

August 24, 2016

VIA EMAIL

To: Watauga County Voting Rights Task Force
c/o Pam Williamson

From: Bill Gilkeson and Sabra Faires



**Re: Eggers' Memo Concluding That Watauga Board of Elections Office
Includes Adjacent County Administration Building**

You asked me and Bill to advise you on whether County Attorney Four Eggers' conclusion in the attached memo (Attachment A) that, for purposes of early voting, the Watauga Board of Elections Office includes the adjacent County Administration Building (Admin Building) is correct. This memo responds to that request.

Mr. Eggers' conclusion is obviously incorrect for numerous practical and legal reasons. The incorrect conclusion ignores all of the following:

- The reality that the two locations are in separate buildings with different addresses.
- The plain words of the law.
- The interpretation and practice of the State Board of Elections.
- The prior interpretation and practice of the Watauga County Board of Elections.

Background

Under G.S. 163-227.2(b), early voting occurs "only at the office of the county board of elections" unless other sites are authorized in a plan in accordance with G.S. 163-227.2(g), which provides in relevant part:

A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate.

The site that is “reasonably proximate” is commonly referred to as the “in-lieu” site. Since the county board of elections office moved to the county courthouse in 2011, the adjacent Admin Building has been designated in numerous county one-stop plans as the in-lieu site.¹

Different Buildings

No part of the board of elections office is in the Admin Building. The board of elections office is located in the Watauga County Courthouse at 842 West King Street. The Commissioners’ Board Room described in the memo is located in the Admin Building at 814 West King Street. These facts are undisputed. These facts were acknowledged by Mr. Eggers in a prior email he sent to former State Board member Paul Foley, in which Mr. Eggers states that “the Commissioners Board Room [is] in the building immediately adjacent to the Courthouse where the Elections office is located.” (Attachment B)

Statutory Description of “Office of the Board of Elections” Is Clear

The Eggers’ memo states that the Admin Building is part of the Board of Elections Office because the board meets there on a routine basis. This expansive interpretation adds words to the statute that are not there and creates inconsistencies with the numerous other statutes that describe activities that must occur at the board office. *E.g.*, G.S. 163-231(c) requires absentee ballots delivered to an election official at a one-stop site to be delivered to the county board of elections office. If the Admin Building is part of the board office, these ballots could be delivered to the Admin Building.

No statute defines the term “office of the board of elections.” The ordinary meaning of the term therefore applies and that meaning does not include parts of adjacent buildings that serve multiple purposes.

State Board’s Form Describes an In-Lieu Site As Being In A Different Building

The form the State Board provides for use by county boards in submitting their One-Stop Plans makes it clear that a site that is in a different building than the county board of elections office is an in-lieu site. The form specifically describes the in-lieu site as “(in a different building).” (Attachment C, p. 2 of Form)

Watauga Board Has Consistently Described the Admin Building as the In-Lieu Site

Until Mr. Eggers’ memo, the Watauga Board of Elections has consistently considered the Admin Building as the in-lieu site for the board of elections office rather than office itself. For example, the One-Stop Implementation Plan for the November 5, 2013, Municipal Election (Attachment D) states:

¹ The Eggers’ memo misrepresents the status of the Admin Building, stating erroneously that the Admin Building has been used “as part of the board of elections office for One-Stop Early Voting” during this period. The Admin Building has been used as the in-lieu site, not the board of elections site.

The Watauga County Commissioners Board Room is located on the ground floor of the Watauga County Administration Building, directly next door to the Watauga County Courthouse, which houses the CBE [County Board of Elections]. This location has been previously used for voting in elections as a polling place and is being used *in lieu of the CBE office*. The CBE office can no longer accommodate One-Stop voting due to size and space limitations.

(emphasis added)

Similarly, the 2014 Watauga One-Stop Plan checked the box on page 2 indicating for the Admin Building that "This site is in lieu of the CBE office (in a different location)." (Attachment C) Even the plan recently submitted to the State Board by the majority members of the Watauga Board, before the 4th Circuit announced its decision, described the Admin Building as the in-lieu site. (Attachment E, p. 2)

Eggers' Opinion Promotes Implementation of Flawed Theory That "Option E" Applies to Watauga
Mr. Eggers' memo is not about the law. It's about politics. The memo appears to be part of a partisan effort to position Watauga as subject to no early voting requirement other than that required at the office of the county board of election, a circumstance described as Option E in numbered memo 2016-11 issued by the State Board.

The Eggers' memo unnecessarily questions the authority of the State Board to adopt a one-stop plan for Watauga. It then advises the executive director of the local board that he has the authority, without seeking approval from the local or State Board, to consider the Admin Building to be part of the local board office. This newfound authority appears to be revealed in an attempt to resolve the significant practical problem with having early voting only at the local board office. The practical problem is that the board office is wholly unsuitable for early voting given its size, its location in the courthouse behind metal detectors, and the expected volume.

Summary

The law is clear that the office of the Watauga County Board of Elections does not include the Admin Building. The contrary conclusion in the memo expresses what those who favor Option E want the law to be.

