

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

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

Date & Time: February 11, 2025 3:30 PM

Names of Board Members Attending:

Jake Quinn, Chairman

Glen Shults, Secretary

Mary Ann Braine, Board Member

Sally Stein: Board Member

Steven Aceto, 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; Devin Whitney, Elections Technical Specialist, GIS

Location of Meeting: 59 Woodfin Place, Asheville NC

Observers:

At least 6 in person, including 4 LWVAB and 2 likely Republican. One Republican arrived just as the meeting adjourned. Three online.

I. Agenda for this meeting approved without objection

II. **Minutes (G.S. § 143-318.10)** – Minutes for January 13, January 21, and January 28 approved with no objection

III. Office Updates – Corrine Duncan, Director

- Ms. Duncan said she had three updates:
 - The district meeting between Director’s Association, Board Association, and State Board is approved for March 28, but the time is still to be determined. She does not know who the speaker is as the state is organizing that part of the program.
 - Ms. Duncan will be the speaker at two other district meetings; one in Burke County and one in Chowan County to talk about our adventures through Helene.
 - Brief update on the Budget process. As she has reported to the Board, she has met with Tim Love and their next step was to develop a presentation for Ms. Pinder, the County Manager. In recent discussions, it appears that the office will be able to purchase the totems and the ballot bags with funds from this year’s budget which will reduce the budget request by about \$18,000.
 - There ensued a brief discussion concerning approval by County Management which Ms. Duncan said she had obtained and

whether \$18,000 was typical for a residual at the end of a budget year. Ms. Pickens confirmed that Elections Services often has that amount left. Currently the office has \$108,000 in its account.

- Ms. Braine asked whether the office would incur expenses related to the move and whether moving money from this year's budget would leave them short of funds. Ms. Duncan said it was a valid concern and she meets with the move manager next week which will give her more information. In addition, the staff, as a team, will tour 35 Woodfin Street tomorrow and will ask questions during the tour especially about any furniture that might be needed, although the County is supposed to pay for furniture under the moving budget.
- The Board passed a motion 5/0 to direct the office to purchase the totems and ballot bags using funds from the current budget and to reduce the FY 2026 request by the amount of the purchase.

IV. Election Facilities Discussion

- Mr. Quinn reported the meeting he and Mr. Aceto had with Mr. Love, the Assistant County Manager, on February 7 did not go as they had hoped despite being cordial. Mr. Quinn did not think Mr. Love was authorized to make any changes to the plan and that the County has made up its mind. The County did not seem interested in any discussion about the proposed move or any give and take about the proposal. The County has space and must set priorities. Mr. Quinn and Mr. Aceto tried their best to present the case that the current space better accommodates the mission of the office than 35 Woodfin Place. He thinks the public will be surprised when they learn of the move.
- Ms. Pindar, who was invited and whom Mr. Quinn thought would be present did not attend. Mr. Quinn, with Mr. Aceto agreeing, said he felt like the concerns of the Board were "blown off". He said Mr. Love told him about the plans for 59 Woodfin Place but asked him to keep the information confidential. Mr. Quinn said he would tell Board members but would not release the information publicly.
- Mr. Quinn urged members of the public to contact elected officials and to talk to any they knew about their concerns regarding the move.
 - Mr. Aceto said the legal standard was that the County Board of Commissioners shall appropriate funds to reasonably and adequately meet the legal responsibilities of the Board of Elections (I think he said 153.37 but could not confirm that). He also noted that the law was not specific beyond the phrase reasonable and adequate.
 - Mr. Shults said he was pessimistic about the outcome of discussions at this late date.

