

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

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

Date & Time: November 8, 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; Anna Katherine Moore, Administrative Coordinator and Clerk to the Board; Victoria Pickens, Accounting Technician and Campaign Finance; Justin Tate, Absentee Coordinator; Devin Whitney, Elections Technical Specialist; Bria Bailey, Elections Technical Specialist; Joyce Kanavel; extra staff and MAT team members

Location of Meeting: 59 Woodfin Place, Asheville NC

Observers:

About 10 in persons including 3 LWVAB, 1 Common Cause, 1 attorney representing national Election Protection. Three observers did not stay for the entire meeting.

I. Agenda for this meeting approved without objection

II. Office Updates – Corrine Duncan, Director

- We had two out of state Congressional observers (from Kentucky and Texas) here right before and during the election
 - The experience went very well for everyone
- We should schedule meetings around November 20-22 for the likely recounts for a City Council seat in Black Mountain and for the Associate Supreme Court Justice
 - We won't know until November 18 and 19
 - The process should go smoothly thanks to the Board's decision to purchase two high speed scanners
 - We will use the high speed scanners for the Early Voting race and the DS 200 for the Election Day race
 - At present the two races are too close to call
 - In the event of a tie, the recount will begin immediately
- We just received a list of Board challenges from the State Board this morning that must be heard and we may have challenges based on the notifications to voters of the challenges approved by this Board today
 - The meeting on the challenges will be on Tuesday, November 12 at 3:30
- For the upcoming week, we are likely to be here this evening until about 9

- On Monday, November 11, we will start the sample audit of 2 elections (one large and one small) that were randomly selected by the State Board on Wednesday, November 6
 - The process should take about 4 hours
 - Monday is a holiday and the County is closed but Elections Services will not be
 - The Board is invited but not required to attend this public process
- On Tuesday, November 12, the Board will review and vote on the challenges mentioned above
- On Thursday, November 14 at 3:30 the Board will review Supplemental Absentee and Provisional Ballots
 - There may be as many as 1,300 provisional ballots so it will be a long meeting
 - The bulk of Supplemental Absentee Ballots will be reviewed today
- On Friday, November 15, the Board will meet at 9:00 am to complete any remaining work from Thursday and at 11:00 for Canvass
- Payroll for poll workers has been completed
- Ms. Stein thanked the staff and workers for their efforts on Election Day getting everything ready by 10:00 pm when the Board arrived at the warehouse

III. Photo ID Exception Form Review for Provisional Ballots from Early Voting to the Present – Victoria Pickens

- Mr. Quinn noted that the review is of the Photo ID exception forms only which, if found unacceptable, staff will contact the voter.
 - According to the Numbered Memo 2023-03, the process is: staff present the forms to the Board with a recommendation to approve or reject, if the Board agrees with the recommendation to reject, staff notify the voter with options to cure the deficiency.
- The ballots consist of Supplemental Absentees, Civilian, and Overseas ballots largely received on Election Day.
 - Following the Board review, staff will prepare an abstract and post it publicly.
- Ms. Pickens said there were four categories:
 - photo ID exception forms from voters who voted in person during Early Voting (180);
 - Exception forms from provisional ballots that the voter did not sign (3);
 - Exception forms where the voter checked the “Other” box and provided the reason (7); and
 - Exception forms from provisional ballots where the form was placed inside the envelope with the ballot (4).
- Mr. Shults referred to Numbered Memo 2021-03 regarding deficiencies for Absentee Ballots that the voter did not sign (return deficiencies).

