

**Lenoir County**  
**BOARD OF ELECTIONS**

P.O. Box 3503  
Kinston, North Carolina 28502

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Dana W. King  
Director of Elections

Sharon L. Kanter, Chairman  
Oscar E. Herring, Secretary  
Kimberly B. Allison, Member

January 23, 2013

Executive Director Gary O. Bartlett  
N.C. State Board of Elections  
PO Box 27255  
Raleigh, N.C. 27611-7255

Re: Petition for Termination of Lenoir County Elections Director Dana W. King

Dear Executive Director Bartlett,

This is a petition for the termination of Dana W. King as Director of the Lenoir County Board of Elections under the provisions of GS 163-35. The reason for the termination is unsatisfactory work performance, described as follows:

1. On March 13, 2012, the Lenoir County Board of Elections (hereinafter LCBOE), meeting in closed session pursuant to NCGS 143-318.11(6), conducted a performance review of Mrs. King. A review instrument, based on examples provided the Board by Lenoir County Department of Human Resources, was developed by the Board; each Board member and Mrs. King scored a copy of the review instrument. Board scores were compiled and averaged, and the resulting aggregate scored Board review and Mrs. King's scored review were compared and discussed. The scores were disparate enough that, after identifying several specific changes the Board wanted to see over the next six months, a benchmark review was planned for early September, 2012.

Among the changes the Board directed Mrs. King to implement were:

- 1.1 Improved communication with Board members. For the first six months of this Board's tenure, Mrs. King rarely communicated with any of its members either by telephone or email. As a consequence, Board members had to take the initiative to find out what was happening in the Board office, and what they were expected to do. For example, Board members were notified the day before documents were due to be filed that their signatures were needed. In some instances, Board members

were not available (out of town, working, etc.) on a same-day basis to sign documents.

- 1.2 Training for new Board members. Mrs. King was not present when the Board members were sworn in, so no familiarization materials were provided to them. At its first meeting, Mrs. King provided Board members with a copy of the 2011-2012 budget, payroll forms, and a copy of the North Carolina Election and Related Laws. There was no existing Board manual or Board training information, so the two new Board members were left to figure out their duties and responsibilities, leaving the one continuing Board member to pass on that information. This resulted in a serious time lag and considerable confusion on the part of the Board regarding their duties and expectations.
- 1.3 Develop a plan of work for the year. No work plan had ever been created for the LCBOE, resulting in frequent last-minute form/document preparation and scheduling pressures such as poll worker trainings being conducted too close to elections, Board members not being aware of when trainings were scheduled, and last-minute preparation of regular documents and mailings. One Board member with a background in organizational development consulting offered to help with the preparation of a work plan, with which Mrs. King stated she was unfamiliar.
- 1.4 Pursuant to a motion by the Board at its February 15, 2012 meeting, publish the LCBOE official minutes on the Board's Web site, and revamp the site to include more voter information. Little attention had been paid to the Web site; it included the names of the Board and staff, a brief overview of the LCBOE, and some outdated election returns. Any internet user, such as a new County resident, could find little useful information on the site. A Board member voluntarily undertook reworking the site contents. Mrs. King's responsibility was to see that the minutes were posted after they were approved each month.
- 1.5 Provide Board members with a monthly calendar of LCBOE events and deadlines, and a monthly budget report. Lacking an LCBOE calendar, Board members found it difficult to rearrange work, other volunteer and family commitments on short notice. Without a monthly budget report, it is difficult for the Board to understand and track its financial status.

Each of these issues was discussed at length in the closed session, and Mrs. King agreed to make these changes.

