

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, NOVEMBER 6, 2012 AT ELECTION HEADQUARTERS,
110-C SOUTH HERRITAGE STREET, KINSTON, NC 28502**

File: Word2012Nov6BOE

Present: Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison, Elections Director Dana W. King, Deputy Director Barbara Hammonds and staff members Jean Alphin and Barbara Perry

The board members met at Election Headquarters at 6:30 a.m. and the Chair assigned specific duties to the board members; delivery of Absentee Listing of citizens that had voted, established a liaison contact In addition to staff for problems, established protocol for runners to transport supplies and training needs.

Sharon L. Kanter

K5 – Spilman Church
K6 – Teacher’s Memorial School
K7 – Emma Webb
K8 – Holloway Center
Contentnea
Sand Hill
Vance

Kimberly B. Allison

L1 – Carver Courts
K2 – Gordon Street
Neuse
Pink Hill 1
Pink Hill 2
Trent 2
Southwest
Woodington

Oscar E. Herring

K3 - Fairfield
K4 – Northwest School
K9 – Pentecostal Church
Falling Creek
Institute
Moseley Hall
Trent 1

Prior to departing Election Headquarters the board members were reminded of the board meeting scheduled for 3:00 p.m.

Board members hand-delivered the Absentee Listing of citizens that had voted and other documents and supplies to the precincts. The board members were requested to verify, with the Chief Judges, that the time on the iVotronic machines was correct. The Chief Judges were instructed to take corrective action if any iVotronic voting machine had the incorrect time because the iVotronic voting machines will begin to close down at 6:30 p.m. if the time has not been changed.

The opening of the poll went smoothly and the poll workers encountered few problems. However, throughout the day the board members were on the move transporting reels of paper for the Ivotronic voting machines and other depleted supplies.

The board returned to Election Headquarters and the Chair called the meeting to order at 3:00 p.m. The board briefly discussed the email that had been received from the NCSBOE Executive Director regarding an issue with poll observers. At 3:15 p.m. the board members and the Elections Director met with Bob Griffin, the county attorney. Mr. Griffin reviewed the documentation presented by Chairman Kanter and the documentation is listed as attachment 2.

After giving Attorney Griffin sufficient time to review the documentation the Chairman placed a call to Susan Nichols with the SBOE. She requested that the LCBOE remain “on hold” to request the Executive Director’s presence, but only the Deputy Director was available. Attorneys Griffin and Nichols discussed the documentation and jointly agreed ***that if a Lenoir County Board of Elections decision to allow Republican observers would be challenged in court that a judge would agree we had acted correctly in the spirit of the law.*** At 4:15 p.m. a motion by Oscar E. Herring, a second by Sharon L. Kanter and

approval [two yea votes and one nay vote] that the six listed named individuals were authorized to represent the Lenoir County Republican Party as observers at the November 6, 2012 from 4:15 p.m. to 7:30 p.m.

Bill Vandivere, 2631 Old English Lane, Kinston, NC 28504, 252-522-3176,
Falling Creek Precinct, 10:00-2:00

Delores (Diane) Gates, 500 Breckenridge Ln., Kinston, NC 28504, 252-559-9284,
Neuse Precinct, 1200-2:00

Tammy Tolar, 425 Jessie T. Bryan Road, Kinston, NC 28504,
Emma Webb Precinct, 10:00-12:00

Jan Evans, 1301 Par Drive, Kinston, NC 28504, 252-559-1752,
Northwest School, 10:00-12:00

John C. Nix, 3003 Hillman Road, Kinston, NC 28504, 252-560-2150,
First Pentecostal Church, 6:30-8:30 a.m.

Roy A. Coombs, 121 Rae Road, Kinston, NC 28504, 252-939-6060,
Vance Precinct, 10:00-2:00

Chairman Kanter requested that Oscar Herring, Republican board appointee, call Lenoir County Republican Party Chairman Jeff Nice and relay the board's decision. This request was performed immediately and Jeff Nice was notified via cell phone. The Elections Director proceeded to her office and called each affected precinct chief judge and gave them the names of the approved Republican observers.

The meeting with Attorneys Griffin and Nicholas was adjourned at 4:20 p.m. on a motion by Oscar E. Herring, a second Kimberly B. Allison and unanimous approval.

Chairman Kanter called the meeting to order at 4:29 p.m. to open the military and overseas absentee envelopes. The military and overseas absentee ATVs were run through the M-100 tabulator for a totalized count. The board completed the opening and tallying of the military and overseas absentee ATVs and the meeting was adjourned at 8:10 p.m. on a motion by Kimberly B. Allison, a second by Oscar E. Herring and unanimous approval.

All votes were counted and the November 6, 2012 General Election results were transmitted to the SBOE. The board members and staff closed down Election Headquarters at 00:15 a.m. on November 7, 2012.