ATTACHMENT A

EGGERS, EGGERS, EGGERS, AND EGGERS, PLLC

ATTORNEYS AND COUNSELORS AT LAW

P.O. BOX 248

BOONE, NORTH CAROLINA 28607

STACY C. EGGERS, JR.
STACY C. EGGERS, III (1948-1990)
STACY C. EGGERS, IV
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AUSTIN F. EGGERS
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737 WEST KING STREET

MEMORANDUM

To: Matthew Snyder, Director
Watauga County Board of Elections

From: Stacy C. Eggers, IV, Watauga County Attorney ^{DE}

Cc: Josh Lawson, Esq., General Counsel – N.C. Board of Elections
Deron Geouque, Watauga County Manager

Date: August 22, 2016

Re: Interpretation of the location of "Office of the County Board of Elections"
N.C. Gen. Stat. §163-227.2(b)

Per our discussion last week regarding the location of the County Board of Elections office, I have researched the issue and provide you with the following Memorandum. I am copying this Memorandum to Josh Lawson, Legal Counsel for the State Board of Elections, so that he may provide additional guidance if he deems it appropriate. To the extent Mr. Lawson's direction may differ from this Memorandum, I would recommend you defer to Mr. Lawson and direction you may receive from the State Board of Elections.

By way of background, the Watauga County Board of Elections address is 842 West King Street in Boone, North Carolina. It is situated on the ground floor of the Watauga County Courthouse in downtown Boone. The physical area of your main office consists of a common area for reception of visitors, your personal office, an office for a deputy director, a storage room, and a small conference room. There is an additional storage room and a meeting room across the hall from your office, which is commonly referred to as "Courtroom 3" or "the old Commissioners Boardroom." This floor also houses the County Information Technology offices and the Watauga County Sheriff's Office Civil Division, which is responsible for courthouse security and operates a metal detector at the main entrance to the Courthouse. Next door to this building, having a street address of 814 West King Street, is the Watauga County Administration building. The ground floor of this building is solely dedicated to a room called the new Commissioners Boardroom, a conference room, and restrooms. There is no intervening street between these buildings, and they have a sign in front of them stating "Watauga County Government Center."

The Watauga County Board of Elections office has been situated at its present location since 2011, when they relocated to allow Watauga County space to operate a license plate agency at its former location on Water Street. With the exception of one election, all other elections since this date have used the Commissioners Boardroom as part of the county board of elections office for One-Stop Early Voting. In the one election where Courtroom Three was used, it required the removal of the bench seating from the audience and reconfiguration of the sheriff's metal detectors to allow voters to enter the voting enclosure without need to pass through a metal detector. While this was an option, it was less than ideal to meet the needs as a polling site and conflicted with the needs of the court system. The Commissioners Boardroom is easier to reconfigure, does not interfere with the needs of the court system, and avoids the appearance of law enforcement officers and metal detectors at a polling location.

The Commissioners Boardroom is the regular meeting site of the Watauga County Board of Elections (unless a crowd is expected, and it is moved to the large courtroom on the top floor of the courthouse). The Commissioners Boardroom is also the regular Election Day polling location of the Boone 1 precinct, and has served in such capacity since its construction in 2006. To my knowledge, it has been unanimously selected in each vote of the local board as the immediately adjacent site for the County Board of Elections Early Voting location since the relocation of the County Board of Elections Office, with the exception of the election stated above.

N.C. Gen. Stat. §163-227.2(b) provides, in relevant part:

"... the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section.... That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board...."

At its August 15, 2016 meeting, the Watauga County Board of Elections did not adopt an early Voting Plan, and no plan was forwarded to the State due to the failure of any plan to receive a majority vote from the Board members. It is unclear at this time whether the State Board of Elections will, or has the authority to, consider and adopt an Early Voting plan for Watauga County. In the event they do so, I would encourage you and the Board members to list the Commissioners Boardroom as a proposed location of county board of elections office, if that is the desire of the board. This would avoid any question on this issue, as N.C. Gen. Stat. §163-227.2(g) allows for an alternative "Plan not to offer one-stop voting at the county board of elections office;" however, any such one-stop plan would need to include "at least one site reasonably proximate to the county board of elections office."

To the extent the State Board of Elections does not adopt an early voting plan for Watauga County and early voting is governed by the statutory authority set forth above, the purpose of this Memorandum is to advise you that it is my legal opinion that the Watauga County Commissioners Boardroom would qualify as part of the county board of elections office for purposes of N.C. Gen. Stat. §163-227.2(b). Under these facts and the definition of the "office of the county board of elections," the Commissioners Boardroom could be utilized for One-Stop purposes without need for further action of the County Board of Elections or State Board of Elections.

Both of these buildings are part of the Watauga County Government Complex in downtown Boone. Although the office of the director and staff are housed in the basement of the Courthouse building, the Watauga County Board of Elections routinely meets in the Commissioners boardroom, and is considered part of the board of elections office for this purpose. By similar analogy, although the offices of the Watauga County Tax Administrator are housed in the courthouse building, all meetings of the Board of Equalization and Review (which handles all tax appeals) meet on the ground floor of the Administration building. The only feature between these two buildings is some landscaping and the flags of the United States and the State of North Carolina. This opinion is further supported by custom and precedent of the Watauga County Board of Elections, having utilized the Commissioners Boardroom as part of the board of elections office for One-Stop Early Voting since 2010.

