

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

**Monitor Name:** Elain Elam, George Elam, and Cheryl Williams in person

**Date & Time:** September 10, 2024 3:30 PM

**Names of Board Members Attending:**

Jake Quinn, Chairman

Mary Ann Braine, Board Member

Steven Aceto, Board Member (arrived late)

Glen Shults, Secretary

Sally Stein: Board Member

**Names of Buncombe Co Staff Attending:** Corrine Duncan, Director; Devin Whitney, Elections Technical Specialist; Anna Katherine Moore, Administrative Coordinator and Clerk to the Board; Karen Rae, Recruiting and Outreach Coordinator; Justin Tate, Absentee Coordinator; Devin Whitney, Elections Technical Specialist, GIS

**Location of Meeting:** 59 Woodfin Place, Asheville NC

**Observers:**

12 in person as follows: 2 Republicans, 2 Democrats, 3 LWVAB, 1 Common Cause, and 4 of unknown affiliation. Four online.

**Agenda Items**

**I. Agenda** for this meeting approved without objection

**II Minutes** for 7/9/24 approved without objection

**III. Office Updates – Corrine Duncan, Director**

- Ms. Duncan, the Board members outlined the items on the agenda and said she had about 11 updates for the Board
- Absentee ballots will be delayed as a result of the State Supreme Court agreeing that the We the People candidate's name should be removed from the ballot.
  - NCSBE rejected their request initially but was overruled by the Court of Appeals
  - NCSBE appealed the decision to the State Supreme Court that agreed with the appellate court.
  - All ballots must be reprinted and ballots were not mailed on Friday, September 6 as planned
  - No ballots will be sent until all counties are ready to send them at the same time
  - Buncombe had about 5,200 ballots ready to mail.
  - Some materials from the ballots can be salvaged, such as the inner ballots and instructions

- The initial cost to print ballots was about \$30,000 and the reprint will cost an additional \$28,500 because the vender added a 25 percent rush order fee
- By using the Express Vote machines for Early Voting, the County avoided reprinting ballots for Early Voting because the Express Vote machines produce ballots on demand and are not preprinted
- NCSBE will issue guidance soon on the revised timelines
- 25 Staff worked overtime through the weekend to get all the materials ready with great support from other county departments such as legal
- Sample ballots can be obtained at the Elections Services Office but are not yet available online
  - Mr. Aceto asked about the cost of the overtime which is not in the budget and Ms. Duncan said she would have the figure by the next meeting
- The Board Members received an email about parking for observers
  - Mr. Quinn noted that many polling places have limited parking which is for the voters not observers or poll workers
    - Voters come and go frequently while observers and poll workers remain in the same spot for a long time
    - He also said he hopes that observers know they are there to observe and not impede voting
  - Ms. Braine asked whether observers would encounter safety issues when they park elsewhere
    - Ms. Duncan said they hope that no one encounters safety issues when parking
  - Ms. Duncan said they would cover these issues in the observer information sessions
- Two items have arisen since the last meeting; first, requests for public records have grown tremendously since 2020
  - To address the large volume, they have a public input portal so that the requests can be accessed easily by all affected departments
  - Often the requests are duplicative and can be addressed with a single response
  - Mr. Aceto asked how requests for information from Board Members are addressed
    - This led to a discussion about the Open Meetings laws and Roberts Rules of Order including the distinction between information (raw or nearly so data), document (data that have been created, analyzed, or reviewed by staff) and work product (the finished result of staff work, synonymous with record)
    - Ms. Duncan said the in an ideal world, she wants all Board Members to receive the same information at the same time and that intra Board communications should occur through the channels already set up or go through the Chair

- Ms. Braine said that Members don't always have the same questions at the same time and that, as a new member, she may have more questions than other members
- Mr. Aceto pointed out that any time 3 members talk it constitutes a quorum and is legally a public meeting if they are discussing public business and that any channels should avoid inadvertently creating a "meeting" and thus a violation of the open meetings law
- Mr. Aceto also pointed out that the Chair does not have any executive authority absent delegation from the Board Members and that the Board should ratify the existing practice of Mr. Quinn and Ms. Duncan generating each agenda and get that approval on the record
  - Mr. Shults asked whether the statute mentioned anything about delegating to staff
  - Mr. Quinn said he didn't think so but thought it was assumed that the Chair and the Director would prepare the agenda
  - Ms. Duncan said that in Presidential Election years things happened quite quickly and staff time gets ever more precious but she thought it would be hard for the Board Members to develop an agenda without staff input
  - Mr. Aceto agreed that staff time should be safeguarded and any procedures set up should not burden staff
  - Further he assumes that the text messages shared among Members are retained by A.K. and can be accessed by any member of the public
- Ms. Braine said she had asked the Director for information prior to the meeting about the list of poll workers that was in draft at the last meeting
  - Mr. Quinn said all members had received the information at the same time but that at the time of Ms. Braine's request, it was still in draft and had not been internally reviewed and cleared by staff
  - Ms. Braine said the situation left her in the position of not having the information until the meeting
  - Mr. Aceto said that the statute does not use the words "work product" just "document" and "information"
  - He further noted that whenever a document is created, anybody can ask for it and that we need to distinguish between a "document" which is a finished analysis that can be taken off the shelf and "information" which is akin to printing out a file
  - Mr. Quinn said that it seems inappropriate and "peering" over the shoulders of staff to request documents before staff are ready to release them. Moreover, he is not convinced that one member should get information before all members receive it
  - Mr. Aceto said Mr. Quinn lacked the authority to say that and the matter needed to be resolved by the Board as a whole