These minutes were electronically approved by the board on 6 November 2012.

APPROVED:

Sharon L. Kanter
Chairman

Kimberly B. Allison
Board Member

Oscar E. Herring
Secretary

Attachment 1 – List of Democratic Observers

Lenoir County Democratic Party
Moving Forward

311 N. Queen Street
Kinston, NC 28502
252-208-2663
252-208-2673
November 1, 2012

Dear Lenoir County Board of Elections:

Pursuant to North Carolina General Statute section 163.45, please find attached a list of Democratic Party observers for Election Day precincts in Lenoir County. All observers are registered voters of Lenoir County. This list covers Election Day precincts in Lenoir County for November 6, 2012

Signed,

Jimmy Cochran
Chair, Lenoir Democratic Party

Lenoir County Democratic Party
Moving Forward
October 31, 2012

Listed below are the names, phone numbers, and locations of Poll Observers for the Democratic Party:

<u>Outside</u>	<u>Phone Number</u>	<u>Location</u>	<u>Time</u>
Troy Glenn	252-624-4582	Kinston 1	6:30 a.m. – 7:30 p.m.
<u>Inside</u>			
Mrs. Melvin Powell	252-686-6339	Carver Court Recreation Room	6:30 a.m. – 7:30 p.m.
Deirdra Suggs	347-847-5980	Gordon Street Christian Church	6:30 a.m. – 7:30 p.m.
Michael Cunningham	347-599-5451	Gordon Street Christian Church	6:30 a.m. – 7:30 p.m.
Faye Heath	252-522-2742	Spilman Baptist Church	2:00 p.m. – 7:30 p.m.
Alfreda Lopes	252-523-5310	Teachers Memorial School Gym	6:30 a.m. – 7:30 p.m.
Hazel Richberg	252-527-6080 252-686-6125	Teachers Memorial School Gym	12:00 p.m. – 7:30 p.m.
Theresa Wade	252-686-0466	Emma Webb Recreation Center	6:30 a.m. – 1:00 p.m.
Kareen Windley	252-523-1246	Emma Webb Recreation Center	1:00 p.m. – 5:00 p.m.
Shakira Cabrera	252-527-2410	Holloway Recreation Center	6:30 a.m. – 7:30 p.m.
Hubert Kittrell	252-566-4891	LaGrange VFD	9:00 a.m. – 7:00 p.m.
Antoinette Williams	252-566-5839	Grace Fellowship	6:30 a.m. – 7:30 p.m.

Attachment 2 – Documentation Regarding Republican Judges

On October 11, 2012 the Elections Director notified the Democratic and Republican Party Chairs of the appointment process and deadline submission date for appointing observers. In addition, a copy of NCGS 163-45 was attached to the letter.

On 23 October 2012 Chairman Kanter invited the Chairs of the Democratic and Republican parties to a meeting to discuss issues that had surfaced since the one-stop voting had begun. At the meeting the Lenoir County Republican Chair [LCRC] presented the Chairman of the Lenoir County Board of Elections with a list of names and requested that they be appointed as poll observers. The LCRC was requested to provide the site location and time of where each of the Republican observers would be stationed, along with the observer's contact information. The LCRC stated that he would contact the interested observers, add the site locations, and return the annotated list of observers to the Lenoir County Board of Elections. At this time in the meeting, board member Kimberly B. Allison read NCGS 163-45 to the attendees [Chairs of the Democratic and Republican Party] and the attendees were encouraged to perform a web search for NCGS 163-45 which will provide information about observers.

On 29 October 2012, Chairman Kanter sent an email to the Chair of the Republican Party and reminded him of the deadline date for submitting names of Republican observers.

On 29 October 2012, an email from Michele Nix, Vice President, Secretary and Treasurer of the Lenoir County Republican Party. Monday, Oct 29, 2012 at 1:09 p.m.
Dana, Attached is the spreadsheet with the names of those who have signed up to be Poll Observers. We are still working on the times and precincts, but will get it to you ASAP. Thanks. Michele

Monday, October 29, 2012 at 9:00 p.m. email from Dana King to Michele Nix:
Michele, I received your list of observers and ran copies. The first name on the list was a candidate and she could not stay at the Mall. I was programming voting equipment today but the Mall called and my staff told her that she could not stay. Patricia understood and she left. I just wanted you to know in case Patricia did not tell you. Thanks. Dana

Monday, October 29, 2012 at 9:47 p.m. email from Michele Nix to Sharon Kanter.
We did check with NCGOP and technically she can. She is not an "electioneer" if she is observing as is the description. Michele Nix.

Monday, October 29, 2012 at 10:04 p.m. email from Kim Allison [board member] to Michele Nix.
I was at the BOE when the staff received the call this morning regarding Ms VonCannon wanting to stay and be an observer. Michele NCGS 163-45 states "...No person who is a candidate on the ballot in a primary or election may serve as an observer or runner in that primary or election."

Monday, October 29, 2012 at 10:39 p.m. an email from Dana King to Kimberly Allison:
Thanks Kim. I have been trying to get into my e-mails from here at the office for 30 minutes. I am finally back in. I was going to send another email after looking for the GS. Glad you were able to send this on. I have no idea what was going on with the internet tonight. Thanks again. Dana

Tuesday, October 30, 2012 at 10:50 p.m. email from Michele Nix to Sharon Kanter:
Please see below, Bob Pruett is the NCGOP Third District Chair.

Tuesday, October 30, 2012 at 11:41 p.m. email from Bob Pruett to Michele Nix:

FORWARDED MESSAGE---Oct 30, 2012 at 7:54 a.m.

Thanks Kim, as you know I was under the impression she could serve as long as she did not campaign in any way. I guess her presence is enough to presume that activity. Sorry. Bob.

Tuesday, October 30, 2012 at 1:54 p.m. and email from Kim Allison to Michele Nix:

Mr. Pruett: I believe the law is pretty clear in stating that a candidate cannot be an observer. Hopefully, we now have this matter cleared up and we can all move forward. Kim

Thursday, November 1, 2001 at 10:00 a.m.

Deadline date for submission of observer names to the Chair of the Board of Elections and the Republican Party failed to meet the requirements of NCGS 163-45.

Friday, November 2, 2012 at 6:39 p.m. Oscar Herring sent an email to Jeff Nice

At approximately 4:30 p.m. the Elections Director notified Herring via a phone call that the Republican Party did not submit their list for observers. Herring made three phone calls to the Republican Chair and each time received a message "phone inoperable". Herring was not at a location to send an email and when he returned home he sent an email to the Republican Chair:

FROM: Oscar Herring (herringoscar@yahoo.com)

TO: clydescomm@earthlink.net

DATE: Friday, November 2, 2012 6:39 PM

Jeff, Dana called me around 4:30 p.m. today and stated that you had not sent in a list of names by 10:00 today for observers to work on the 6th. She stated that she had sent you a reminder letter of the deadline date. Jeff, if you have questions, perform a web search for NCGS 163-45. Thanks for all that you do. Oscar

Monday, November 5, 2012 at 2:06 p.m. email from Jeff Nice to Dana King:

Oscar contacted me indicating you hadn't received our Poll Watchers list so we were not going to be allowed to have poll observers. As you know, I was activated by the Red Cross last week in response to Hurricane Sandy and had Michele follow up with you in regards to our list of observers. I haven't back tracked every email in this regard but I don't see any traffic from you indicating there was a problem with the list provided by Michele on 10/29/2012 at 13:09. Can you provide me with an immediate response so we can get this rectified ASAP? Thanks. Jeff

Monday, November 5, 2012 at 2:10 p.m. email from Jeff Nice to Dana King:

According to this email Dana responded to Michele Nix list of observers with the following statement. "Michele I received your list of observers and ran copies." And the Board chair. What is going on at the BOE? Jeff Nice

Monday, November 5, 2012 at 2:49 p.m. email from Dana King to Jeff Nice:

Jeff, the list Michele sent had early voting beside everyone's name. I am not at the office right now but I will recheck that as soon as I get back there. Dana

Monday, November 5, 2012 at 2:51 p.m. email from Dana King to Sharon Kanter:

Here is the email I received from Michele. I will look back to make sure I didn't miss an email from her. Dana

Monday, November 5, 2012 at 3:00 p.m. email from Michele Nix to Dana King:

Dana, The file sent on 10/29/2012 noted the last column was Election Day Observers we had confirmed. I have since confirmed more and was in the process of compiling when Jeff called and said one wasn't sent – I do have the final list if you can accept it. Michele.

Monday, November 5, 2012 at 7:33 p.m. email from Dana King to Michele Nix:

My sincere apology for missing the columns past the early voting days and names. I printed the attachment and because they were further over and I printed it on 8 ½ by 14 paper on landscape, it ran off the page and did not show those columns. I do have the list you sent on October 29th for Election Day Observers. The names and precincts you have on that list are the only ones that may observe on Election Day because we did not get the other names in before deadline. I have attached the original email attachment you sent with all Observers and Precincts on it for Early Voting and the ones I missed for Election Day. I have run a copy without the early voting names, cut and pasted a list with the Election Day Observers names and Precincts. I will contact those that have inquired about the Republicans having an Observer List for Election Day in Lenoir County. I have also copied Jeff and my board members on this email. Again, I apologize for missing part of the attachment. Dana W. King.

