

**AUGUST 12, 2013**

**MINUTES**

The Watauga County Board of Elections met on Monday, August 12, 2013 at 9:00 a.m. at the Board of Elections office in the courthouse. The following were in attendance: Luther Eggers, William Aceto, Kathleen Campbell, Jane Ann Hodges, Donna Houck, Members of the Media and Citizens.

CALL TO ORDER

Director Hodges called the meeting to order.

MEMBER KATHLEEN CAMPBELL'S COMMENTS

Member Campbell asked Donna to record this meeting.

Director Hodges said, "First item on the agenda is election of officers."

Member Campbell made a motion to move to a different room for the sake of the open meeting. Member Campbell then said she wanted to speak before election of officers. She decried the actions of Member Eggers and Member Aceto, who she said failed to give any specifics about the agenda to her or to elections staff until this morning. Member Campbell stated, "You have cut me out of all your discussions and plans prior to this meeting. You didn't even have the courtesy to check with me about my schedule before you planned the meeting. Luckily I could change my plans and get here. There are serious matters at hand today that affect thousands of your friends and neighbors in Watauga County. As a member of the Board I have the right and duty to have a say in these proceedings. There is no chair to call the meeting to order yet. So we cannot proceed until I have my say." Director Hodges said, "Wait one second, would someone please second her motion to recess so that all her concerns could be voiced so everyone could hear. Member Eggers seconded the motion to move the meeting to the Commissioners Board Room and he made a motion to amend the movement until after the election of board officers just for clarification of being able to call the meeting back to order. Member Campbell said she would like to finish her statement. She said she sent Member Eggers and Member Aceto emails (copies attached she submitted for the record) asking for a copy of the agenda, resolutions, and the one-stop plan but received no reply. She expressed her concerns that the two members had consulted with each other and others about their plans prior to today and that they are in violation of the

open meetings law. Member Aceto said, "For the record, we have never consulted."

Member Campbell said, "If you did not consult how did Anne Marie Yates know?" Member Eggers said, "I would like to call the question." Member Aceto seconded his motion to call for officers before recessing. Member Campbell said she would like the opportunity to finish. Member Campbell stated, "Anne Marie knows all about your plans to move precincts and that is just damn illegal. It seems that Republican Chairwoman Anne Marie Yates provided an extensive interview to the Watauga Democrat (copy of article attached she submitted for the record) on Friday, outlining decisions you had made prior to this meeting. It is clear from her interview that you consulted with her about your plans prior to today. Ms. Yates has a brother who is a candidate in the Boone municipal election this November. Don't you consider it out of line and contrary to the oath we took for this office to consult with her about precinct and one-stop changes for a municipal election in which her brother is a candidate? In what way have you not violated the open meetings law?" She stated, "You two boys should be ashamed of yourselves. This meeting should be adjourned as it violates the letter and spirit of the open meetings law." She also stated, "As far as the agenda, let the record reflect that I do not accept this agenda because this is the first time I have seen the official agenda and I was not consulted in any way." Member Campbell then says she wants to add to the agenda a discussion of permissible and non-permissible political activities by Board members. She then asks Director Hodges, "Will you advise us as new board members concerning our ethical responsibilities as election officials?"

Member Eggers stated, "Since it's a notice of special meeting we are not able to add anything to the agenda under general statutes under special meetings."

Member Eggers states, "We currently have a motion on the floor to amend Member Campbell's motion to recess where we will elect officers first." Member Campbell said, "I think we can continue this." Member Eggers said, "I would like to call the question." Member Aceto said, "I would like to second the motion on the table."

Director Hodges asked Member Campbell if she was close to being finished. Member Campbell said to Director Hodges, "I would like for you to advise us on our legal and ethical responsibilities." Member Eggers asks Director Hodges, "Will you please call the question?" Member Eggers said there is a second on the floor. Director Hodges called for the vote on the amendment. Members Eggers and Aceto voted yes, Member Campbell voted no. Director Hodges, "It passes, we will call for officers now."

### ELECTION OF BOARD OFFICERS

Director Hodges calls for nominations for Board Chairman. Member Aceto nominated Member Eggers for chairman. Member Eggers seconded the motion. Discussion- Member Campbell's comments, "In light of your activities thus far, you have violated your oath of office, and I am sorry I cannot support either one of you. In my opinion, neither of you is qualified for officer positions." Member Eggers says why he feels he would make an adequate chairman. Director calls for the vote. Members Eggers and Aceto voted yes, Member Campbell voted no. Chairman Eggers nominated Member Aceto for Board Secretary. Member Aceto seconded the motion. Discussion-Member Campbell's comments, "I have same opinion as before." Chairman Eggers calls for the vote, Chairman Eggers and Member Aceto vote yes, Member Campbell votes no.