While every county's particular application of this statute will vary depending upon its size, location of county board of elections office, resources, and building configurations, considering the Commissioners Boardroom as being part of "the county board of elections office" is a reasonable interpretation of the statute. Additionally, while it would be appropriate to obtain the concurrence of the county board members in making this determination, I do not believe it would be necessary to do so based upon the reasonable application of the statute, the location of the respective rooms, and past precedent and custom. Both buildings in the Watauga County Government Center are served by the same parking lots and infrastructure. Finally, the statute envisions that a "voter shall enter the voting enclosure at the board office through the appropriate entrance." Based upon these particular facts, that entrance can be the door to the Commissioners Boardroom.

I hope this Memorandum is helpful to you. Should you need any additional assistance, please contact me at your convenience.

ATTACHMENT B

From: Foley, Paul <pfoley@kilpatricktownsend.com>
Sent: Wednesday, August 14, 2013 11:34 AM
To: 'Four Eggers'
Subject: RE: Watauga County

Okay. Thanks. I know a number of folks have called and written the state board, but I'm not aware of an appeal.

Paul Foley
Kilpatrick Townsend & Stockton LLP
1001 West Fourth Street | Winston-Salem, NC 27101-2400
office 336 607 7389 | fax 336 793 4876
pfoley@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Four Eggers [<mailto:four@eggers-law.com>]
Sent: Wednesday, August 14, 2013 11:27 AM
To: Foley, Paul
Subject: RE: Watauga County

Hi Paul,

My apologies. Attached are the enclosures. They've made a great ruckus, but I'm not sure if anyone of them has actually appealed. If the State sees the One-Stop plan as complying with the requirement that the location is within close proximity to the County election office, as I read the statute there is nothing that necessary requires review. If the State sees it as not in close proximity, since it was a split vote I think it would require State approval. The opposition was rather smug that if it wasn't unanimous then the old board decision survives, which isn't how I read the statute.

Also, I think the County director will be pushing to move the location from the Commissioners Board Room in the building immediately adjacent to the Courthouse where the Elections office is located to Courtroom 3 of our courthouse (we only have 3 courtrooms....). That spot would be closer to her office, but would require voters to go through security/metal detectors and would incur the ire of our Senior Resident Superior Court Judge who has stated strongly in the past that he needs his courtrooms. I think either the Commissioners Boardroom or Courtroom 3 would be fine with the majority of the board, but the Boardroom makes the most sense from an accommodation standpoint.

I hope you are doing well, and thanks again for your patience with me.

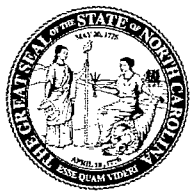
Best regards,

Four

Stacy C. Eggers, IV
Eggers, Eggers, Eggers, & Eggers, PLLC
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Boone, NC 28607
(828) 264-3601

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ATTACHMENT C



NORTH CAROLINA

State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173
Fax: (919) 715-0135

KIM WESTBROOK STRACH
Executive Director

August 29, 2014

Watauga County Board of Elections
Ms. Jane Ann Hodges, Director
842 West King Street, Ste. 6
Boone, NC 28607

Dear Director,

Your Implementation Plan for the 2014 General Election has been approved.

| | | |
|--|--|------------------|
| <input checked="" type="checkbox"/> | Alternative site in lieu of County Board of Elections (located at a separate property) | |
| <input checked="" type="checkbox"/> | At the CBE office (or alternate site in lieu of the CBE office), extended hours beyond regular business hours | |
| <input checked="" type="checkbox"/> | Additional sites | |
| <input type="checkbox"/> | A request for a reduction in the number of required hours, under G.S. § 163-227.2(g3), was granted by the State Board of Elections | |
| <input checked="" type="checkbox"/> | The schedule was set by the State Board of Elections because the County Board of Elections could not unanimously agree upon an Implementation Plan | |
| Total number of sites (including CBE office or alternate site in lieu of the CBE office) | | 5 sites |
| Total number of cumulative hours of all sites combined | | 307 hours |

This schedule may now be entered into One-Stop System Manager (this is the same procedure followed in 2012 and 2013).

Any modifications to this schedule as submitted must be approved by the State Board of Elections.

Kim Strach
Executive Director

North Carolina State Board of Elections

One-stop Implementation Plan Form

11/4/14 General Election

INSTRUCTIONS: Please complete the first two pages of this form, and continue past Page 2 if your county is operating additional one-stop sites. After entering in each day's number of hours, this form will automatically calculate the total cumulative hours of one-stop voting offered for this primary. This form can be completed electronically and saved with your information entered. After the County Board of Elections has voted on the Implementation Plan, you may either print it out for the County Board Members to sign, or you may attach a resolution signed by all County Board Members.

County Watauga

This plan covers the CBE office (or nearby alternate site in lieu of the CBE office), plus 4 additional sites.