Monday, November 5, 2012 at 7:35 p.m. email from Michele Nix to Dana King:

No problem Dana. We're all human. Michele

Monday, November 5, 2012 at 8:01 p.m. email from Sharon Kanter to Dana King:

Dana, thanks for getting this out to Michele and Jeff. I hope this clears up their misunderstanding of the law regarding observers. That law contains no provisions about hurricanes or ASAP; it's very specific. I hope this settles this issue so we don't have to deal with the fallout all day tomorrow. I ran by Emma Webb after I left the office – it looks great! Those laptops were just sitting in a row waiting for 6:30 a. m. Sharon

Monday, November 5, 2012 at 8:13 p.m. email from Sharon Kanter to Dana King:

All, we still have a problem with this list. I just re-read the statute (163-45), and it states in the second paragraph on page 62 that "individuals authorized to appoint observers must, prior to 10:00 a.m. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct for which each observer is appointed. You see the problem. We have only one unsigned copy of the list. Again, the statute is clear. The way this works is not optional. Comments, please. Sharon Kanter

Monday, November 5, 2012 at 9:30 p.m. email from Sharon Kanter to Jeff Nice:

Jeff, I am sorry to have to tell you that, according to GS 163-45 of the Election and Related Laws and Rules of North Carolina, in the second paragraph, the information below is not correct. On page 62, the second paragraph states "Individuals authorized to appoint observers /must/ prior to 10:00 a.m. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections /two signed copies/ of a list of observers appointed by them, designating the precinct for which each observer is appointed." "Individuals authorized to appoint observers must, prior to 10:00 a.m. on the fifth day prior to any primary or general election, submit in writing to the chair of the county board of elections two /signed/ copies of a list of observers appointed by them, designating the precinct for which each observer is appointed." The list Michele submitted to Dana by email does, indeed, include the

correct information for the six observers on that list scheduled to work tomorrow, Election Day; but it is a single, unsigned copy of the list. I have consulted with my fellow board members, and we are in consensus that – much as we might like to bend the law a bit in this case, knowing that you have been out of town helping the victims of Hurricane Sandy – the statute we are sworn to uphold is clear. I wish it were otherwise, but we cannot legally allow the six observers on the list to be in any of Lenoir County’s precincts tomorrow. Sharon Kanter, Chairman, Lenoir County Board of Elections.

Tuesday, November 6, 2012 at 7:13 a.m. email from Jeff Nice to Sharon Kanter:

I am pretty sure I saw a printer in the BOE office but maybe it was a figment of my imagination. Why was this not addressed until after the deadline. It seems amazingly convenient that you and the BOE staff would wait until after the deadline to bring this discrepancy to our attention! So your staff overlooked the list we provided days before the deadline and now you are discrediting our poll observers list because your staff didn’t give us time to correct a signature issue that could have easily been corrected if we had been notified before the deadline. So in Lenoir County, it doesn’t matter what the Republican Party does you will find fault and wait until after the deadline to tell us. Dually noted! Have a nice day! Jeff Nice.

Tuesday, November 6, 2012 at 12:27 p.m. email from Don Wright to Sharon Kanter

This was just sent to Republican Attorney Bill Peaslee

Bill, In situations where the appointment of observers did not occur because of oversight or failure of the county political party chairman to make appointments, Executive Director Gary Bartlett has stated that the county political party chair may visit a precinct to make a list of voters that had voters from ATV Forms. This right only applies to the county chairman. I will inform Lenoir County CBE of this position. Don

Tuesday, November 6, 2012 at 12:59 p.m. email from Gary Bartlett to Jeff Nice:

Bill Pleaslee and Roger Knight, attorneys representing the State Republican Party, make a good case the Lenoir County Republican Party submitted their observer list timely. They asked that I help in this matter. Out of a “sense of fairness” I would encourage the Board to accept the observer list and allow them to serve. This should help squelch rumors and ill-will and promote bi-partisanship. When these issues have surfaced in the past whether Democrat or Republican, we have encouraged this be worked out by the local Board. I am aware in one instance of technicalities/lateness a Superior Court Judge allowed participation – but as you know, Judges will vary in their decision and may have a different set of facts from one county to another.

Tuesday, November 6, 2012 at 2:11 p.m. email from Sharon Kanter to Gary Bartlett:

Gary, the timely list which the Lenoir County Republican Party submitted included the names and poll assignments for six observers. The issue is not with those six observers. The issue is that the submitted list does not meet the statutory requirements of being submitted, duplicated copies prior to the statutory deadline. If you are recommending that this Board ignore that requirement without legal repercussion to the Board, we will be happy to welcome those observers’ participation. It is likely too late to squelch rumors and ill-will. Sharon L. Kanter, Board Chairman

Tuesday, November 6, 2012 at 2:21 p.m. email from Gary Bartlett to Dana King:

He complied with the spirit of the law and received no assistance for corrective action by staff or Board. Consult with your county attorney. Susan Nichols is aware of this situation and is available for your county attorney’s call. Her cell is (919)-616-3097.