- Mr. Quinn said the guidance in the memo was not directly analogous because it is for absentee ballots rather than provisional ballots
- A key difference is that for provisional ballots, an election official was present but did not provide the assistance for signing the form. Voters in such instances are given the option to come in to get an ID card from the County Board of Elections to effect a cure
- Mr. Aceto asked whether a poll worker would make a note when the voter refused to sign the form
 - Ms. Stein said the poll worker can make a note that the voter refused but is not required to
- A motion was made to accept the 4 ballots where the voter placed the Photo ID Exception form inside the provisional envelope with the ballot and add them to the batch of other provisional ballots. Approved 5/0.
- Next considered were the 7 ballots where the voter checked Other and gave a reason.
 - Ms. Stein said one ballot should be added to other provisional ballots because the “Other” reason was a disability which would be covered by the reasonable exception Disability listed above on the form
 - Another ballot said their ID was expired but do we know whether the voter is over 65? Staff said yes, the voter is over 65
 - Mr. Quinn said the reasons were as follows: ID was expired, 2 instances where the voter left the ID at home, the ID was taken by the police, ID had expired and voter applied for a replacement but had not received it, and their ID was an expired out of state driver’s license.
 - Ms. Braine said that the Board can only disapprove ballots if the staff have notified the voter
 - Mr. Quinn said that all cures must be completed by the end of business on November 14 so the Board can review them at the pre-Canvass meeting on November 15
 - Ms. Duncan said that with timely notice voters have an opportunity to cure the deficiency
 - One of the seven ballots was returned to Ms. Pickens
 - Mr. Quinn moved to return the remaining 6 ballots to staff to research options the voter can take. The motion passed 5/0
 - A motion was made to give the remaining six to staff to contact the voters and inform them of their cure options. The motion passed 5/0.
 - Ms. Stein moved to add the one ballot that mentioned a disability to the other provisional ballots for processing. The motion passed 5/0.
- Regarding the 3 ballots where an election official assisted the voter, Mr. Aceto said the assistance was incomplete and likened the situation to a defective police search, but noted that the presence of an official did not change the statute. However, if the voter signed the Authorization to Vote, would that not be sufficient?
 - Ms. Stein said she thought it would. But she wondered whether the statute was explicit that the signature must be on the Exception form

- Discussion followed about whether the exception form was signed after the Authorization to Vote. It typically does.
- Also, the Exception form has a bold-faced MUST in the option to select Other
 - It appears that the must applies to providing a reason, NOT that the form must be signed
 - Ms. Stein suggested that guidance going forward should make that clear
- Mr. Quinn said that two of the three had signed Authorization to Vote forms
 - Mr. Quinn moved to approve the two exception forms with signed Authorization forms. The motion passed 5/0.
- Mr. Quinn moved to reject the third exception form that was not signed and did not have a signed Authorization form but have the staff contact the voter about cure options. The motion passed 5/0.
- A motion was made to approve the 180 Exception forms to allow further processing of the ballots. The motion passed 5/0.

IV. Board Challenges (G.S. 163-84) - Devin Whitney

- Mr. Whitney presented the Board with two lists each of which contained three categories of challenges as well as Numbered Memo 2022-05 for guidance in reviewing the 57 challenges, which states that voters must be notified of options to cure the deficiency, and a hearing must be held on the day set for Canvass
 - Forty- two of the challenges were incorrect ballot style
 - Two curbside voters were given the incorrect ballot style which caused the DS 200 to reject them
 - One ballot had a handwritten note indicating that it was the wrong ballot style for the voter's precinct
 - The remaining were errors in the headers of spoiled Express Vote ballots
 - Specifically, poll workers either did not insert the ballot completely or clicked on the Vote button before the machine had completed its initial cycle. As a result, ballots had incorrect headers. Staff noticed this when they found ballots with two headers. Some voters got the correct ballot style but in the wrong precinct.
 - Ms. Duncan said poll workers were issued guidance as soon as the problem surfaced.
 - Staff called each of the voters who had phone numbers on file and informed them of their options: return to Early Voting and cast a provisional ballot, vote on Election Day, or do nothing
 - A voice mail was left when voters did not answer the phone. Voters without a phone were sent letters.
 - Most opted to do nothing. However, some did vote provisionally.

- In some cases, the voter contacted Election Services to report that their ballot lacked a race they knew should be there.
 - The challenges represent significantly less than one percent of the 116,000 ballots cast
- The challenges include 2 voters who were not who they represented themselves to be. In one case an uncle and nephew shared the same name.
 - Mr. Aceto moved to reject the two ballots. The motion passed 5/0.
- Mr. Quinn moved to enter challenges to the 57 ballots. The motion passed 5/0.
 - Mr. Shults asked whether all 57 would be notified and was told yes
 - The Numbered Memo has a copy of the form letter to be used and the challenge documentation form

V. Supplemental CIV & UOCAVA Absentee Ballots Review (G.S. 163-231(b)(2)) – Justin Tate

- Three people voted both Absentee and on Election Day
 - The three Absentee Ballots were removed from the queue and will not be counted.
- A motion to approve the 17 pending ballots passed 5/0
 - A motion to approve the 39 Military ballots received on Election Day passed 5/0.
 - Bipartisan teams duplicated all ballots received electronically
- A motion to approve the 148 overseas ballots passed 5/0
 - The Board member divided into 5 teams, each assisted by Elections staff to review the ballots