Voting system

Type of voting system used at one-stop sites

Optical scan machines, with Automark for ADA compliance

One-stop voting site workers

☒ Confirm that workers at all sites are adequately trained (per G.S. 163-227.2(g)).

Election observers

☒ Confirm that political party observers will be allowed at one-stop sites per G.S. 163-45.

Emergency and back-up plans

☒ Confirm that the County Board of Elections has established procedures in the event of an emergency, power outage, etc.

County Board approval

A one-stop Implementation Plan must be unanimous to be approved administratively by SBE staff. If it is not unanimous, one or more County Board Members can petition the State Board to consider a *proposed* Plan using this form, which would be considered at a hearing held by the State Board of Elections in Raleigh. The other County Board Member(s) can also submit an alternative proposed Plan for the State Board's consideration.

Date of meeting in which this Implementation Plan was considered Aug 21, 2014

☐ Plan is unanimously approved by the County Board of Elections

Signatures

Chair _____

Secretary _____

Member _____

Director

Jane Ann Hodges

☐ Plan is not unanimous (A County Board Member or Members petition the State Board of Elections to consider this proposed Plan at a hearing in Raleigh)

Name of County Board Member(s) petitioning the State Board to consider this proposed Implementation Plan

Total cumulative hours of one-stop voting at all sites for this election 307

This number will be automatically calculated based on the number of hours entered on the following pages.

Last updated: 6/10/14

Site information: CBE Office Site (or nearby alternate site in lieu of the CBE office)

Name of building Type of building

Street address Suite/room name

City Zip code ☒ **This site is in lieu of the CBE office** (in a different building)

Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues)

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

☒ **Confirm that the site continues to be accessible according to ADA standards** (if explanation is needed and has not already been provided to SBE, please attach)

☐ **Check here if this is a new one-stop site** and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

☒ **Confirm that voting equipment, ballots and other materials will be secure during closed hours.**

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☐ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SOSA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

Schedule for the CBE office (or nearby alternate site)

Select the open time, close time, and the number of hours open for each day of operation.

| Day | Open | Close | Total hours for day |
|--------------------|----------|----------|---------------------|
| Thursday, 10/23/14 | 08:00 AM | 05:00 PM | 9 |
| Friday, 10/24/14 | 08:00 AM | 05:00 PM | 9 |
| Saturday, 10/25/14 | | | |
| Sunday, 10/26/14 | | | |
| Monday, 10/27/14 | 07:00 AM | 07:00 PM | 12 |
| Tuesday, 10/28/14 | 07:00 AM | 07:00 PM | 12 |
| Wed., 10/29/14 | 07:00 AM | 07:00 PM | 12 |
| Thursday, 10/30/14 | 07:00 AM | 07:00 PM | 12 |
| Friday, 10/31/14 | 07:00 AM | 07:00 PM | 12 |
| Saturday, 11/1/14 | 08:00 AM | 01:00 PM | 5 |

Enter hours totals as numbers rounded to the nearest quarter. For example, if the site is open for 8 hours and 45 minutes, enter 8.75.

Total hours for CBE office site

This number will be automatically calculated based on the number of hours entered for each day in the area to the left.

Site information: Additional Site 1

Name of building Type of building

Street address Suite/room name

City Zip code

Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues) ☒ Yes

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

- ☒ Confirm that the site continues to be accessible according to ADA standards (if explanation is needed and has not already been provided to SBE, please attach)

- ☐ Check here if this is a new one-stop site and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

- ☒ Confirm that voting equipment, ballots and other materials will be secure during closed hours.

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☒ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SOSA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

Schedule for additional site(s)

Select the open time, close time, and the number of hours open for each day of operation.

| | | | | | | |
|--------------------|------|---------------------------------------|-------|---------------------------------------|---------------------|--------------------------------|
| Thursday, 10/23/14 | Open | <input type="text" value="08:00 AM"/> | Close | <input type="text" value="04:00 PM"/> | Total hours for day | <input type="text" value="8"/> |
| Friday, 10/24/14 | Open | <input type="text" value="08:00 AM"/> | Close | <input type="text" value="04:00 PM"/> | Total hours for day | <input type="text" value="8"/> |
| Saturday, 10/25/14 | Open | <input type="text"/> | Close | <input type="text"/> | Total hours for day | <input type="text"/> |
| Sunday, 10/26/14 | Open | <input type="text"/> | Close | <input type="text"/> | Total hours for day | <input type="text"/> |
| Monday, 10/27/14 | Open | <input type="text" value="10:00 AM"/> | Close | <input type="text" value="05:00 PM"/> | Total hours for day | <input type="text" value="7"/> |
| Tuesday, 10/28/14 | Open | <input type="text" value="10:00 AM"/> | Close | <input type="text" value="05:00 PM"/> | Total hours for day | <input type="text" value="7"/> |
| Wed., 10/29/14 | Open | <input type="text" value="10:00 AM"/> | Close | <input type="text" value="05:00 PM"/> | Total hours for day | <input type="text" value="7"/> |
| Thursday, 10/30/14 | Open | <input type="text" value="10:00 AM"/> | Close | <input type="text" value="05:00 PM"/> | Total hours for day | <input type="text" value="7"/> |
| Friday, 10/31/14 | Open | <input type="text" value="10:00 AM"/> | Close | <input type="text" value="05:00 PM"/> | Total hours for day | <input type="text" value="7"/> |
| Saturday, 11/1/14 | Open | <input type="text" value="08:00 AM"/> | Close | <input type="text" value="01:00 PM"/> | Total hours for day | <input type="text" value="5"/> |

Enter hours totals as numbers rounded to the nearest quarter. For example, if the site is open for 8 hours and 45 minutes, enter 8.75.