2. The draft One-stop Voting Plan for the May 2012 primary election, when it was presented for the Board's signatures on August 8, 2012, contained spelling, grammatical, and sentence structure errors, and had the appearance of having been hastily thrown together. The Board asked Mrs. King if the points in the plan responded to the questions received from NC State Board of Elections (hereinafter NCSBOE), and what those questions were. Mrs. King responded that she could not find the NCSBOE guide, so the Board was being asked to approve a response to unknown requirements. The Board delayed approving the plan until the corrections were made.
3. During One-stop voting on April 19, 2012 a newly hired poll worker called Mrs. King to complain that he was "having problems" with the chief judge in the precinct to which he had been assigned. Mrs. King agreed to meet with the poll worker outside the polling site, but did not keep the appointment because she was delayed at the office. She eventually phoned the poll worker and talked with him. The poll worker called a Board member shortly after that conversation to complain that after they had finished their conversation, Mrs. King neglected to disconnect her phone; the poll worker, who was very upset, alleged that he heard Mrs. King say to a staff member, over the still-open phone line, that the only reason she had to "work" him was because he was gay. Mrs. King did not deny making the statement, nor did she deny leaving her telephone line open. The complaint was resolved in a mediation session at the BOE, but Mrs. King's lack of attention exposed the LCBOE to a potential lawsuit.
4. On primary election day, May 8, 2012, the majority of Lenoir County's polls could not open on time because of printer errors. Mrs. King had County IT personnel working on all the computers and printers prior to setting up the polls, but the poll workers had not been adequately trained to deal with the errors they encountered. Voters were irate, and LCBOE was the center of unwelcome media attention during the day.
5. The curbside voter alert bells in many precincts did not work on Election Day. At the post-election canvass meetings on May 15, 2012 and again on July 24, 2012, meetings at which Chief Judges are encouraged to share issues and concerns, the non-working bells were a topic of heavy discussion among the Chief Judges. The bells are important because the majority of Lenoir County's polling places do not have a line of sight from the polling facility to the curbside voting site, and without a working bell, poll workers have no way of knowing a curbside voter is waiting. The bells have not worked, to this

Board's knowledge, for three election cycles; yet Mrs. King has made no attempt the Board knows about to replace them with working bells. This situation causes inefficient use of poll workers' time, extra demands on the precinct staff – a poll worker being stationed with a view of the site on a “just in case” basis and tying up more poll workers when multiple curbside voters appear at one time -- and unnecessary irritation to voters.

6. After the polls closed on May 8, 2012, a system the Board implemented helped get the flash cards and totalized tapes into the BOE from the polls earlier than in previous elections, yet Mrs. King encountered the same difficulty she had experienced in previous elections transferring the data to the NCSBOE Unity system, resulting in the Lenoir County primary results not being posted until after 10:00 PM. Voters who had come to the BOE to watch the returns were very vocal in their criticism of the entire LCBOE. The Board has asked Mrs. King in the past if she feels she needs more Unity/computer training, and her response was negative.
7. LCBOE Board scheduled a regular meeting for July 10, 2012. When the Board arrived for the meeting, the staff informed the members that Mrs. King and the Assistant Director were conducting a poll worker training at another location from the BOE. Mrs. King had not informed the Board either that she would not be available for the meeting or that the training had been scheduled. The Chair was not involved in developing the training agenda or in the training itself, as required by the General Statutes.
8. At its August 8, 2012 Board meeting, with several visitors present and an August 10 submission deadline looming, Mrs. King presented to the Board for the first time a One-stop voting plan for the November election. Because of errors in the document, the Board could not approve the plan and was faced with a last-minute submission of the corrected plan.
9. This Board's mandatory NCBOE training took place August 14-15, 2012. Mrs. King received the letter from NCSBOE on June 8, 2012 regarding the training dates, but no LCBOE member was made aware of the dates of the training until July 9, making it difficult for all three members to clear those dates to be in attendance. One LCBOE member missed a half day of the training due to a medical appointment that could not be changed; another, who had started a new job, encountered disapproval from her employer; the third had to rearrange a family commitment. Since NCSBOE trainings

provide the primary source of operational information, as well as organizational information, for the LCBOE, and it's not logistically possible for all three Board members to attend all the sessions, the Board suffers when even one half-day is missed by a member. Prompt communication could have prevented all the rearranging.

