

Henderson County Board of Elections
Minutes of Board Meeting
May 16, 2022

The Board of Elections met May 16, 2022, at 5:00 PM at the Henderson County Board of Elections office at 75 E. Central Street. Members present were Charles Medd, Chairman, Debbie Dante, Secretary, Linda Rebeck, Christian Stolz, William Cutler, Members, and Director, Karen Hebb.

Pledge

Minutes:

Minutes were approved for 5/10/22.

Agenda:

Chair requested a motion to eliminate item V. from the agenda. Linda moved to approve the amended agenda eliminating item V. Bill 2nd. Passed unanimously.

Old Business:

Director spoke to Paul Cox, SBE attorney, regarding Observers being near and seeing the scanner totals at the end of day at One-stop sites. He stated this was a gray area and would be up to the county director to decide how close Observers may get the scanner or if the number will just be announced.

New Business:

Approval of Absentee Ballots. Board reviewed 11 mail-in ballots that were denied by staff for missing witnesses. Ballots were voided and voters sent a new ballot. Received 223 mail-in ballots; 1 military and 222 civilian. Board approved and scanned 223 ballots and Chain of Custody form signed. Total Mail-in ballot tabulator count to date is 626 (403 +223).

There being no further business, the meeting was adjourned at 6:54 PM.

Debbie Dante
Secretary

Approved Disapproved

Charles H. Medd
Chairman

Approved Disapproved

William Cutler
Member

Approved Disapproved

Linda Rebeck
Member

Approved Disapproved

Karen Hebb
Member

Approved this the 17 day of May, 2022.

Meeting Agenda

Location: Henderson County Board of Elections
75 E. Central St.
Hendersonville, NC 28792

Date: May 16, 2022

Time: 5:00 PM

Charles H. Medd (C-D) / Debbie Dante (S-R) / William Cutler (D) / Linda Rebuck (R) / Christian Stolz (D)

Agenda details:

I. Call Meeting to Order

II. Pledge of Allegiance

III. Approval of Agenda

IV. Approval of Minutes

V. Old Business

Closed Session

VI. New Business

Approval of Absentee Ballots

VII. Adjournment

Karen Hebb

From: Cox, Paul <paul.cox@ncsbe.gov>
Sent: Tuesday, May 10, 2022 4:51 PM
To: Karen Hebb
Subject: RE: [External] FW: One-Stop Observer Guidance

Karen, I apologize for the delay. I had this email ready on Friday and then I got caught up with things and did not return to it.

Thanks for reaching out on questions about observers getting near tabulators and observers wanting to be in attendance when staff is preparing for every day of early voting to start, and closing down when each day of voting ends.

Strictly speaking, an observer has no legal entitlement to approach a tabulator or any other voting machine. Observers can observe the voting process. However, they cannot be so close to the voting process that they can witness confidential voter information at the check-in station, how a voter is filling out a ballot at a voting booth, or how the voter filled out their ballot when they insert it into the tabulator. Additionally, access to voting equipment is strictly controlled under our administrative code. Some directors have allowed observers accompanied by the site lead to approach the tabulator when no one voter is near the tabulator, to see the count. I understand that this can be accommodated more easily in some polling place layouts than others. This is an option but it is not a requirement for county boards. Observers can always ask a poll worker to report the count, or an observer could ask their co-partisans doing electioneering outside the buffer zone to ask a voter report back the latest count number after they vote. In other words, getting the count is not difficult for observers without the ability to physically approach voting equipment.

Regarding the opening and closing procedures, the administrative code provisions that permit the public to witness certain opening and closing procedures, strictly speaking, apply only to election day opening and closing activities. See 08 NCAC 04.0304(a); 08 NCAC 10B.0105(g) and (h). This is clear because the opening procedures discussed in the code refer to the "zero balance" on the tabulator, which obviously is not going to apply to a one-stop site except on the first day. And the closing procedures discussed in the code provision refer to precinct officials "closing the polls" on tabulators and counting the ballots, which only occur at the end of election day. So, as opposed to these election day activities at the precinct, there is no legal entitlement for observers or members of the public to be present when one-stop workers are preparing the site before voting begins or closing down the site at the end of the day.

Please let us know if you have further questions.

Best,

Paul Cox | Associate General Counsel
NORTH CAROLINA STATE BOARD OF ELECTIONS
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RALEIGH, NC 27611
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www.ncsbe.gov

From: Karen Hebb <KHebb@Hendersoncountync.gov>
Sent: Tuesday, May 10, 2022 10:38 AM
To: Cox, Paul <paul.cox@ncsbe.gov>
Subject: [External] FW: One-Stop Observer Guidance

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Paul,
When we spoke last week, I asked for something in writing to give my board today at our meeting. If you have time, please send something to document our conversation about the observer's rights to access the voting equipment for counts.
Thanks, Karen

From: Karen Hebb
Sent: Wednesday, May 4, 2022 2:34 PM
To: paul.cox@ncsbe.gov
Subject: One-Stop Observer Guidance

Paul,
I need some clarification about what an observer can and cannot do at a one-stop site. I know you are busy, but I would appreciate your guidance on this matter. Please call today if possible.
Thanks, Karen

KAREN HEBB | DIRECTOR OF ELECTIONS
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