This schedule will apply to all additional sites. If your county has multiple additional sites, the total hours below will be multiplied by the number of additional sites.

Total hours for each additional site:

This number will be automatically calculated based on the number of hours entered for each day in the area to the left.

Site information: Additional Site 2

Name of building

Type of building

Street address

Suite/room name

City

Zip code

Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues)

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

☒ Confirm that the site continues to be accessible according to ADA standards (if explanation is needed and has not already been provided to SBE, please attach)

☐ Check here if this is a new one-stop site and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

☒ Confirm that voting equipment, ballots and other materials will be secure during closed hours.

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☒ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SOSA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

Site information: Additional Site 3

Name of building Type of building
Street address Suite/room name
City Zip code
Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues)

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

☒ Confirm that the site continues to be accessible according to ADA standards (if explanation is needed and has not already been provided to SBE, please attach)

☐ Check here if this is a new one-stop site and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

☒ Confirm that voting equipment, ballots and other materials will be secure during closed hours.

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☒ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SJA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

Site information: Additional Site 4

Name of building Type of building
Street address Suite/room name
City Zip code

Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues)

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

☒ Confirm that the site continues to be accessible according to ADA standards (if explanation is needed and has not already been provided to SBE, please attach)

☐ Check here if this is a new one-stop site and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

☒ Confirm that voting equipment, ballots and other materials will be secure during closed hours.

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☒ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SOSA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

ATTACHMENT D

WATAUGA COUNTY BOARD OF ELECTIONS

ONE-STOP IMPLEMENTATION PLAN

The One-Stop Implementation Plan for the November 5, 2013, Municipal Election, as adopted by the previous board prior to the appointment of this Board was approved by the Watauga County Board of Elections at their meeting on Monday, August 12, 2013. This Plan supercedes and replaces the plan previously prepared for the November 5, 2013 Municipal Election for Watauga County.

Location 1: Watauga County Commissioners Boardroom, 814 West King Street, Boone, NC 28607

The Watauga County Commissioners Board Room is located on the ground floor of the Watauga County Administration Building, directly next door to the Watauga County Courthouse, which houses the CBE. This location has been used previously for voting in the elections as a polling place and is being used in lieu of the CBE office. The CBE office can no longer accommodate One-Stop voting due to size and space limitations. The voting site is handicapped accessible and has several reserved parking spaces in a private lot next to the building. There is additional parking on the street in front of the building. The voting enclosure is located in the Board Room which can be locked separately. In addition, the main building is locked during nonvoting hours. The elections director will have the only key to the Board Room. Computers used at this site will be in connected mode.

Proposed Hours:

Thursday, Oct. 17 - Friday, Oct. 18, 8:00 am - 5 pm
Monday, Oct. 21 - Friday, Oct. 25, 8:00 am - 5 pm
Monday, Oct. 28 - Friday, Nov. 1, 8:00 am - 5 pm
Saturday, Nov. 2, 8:00 am - 1:00 pm

All voted ballots and challenge forms will be secured in a locked cabinet of the CBE office and all other materials and supplies will be stored in a locked supply room at the CBE office.

Ballot Retrievalability:

Ballots will be marked at the top showing the precinct to which the voter is assigned, and also showing the absentee number assigned by the SOSA computer program. If necessary, at any time prior to the total count being done on Election Day, any ballot(s) could be retrieved.

Processing the Voter:

- The voter will approach the table and will be asked to state his/her date of birth.
- Staff will type in this information and then ask the voter to state their name and physical address.
- Staff will click on the voter's name; verify name, address and party in SOSA, and click Vote if all is correct.
- Staff will print out a "No-Excuse Absentee Application" for the voter to sign.
- Staff will sign as witness, record the information printed on the form on the ballot, and hand a ballot to voter.
- Staff will give instructions on marking the ballot, direct the voter to a voting booth, and instruct the voter to insert the ballot into tabulator after marking.
- Staff will make sure the voter does not leave the enclosure without inserting his/her ballot into the tabulator.

If the voter's name or address has changed, the official will enter that information and print a change of address form for the voter to sign, and then proceed as above.

Same Day Registration:

- If a voter appears to vote one-stop with no record of registration and wishes to register and vote, he/she will be given a voter registration application form to complete.
- The staff will confirm that all mandatory fields are completed and that the applicant meets eligibility requirements by providing an accepted form of ID as set forth in GS 163-82.6A(b)(2).
- When the process is completed successfully, the voter is allowed to vote as outlined above.
- The office staff will process the voter registration application and verify the information through cross-checking with DMV and SSA, and will mail a verification card to the voter within 48 hours of submission.