10. NCSBOE trainings represent a significant expense for LCBOE, since three Board members and all four staff members participate in the training. Upon checking into the hotel for the August training in Chapel Hill, a Board member learned inadvertently from a hotel desk clerk that the rooms were booked at full price of \$135 per night per person, when LCBOE qualified for either a group rate (\$63 per night) or the State rate (\$83 per night), whichever would be lower. The Board member shared this information with Mrs. King when she arrived, and recommended that Mrs. King contact the hotel management to take advantage of this substantial saving after Mrs. King expressed surprise that she was eligible for the discounts. Mrs. King chose to wait until she returned to Kinston to deal with the matter, and did not communicate the outcome to the Board. However, in follow up by a Board member, the Board learned that a refund of \$800 was returned by the hotel to Lenoir County. In 16 years of budgeting for and attending NCSBOE trainings, Mrs. King has apparently never availed LCBOE of discounted hotel rates.
11. At its August 23, 2012 meeting the LCBOE approved the relocation of Contentnea Precinct, a precinct that had nearly intolerable working conditions for the poll workers, for the November election. Mrs. King told the Board that NCSBOE and the United States Department of Justice (DOJ) needed 90 days' lead time to approve a resolution to change the precinct. It took Mrs. King until August 30, seven days, to prepare the resolution, which she then emailed the Board members they needed to come to the office and sign the resolution that day. The delay pushed the resolution past the 90-day lead time to change a polling place and led to DOJ requiring Mrs. King to fax some missing information before the change could be approved. It was only LCBOE's good luck that the precinct change received approval for the November 6 election.
12. On September 13, 2012 the LCBOE met in closed session pursuant to NCGS 143-318.11(6) to conduct Mrs. King's benchmark performance review, which was scheduled on March 12. The same review instrument and the same process were used as in the March review. The aggregate Board scores for Mrs. King's work performance were lower and Mrs. King's scores for her own work performance were higher than in the March review. The disparity was discussed at length, focusing on the directives Mrs. King was given and to which she agreed at the end of the March review.

- 12.1. Communication continues to be a problem. The Board never knows when Mrs. King is going to be out of the office; Board members are notified at the last minute when their signatures/approvals are needed on documents and correspondence; rarely is any Board member told of incidents that happen in the office that might benefit from the Board's knowing about them; and Board members are not given adequate notice of future meetings.
- 12.1. No work plan for LCBOE has been developed, and the offer of help in developing a plan has never been mentioned.
- 12.2. Calendars have been provided only sporadically, with minimal information when they are provided. Monthly budget reports have been likewise sporadic, leaving the Board members unaware of LCBOE'S financial status.

Mrs. King's having ignored most of the Board's directives given and agreed to by her at the end of the March performance review, and each of the issues identified above that occurred in the interim since the March review, were discussed at length in closed session by the Board and Mrs. King. Based on her continued unsatisfactory work performance, Mrs. King was placed on probation until after the November election was completed. That probation remains in force as of the submission of this petition.

13. Additional issues concern the Board regarding Mrs. King's ineffective supervision of the LCBOE employees, who are responsible to her. Specific instances of that ineffectiveness include:

- 13.1. Despite the Board's direction prior to each series of poll worker trainings in October 2011, March-April 2012, and October 2012, Mrs. King has made no effort to recruit additional One-stop poll workers at any training. At least one Board member has attended each training session and noted the lack of One-stop recruiting. This inaction has resulted in the pool of potential One-stop poll workers stagnating at the same level it has been for at least the past two years, while Lenoir County's number of registered voters has consistently increased, and leads inevitably to having to pay some One-stop workers overtime. Not having an adequate pool of trained potential One-stop poll workers leads inevitably to the workers we do have accruing overtime because there is no one to alternate with/relieve them.
- 13.2. A letter from the LCBOE Assistant Director to poll workers dated September 10, 2012 notifying them of the October 2012 trainings directed them to report for training on a day on which no training was scheduled.