### RECESS

With motion having been made by Member Campbell and seconded by Chairman Eggers, with unanimous approval to recess such meeting, the board recessed for fifteen minutes to move to the Commissioners Board Room in the Watauga County Administration Building to make room for all in attendance and such move was posted on the bulletin board in the courthouse and on the outside door of the courthouse.

### RECONVENE

Chairman Eggers called the meeting to order.

### ADOPT MEETING SCHEDULE OF THE BOARD

Upon a motion by Chairman Eggers and seconded by Secretary Aceto, the Board of Elections will meet on the 1<sup>st</sup> Wednesday of each month at 5:00 p.m., with unanimous approval.

### ASSIGNMENT OF DIRECTORS DUTIES

Secretary Aceto made a motion to accept the assignment of the directors duties, seconded by Chairman Eggers. Discussion-Member Campbell's comments, "Let the record show this is the first time I have seen the new outlined duties." Member Campbell asks Director Hodges what is different in these duties as before. Chairman Eggers makes a submotion asking would someone like to read the duties of the director out loud? Director Hodges stated this was the first time she had seen this list. She then looked over the list and told which ones were different than her previous duties. Chairman Eggers then calls the question. Chairman Eggers, all in favor of accepting the duties of director; Chairman Eggers and Secretary Aceto voted yes, with Member Campbell voting no and stating, "For the record, I think this is an illegal action steps should be taken to remedy this." Copy of duties is attached.

### NEW REGISTRATIONS AND STATISTICS

Upon a motion by Member Campbell and seconded by Chairman Eggers, 144 new registrations were approved unanimously, pending review.

### RESOLUTION TO ESTABLISH PUBLIC COMMENT PROCESS FOR BOARD OF ELECTIONS

Chairman Eggers made a motion to adopt the resolution to establish the public comment process for the Board of Elections seconded by Secretary Aceto. Discussion- Member Campbell's comments, "Let the record show that this is the first time I've seen this resolution." Member Campbell then read out loud the resolution and stated, "I have an alternate amendment to your resolution, and here is a copy (she submitted a copy for the record) of my amendments for each of you. She then requests that Director Hodges read it. Member Campbell then I makes a motion to let Director Hodges read it." The motion dies on the floor for lack of a second. Member Campbell starts reading the resolution. People in the audience stand and start clapping. Chairman Eggers says at this point things have gotten fairly heated and he read about disorderly conduct at meetings and you could be put in jail not exceeding thirty days. Chairman Eggers states, "All I am asking is that we have civil meetings." Chairman Eggers then calls the question, and asks, all in favor of adopting the resolution to establish the public comment process for Watauga County Board of Elections, Chairman Eggers and Secretary Aceto vote yes, oppose no answer. Chairman then moves on to next item on agenda. Member Campbell states she did not vote on the resolution for public comment. She says she did not hear Chairman Eggers call for the vote and that she votes no. Member Campbell says, "I did not hear the vote and I would like to have my vote changed to no."

Copy of resolution is attached.

### ADOPT NEW ONE-STOP IMPLEMENTATION PLAN FOR 2013 MUNICIPAL ELECTIONS

Secretary Aceto made a motion to adopt the new one-stop implementation plan for the 2013 Municipal Elections, Chairman Eggers seconded the motion. Discussion-Member Campbell's comments she stated, "Let the record show that I have not seen this plan prior to this meeting and that Luke and Bill have consulted with the sister of a candidate for the Boone elections in drawing up this plan." Member Campbell reads the statute 163-227.2(g) and says, "Legally any new adoption for one-stop voting has to be unanimous." Chairman Eggers said even if the vote is not passed it will go to the State Board for their ruling. Member Campbell showed a map (she submitted one for the record) where Boone voters live and stated, "As you can see, the most central geographic location for all Boone voters is the student union, there are more registered voters living closer to the student union than are living near the BOE or the Ag Center. Member Campbell asks to Chairman Eggers and Secretary Aceto, "Who

did you consult with in preparing this plan?" Question was not answered. Chairman Eggers then calls the question; all in favor of adopting the new one-stop implementation plan for 2013 municipal election, Chairman Eggers and Secretary Aceto voted yes, Member Campbell voted no. Copy of one-stop plan is attached.

#### RESOLUTION TO RE-COMBINE BOONE PRECINCTS

Chairman Eggers made a motion to adopt the resolution to re-combine Boone precincts 1,2, and 3, Secretary Aceto seconded the motion. Discussion- Member Campbell's comments, she stated, "Let the record show that I have not seen this resolution prior to this meeting and that Luke and Bill have consulted with the sister of a candidate for the Boone elections in drawing up this plan." Member read the resolution out loud. Member Campbell states, " I am submitting to the record a copy (attached) of an analysis of super precincts by the NC Coalition for Verified Voting." Member Campbell asks Director Hodges, "How many total registered voters are in these three precincts combined?" Director Hodges, "around 9300." Member Campbell asks Director Hodges, "How much money would the establishment of the super precinct save?" Director Hodges, "none." Member Campbell asks Director Hodges, "What are the current guidelines on establishing the size of precincts." Director Hodges, "Last guidelines were in 1990 and the size was 1500." Member Campbell asks Director Hodges, "How many parking spaces do you believe is at the proposed super site?" Director Hodges answered, approximately 35. Member Campbell asks Director Hodges, "How many workers will you need at this site?" Director Hodges answered. "20." Member Campbell asks Director Hodges if this will work and Director Hodges says, "If my board directs me to I will make it work."