- Ms. Duncan said she was glad for the discussion and realizes that more information needs to be shared between meetings. She appreciates when members ask her to have information prepared by the next meeting
  - Ms. Stein made two points: 1) sometimes things do arise between meetings and 2) if someone had gotten information before others the risk exists that it becomes public before it has been finalized by staff and may be inaccurate
  - Ms. Duncan said that Ms. Braine's point is important. Staff want to be responsive to the Board as a whole and she hopes that members determine what information they need, the priority to place on it, and submit a single request for all the information rather than individually reaching out to staff. The protocol needs to be improved.
  - She noted that any member can request documents or information through the public portal just as any citizen can.
  - Mr. Aceto proposed that any communication with staff by a member cc Mr. Quinn
  - Ms. Duncan agreed with that idea, suggesting cc'ing AK as well, and said the information would then be presented to all members at the same time.
- Ms. Duncan said the next meeting is an absentee meeting and may require the Board to meet on the next day as well because the volume of ballots could be high
  - She showed members the constituent parts of the absentee ballot and said the last day to request an absentee ballot is October 29.
  - The grace period for received completed absentee ballots has been eliminated and all ballots must be in the hands of Election Services staff by 7:30 on November 5
  - The ballot is 19 inches long
  - Postage is \$1.77
  - One observer asked how many absentee ballots were expected this election
    - Ms. Duncan said 6,000 had been ready to mail before the delay
    - Mr. Quinn said that in 2020 about 15,000 were sent in the initial mailing
- Ms. Duncan reported that per numbered memo 2024-5, all Election Services employees with access to SEIMS (State Elections Information Management System) will be required to complete an FBI style background check, including fingerprinting
  - This is over and above the routine background check completed on all employees
  - This does not include Board members
- Poll worker training starts Friday, Sept 13 for Early Voting workers at 40 Coxe Avenue which has a large room

- Election Day poll worker training will be at 200 College on the second floor
- Ms. Duncan hopes they can reserve 40 Coxe for future trainings now that the County is aware of the need for training space
- The last training will be for Chief Judges and Captains
- Construction has begun on the new BOE location at 35 Woodfin Street and they may be able to move in by January 2025 but the office will choose a convenient time
  - Ms. Braine asked about sharing Board room space with other agencies. Ms. Duncan said that had been a major concern before others arose but with only 3 other agencies in the building, she did not expect the space sharing to be a problem
  - Her main concern now is how the public will navigate the space and hopes to implement a personal greeter protocol similar to what is used by the Health and Human Services Department
- The “I voted” sticker has a winner who will be announced on Tuesday, Sept 17 at 5 pm
  - Sept 17 is National Voter Registration Day. All libraries will be participating in registration education. Election Services staff will be partnering with the Enka Library at an event in the morning and then an afternoon event at AB Tech
- Ms. Duncan gave an update on the budget update, assisted by Ms. Victoria Pickens
  - Administratively, Election Services is overseen by the State Board of Elections but funded by the County Commissioners
  - The Board must approve the budget submitted to the Commissioners
  - The budget will not contain any big-ticket items
  - Staff creates the initial draft for the July to June fiscal year with input from all 12 staff
  - The office has created a protocol that makes year to year comparisons much easier
  - All data must be entered into the system by the end of January
  - Staff make three presentations to the assistant County Manager responsible for the office
  - The budget is split into Operating funds which will not have any personnel requests this time; an Information Technology budget that is folded into the County-wide IT budget; Capital requirements which will not have anything in it this year, but the Board needs to consider replacing one or more DS 200 tabulators; and a Non-Discretionary budget for shared expenses
    - Mr. Quinn asked about expenses related to the move to 35 Woodfin and Ms. Duncan said those would be in the Facilities budget and she will learn more about that as the project develops
  - Ms. Pickens said the Budget is about \$1.6 million and is about \$80,000 over the 2020 request