- 13.3. Poll worker trainings are scheduled too close to election days, preventing workers who are on One-stop duty from attending trainings. The Board has repeatedly directed Mrs. King to conduct trainings earlier, to avoid that conflict. Mrs. King's rationale for the trainings' timing is that the workers will forget what they have learned in training if the training is held too far in advance of the One-stop period/election. No empirical evidence supports that rationale. Some poll workers did not attend the scheduled training because they misunderstood the letter.
- 13.4. Board members made repeated requests in September and October, 2012 for a current list of all poll workers and a list of One-stop poll workers. The Assistant Director maintains those lists. Board members received a current list of poll workers after the November 6 election; no list of One-stop workers has been provided. The Board's concern in requesting the lists was being able to ensure that all poll workers had received the General Statutes-mandated pre-election training; without a current list, that checking is impossible. Additionally, if no list of One-stop workers exists, it is impossible to make a schedule for them.
- 13.5. On the first day of One-stop voting, October 18, 2012, during an emergency meeting of Board members Kim Allison and Oscar Herring to discuss ways to deal with many issues that had arisen at the opening of the four polls, NCSBOE Executive Director Gary Bartlett phoned to tell Mrs. King that one of his staff had alerted him that some voters in Lenoir County's Contentnea precinct had apparently been placed in the incorrect district. Mrs. King was out of the office, en route to the two rural One-stop sites. The NCSBOE staff member was immediately connected to the Deputy Director who prepares the district ballots, who verified that some voters were in the incorrect district. The error was corrected on the ballots, the erroneous votes were cancelled, and the voters involved were given the opportunity to vote new ballots.
- 13.6. Poll workers as late as the evening of October 17, 2012 were not aware of whether or not they were expected to work the One-stop polls. A poll worker phoned a Board member because she was unable to contact Mrs. King to ask her; the Board member was able to reach Mrs. King who said she had announced at the training sessions that the regular workers would work the One-stop sites. Several poll workers subsequently stated that they had not heard that announcement; no

phone calls had been received from the LCBOE Assistant Director responsible for communicating with the poll workers.

- 13.7. Precinct supplies were not delivered until mid-day on October 18, 2012, the first day of One-stop voting. The lack of signs created problems at the precincts regarding the 50-foot electioneering boundary, designation of curbside voting locations, and traffic flow in the precincts. Precincts were missing personnel name tags, envelopes for curbside ballots, pens and pencils, and a Bible. Precinct supply boxes are the responsibility of the Assistant Director, who reports to Mrs. King.
- 13.8. Mrs. King's lack of planning for the widely anticipated influx of Election Day voters on November 6, 2012 resulted in a majority of the Lenoir County precincts running out of supplies, including computer printer paper required for Authorizations to Vote and delaying voting. Rolls of voting machine paper had to be ordered after close of business on November 5. A case of computer paper had to be purchased hastily from a local retailer. Rovers, and staff, and Board members were required to deliver supplies, leading to inflated mileage reimbursement expenses and last-minute supplies purchases. Supplies are purchased by the Assistant Director.
- 13.9. The time on the voting machines at most precincts on November 6 was not calibrated properly. After a flood of early morning phone calls from precinct judges, Lenoir County IT personnel, LCBOE election rovers, LCBOE staff Board and deployed to all precincts to reset the voting machines to Eastern Standard Time. As LCBOE Director, Mrs. King guided the purchase of Lenoir County's ESS voting machines and has either programmed the machines herself or supervised the programming of the machines since LCBOE has owned them.
14. Numerous issues of Mrs. King's management and competence that have arisen since the November, 2012 election are of even deeper concern to this Board. Chief among those concerns, for reasons detailed below, is a budget overrun of \$20,847 caused by problems with the November election. One of those problems, \$5,424.39 of overtime paid to poll workers, could have been mitigated or, with careful management, prevented by Mrs. King following the Board's directives to (1) recruit additional One-stop poll workers from the existing pool of roughly 185 trained poll workers and (2) develop and implement a schedule for One-stop poll workers.

A second contributing factor to the budget overrun is that, in the face of what was widely anticipated for more than two years to be the largest election in this nation's history, Mrs. King budgeted \$10,000 less for election expenses in her 2012-2013 budget than she budgeted four years ago for election expenses in her 2008-2009 budget. This Board would not have known that, had it not been for the Board meeting with the County Manager on January 3, 2013 and been given that information as part of the County Manager's response to a more general question about budgeting. The budget overrun puts LCBOE and, by extension, Lenoir County in violation of North Carolina's Fiscal Control Act, exposing Lenoir County to potential litigation for a public agency overspending its budget.

