 40 on Monday
- Campaign Coordinator position the offer was accepted by Nate Spears, whose first day is next Monday and second is Election Day
- Have begun first of two rounds of interviews for the position in the Registration Division
- County has reorganized their management structure by adding an assistant manager. They are adding the position, not dropping any. Now they will have 3 assistant managers and reorganized the agencies under each one. Corrine will report to Jim Love, who she has worked with before. The changes will take effect on July 1.
- Today at 5 pm is the deadline to request an absentee ballot

IV. Public Vote on the Early Voting Plan for the 2024 General Election (G.S. § 163-166.35, SL 2023-140) Neggy Fox, Deputy Director

- A review of the proposed plan as presented last week:
 - The proposed plan for the General Election Early Voting included:
 - 14 proposed sites
 - Weekday hours are 8 AM to 7:30 PM
 - Open Saturdays – 10/19 and 10/26 and Sunday 10/27
 - Weekend hours 10:00 AM to 3:00 PM
 - Hours for 11/2, the last Saturday before the Election, are 8 AM to 3 PM
 - The 14 proposed sites are:
 - Bee Tree Fire Station in Swannanoa; Black Mountain Library; East Asheville Library; Enka-Candler Library; Fairview Library; Friendship Center in Asheville; Leicester Community Center; **North Asheville Library**; South Buncombe Library; UNC-Asheville although the specific location within campus to be determined; Weaverville Community Center; Wesley Grant Southside Center (in lieu of BOE); West Asheville Library, and **Upper Hominy Fire Station**
- The differences from last week are that she added the Upper Hominy Fire Dept pending confirmation from them and North Asheville Library which will be closed for renovations, so voters won't have to share parking with library patrons which is a big win because of the limited number of parking spots
- Ms. Fox and Bria Baily visited the UNCA site last Friday to tour the French Broad Room in the Highsmith Student Union which will require voters and staff to use stairs or the elevator because the Blue Ridge Room is on the floor below the walkway across the street. The electronics and other technical requirements checked out satisfactorily. They used the site in 2016
 - Construction is ongoing at the entrance from W.T. Weaver Boulevard but she was told it would be completed the June 1
 - UNCA will give voters parking right across the street
 - One downside is that there is quite a distance to curbside voting. Ryan Oliver, the warehouse manager, is checking out how well the bell works in that location to alert workers to the need for curbside voting
 - Also, workers will have to navigate the stairs or elevator which could increase the time it takes for curbside service
- Regarding public input which closed last Friday at 5:00 pm, the site had over 1,200 views with 880 responses and over 800 comments. Ms. Fox noted that the plan has evolved since the April 22 draft plan which is the plan respondents reviewed
 - 75 percent approve of the plan as is
 - 16 percent approve the plan with minor modifications
 - 5 percent do not approve of the plan
 - 4 percent approve the plan with major modifications
- Features of the plan that people liked include:

- Convenience of multiple voting sites (4 percent)
- Appreciation for early and late voting times (5 percent)
- Accessible voting locations (5 percent)
- Extended Early Voting period (5 percent)
- Support for weekend voting hours (6 percent)
- Features people did not like include:
 - Need for more weekend voting hours/locations (12 percent)
 - Early Voting period is too long (11 percent)
 - Need for additional sites in rural areas (7 percent)
 - Concern about UNCA location, such as parking and ongoing construction (7 percent)
- Regarding sites in north Asheville, since last week she heard back from Reynolds Village which is available although campaigning on the site is not allowed because it is private property and cell phone service can be spotty but it has a lot more parking than the North Asheville Library
- She has reserved the North Asheville Library meeting room but it is small which limits the ability to add more machines. Also, there is no guarantee that voting hours can be coordinated with the schedules of renovation contractors
- Turning to the northeast part of the county, the Big Ivy Community Center Board of Directors said no to its use as an Early Voting site because of their ongoing food pantry
- The Jupiter Fire Station, which is available and has been reserved, has a large meeting room, is about 7.7 miles from Barnardsville, and 1.6 miles from Exit 15 of I-26
 - Will need to have extra signage to guide folks to the location and to make it clear that it is for Buncombe County voting because it is very near the Madison County line
 - Cell coverage was good when she and Bria visited it last Friday
- She also looked to other southwest area locations, unfortunately the Board of Directors for the Upper Hominy Fire Station declined the request to use it as an Early Voting site
- However, the Beaverdam Community Center and Pole Creek Baptist Church are possibilities and she is waiting to hear back from them about Early Voting although Pole Creek Baptist Church is confirmed as an Election Day location
- Because she has not seen the Beaverdam Community Center, she would need to visit it to confirm whether it is ADA compliant. The site is about 5 miles from the Enka-Candler Library and from Upper Hominy Fire Station. She has reached out to the person who manages the property
- Regarding Pole Creek Baptist Church, Buncombe County already uses it for Election Day voting; it has lots of parking; is 5 miles from the Enka-Candler Library, and; is ADA compliant. She has reached out to the Site Manager
- To recap sites to date, there are 16 sites under consideration as follows:
 - **Beaverdam Community Center in Candler, pending;** Bee Tree Fire Station in Swannanoa; Black Mountain Library; East Asheville