- Items included in the request are poll worker management software and replacement of ballot bags
- Ms. Braine asked about unexpected expenses and Ms. Duncan said such items were covered by the Contingency Funds the County estimates based on past needs
  - Each agency does its best to anticipate such eventualities, such as the second primary and submits them to the County which develops a County-wide need

#### **IV. MATS appointments (08 NCAC 16.0103, 08 NCAC 16.0102) – Justin Tate, Absentee Coordinator**

Mr. Tate began by thanking Ms. Karen Rae, Recruiting and Outreach Coordinator, and the 2 major parties for their help in developing a list of candidates

- He only has one person (R) to add as a replacement for someone who dropped out
- He presented the list to the Republican Members for their signatures
- A motion to approve the replacement was passed 5/0

#### **V. Early Voting Poll Worker Appointments (G.S. § 163-166.35) – Corinne Duncan, Director, and Karen Rae, Recruiting and Outreach Coordinator**

- Ms. Duncan began by saying a list of candidates had been presented to the Board at its last meeting and that over time the process for appointing Early Voting has improved
  - In compliance with recent legislative changes Early Voting poll workers are appointed rather than hired
  - Training for Early Voting poll workers begins Monday, Sept 16
- Ms. Rae said that only 5 changes to the list had occurred since the last Board meeting: 5 individuals dropped out and have been replaced by people on the backup list while new people have been added to the backup list
  - No changes in the names of Captains and no changes to most Early Voting sites
  - Ms. Braine asked why some individuals with Republican affiliation on the backup list were not appointed as judges over people with no affiliation
    - Ms. Rae said that all the names, including unaffiliated individuals, came from the parties
    - Among the reasons an affiliated person may be on the backup list is that they don't want to be a judge; they are replacements for last minute cancellations; or they lack the experience to serve as a judge, which is a priority in selecting judges
  - Mr. Aceto said that it sounds like the preferences of the parties have been aggressively included but that if the parties has concerns, the Board must know about them
  - Mr. Shults noted that Numbered Memo 2023-07 say the parties may nominate individuals as judges or chief judges but staff have discretion

in the selection so long as the people they choose are on the list of party recommendations

- Ms. Rae said she reads the memo as the Board, not staff, have the discretion
  - Ms. Duncan said they had received nominations from both major parties and asked the party representatives, who were heavily involved in the process, and were present to comment
    - Mr. Holland for the Republican Party said that the Board needs to fill slots with Unaffiliated individuals in some cases because they have more experience than affiliated individuals
    - Ms. Klein for the Democratic Party said that she was very pleased with the process
  - Ms. Braine asked about the succession planning for moving individuals to more responsible positions with an eye toward achieving parity in party affiliations
  - Mr. Aceto asked about the procedures for evaluating poll workers for judge positions, specifically where does the information to make these decisions live and how can it be retrieved
  - Mr. Quinn said it made sense that staff would gather information on performance for making decisions
  - Mr. Shults, a retired labor attorney, asked whether poll workers are considered employees or contractors
    - Ms. Duncan said contractors
- A motion to approve the list of Early Voting poll workers passed 5/0

## **VI. Board of Elections Meeting Schedule Update (G.S. § 163-230.1(f))**

### **A.K. Moore**

Ms. Moore said the schedule reflected the meetings going forward

- Changes include moving the Early Voting meetings from 2 to 5 pm, moved the Election Day meeting from 5:30 to 2:30, moved a meeting on challenges to Nov 8, added another meeting on Tuesday Nov 12
- The last change was a reminder for Board members to keep their schedules open and available for Board business, such as recounts, until the end of the year
- A motion to approve the schedule changes passed 5/0

### **Mr. Quinn asked whether observers had any comments or questions**

- One person from Montreat praised the Board's diligence and the scope of their work in overseeing elections and noted that moving municipal elections to even numbered years deprives the Election Services staff of the opportunity to train new poll workers in a lower stress election cycle and deprives people of opportunities to gain experience
- A Republican observer asked when parties could get a list of people to request absentee ballots

- Mr. Quinn and Ms. Duncan replied that the list only becomes available shortly after Election Day when all absentee ballots have been received, reviewed, approved by the Board, and scanned
- Ms. Duncan said she would provide additional information at the next meeting

**VII. Next Meetings:** Tuesday, October 1 at 3:30 pm (Absentee Ballot Review)  
**Location:** 59 Woodfin Place