15. Mrs. King misled this Board in regard to funds budgeted for the election. At three separate Board meetings on August 8, August 23, and again on October 16, Mrs. King was asked point-blank if there were adequate funds in the budget to cover the projected election expenses, including one day of three expanded voting hours and one half-day of Sunday voting. In each instance, Mrs. King confirmed to the Board that there were sufficient funds in the budget to cover all expenses through 2012. Lacking a month-to-date budget report, the Board had no basis to question Mrs. King's assessment. The Board can only conclude that either Mrs. King was unaware of the status of her own budget, or that she was not truthful in response to the question asked by the Board.
16. Before authorizing the additional hours of voting in both the May 2012 primary election and in the November general election, this Board asked Mrs. King to project the cost of adding 8 hours of voting at the four One-stop sites to the Lenoir County schedule. Mrs. King provided the Board with a chart indicating that the cost of adding 8.5 hours to the schedule was \$1,445. Having been assured that funding was adequate to cover that expense, the Board authorized the expanded schedule of One-stop voting. The actual cost proved to be slightly less than that in the May, 2012 primary election. In the , 2012 election the cost of the same expanded voting hours proved to be closer to \$2,500, according to figures Mrs. King shared with the Lenoir County Commission, an increase due to precinct worker overtime costs.
17. The larger issue related to the budget overrun is numerous incidents in which Mrs. King either violated or was unaware after 16 years as a department manager of a Lenoir County personnel policy of at least 11 years' standing which requires all department heads to notify the County Manager of any projected/impending overtime required by their department, and to obtain the County Manager's written approval to allow such overtime. In fact, a similar issue of allowing poll workers to accrue unauthorized overtime arose as

long ago as 2004, according to a letter to Mrs. King dated February 11, 2001 from former County Manager John Bauer. In that letter 11 years ago, Mr. Bauer reminded Mrs. King that no employees are to begin working without his written permission, and that any overtime must be approved in writing by him, in advance. Violating that policy is a violation of the Fair Labor Standards Act (FLSA) and exposes Lenoir County to potential large fines by the Federal government. Mrs. King asserts she has never seen Mr. Bauer's memorandum.

18. In a second violation of the Fair Labor Standards Act, during the weeks leading up to the election and the election itself, Mrs. King and her 3-person staff worked an aggregate total of 1,599 hours of overtime that was also never requested from or approved by the County Manager. Mrs. King simply submitted the staff time sheets to Lenoir County Finance for payment, which the County refused to pay. The County Manager, to comply with FLSA and avoid the potential of heavy fines, has authorized payment of all overtime hours accrued in excess of 240 hours per employee. Mrs. King has been required to present a resolution from the BOE to the Lenoir County Commission asking for a special appropriation from the County's general fund in the amount of \$20,847 to cover the budget overrun. Mrs. King made the Board aware informally, at a holiday LCBOE Luncheon on December 13, 2012 that she would be preparing the resolution for County Commission; the Board members stated they would like to see the resolution and discuss it before she submitted it. The Board met on January 19, 2013 and members were given copies of the resolution, which Mrs. King had submitted to the County Manager the previous day, January 18, 2013, completely ignoring the Board's unanimous request. By so doing, Mrs. King has placed the Board in the embarrassing and uncomfortable position of appearing to County Commission to be responsible for a document which they did not review or approve.
19. Mrs. King also violated the same Lenoir County personnel policy by hiring temporary office assistance for six weeks prior to the election without obtaining the pre-approval required from the County Manager, and without authorization from the Board. When questioned in a Board meeting about this hire, Mrs. King responded, "That's how we've always done it." That statement appears to this Board to mean that she doesn't consider that County policy applies to the BOE, when in fact it does apply.
20. Mrs. King committed additional violations of Lenoir County policy, North Carolina law, and Federal law during the November, 2012 election. Twenty-one I-9 forms for LCBOE poll workers were not completed within the time mandated by the Department of Homeland Security and Immigration and Naturalization. Failure to comply with the Department's