Library; Enka-Candler Library; Fairview Library; Friendship Center in Asheville; Leicester Community Center; **Jupiter Fire Station – pending; North Asheville Library - reserved; Pole Creek Baptist Church – pending;** South Buncombe Library; **UNC-Asheville Highsmith Student Union;** Weaverville Community Center; Wesley Grant Southside Center (in lieu of BOE); and, West Asheville Library

- Staff recommends, based on the information in hand today, that the Board approve 13 sites as follows:
 - Bee Tree Fire Station in Swannanoa; Black Mountain Library; East Asheville Library; Enka-Candler Library; Fairview Library; Friendship Center in Asheville; Leicester Community Center; **Reynolds Village;** South Buncombe Library; UNC-Asheville Highsmith Student Union; Weaverville Community Center; Wesley Grant Southside Center (in lieu of BOE); West Asheville Library
 - With the option of amending the plan with a **southwest location (Beaverdam or Pole Creek Baptist Church)**
- Ms. Duncan said they had asked the State Board to extend the deadline to submit the County’s plan for one week. She thought the plan with 13 sites was good but the loss of Upper Hominy Fire Station was a blow. Considering the budget, population density, site capacity, equipment on hand, site availability, and staffing, she is most comfortable with 13 sites plus one in southwest if one can be found. She said they had just started reaching out this morning. A one-week extension puts the decision on Election Day but that is doable with this election because it is not large
 - The map makes it clear that the southwest needs a site due to its population
 - If we can’t find a southwest site, the capacity at Weaverville Community Center and Enka-Candler Library can be increased
 - She was initially quite favorable about the North Asheville Library but it is small and has some scheduling uncertainties that Reynolds does not have even though Reynolds would not allow campaigning
 - While it can be overcome, there may also be confusion about the library being closed for library purposes but open for voting
 - The further we move away from population centers, the harder it is to staff the sites with Buncombe County residents
- Mr. Shults agrees with the 13 sites plus one in southwest because it does not exceed the budget, especially given the budget woes the County faces. The data on turnout at the Pole Creek Early Voting site in 2014 and 2016 was respectable. He had raised the issue of a site near Land of Sky but UNCA takes pressure off North Asheville Library. Regarding the Reynolds Village site, it would have more parking but is it above the YMCA? Ms. Fox said she wasn’t sure of the exact location in the complex but it would be a shared site. For the UNCA site he recommended close cooperation with authorities since campus boundaries are permeable

- Mr. Quinn said the Board seems to prefer the 14 sites and asked Ms. Duncan about the one-week extension. She replied that she is fine with not deciding today and said she had alerted the State Director that Buncombe might be asking for one week more. She said an amendment later might be difficult
- Mr. Aceto commented that SB 747 recodified certain sections of the law but not about the Board's responsibilities as follows which only changed numbers. The relevant section for the what the Board must do for each voting place in 163.166.1 include:
 - Provide for the timely delivery to each voting place of the supplies, records, and equipment necessary for the conduct of the election
 - Ensure that adequate procedures are in place at each voting place for a safe, secure, fair, and honest election, which is the key section relevant to today's meeting
 - Respond to precinct officials' questions and problems where necessary
 - Provide adequate technical support for the voting system, which shall be done in conjunction with the State Board of Elections
- Mr. Aceto continued that under 163-227.6 (sites and hours for one-stop voting) a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted... If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. **The State Board, in that plan, shall take into consideration whether the Plan disproportionately favors any party, racial or ethnic group, or candidate**
 - He noted that should this Board not unanimously approve a plan, the underlined sections above will guide the deliberations of the State Board, which the County should also apply to its plan
 - Further these are applied to the plan as a whole rather than each site individually
- Mr. Aceto also noted that 163.129 163-129 (Structure at voting place; marking off limits of voting place) (a) At the voting place in each precinct established under the provisions of G.S. 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. **To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is**

supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes

- He referred to this as “the nuclear” option and includes fire stations which Ms. Duncan said was used in the past at that Fire Station (Upper Hominy) in 2012 but it is not an option that should be used regularly
- He concluded that the Board wants a site in the southwest and while the law allows them to compel a fire station but not a church as the statute further states
- Moved to ask the State Board of Elections for a one-week extension to submit an Early Voting Implementation Plan. The motion passed 5/0
- Ms. Stein asked about statutory or State Board guidance on campaigning at Early Voting sites. Mr. Quinn noted that Reynolds Village was not the only site to limit or prohibit campaigning. Ms. Fox said that the Asheville Mall, the Outlet Mall, and some churches did not allow campaigning
 - Ms. Fox said she would have to inform the State Board about the lack of campaigning and demonstrate that other sites had been considered
 - Mr. Quinn said Ms. Duncan expressed a preference for the Reynolds site with quite sound reasons, however, the North Asheville Library is in a quite prominent place and the public would not be in any doubt that it is open for voting. He hopes that a viable option materializes
 - He continued that with the library closed and all the parking available for voters, he prefers it to the Reynolds site, in part, because it allows campaigning. If the parking is not available, then he supports the Reynolds site
 - Ms. Duncan doesn’t know with certainty this time, but in the past the State Board has been ok with conditional sites, as in “if we haven’t secured this site by X date, then we would use this other site”. Mr. Quinn asked her to check on the State Board’s openness to such conditional language
 - Mr. Quinn favors submitting a plan next week that the Board is happy with
- Ms. Stein said that Mr. Aceto had pointed out to her another statute section that seemed relevant, 163.129(d) The county board of elections shall ensure that each precinct voting place permits candidates at least 36 hours prior to the opening of the voting place and at least 36 hours after the close of the voting place which sounds like the assumption is that each precinct has campaigning
 - Mr. Quinn said that Early Voting locations are not precincts and this Board has historically treated the two differently. For example, they have historically appointed only Election Day Election Officials not,