Chairman Eggers called the question. All in favor to adopt the resolution to re-combine Boone precincts, Chairman Eggers and Secretary Aceto voted yes, Member Campbell voted no.

Copy of resolution is attached.

#### RELOCATE MEAT CAMP AND NEW RIVER 3 POLLING PLACE

Secretary Aceto made a motion to accept the resolution to relocate the Meat Camp and New River 3 polling places, Chairman Eggers seconded the motion. Discussion - Member Campbell's comments, stating, "Let the record show that I have not seen this resolution prior to this meeting and that Luke and Bill have consulted with the sister of a candidate for the Boone elections in drawing up this plan." Member Campbell reads out loud the resolution. Member Campbell asked Director Hodges, "Have you inspected the proposed new site to see if it complies with all the state's rules and regulations for a polling site?" Director Hodges answered, "No I have not." Member Campbell presented a map (copy submitted for record) showing the number of voters living near the Armory and comparing the number of voters living near Mutton Crossing. Member Campbell stated, "Far fewer live near Mutton Crossing on Bamboo Road. Mutton Crossing is right at the very edge of a very large precinct, away from the vast majority of

voters, so why are you moving from a central voting location to as far to the edge of the precinct as you can get?"

Chairman Eggers called the question. All in favor of accepting the resolution to relocate Meat Camp and New River 3 polling places, Chairman Eggers and Secretary Aceto voted yes, with Member Campbell voting no. Copy of resolution is attached.

#### AGREEMENT WITH AVERY COUNTY BOARD OF ELECTIONS FOR 2013 SEVEN DEVILS ELECTION

Chairman Eggers asked Director Hodges for her comments on the agreement. Director Hodges explained that it is just a formal agreement between the two board of elections that it is in the best interest that only Watauga County conduct the municipal election and that Avery County not go to the effort and expense of conducting an election for these small number of voters.

Upon a motion by Chairman Eggers and seconded by Member Campbell, the agreement with Avery County Board of Elections for the 2013 Seven Devils Municipal Election was approved, unanimously. Copy of agreement is attached.

#### RESOLUTION TO RELOCATE SEVEN DEVILS POLLING PLACE FOR 2013 SEVEN DEVILS ELECTION

Chairman Eggers asked Director Hodges for comments and same as before, this just a formal agreement between Watauga County and Avery County.

Upon a motion by Chairman Eggers and seconded by Secretary Aceto, the resolution to relocate the Seven Devils polling place for the 2013 Seven Devils Municipal Election was approved, unanimously. Copy of resolution is attached.

#### AGREEMENT WITH AVERY COUNTY BOARD OF ELECTIONS FOR 2013 BEECH MOUNTAIN ELECTION

Chairman Eggers asked Director Hodges for comments and same as before, this is just a formal agreement between Watauga County and Avery County.

Upon a motion by Chairman Eggers and seconded by Secretary Aceto, the agreement with the Avery County Board of Elections for the 2013 Beech Mountain Municipal Election was approved, unanimously. Copy of agreement is attached.

#### AGREEMENT WITH CALDWELL COUNTY BOARD OF ELECTIONS FOR 2013 BLOWING ROCK ELECTION

Chairman Eggers again asked Director Hodges to comment on this agreement and as before it is just a formal agreement between Watauga County and Caldwell County. She stated that all these agreements have been done for the 27 years she has been director.

Upon a motion by Secretary Aceto and seconded by Member Campbell, the agreement with the Caldwell County Board of Elections for the 2013 Blowing Rock Municipal Election was approved, unanimously.

Copy of agreement is attached.

REVIEW OF UPCOMING MUNICIPAL ELECTIONS CALENDAR

Upon a motion by Chairman Eggers and seconded by Secretary Aceto, the time set for the board meeting on the 20<sup>th</sup> is 9:00 am, with unanimous approval.

BOARD OF ELECTIONS CONFERENCE INFORMATION

Director Hodges presented the board members with a map and directions to the hotel for the conference which is August 21<sup>st</sup> and 22<sup>nd</sup> in Cary, NC

ADJOURNMENT

Upon a motion by Chairman Eggers and seconded by Secretary Aceto, the meeting was adjourned, with Member Campbell voting against, and stating, " Those who attended the meeting should be given a chance to comment."

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Luther Eggers, Chairman

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William Aceto, Secretary

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Kathleen Campbell, Member

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Jane Ann Hodges, Director