21. time frame can result in heavy fines charged to Lenoir County. Two incidents occurred during 2012 of BOE poll workers sustaining on-the-job injuries, one during the May, 2012 primary election and one during the November, 2012 election. In both cases, Mrs. King failed to file worker's compensation claims within the specified time frame, resulting in one worker going to a physician outside the workers compensation network. This second incident is proving to be very costly to Lenoir County because the injured poll worker sought outside medical help in the wake of the delayed filing. In both the I-9 and workers compensation processes, information, instructions, and forms are available on the County Web site.
22. Errors were made by Mrs. King in submitting election expenses to the Lenoir County Finance Department for payment. The expenses were submitted, but Mrs. King failed to provide the Finance Department with the correct line items, resulting in the expenses being posted to incorrect line items in the LCBOE budget. Mrs. King was directed several times by the Board to obtain a revised and corrected budget, but the correction was never obtained or presented to the Board. In one such erroneous posting, a poll worker was paid as a Chief Judge when in fact she was an Assistant. The poll worker was asked to refund the overpayment to the BOE, and she did so.
23. Throughout the LCBOE budget crisis which has become apparent since the November, 2012 election, Mrs. King has not communicated with the Board regarding the fiscal situation. The County Manager directed her in a memo dated December 5, 2012 to study her budget to see what money could be moved from other line items to address the payroll overruns. The Board has received no communication regarding this issue, nor has Mrs. King sought the Board's assistance.
24. At its January 8, 2013 LCBOE meeting, the Board requested that the Chairman contact Mrs. King, who was out of town on a personal vacation, and direct her to prepare a schedule for the employees to begin taking their accumulated compensatory time. Mrs. King returned to the office on January 14. The Chairman emailed Mrs. King on January 15, informing her that the Board wished to meet, with her present, on January 18 and restating the Board's directive regarding the compensatory time schedule; Mrs. King responded that was fine. At the Board meeting on January 18, Mrs. King presented the Board with copies of calendar pages for December and January showing how much compensatory time employees have taken thus far, and copies of a hastily hand-written list of the compensatory time accumulated, used, and remaining to be used for each staff member. No schedule had been created.

25. During a recount on November 27, 2012 of the Congressional District 7 race following the November 6, 2012 election, Mrs. King gave instructions to the Board which were challenged by Brian Ratledge, attorney for the David Rouzer campaign who attended the recount. On reviewing the General Statute in question, the Board and Mrs. King agreed that Mr. Ratledge was correct.
26. The Board issued a directive to Mrs. King on January 8, stating it would hold a meeting to review the details of what Mrs. King would include in the resolution she was required to submit to the Lenoir County Commission in regard to the budget overrun. The Board met on January 18, 2012 for that purpose, only to learn that Mrs. King had submitted a resolution to the County Manager on January 17 for pre-meeting distribution to the Commissioners. Not only did Mrs. King ignore the Board's directive of January 8, she submitted a formal document in the name of this Board while depriving the Board members of any input into that document.
27. Mrs. King received a memo dated December 5, 2012 from Lenoir County Manager regarding management of the LCBOE office. Mrs. King provided copies of this memo to the LCBOE Board on December 20, 2012. In her email to the Board, Mrs. King stated that she would be writing a response to the County Manager. In a December 31, 2012 email to Board members, with an attached draft letter to the County Manager, she stated she would send the letter so the County Manager would have it when he returned to work from the holidays on Wednesday, January 2, 2013.

At the January 18, 2013 LCBOE meeting, Mrs. King informed her Board that she would email later that day a copy of her response to the County Manager. At 5:38 PM on Friday, January 18, 2013, Board members received an email from Mrs. King that included her response to the County Manager. Mrs. King waited until after 5:00 on Friday, knowing as a County employee that County offices were closed on Monday, January 21 for a national holiday, to send this response. She was also aware as a County department head that Mr. Jarman would not be able to provide the County Commissioners with copies of her letter until Tuesday, January 22nd at their scheduled meeting.

Mrs. King's work performance described herein fails to satisfactorily meet the needs of the Lenoir County Board of Elections with regard to leadership; effective, timely, accurate and efficient management; and communication. She has failed to avail herself of the resources of her Board, despite those resources having been offered repeatedly, and has ignored directives

and formal motions of the Board multiple times for more than a year. Mrs. King lacks familiarity with basic modern management tools such as planning, policy, scheduling, and personnel management. The LCBOE's current budget crisis is a direct outcome of her lack of budgeting expertise and attention to detail.

For the reasons contained in this document, and with long and careful consideration on the part of this Board, the Lenoir County Board of Elections respectfully asks the North Carolina State Board of Elections to grant this petition for termination.

