


From: Eric Eller ellerlawoffice@gmail.com 
Subject: Election Security on Campus
Date: July 8, 2020 at 11:10 PM
To: Andrew Stephenson stephensonam1@appstate.edu, anna.oakes@wataugademocrat.com, Matthew.Snyder matthew.snyder@watgov.org, jane.hodges@watgov.org



July 8, 2020

Appalachian Police Department
461 Rivers Street
Boone, NC, 28608
Attn.: Chief Andy Stephenson

Re: Election Security on Campus

Chief Stephenson,

Greetings. The purpose of this letter is to address the issue of potential security threats in the upcoming election cycle, and to inquire whether your department can guarantee that any election activities on campus can be conducted safely and securely in the face of potential escalating protests designed to disrupt such activities.

I read the July 7, 2020 article on the Watauga Democrat's website titled, "Black students, alumni demand changes at university," as well as the accompanying PDF copy of the actual letter sent to members of the university's administration, dated July 6, 2020, laying out the demands of a group called Concerned Black Mountaineers. I would like to draw your attention to the bottom of page 1 of that letter, in which the group states as follows:

Appalachian State University's Administration, which includes Chancellor Sheri Everts, must respond to these demands with a statement by July 10, 2020 at 5pm. Every member of the current administration has been sent this letter, as well as, the Chief Diversity Officer. **ALL** of the demands must be fully implemented within the next 36 months starting from the time a response is issued. These demands have been strenuously vetted by various students, alumni, and faculty that are not to be changed, edited, or negotiated. In the light of our current climate, if our demands are not met, we will take appropriate nonviolent actions which will disrupt **ALL** university operations and escalate until our demands are met. [emphasis in original]

Even nonviolent actions or protests may disrupt election activities at any polling site on campus, discourage voters from voting, and constitute a violation of State and Federal election laws, not to mention constitute a violation of the civil rights of voters attempting to use the polling site.

On page 2 of their letter, Concerned Black Mountaineers declare their intention to draw media attention to their activities, stating, "We **will not** hesitate to contact the state-wide media sources to publicize our movement and our demands and

the state wide media sources to publicize our movement and our demands and bring to light the treatment of black students, faculty, and staff at Appalachian State University.” [emphasis in original] Disrupting the election process would draw substantial media attention, potentially including national media attention. Such publicity could very well attract other, outside organizations whose activities may be far less “nonviolent.”

Obviously, Concerned Black Mountaineers have a Constitutional right to peacefully protest any University or governmental policy they feel is unjust. But their right to protest does not include the right to disrupt or interfere with the election process, or otherwise violate the civil rights of voters, poll workers, and the public at large. Therefore, please advise whether your department can to do the following:

1. Guarantee the physical safety of all voters choosing to exercise their right to vote at any polling site on campus, and all poll workers working at any such polling site.
2. Guarantee that any and all voters waiting in line to vote (which, in light of COVID-19 social distancing requirements, may be significant), will not be subjected to any protest or other disruptive activities so that **NO** voter feels threatened, intimidated, or harassed, either as regards their desire to exercise their right to vote, or their choice of candidate.
3. Guarantee that access to any polling site on campus will remain open and accessible to **ALL** voters during **ALL** hours when the polls are open, and will remain open and accessible to all poll workers before the polls open and after they close so that they may arrive and depart in a safe and timely fashion.
4. Guarantee that any and all election activities will be able to proceed without disruption or delay, and that any equipment or ballots at any polling site on campus will be safe and secure from intrusion or compromise.

As you know, in recent elections, the Watauga County Board of Elections has placed both an early voting polling site and an election day polling site in the Blue Ridge Ballroom at the Plemmons Student Union.

As you can imagine, given the ongoing pandemic and the climate of tension surrounding so many issues before the electorate this November, this is going to be an election which presents obstacles and difficulties unlike any faced in our lifetimes. It is imperative in such an environment that the public has confidence in the elections process so that they can have confidence in the election results. That cannot be achieved unless they first have confidence that they can go to the polls without fearing harassment or intimidation, and that the polls they go to are safe and secure.

On Friday, July 10, Director of Elections Matt Snyder is scheduled to have a virtual meeting with an official from the University regarding what space, if any, the

University will be able to make available for the purposes of early voting and election day polling sites. I plan to take part in that meeting, and I understand that our Board's Chair, Jane Hodges, will be taking part as well. Then, on Tuesday, July 14, our board will have a virtual meeting where our agenda will include consideration of both early voting and election day polling sites. I would greatly appreciate it if you could address my concerns prior to these meetings. If you have any questions or concerns regarding the concerns I have expressed, please do not hesitate to call me at my office.

Thank you for your time and consideration of these matters.

Sincerely,

Eric Eller
Member, Watauga County Board of Elections

cc: Anna Oakes - Watauga Democrat
Matt Snyder - Watauga County Director of Elections
Jane Hodges - Chair, Watauga County Board of Elections

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