Early Voting, although this year they did appoint Election Day Election Officials and the change in the law may have been why. He wasn't sure if a similar change might apply to campaigning

- Mr. Aceto said he had not looked for that change but it was worth more research
- He prefers a site that allows campaigning to one that does not
- Mr. Shults said the data for the Upper Hominy Fire Station as an Early Voting site in 2012 was 1,265 voters which was one of the lower turnout sites, but not the lowest. He asked why it hasn't been used since and does it allow separation of voting from Fire and Rescue operations. Ms. Fox said its meeting room is separate from its operations space. Mr. Quinn said he had heard that the Fire Department was not happy with how the Elections were conducted in 2012 but while the Chief, who supported the use, may be new the Board members may not be.
 - Ms. Braine asked whether the "misconduct" was related to forcing them to allow its use? Ms. Fox said she did not know because she started with the Board in 2016 but she thinks the staff were not sufficiently respectful that it was someone else's space. Also, she noted that they had another option in the Enka Candler Library. Mr. Quinn said that typically the first time a site is used the turnout is low but Enka-Candler was immediately and immensely popular
 - Mr. Aceto said he thinks Pole Creek would be great if we could secure its use and it is his first choice for a southwest location
 - Mr. Quinn prefers Upper Hominy Fire Station as a first choice, in part because churches may not be amenable to 2.5 weeks of Early Voting. He's glad Mr. Aceto brought up the "nuclear" option but hoped it still might work out
 - Mr. Aceto deferred to Mr. Quinn's experience because he was not on the Board in 2012, so he retracted his preference for Pole Creek and favored the "neutral" space provided by tax-supported spaces
 - Ms. Braine asked about other fire stations in the area. Ms. Fox said she had looked at Enka-Candler but would check out others, such as the one on Route 151
 - Ms. Duncan said that if community residents favor the site, they could speak to the Fire Station Board and perhaps get them to reconsider
 - Mr. Quinn and other Board members expressed appreciation for Ms. Fox's work and for providing the Board options
 - Ms. Duncan said she had already requested the extension

V. Absentee Ballot Review (GS §163-230.1(f)) – Justin Tate

Mr. Tate first presented 3 overseas mailed in civilian ballots that were duplicated by staff using a bipartisan team (1 Democrat, 1 Republican, and 2 Unaffiliated) and recommended for approval

- For the benefit of the observers, Mr. Tate explained that overseas ballots do not require photo ID
- He further noted that the request portal retains the IP address of someone requesting a ballot to prevent someone in the US from requesting an overseas ballot
 - Specifically, he was contacted by a couple who live in Mexico and requested an overseas ballot. Their location in Mexico was very close to the US border and the portal refused their request because it could not determine with certainty that the request originated outside of the US
 - They were able to come to the US and request an absentee ballot
 - The 3 overseas ballots were approved 5/0

Second, Mr. Tate presented 2 absentee ballots with Photo ID exception forms that staff recommended for approval

- The 2 ballots were reviewed by Board Members and approved 5/0

Mr. Tate presented a ballot that was returned without placing the ballot in the security envelope. The ballot contained a copy of the Photo ID. Staff noticed the problem and did not open the ballot

- The ballot was opened and reviewed by Board Members
- The Board approved a motion 5/0 to place the ballot with the remaining ballots to be reviewed

The last batch of absentee ballots consisted of 28 civilian mail-in ballots with copies of Photo IDs

- The Board reviewed the ballots and all 28 were approved 5/0
- All 33 ballots were scanned by Bria Bailey and placed in envelopes which Mr. Tate had all members sign. The ballots and envelopes were then sealed in separate envelopes for storage. Similarly, the flash drive was placed in an envelope that was signed and sealed by members.

Ms. Duncan said that since the Board had decided to ask for an extension of one week, Ms. Kassi Day, the Public Relations Coordinator, suggested that the input portal be reopened with a press release and a link to the updated plan to obtain additional public input, including an additional question about a southwest site

- To avoid compromising the data that have been collected, the plan would be the one on the table on April 22 but a link to the plan as it exists now would people to see how the plan has evolved
- The motion passed 5/0
- Mr. Quinn expressed much appreciation for the cooperation among county departments in general but the public relations in particular

VI. Next Meeting: Tuesday, May 13 at 5:30 pm

Location: 59 Woodfin Place