

Meeting Agenda

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

Date: May 19, 2026

Time: 5:00 PM

Linda Rebuck (R) / Cynthia Ellis (D) / Charlotte Walsh (R) / Rachel Poller (D) / Lisa Hill (R)

Agenda details:

Call Meeting to Order

Pledge of Allegiance

Approval of Agenda

Approval of Minutes

Old Business

Directors Comments

New Business

- **Memorandum of Understanding**
- **Personnel**

Closed session - § 143-318.11 (6)

Chair Comments

Adjournment

WELCOME

Please Sign In (Name/ Organization(optional))

Date: 5-19-26

1. Pari David LWV
2. Debby Dante
3. Paul Reback
4. Jane Bilal NCEIT
5. Leet Dayley
6. Elizabeth Ritchie
7. Paul TAETSCHE Common Cause
8. Paul Rogers LWV
9. Peter Friske
10. David Reese

**Henderson County Board of Elections
Minutes of Board Meeting
May 19, 2026**

The Board of Elections met on May 19, 2026, at 5 pm in the County Board of Elections Office at 75 E. Central Street, Hendersonville, NC. Those present were Linda Rebuck, Chair, Charlotte Walsh, Secretary, Cynthia Ellis, Lisa Hill, Rachel Poller (via Zoom), Members, Summer Heatherly, Director.

Pledge

Agenda:

- Member Hill moved to accept the agenda. The motion was approved unanimously.

Minutes:

- Member Ellis moved to accept the minutes. The motion was approved unanimously.

New Business:

- Chair Rebuck asked for comments on the draft Memorandum of Understanding to be sent to the Henderson County Commissioners. Secretary Walsh asked that a date to respond be included on the cover letter, or the MOU would be deemed approved. With that addition, the letter and MOU were approved unanimously.

- Member Hill moved to go into closed session for personnel purposes - N.C. G.S. 143-318.11 (6) at 5:28. Approved unanimously.
- Open session resumed at 7:06 pm.
- Member Walsh moved to add statement regarding legal requirement for overtime pay for BOE director to the MOU approved in the earlier open session and to include same in the BOE payroll budget. (Copy of MOU as amended is attached.). This will have the county in compliance with N.C. G. S. 163-166.35 and 163-36. The motion passed unanimously.
- The next meeting of the BOE will be on June 16 at 5pm at the Board of Elections office.

Adjournment

- Member Hill moved to adjourn at 7:07 pm.

Martha Walsh

Secretary

☒ Approved ☐ Disapproved

Lisa Reimer
Chair

☒ Approved ☐ Disapproved

Cindy Ellis
Member

☒ Approved ☐ Disapproved

Lisa Weil
Member

☐ Approved ☐ Disapproved

Member

Approved this the 26 day of May, 2026

MEMORANDUM OF UNDERSTANDING
BETWEEN THE HENDERSON COUNTY BOARD OF ELECTIONS
AND HENDERSON COUNTY, NORTH CAROLINA

RECITALS

WHEREAS, Henderson County, North Carolina (hereinafter "the County") is a body politic and corporate organized and existing under the laws of the State of North Carolina; and

WHEREAS, pursuant to N.C.G.S. §§ 153A-92, 153A-93, and 153A-94, the Henderson County Board of Commissioners exercises authority over county payroll systems, employee benefits, personnel policies, facilities, and workplace rules of general applicability; and

WHEREAS, the Henderson County Board of Elections ("BOE") is an independent governmental unit established pursuant to Article 4 of Chapter 163 of the North Carolina General Statutes ("Chapter 163") and receives operational funding from the County in accordance with N.C.G.S. § 163-37; and

WHEREAS, pursuant to N.C.G.S. §§ 163-33 and 163-35 and as affirmed in *Graham County Board of Elections v. Graham County Board of Commissioners*, 231 N.C. App. 656 (2014), the BOE retains exclusive statutory authority over the appointment, supervision, and removal of elections employees, other than the Director of Elections, whose appointment, compensation, and removal are governed by N.C.G.S. § 163-35; and

WHEREAS, the BOE does not maintain independent human resources, facilities management, payroll, or legal departments and relies on County support services where permitted by law; and

WHEREAS, the parties desire to clearly delineate employment status, investigative responsibilities, and operational authority while preserving all statutory duties, constitutional protections, and judicially recognized limits on county interference in elections administration;

NOW, THEREFORE, the parties agree as follows:

1. County Employment Status

All employees of the Henderson County Board of Elections, including the Director of Elections, shall be treated as County employees for purposes of payroll, benefits administration, leave accrual and usage (including sick leave, vacation leave, holidays, and leaves of absence), grievance procedures, personnel records, and participation in County personnel systems. Such status is administrative in nature only and shall not be construed to transfer, impair, or diminish the BOE's exclusive statutory authority under Chapter 163 or the holding of *Graham County Board of Elections v. Graham County Board of Commissioners*.

2. Hiring and Removal Authority

Notwithstanding County employment status, the BOE retains exclusive authority to appoint, supervise, discipline, and remove elections employees other than the Director of Elections pursuant to N.C.G.S. § 163-33 and controlling case law. Day-to-day operational supervision remains with the Director of Elections.

3. Salaries and Performance Compensation

Within overall funding levels appropriated by the Henderson County Board of Commissioners, the BOE may establish salary levels for elections employees other than the Director of Elections and may award selected and earned occasional performance bonuses or supplemental compensation to full-time BOE employees, consistent with law and County payroll practices. Nothing herein shall be construed to permit the County to dictate individual compensation decisions.

4. Additional Compensation for Elections Director

Pursuant to N.C.G.S. § 163-166.25, § 163-166.35, and § 163-36, which govern the hours during which the county board of elections office must be open for voting and daily operations, and pursuant to N.C.G.S. § 163-35, which governs the compensation of the county director of elections, including additional pay for hours worked in excess of those prescribed by rules and regulations adopted by the State Board of Elections, the County shall compensate the director of elections for such additional hours provided that such additional hours have been approved by the county board of elections and such approval has been recorded in the official minutes of the county board of elections.

5. Retention and Appointment of Election Workers

The Board of Elections, pursuant to N.C.G.S. § 163-166.35 and N.C.G.S. § 163-41, shall retain sole authority to appoint all election officials and election workers. Individuals appointed by the Board shall remain on County payroll and shall not be required to complete a new employment application for each election or each period of service, provided they remain eligible and active for election work as determined by the Board of Elections.

6. Grievances, Investigations, and Discipline

County-adopted grievance policies apply to BOE employees for matters of workplace process and procedural fairness. Investigations concerning alleged misconduct, policy violations, personal conduct, workplace behavior, or matters other than statutory job performance shall be conducted by the Henderson County Human Resources Department. The Human Resources Department shall make findings and advisory disciplinary recommendations to the BOE and/or Director of Elections. Consistent with Chapter 163 and Graham County Board of Elections v. Graham County Board of Commissioners, final disciplinary decision-making authority remains exclusively with the BOE and NCSBE as prescribed by law.

7. Paid Administrative Leave

Based on a reasonable, good-faith belief that such action is necessary, a majority of the Henderson County Board of Elections may place any elections employee on paid administrative leave for limited, non-disciplinary purposes, including completion of an investigation; protection of County or BOE assets; safety and security concerns; or ensuring orderly administration of elections. The BOE Chair shall promptly notify the Henderson County Manager. Administrative leave shall not constitute discipline or a presumption of wrongdoing.

8. Facilities and Operations

The County shall provide, maintain, and service BOE office space, equipment, and County-owned polling place facilities. The BOE shall comply with County-wide operational policies of general applicability so long as compliance does not impair the BOE's statutory duty to conduct elections.

9. Legal Representation

The Henderson County Attorney or designee shall advise the BOE on legal matters arising in the ordinary course of operations. The BOE retains the right to obtain independent counsel when necessary to protect its statutory authority or defend the integrity of elections administration.

10. Budget Authority

Pursuant to N.C.G.S. § 163-37, the Board of County Commissioners shall appropriate reasonable and adequate funds necessary for the lawful operations and functions of the County Board of Elections. Both parties acknowledge the importance of ensuring sufficient funding to allow the Board of Elections to carry out all duties and responsibilities required by federal and state law.

11. No Waiver / No Precedent

Nothing in this Memorandum constitutes a waiver of statutory authority or judicially recognized independence and shall not be cited as precedent in any other county or proceeding.

12. Term and Supersession

This Memorandum becomes effective upon execution and continues year-to-year unless modified or terminated upon sixty (60) days' written notice. It supersedes all prior agreements relating to the subject matter herein.

SIGNATURES

Henderson County Board of Commissioners – Chairman

_____ Date _____

Henderson County Board of Elections – Chair

_____ Date _____

Henderson County Manager

_____ Date _____

Henderson County Director of Elections

_____ Date _____