- Mr. Quinn agreed and said that if the County had involved the Board 9 months ago the situation might be different.
- Ms. Braine referred to the statute (Chapter 163) on Board responsibilities, specifically regarding the preservation and maintenance of ballots for 22 months (163.33 section 17) and questioned how the staff would be able to do that in shared space. Also, the requirements of section 7 to preserve and maintain poll books and registration records, among other things. Ms. Duncan said the space next to the shared Board room can be secured and would be available to the office.
 - Ms. Duncan said the space was supposed to be equal to the small rooms in the Board room that contain the tabulator and other equipment that needs to be secured. Mr. Quinn and Ms. Braine said the space was much smaller than the two secure rooms in the Board room at 59 Woodfin Place.
- Ms. Braine said that the law requires Boards of Election and staff to do certain things and the available space affects their ability to carry out those duties. She does not believe the space at 35 Woodfin Street is adequate to the needs of Elections Services. Another example is that the Board is to meet as the Chair or three members determine, but how can we do that when the space is shared and we need to get the County's permission to use the space. Her concern is that the space is not adequate to meet the needs of the Board and Election Services.
- Ms. Stein asked whether the Board wanted to send a resolution to the County Commissioners based on resolution 2025-01 with a few tweaks. It could be sent while the Board prepares more detailed information that maps the space at 59 Woodfin Place to the legal requirements in bullet form and compare that to the space available at 35 Woodfin Street in "excruciating detail".
 - The general discussion was that the more detailed analysis would be needed if the Board decided to sue the County, which caused a visible reaction by Ms. Duncan, but which has been done before. Filing suit would also call for finding the money to pay for an attorney. However, the attorneys on the Board pointed out that the best way to avoid a trial was to prepare for one. If one can make their case clearly at the beginning, in most cases, a trial would not occur.
 - Mr. Shults asked when the movers were going to appear. Ms. Duncan said the first phase of the move was to be completed by mid-March and wondered whether the Board of Commissioners was aware of the situation. Mr. Quinn said he didn't know about the Board of Commissioners but suspected it was a County decision that did not involve the Board. Ms. Duncan said she would have more information following tomorrow's tour and next week's move meeting. She added that the end of the first phase of moving was scheduled for March and that Elections Services is not in the first phase of moves. As a result, she thinks there will be some flexibility on when the office moves.

- Ms. Stein shared Mr. Shults' sense of pessimism and urgency. Ms. Duncan said the next Board of Commissioners meetings are March 4 and March 18. Ms. Stein further noted that the optics should the public ever think the Board is not doing a good job will fall on the County Commissioners.
- Mr. Aceto pointed out that the approach of citing the legal requirements and providing supporting evidence was used to increase the Director's salary, which also went to the Board of Commissioners. There was some speculation that perhaps the current resistance on the part of the County may be related to that decision.
- Mr. Shults asked about any discussion of where the agency that is moving to 59 Woodfin Place is to go instead if Elections Services stays. Mr. Quinn said it was not the Board's "problem" but he doubted that the agency operates with the same degree of scrutiny and legislative direction that apply to the Board of Elections.
- Mr. Quinn said the people could talk to Commissioners individually, as he plans to do. He also noted that Elections Services staff has grown to its current level of 12 and there are many more departments that will be shoehorned into the space.
- Mr. Aceto noted that care must be taken to help ensure that Ms. Duncan and the staff are not put in the middle any more than necessary. It must be clear that the pursuit of the concerns is the Board's idea and not something Ms. Duncan or staff asked it to do. Moreover, the goal of the Board is not to embarrass anyone.
- Mr. Quinn said his main concerns are elections integrity and security but it is beyond that. There has been a string of moves by this office and until this move each has put the office in better space. There was no discussion of the Board concerns.
- Ms. Braine noted that County management does not understand the demands placed on Elections Services compared to other County offices, such as tax and deeds.
- The perception that the Board and Elections Services performed in a stellar manner during 2024 has escaped the County and gone national. Mr. Aceto was recently in the Los Angeles area and people there were aware of what Buncombe County had overcome in November. Moreover, regardless of where the County places the office, the legal mandates do not change and staff and the Board will make it work regardless of the difficulty. No one is advancing our case for us. We must do it ourselves.
- Mr. Shults said it might be more effective to point out that a five-foot barrier between staff who conduct interviews that contain personally identifiable information creates a problem regarding public confidence.
- Mr. Quinn said he wants the Board to have every opportunity to make its case to anyone involved. County Commissioners depend on Elections Services for their position and it is in their interest to ensure the success of the office and Board.