This Board stays ready to cooperate with your office as to this termination request in any way possible. As reflected by our signatures below, each of the board voted for and supports this petition for termination.

Sincerely,

Lenoir County Board of Elections

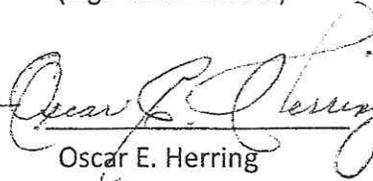
(Sign name below)

(Sign name below)

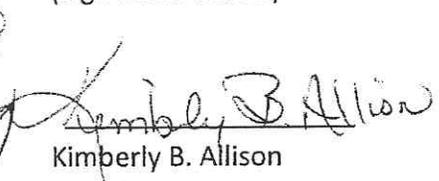
(Sign name below)



Sharon L. Kanter  
Chairman



Oscar E. Herring  
Secretary



Kimberly B. Allison  
Member

# Lenoir County BOARD OF ELECTIONS

P.O. Box 3503  
Kinston, North Carolina 28502

Sharon L. Kanter, Chairman  
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Phone (252) 523-0636  
Fax (252) 523-3472  
Dana W. King  
Director of Elections

## Schedule of Enclosed Documentation Exhibits



- 1.1. Email from Dana King to LCBOE members dated January 20, 2013
- 1.2. Lenoir County board of Elections (LCBOE) official minutes, Official Minutes book page 1420
  
2. LCBOE official minutes August 8, 2012, Official Minutes book page 1505
  
3. Mediation meeting in closed session, April 23, 2012 with Board members Oscar Herring and Kim Allison, Elections Director Dana King, and complainant present; Phone calls between complainant and Board member Kim Allison documented as enclosed.
  
4. LCBOE official minutes May 15, 2012, Official Minutes book page 1494
  
5. LCBOE official minutes August 8, 2012, Official Minutes book page 1505
  
6. LCBOE official minutes May 8, 2012, Official Minutes book page 1491
  
7. LCBOE official minutes July 10, 2012, Official Minutes book page 1497-1498
  
8. LCBOE official minutes August 8, 2012, Official Minutes book page 1505; Email from Dana King to LCBOE members dated August 9, 2012
  
9. Emails (3) dated July 9, 2012 from Dana King to LCBOE members Sharon Kanter, Oscar Herring, and Kim Allison
  
10. Confirmation of \$800 refund to Lenoir County confirmed by telephone with Lenoir County Finance Office; documentation available on further request
  
11. LCBOE official minutes August 23, 2012, Official Minutes book pages 1507-1508



- 13.1. LCBOE official minutes October 25, 26, 27 and 28, 2012, Official Minutes book pages 1439—1442; March 29, April 2, and April 16, 2012, Official Minutes book pages 1482-1484; October 9-11, Official Minutes book page 1510; and October 19, 2012, Official Minutes book page 1516.
- 13.2. Memorandum dated September 10, 2012 from Barbara Hammonds, LCBOE Assistant Director, to poll workers; Lenoir County Board of Elections (LCBOE) official minutes October 15, 2012, Official Minutes book page 1514.
- 13.3. LCBOE official minutes October 30, 2012, Official Minutes book page 1523.
- 13.5. Memorandum for Record created by Oscar Herring, Secretary, LCBOE
- 13.6. Memo for Record dated 20 October 2012 created by Oscar herring, Secretary, LCBOE,
- 13.7. *ibid.*; LCBOE official minutes October 19, 2012, Official Minutes book page 1515.
- 13.9. LCBOE official minutes November 6, 2012, Official Minutes book page 1524.
14. Memorandum dated December 5, 2012 from Lenoir County Manager Mike Jarman to Mrs. King; LCBOE official minutes August 23, 2012, Official Minutes book page 1508.
15. Verbal information delivered in a meeting of all LCBOE members with Lenoir County Mike Jarman at a meeting in his office on January 3, 2013 to discuss LCBOE's budget overrun; Lenoir County Board of Elections official minutes January 3, 2013, Official Minutes book page 1532.
16. Charts labeled 15A and 15B; LCBOE official minutes August 8, 2012, Official Minutes book page 1505; August 23, 2012, Official Minutes book page 1508; and October 15, 2012, Official Minutes book page 1514.
17. Memorandum dated December 5, 2012 from Lenoir County Manager Mike Jarman to Mrs. King; attached to that memo a memorandum from former County Manager John Bauer to Mrs. King
18. *ibid.*; Attachments to memorandum dated December 5, 2012 from Lenoir County Manager Mike Jarman to Mrs. King
19. *ibid.*
20. Information from Lenoir County Department of Human Resources delivered to LCBOE Chairman on January 17, 2013.