VI. Public Comment – Jake Quinn

- Following the review of the ballots, Mr. Quinn paused the meeting to hear from a member of the public who had been waiting over an hour to speak before the Board
 - The woman is a person Mr. Quinn has known for several years
 - She presented her response to the rejection of her absentee ballot
 - She had first requested absentee ballots for herself and her partner on October 21 via email
 - When they didn't arrive, she began contacting the office by phone, although Hurricane Helene interrupted normal business
 - The ballots arrived on Friday, November 1 and on Monday November 4 she and her partner went to a UPS store to have them notarized but the notary was not available. As a result, they asked two staff at the store to serve as witnesses
 - One of the witnesses printed their name but did not sign the woman's ballot although they signed her partner's ballot

- Both ballots were overnighted in the same envelop to Elections Services and arrived before 7:30 pm
- The woman had lost her house in the Hurricane and her dog died which added to the stress of her situation
 - She said it was her oversight that she didn't notice the missing signature but felt, under the circumstances, that her ballot should be counted
- Mr. Quinn sympathized with her plight, said he knew her to be very well educated on the intricacies of election administration, and asked what particular relief she sought
 - Mr. Tate said that because the ballot arrived on Election Day no cure options exist
 - Discussion ensued with Mr. Aceto asking whether options existed in the memos and Mr. Shults saying that the Board typically rejects absentee ballots lacking witness signature
 - Mr. Quinn said the law was very clear that 2 signatures must be on each ballot
 - She said she was not trying to intimidate anyone but asked whether she would need to sue the State Board
 - Mr. Shults moved to reject the absentee ballot and apologize to the voter. The motion passed 4/0 with Mr. Quinn abstaining.
 - She thanked the Board for their consideration and said she would do due diligence for a remedy
- An in-person observer drew attention to Numbered Memo 2023-03 regarding photo ID requirements for in-person and absentee voting regarding reasonable impediments and noted that "I left it at home" is a true statement and therefore should be accepted
 - Mr. Quinn advised the person to read further in the memo to the section describing the "falsity" of claims that have no bearing on the voter's ability to present an acceptable ID
 - Specifically, the Memo states that statements such as the sky is blue or I disagree with the law may be true but do not prevent the voter from producing an acceptable ID
 - Mr. Quinn invited the person to contact him at another time to discuss the matter in greater detail
 - The person added that when state officials confiscate an ID the agency is obligated to reissue an ID, so the Board would be in error if it rejected that exception form

V. Supplemental CIV & UOCAVA Absentee Ballots Review (G.S. 163-231(b)(2)) – resumed

- Mr. Tate presented 3 absentee ballots to the Board
 - One without witness names or signature – the Board rejected it 5/0

- One with signatures that do not match on the ballot and on the application – the Board rejected it 5/0
- The remaining ballot was approved 5/0
- Mr. Quinn moved to approve the reviewed 237 photo ID exception forms
 - The motion passed 5/0
- Mr. Tate asked to hold one ballot back for further research on the electronic signature feature of the absentee ballot processing because both members of the same household used the same e-signature on both ballots
 - Mr. Quinn moved to defer consideration of that ballot. The motion passed 5/0
- Mr. Tate presented a ballot with mismatched CIV numbers on the envelope and ballot that had been considered at the last meeting
 - Mr. Quinn moved to reject the ballot. The motion passed 5/0
- Mr. Tate presented a ballot with on which the voter signed as the second witness to their own ballot
 - Mr. Quinn moved to reject the ballot as having only one witness. The motion passed 5/0
- Mr. Tate presented a ballot with a signature on the “name” line
 - Mr. Quinn asked Ms. Duncan and Ms. Moore about guidance on the matter
 - Both said as long as a signature was on the ballot and readable, it was fine
 - Mr. Quinn moved to approve the ballot. The motion passed 5/0
- Mr. Tate presented a ballot with only one witness signature
 - Mr. Quinn moved to reject the ballot as having only one witness. The motion passed 5/0
- Approved ballots were duplicated as needed and scanned
- Of the 449 ballots reviewed, 4 were rejected and the remaining 445 approved by a vote of 5/0
- Mr. Quinn debriefed the duplication teams, bagged, signed and sealed the ballots.
- Mr. Quinn conducted the oaths regarding properly dispensing and accepting ballots, the ballots were placed in a poly bag and signed by the Board members, and the updated abstract approved 5/0 and signed by all members
 - Ms. Duncan showed the Board members the flash drive from the scanner and said it would not be bagged because Ms. Bailey uploaded the data into the existing tabulation which created the updated abstract

The meeting adjourned at 10:10

VI. Next Meeting: Tuesday, November 12, 2024 at 3:30
Sample Audit at 9:00 am Monday, November 11

- **Location 59 Woodfin Place**