- Ms. Duncan said the heart of the problem is a lack of communication between the County and Elections Services as well as other departments. Overall, it's been clear that the office and Board have enjoyed the support of the County and Commissioners. She does not believe that anyone is opposing the office or Board. When the process first began two years ago, the plan changed so many times that she lost track of where the office and other departments were to go. However, she provided reams of data each time she was asked. To date, there has only been one director-level meeting of the affected offices and departments. She's not sure the Commissioners have all the information she and other department heads have provided. She thinks the lack of communication may be the reason that with construction almost finished not everyone is on board with the proposed move. There is value in letting the Commissioners know the situation because she believes they do care.
 - Ms. Duncan wants to make certain that one point is clear; 59 Woodfin Place has a space for voting during municipal elections and 35 Woodfin Street does not. The office has always provided such space without having to rent locations and charging the municipalities.
 - Ms. Braine said we have been told we have space for registration and elections but the space at 35 Woodfin Street is not adequate. Mr. Quinn said that when the office was there several years ago, the lobby was used for registration and elections but that space has all be devoted to building offices for other departments.
 - Ms. Braine also noted that the office has made the case in the past that it should have a stand-alone location and now is the time to make that case again. The County says we are "forward facing" but in fact Elections Services doesn't collaborate with other departments as some others in the County may do. We collaborate closely with Emergency Services but typically we go to their offices or talk on the phone.
- Ms. Duncan noted again that whatever scenario happens the staff will make it work but at 35 Woodfin Street it will simply be more difficult. Mr. Quinn noted that often the difficulties result in more expense. For example, when we move documents, such as ballots, within secured space, a single staff may complete the task but moving the documents in shared space will require a bi-partisan team to complete the task. We will have to develop new protocols and probably document more tasks than they have had to do now. We will have to ensure that staff from other offices do not wander into areas that have sensitive documents. There are many details that need to be considered and resolved. Another example, we have one door that people use for entry and exit which will not be the case at 35 Woodfin Street. We may not be able to anticipate all the ways that daily operations will need to change.
- Mr. Aceto said the law drives the maps, the maps drive the message that we present to the Commissioners and to the public. All agreed that preparing the map and statutory obligations is a difficult task. Mr. Quinn and Ms. Braine agreed to meet on February 12 at 1:30 to revise the resolution and provide it to Ms. Moore for distribution to Board members in a way that does not violate

the open meetings law. Mr. Quinn said he wants to get agreement on the wording of the resolution before moving on to the floor plan/statute comparison. The Commissioners meet on February 18, March 4, and March 18.

- Ms. Braine questioned whether staff who prepare absentee ballots will be in a space that secures the ballots for staff to take a bathroom or lunch break or will they have to secure everything each time they need to leave the space. The current Board meeting space at 59 Woodfin Place is often used for tasks that need to be spread out. Ms. Duncan said the space adjacent to the shared board room is supposed to serve that purpose.
- Ms. Stein urged that the draft not become too detailed, in part, because Commissioners may not read a 4-page document. She suggested listing why our current situation works under each bullet. Brevity will also serve our messaging to the public.

Public Comment:

- Mr. Black noted that the Board of Commissioners was one level the Board could appeal to but also the Board would probably have bipartisan support in Raleigh. He also noted that it might burn a political bridge but elected officials on both sides of the aisle have an interest in this issue. Mr. Quinn urged Mr. Black and any member of the public who has the ear of a state legislator to reach out to them.
- Cheryl Williams, an LWV observer, asked how the public could obtain copies of the floor plans for 35 Woodfin Street and 59 Woodfin Place. Mr. Quinn said the floor plan was titled: 35 Woodfin Street Renovation Project and the floor plan for 59 Woodfin Place is essentially the evacuation plan that is posted throughout the building.
 - Mr. Quinn also said that because the plans have been discussed in public they are in the public record and should be appended to the minutes. He and staff will double check to make sure there is no problem with the County for making them public.

Meeting adjourned 5:04 pm

V. Next Meetings: Tuesday, February 18, 2025 at 3:30

- **Location 59 Woodfin Place**