21. Memorandum dated December 5, 2012 from Lenoir County Manager Mike Jarman to Mrs. King; LCBOE official minutes, October 16, 2012, Official Minutes book page 1514.
22. *ibid.*
23. LCBOE official minutes, January 8, 2013, Official Minutes book page 1532; copy of emails between Sharon Kanter to Dana King dated January 15, 2013.
24. LCBOE official minutes, November 27, 2012, Official Minutes book page 1531
25. LCBOE official minutes, January 8, 2013, Official Minutes book page 1532
26. *ibid.*; Email from LCBOE Secretary Oscar Herring to LCBOE members Sharon Kanter and Kim Allison dated December 22, 2012; Memorandum to from Oscar Herring to Dana King dated December 21, 2012 in reference to Letter from the County Manager dated December 5, 2012

Sharon Kanter

**From:** Kim Allison [ksballison@gmail.com]  
**Sent:** Sunday, January 20, 2013 9:01 AM  
**To:** Sharon Kanter; Oscar Herring  
**Subject:** Fwd: One Stop Plan  
**Attachments:** Absentee Sites Plan Gen Nov '12.docx

More emails

----- Forwarded message -----

**From:** Dana King <dking@co.lenoir.nc.us>  
**Date:** Thu, Aug 9, 2012 at 7:39 PM  
**Subject:** One Stop Plan  
**To:** skanter@suddenlink.net, herringoscar@yahoo.com, ksballison@gmail.com  
**Cc:** "dking@co.lenoir.nc.us" <dking@co.lenoir.nc.us>

Please review and let me know if I need to change anything else. I hope I didn't forget anything. I will be able to send it to SBOE tomorrow and I have the letter ready for the Department of Justice.

Thanks  
Dana

---

Dana W. King, Director  
Lenoir County Board of Elections  
252-523-0636

The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any other MIME-compliant system, you should be able to save it or view it from within your mailer. If you cannot, please ask your system administrator for assistance.

---- File information -----

File: Absentee Sites Plan Gen Nov '12.docx  
Date: 9 Aug 2012, 19:35  
Size: 24310 bytes.  
Type: ZIP-archive

THE LENOIR COUNTY BOARD OF ELECTIONS MET AT 12:03 P. M. MONDAY, JULY 19, 2011 IN THE BOARD OF ELECTIONS OFFICE, KINSTON NORTH CAROLINA

Present: Sharon L. Kanter, Oscar Herring, Present Secretary, Kimberly B. Allison and Margaret Seymour, Register of Deeds.

Absent: Dana W. King, Director of Lenoir County Board of Elections

Staff in attendance: Barbara Hammonds and Barbara Perry

Others in Attendance: William Allison, Justin Gordon, Evelyn Herring and Tate Johnson

Margaret Seymour, Register of Deeds, administered the oath of office to the members of the Lenoir County Board of Elections; Oscar Herring at 12:04 p.m., Kimberly B. Allison at 12:05 p.m. and Sharon L. Kanter at 12:06 p.m. Immediately after taking the oath of office the members signed the appropriate paperwork. The ceremony concluded at 12:07 p.m.

The board members held a meeting at this time to elect officers and hold a short meeting.

THE LENOIR COUNTY BOARD OF ELECTIONS MET AT 12:08 P. M. MONDAY, JULY 19, 2011 IN THE BOARD OF ELECTIONS OFFICE, KINSTON NORTH CAROLINA

Present: Sharon L. Kanter, Chairman, Oscar Herring, Secretary and Kimberly B. Allison, Member.

Absent: Dana W. King, Director of Lenoir County Board of Elections

The returning board member and current Secretary, Oscar Herring, called the meeting to order at 12:08 p. m. and opened the floor for nominations for Chairman of the Lenoir County Board of Elections. