

**BUNCOMBE COUNTY BOARD OF ELECTIONS**  
**MINUTES OF MAY 12, 2014**

THE BUNCOMBE COUNTY BOARD OF ELECTIONS MET ON MAY 12, 2014 AT 8:30 A.M., AT 35 WOODFIN STREET, MEETING ROOM #330, IN ASHEVILLE NORTH CAROLINA, WHERE AND WHEN THE FOLLOWING BUSINESS WAS TRANSACTED:

**MEMBERS PRESENT:**

Jay Watson, Chairman  
Bob Knapp, Secretary  
Lucy Smith, Member

**STAFF PRESENT:**

Trena Parker, Director  
Rachel Rathbone, Staff  
Victoria Leyva, Staff  
John Noce, Staff

VISITORS: Hoyt and Lora Ponder, Annie Butzner

The meeting was called to order at 8:30 a.m. The Board welcomed visitors. The Board observed a 4 person bi-partisan team conduct the duplication of 1 military and 1 overseas ballot. (Attached)

The Board examined 41 absentee applications presented by Rachel Rathbone. Secretary Knapp moved to approve the applications. The motion passed. (Attached)

Rachel presented 2 absentee applications which were missing witness signatures. Secretary Knapp moved to disapprove the applications. The motion passed. (Attached)

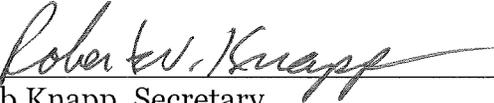
Rachel presented 18 absentee applications which were returned after the deadline and had not been postmarked. (§163-231) The Board reviewed the applications and also an order from the State Board of Elections. Member Smith stated that if we received the application on May 7<sup>th</sup> it must have been mailed before the 6<sup>th</sup>. The Board was not comfortable with disapproving these applications since they felt the applications were timely; however, the order (attached) from the State Board of Elections guided their decision because it referenced statutes and included the Attorney General's recommendation. Chairman Watson advised Rachel to write a formal letter to the State Board of Elections requesting they reconsider the requirement to have absentee applications postmarked in order for them to be approved. Secretary Knapp moved to disapprove the 18 absentee applications pending State Board of Elections ruling. The motion passed. (Attached)

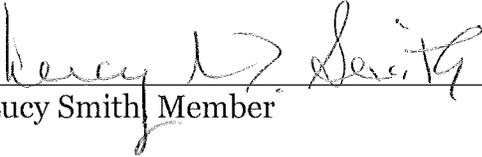
John Noce presented the Board with 6 provisional envelopes in which the voter placed the provisional application inside the envelope instead of the clear sleeve so we are unable to process the provisional since we cannot see the voter's information. The Board advised John to open the envelopes and remove the provisional application so it can be processed. John opened the envelopes in the presence of the Board, election staff and visitors and placed the provisional application in the clear sleeve.

The Board reviewed the board meeting minutes of May 3<sup>rd</sup>. Secretary Knapp moved to approve the minutes. The motion passed.

The meeting adjourned at 9:25 a.m.

  
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Jay Watson, Chairman

  
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Bob Knapp, Secretary

  
\_\_\_\_\_  
Lucy Smith, Member

BUNCOMBE COUNTY BOARD OF ELECTIONS

EXECUTED ABSENTEE BALLOTS SUPPLEMENTAL - PRECINCT SEQ.

ELECTION DATE = "05/06/2014"  
 ABSENTEE TYPE = "MIL"  
 BOARD MEETING DT (yyy-mm-dd) = "2014-05-12 08:30AM"

- 1: VAD.ballot\_return\_lbl = "OK" AND
- 2: VAD.ballot\_approval\_dt <> "" AND
- 3: VAD.ballot\_return\_dt\_str <> "" AND
- 4: VAD.is\_bill\_rtn\_before\_elect\_dt = 0

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION	BALLOT	BALLOT	BOARD	RETURN
						NUM	NUM	STYLE	MTG DATE	DATE
		04.1	ASHE			000000368750	MIL-5	R001	05/12/2014	05/06/2014
		41.1	CARTER, DARBY FARRELL			000000255974	MIL-10	N016	05/12/2014	05/09/2014
		41.1	ALLEN, MICHAEL JAMES			000000255955	MIL-9	N016	05/12/2014	05/09/2014
		41.1	ALLEN, SHARON MARIE							

Election Total: 3

GRAND TOTAL: 3

*WVK 5/12/14*

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*WVK 5/12/14*

BUNCOMBE COUNTY BOARD OF ELECTIONS

EXECUTED ABSENTEE BALLOTS SUPPLEMENTAL - PRECINCT SEQ.