Voter Assistance:

Any voter who requests assistance is entitled to receive it. Assistance may be rendered by anyone of the voter's choice; however, assistance may not be rendered by the voter's employer or an agent thereof, or by an officer or agent of the voter's union.

Curbside Voting:

- Curbside voting is allowed during the entire time the polls are open.
- Each one-stop location will be provided with ballot call vehicle devices.
- When curbside assistance is needed, a precinct official will take a curbside affidavit to the voter to be completed and signed.
- When the official returns with the affidavit, the voter's name and address will be verified in the voter records and a ballot will be issued to be taken out to the voter.

WATAUGA COUNTY BOARD OF ELECTIONS

ONE-STOP IMPLEMENTATION PLAN

The One-Stop Implementation Plan for the November 5, 2013, Municipal Election, as adopted by the previous board prior to the appointment of this Board was approved by the Watauga County Board of Elections at their meeting on Monday, August 12, 2013. This Plan supercedes and replaces the plan previously prepared for the November 5, 2013 Municipal Election for Watauga County.

Location 1: Watauga County Commissioners Boardroom, 814 West King Street, Boone, NC 28607

The Watauga County Commissioners Board Room is located on the ground floor of the Watauga County Administration Building, directly next door to the Watauga County Courthouse, which houses the CBE. This location has been used previously for voting in the elections as a polling place and is being used in lieu of the CBE office. The CBE office can no longer accommodate One-Stop voting due to size and space limitations. The voting site is handicapped accessible and has several reserved parking spaces in a private lot next to the building. There is additional parking on the street in front of the building. The voting enclosure is located in the Board Room which can be locked separately. In addition, the main building is locked during nonvoting hours. The elections director will have the only key to the Board Room. Computers used at this site will be in connected mode.

Proposed Hours:

Thursday, Oct. 17 - Friday, Oct. 18, 8:00 am - 5 pm
Monday, Oct. 21 - Friday, Oct. 25, 8:00 am - 5 pm
Monday, Oct. 28 - Friday, Nov. 1, 8:00 am - 5 pm
Saturday, Nov. 2, 8:00 am - 1:00 pm

Site Security and Return of Supplies, etc.:

The voting enclosures will be locked at the end of each voting day; and the keys, along with all unused ballots, will be returned to the elections office each afternoon and will be locked in the director's office. Computers and printers will remain at the site during the entire One-Stop period. The M100's and AutoMarks will remain in their respective locations with locks and seals in place. At the end of the One-Stop voting period, all ballots, keys, supplies, etc., will be returned to the Board of Elections office, and machines will be returned to secure storage. Computers and printers will be returned to the BOE office and converted for OVRD use on election day.

Signage:

Large metal "Vote Here" signs will be placed outside the buildings for each voting site. A large "Vote Here Today" banner will be placed outside the County Administration Building and left up for the entire time that the voting site is open. Additional signage will be placed inside each voting site to direct voters to the voting enclosure. Designated parking and handicapped signs will be placed where needed at each site.

Training:

Extra workers will be hired to cover One-Stop. The site manager for each One-Stop site will begin working in the Board of Elections office about one month prior to the beginning of One-Stop voting, and others will be hired at the beginning of the week (three days prior to the start of One-Stop) in order to receive training from the director. Covered subjects will include opening and closing the polls, SEIMS One-Stop System Manager (SOSA), curbside voting, precinct transfers, voter assistance, provisionals, same day registrations, and voter challenges.

Notice:

The chairperson of each political party in the county will be notified of the locations and schedules of the sites thirty days prior to Election Day. News releases will be sent to all area news media by thirty days prior to Election Day. Paid advertisements will appear in the Watauga Democrat starting the week of September 14, 2013. Information will also be available on our website.

Voting Equipment:

Optical Scan M100 and AutoMark voting equipment will be used in One-Stop voting. The voting enclosures will be locked at the end of voting each day and the director will hold the keys. Seals will be used to secure the PCMCIA cards, and flash cards on the AutoMarks will remain locked and sealed at all times. Prior to the beginning of One-Stop voting, equipment will be tested by Director Hodges and members of her staff. Machines will be tested not only to check that they are working properly mechanically, but that they are also reading ballots correctly and giving the proper counts.

Laptop Computers:

Laptop computers will be installed at each One-Stop site. Location 1 will access the county server using One-Stop Voting Application in connected mode. Printers will also be installed to print absentee applications for the voter to sign. This site will also have a copier to copy documentation for same day registrations.

All voted ballots and challenge forms will be secured in a locked cabinet of the CBE office and all other materials and supplies will be stored in a locked supply room at the CBE office.

Ballot Retrievalability:

Ballots will be marked at the top showing the precinct to which the voter is assigned, and also showing the absentee number assigned by the SOSA computer program. If necessary, at any time prior to the total count being done on Election Day, any ballot(s) could be retrieved.

Processing the Voter:

- The voter will approach the table and will be asked to state his/her date of birth.
- Staff will type in this information and then ask the voter to state their name and physical address.
- Staff will click on the voter's name; verify name, address and party in SOSA, and click Vote if all is correct.
- Staff will print out a "No-Excuse Absentee Application" for the voter to sign
- Staff will sign as witness, record the information printed on the form on the ballot, and hand a ballot to voter.
- Staff will give instructions on marking the ballot, direct the voter to a voting booth, and instruct the voter to insert the ballot into tabulator after marking.
- Staff will make sure the voter does not leave the enclosure without inserting his/her ballot into the tabulator.

If the voter's name or address has changed, the official will enter that information and print a change of address form for the voter to sign, and then proceed as above.

Same Day Registration:

- If a voter appears to vote one-stop with no record of registration and wishes to register and vote, he/she will be given a voter registration application form to complete.
- The staff will confirm that all mandatory fields are completed and that the applicant meets eligibility requirements by providing an accepted form of ID as set forth in GS 163-82.6A(b)(2).
- When the process is completed successfully, the voter is allowed to vote as outlined above.
- The office staff will process the voter registration application and verify the information through cross-checking with DMV and SSA, and will mail a verification card to the voter within 48 hours of submission.

Voter Assistance:

Any voter who requests assistance is entitled to receive it. Assistance may be rendered by anyone of the voter's choice; however, assistance may not be rendered by the voter's employer or an agent thereof, or by an officer or agent of the voter's union.

Curbside Voting:

- Curbside voting is allowed during the entire time the polls are open.
- Each one-stop location will be provided with ballot call vehicle devices.
- When curbside assistance is needed, a precinct official will take a curbside affidavit to the voter to be completed and signed.
- When the official returns with the affidavit, the voter's name and address will be verified in the voter records and a ballot will be issued to be taken out to the voter.

If the officials determine that the challenged person is qualified, and he/she takes the oath, they will overrule the challenger and permit the person to vote in the normal way.

If the challenge is sustained and the person still wants to vote, the officials offer the challenged voter the Application for a Challenged Ballot on side 2 of the Challenge Envelope, which he/she can fill out, along with an Affidavit of the Challenged Voter. The official then writes on top of a ballot "Challenged Ballot #___" and puts that same number on the Challenge Envelope. The challenged voter will mark the ballot and put it in the envelope and seal it. The official will put the sealed envelope into a special container to deliver to the Board of Elections at the end of the day.

Political Party Observers:

Designated political party observers will be allowed in the voting enclosure as outlined in the North Carolina General Statutes. Should our county be involved in Vote & VAX, this will take place outside the buffer zone.

Emergency Procedures:

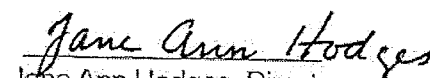
- In any emergency or unforeseen situation, the County Board of Elections will be contacted as soon as possible to advise and take board action if needed.
- The SOSA Site Manager will discuss emergency procedures with all One Stop staff and will assign each staff member items to remove from the site in the event of an evacuation.
- If the polling place must be evacuated....
 - Site Manager evacuates all voters.
 - SOSA workers evacuate, taking the following items, if possible: M100
 - Ballot Scanner - leave M100 on the ballot box if possible all ATV forms, same day registrations, and other information as needed
 - All unvoted ballots
 - Red plastic bag with Provisional ballots
 - Laptop computer(s) Once a safe location is reached, call 911 if necessary and call Jane Ann Hodges (265-8070) immediately.
- If the polling place loses electricity
 - If natural light permits, allow voting to continue. The M100 ballot scanner, AutoMARK and Laptop will operate on battery power.
- If the voting equipment is not working

Open the emergency bin of the ballot box and allow voting to continue.
If the site is closed for an extended period of time, signs will be placed at the site directing voters to another One-Stop site.


Chairman


Secretary

Member


Jane Ann Hodges, Director

ATTACHMENT E

North Carolina State Board of Elections

One-stop Implementation Plan Form: 2016 Elections

INSTRUCTIONS: Please complete the first two pages of this form, and continue past Page 2 if your county is operating additional one-stop sites. This form can be completed electronically and saved with your information entered. Along with this form, include the Additional Site form for each additional site scheduled, and a resolution or signature page showing that the County Board of Elections voted unanimously to approve the plan (if unanimous).

In order to retain the data you have entered into this form, please simply save the file and send back to SBE. Do not print out/scan back in.

County Date of Election

This plan covers the CBE office (or nearby alternate site in lieu of the CBE office), plus additional sites.

Voting system

Type of voting system used at one-stop sites

One-stop voting site workers

☒ Confirm that workers at all sites are adequately trained (per G.S. 163-227.2(g)).

Election observers

☒ For partisan contests, confirm that political party observers will be allowed at one-stop sites as set out in G.S. 163-45.

Emergency and back-up plans

☒ Confirm that the County Board of Elections has established procedures in the event of an emergency, power outage, etc.

County Board approval

A one-stop Implementation Plan must be unanimous to be approved administratively by SBE staff. If it is not unanimous, one or more County Board Members can petition the State Board to consider a *proposed* Plan using this form, which would be considered at a hearing held by the State Board of Elections in Raleigh. The other County Board Member(s) can also submit an alternative proposed Plan for the State Board's consideration.

Date of meeting in which this Implementation Plan was considered by County Board

☐ Plan is unanimously approved by the County Board of Elections

☒ Plan is not unanimous (A County Board Member or Members petition the State Board of Elections to consider this proposed Plan at a hearing in Raleigh)

Name of County Board Member(s) petitioning the State Board to consider this proposed Implementation Plan

Total cumulative hours of one-stop voting at all sites for this election

This number will be automatically calculated based on the number of hours entered on the following pages.

Disposition

SBE office use only

- ☐ Plan reviewed
- ☐ Plan approved by Executive Director ☐ If Plan is not unanimous, schedule set by State Board
- ☐ Schedule entered into One Stop System Manager; appearing on statewide One-stop schedule report
- ☐ Hours and locations on statewide One-stop schedule report have been checked and do match the hours and locations in this Plan

Site information: CBE Office Site (or nearby alternate site in lieu of the CBE office)

| | | | |
|---|--|------------------|-----------------------------|
| Name of building | WATAUGA COUNTY ADMINISTRATION BUILDING | Type of building | Government (administrative) |
| Street address | 814 WEST KING STREET | Suite/room name | COMMISSIONERS' BOARD ROOM |
| City | BOONE | Zip code | 28607 |
| <input checked="" type="checkbox"/> This site is in lieu of the CBE office (in a different building) | | | |

Is the building public or government-owned? (Supported or maintained, in whole or in part, by tax revenues)

☐ If the above answer is "no," confirm that other equally suitable sites were not available, and confirm that the use of the site chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of the county.

Accessibility

- ☒ **Confirm that the site continues to be accessible according to ADA standards** (if explanation is needed and has not already been provided to SBE, please attach)
- ☐ **Check here if this is a new one-stop site** and attach documentation confirming that the facility was inspected for accessibility according to ADA standards

Security of ballots, equipment, and materials

- ☒ **Confirm that voting equipment, ballots and other materials will be secure during closed hours.**

Check all that apply:

- ☒ Locks are changed to rooms where equipment/materials are stored during closed hours
- ☒ Ballots are returned to the CBE office daily
- ☒ Materials are stored in locked cabinets or storage lockers

Voting equipment

Number of SOSA computers

SOSA connection mode:

Number of voting stations

IvoTronics: ADA-accessible Non-ADA-accessible

Voting booths: Standard height Wheelchair-accessible

AutoMark station(s) Number of curbside voting spots

Schedule for the CBE office (or nearby alternate site) Select the open time, close time, and the number of hours open for each day of operation.

| | Enter corresponding dates | | | | | |
|--------|---------------------------|------|----------------------|-------|----------------------|--|
| Thurs. | 10/27/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Fri. | 10/28/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Sat. | <input type="text"/> | Open | <input type="text"/> | Close | <input type="text"/> | Total hours for day <input type="text"/> |
| Sun. | <input type="text"/> | Open | <input type="text"/> | Close | <input type="text"/> | Total hours for day <input type="text"/> |
| Mon. | 10/31/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text"/> |
| Tues. | 11/1/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Wed. | 11/2/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Thurs. | 11/3/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Fri. | 11/4/16 | Open | 08:00 AM | Close | 05:00 PM | Total hours for day <input type="text" value="9"/> |
| Sat. | 11/5/16 | Open | 08:00 AM | Close | 01:00 PM | Total hours for day <input type="text" value="5"/> |

Enter hours totals as numbers rounded to the nearest quarter. For example, if the site is open for 8 hours and 45 minutes, enter 8.75.

Total hours for CBE office site

This number will be automatically calculated based on the number of hours entered for each day in the area to the left.

Schedule for additional site(s)

(If the county will operate additional sites)

Enter the corresponding dates, and elect the open time, close time, and the number of hours open for each day of operation at all sites.*
For each additional site, complete the Additional Site Form to enter in site information including address, accessibility, voting systems information, etc.

| | | | | | | |
|--------|---------------------------------|------|----------|-------|----------|-----------------------|
| | Enter corresponding dates | | | | | |
| Thurs. | 10/27/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Fri. | 10/28/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Sat. | | Open | | Close | | Total hours for day |
| Sun. | | Open | | Close | | Total hours for day |
| Mon. | 10/31/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Tues. | 11/1/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Wed. | 11/2/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Thurs. | 11/3/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Fri. | 11/4/16 | Open | 10:00 AM | Close | 05:00 PM | Total hours for day 7 |
| Sat. | 11/5/16 | Open | | Close | | Total hours for day |

Enter hours totals as numbers rounded to the nearest quarter. For example, if the site is open for 8 hours and 45 minutes, enter 8.75.

Total hours for each additional site

49

This number will be automatically calculated based on the number of hours entered for each day in the area to the left.

☐ Check here if open and close times will vary between additional sites

If open and close times will vary between additional sites, type out your own schedule and attach to this form. Complete the information above except for open and close times (additional sites must still be open on the same days, and for the same number of hours as each other during those days).