ELECTION DATE = "05/06/2014"

ABSENTEE TYPE = "CIV"

BOARD MEETING DT (yyyymmdd) = "2014-05-12 08:30AM"

- 1: VAD ballot\_return\_lbl = "OK" AND
- 2: VAD ballot\_approval\_dt <> "" AND
- 3: VAD ballot\_return\_dt\_sfr <> "" AND
- 4: VAD\_is\_bill\_rtn\_before\_elect\_dt = 0

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION	BALLOT	BALLOT	BOARD	RETURN
						NUM1	NUM	STYLE	MTG DATE	DATE
05.1	05.1	ASHE	MORGAN, WAYNE W		000000042254	CIV-450	000-481	D009	05/12/2014	05/07/2014
07.1	07.1	ASHE	THELEN, VALERIE JO		0000000385071	CIV-531	000-565	D009	05/12/2014	05/07/2014
08.2	100.1	ASHE	BACOATE, ROBERT H		000000002969	CIV-507	000-541	D009	05/12/2014	05/07/2014
08.3	100.1	ASHE	BROKAW, HAROLD EDWARD		000000209686	CIV-379	000-410	D009	05/12/2014	05/07/2014
08.3	100.1	ASHE	GOLDSMITH, EMMETT KENNETH		000000022892	CIV-526	000-560	R001	05/12/2014	05/07/2014
08.3	100.1	ASHE	GOLDSMITH, GARYLEE SALES		000000022893	CIV-527	000-561	R001	05/12/2014	05/07/2014
11.1	11.1	ASHE	GILLIAM, GLORIA H		000000022528	CIV-522	000-566	D009	05/12/2014	05/06/2014
11.1	11.1	ASHE	ZELLER, VALERIE LYNN		0000000391616	CIV-437	000-468	D009	05/12/2014	05/09/2014
11.1	11.1	ASHE	DRYMAN, SANDRA R		0000000379385	CIV-430	000-461	D009	05/12/2014	05/07/2014
18.2	101.1	ASHE	BARTHOLOMEW, LELAND EARL		000000146843	CIV-547	000-583	D012	05/12/2014	05/07/2014
21.1	103.1	ASHE	THOMPSON, MARY PAT		0000000353210	CIV-367	000-398	D012	05/12/2014	05/07/2014
22.2	104.1	ASHE	MATHIS, JOAN D		0000000393874	CIV-487	000-521	D009	05/12/2014	05/07/2014
25.1	25.1	ASHE	HART, CAROLYN AMANDA		000000284994	CIV-490	000-524	R001	05/12/2014	05/08/2014
25.1	25.1	ASHE	HANDLEY, LAUREN JEAN		0000000371471	CIV-364	000-395	R001	05/12/2014	05/07/2014
25.1	25.1	ASHE	MERRILL, ALVIS JACOB		000000040315	CIV-528	000-562	R001	05/12/2014	05/08/2014
30.3	30.1	ASHE	MERRILL, LOVINA SALES		000000040339	CIV-529	000-563	R001	05/12/2014	05/09/2014
30.3	30.1	ASHE	STOCHRANE, JULIANNE		0000000313919	CIV-224	000-253	D012	05/12/2014	05/07/2014
30.3	30.1	ASHE	TRUPP, HELEN DOLORES		0000000312820	CIV-461	000-492	R003	05/12/2014	05/07/2014
32.1	32.1	BMTN	POST, GEORGE		000000243665	CIV-548	000-584	D010	05/12/2014	05/07/2014
33.3	33.3	BMTN	MORRIS, EDGAR TAYLOR IV		0000000367678	CIV-484	000-518	D010	05/12/2014	05/09/2014
36.1	36.1	BMTN	CAMERON, PATTON ROBERT		000000231646	CIV-400	000-431	N016	05/12/2014	05/07/2014
36.1	36.1	BMTN	CAMERON, VIRGINIA E		000000231647	CIV-401	000-432	N016	05/12/2014	05/07/2014
38.3	38.3	BMTN	SMITH, CHRISTINE BURNETTE		000000277153	CIV-510	000-544	R007	05/12/2014	05/07/2014
44.1	44.1	BMTN	SCHMITT, RACHEL MASHAWN		0000000346716	CIV-252	000-281	R005	05/12/2014	05/07/2014
45.1	45.1	BMTN	BROOKS, JANET LORRAINE		0000000311297	CIV-257	000-286	R005	05/12/2014	05/07/2014
45.1	45.1	BMTN	HOLLINGSWORTH, JEAN G		000000028666	CIV-341	000-372	D012	05/12/2014	05/07/2014
49.1	49.1	BMTN	HIGDON, PATSY GREENE		0000000089702	CIV-376	000-407	R005	05/12/2014	05/07/2014
51.2	107.1	BMTN	ANDERSON, DEBORAH FULTON		0000000394141	CIV-195	000-224	D014	05/12/2014	05/07/2014
53.1	53.1	BMTN	MEADOWS, CHERYL FOSTER		0000000039882	CIV-363	000-394	R005	05/12/2014	05/07/2014

*Paul*  
*5/12/14*  
*5/12/14*

*5-12-14*

ELECTION DATE: 05/06/2014

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION NUM	BALLOT NUM	BALLOT STYLE	BOARD MTG DATE	RETURN DATE
<del>53.1</del>	53.1		MEADOWS, CLIFFORD KYLE		000000039883	CIV-362	000-393	R005	05/12/2014	05/07/2014
<del>54.2</del>	101.1		PARR, JUNE MARIE		000000396710	CIV-513	000-547	R003	05/12/2014	05/07/2014
<del>57.1</del>	57.1		LAREAU, NOEL ERNEST		000000162096	CIV-542	000-576	N016	05/12/2014	05/07/2014
59.1	59.1		CHASTAIN, MISTI DAWN		000000193579	CIV-492	000-526	D014	05/12/2014	05/07/2014
59.1	59.1		HAGAN, DONNA C		000000227737	CIV-489	000-523	D014	05/12/2014	05/07/2014
<del>59.1</del>	59.1		HAGAN, RANDALL LEE		000000153536	CIV-491	000-525	D014	05/12/2014	05/07/2014
<del>62.1</del>	62.1		GAINER, WILLIAM ROBERT		000000340781	CIV-236	000-265	R001	05/12/2014	05/07/2014
<del>64.1</del>	64.1		GWALTNEY, JOHN FRANKLIN JR	Y	000000257962	CIV-486	000-520	D010	05/12/2014	05/08/2014

Election Total: 37

GRAND TOTAL: 37

*pkc*  
*4/13/14*  
*12*

*OPC 5/12/14*  
*POS 5-12-14*

BUNCOMBE COUNTY BOARD OF ELECTIONS

EXECUTED ABSENTEE BALLOTS SUPPLEMENTAL - PRECINCT SEQ.

ELECTION DATE = "05/06/2014"

ABSENTEE TYPE = "OVR"

BOARD MEETING DT (yyyy-mm-dd) = "2014-05-12 08:30AM"

- 1: VAD.ballot\_return\_lbl = "OK" AND
- 2: VAD.ballot\_approval\_dt <= "" AND
- 3: VAD.ballot\_return\_dt\_str <= "" AND
- 4: VAD.is\_bill\_rtn\_before\_elect\_dt = 0

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION	BALLOT	BALLOT	BOARD	RETURN
						NUM	NUM	STYLE	MTG DATE	DATE

ELECTION DATE: 05/06/2014

71.1	71.1		NORRIS, LUKE PRUETT		000000374619	OVR-23	000-581	N016	05/12/2014	05/06/2014
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Election Total: 1

GRAND TOTAL: 1

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*Handwritten:* MS 5-12-14

STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN THE MATTER OF:  
TIMELY TRANSMISSION OF CIVILIAN  
ABSENTEE BALLOTS

ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS on August 7, 2013, in order to provide guidance to all counties on how to determine whether civilian absentee ballots have been timely transmitted. The State Board had previously determined in an earlier election protest, and again when the issue was reconsidered on August 7, 2012, that a civilian absentee ballot could be considered timely if received by 5:00 p.m. on the third day after the election even without a postmark showing it was mailed by the day of the election.

As explained in an advisory letter from the Attorney General's Office dated June 11, 2012, General Statute §163-231(b) provides a general rule that absentee ballots must be received not later than 5:00 p.m. on the day before a primary or general election. It then provides that ballots may be accepted after that hour if (i) federal law so requires; (ii) civilian absentee ballots are postmarked by the day of the election and received by the county board of elections not later than three days after the election by 5:00 p.m.; and (iii) absentee ballots of military and overseas citizens issued under Article 21A of Chapter 163 are received by the county board of elections not later than the end of business on the business day before the canvass. General Statute §163-231(b) clearly states that civilian absentee ballots "not postmarked by the day of the election shall not be accepted by the county board of elections."

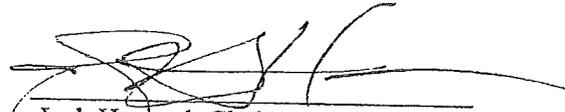
In addition, General Statute § 163-302(b) states that the provisions of Article 20, dealing with civilian absentee voting, and Article 21[A], dealing with military and overseas absentee voters, makes the requirements of those Articles applicable to municipal elections, special district elections, and other elections for an area less than an entire county with two exceptions not pertinent to the issue of the timeliness of the transmission of absentee ballots. Under General Statute § 163-226.2, absentee voting in municipalities is to be in accordance with the authorization in General Statute § 163-302. Thus, the provisions of General Statute § 163-231(b) are applicable to such elections.

It is, therefore, **ORDERED**:

County boards of election may not accept and count civilian absentee ballots, *i.e.*, those issued under Article 20 of Chapter 163, unless they are postmarked by the day of the election and received by the county board of elections not later than three days after the

election by 5:00 p.m. unless federal law should otherwise require. The staff is directed to make sure that sample instructions for civilian absentee ballots make clear that absentee ballots must be received by the county board of elections by 5:00 p.m. on the day before the election or must be postmarked by the day of the election and received within three days after the election by 5:00 p.m. Any previous directives or orders inconsistent with General Statute § 163-231(b) are rescinded with respect to future absentee ballots.

This the 7<sup>th</sup> day of August, 2013.

A handwritten signature in black ink, appearing to read 'Josh Howard', written over a horizontal line.

Josh Howard, Chairman  
State Board of Elections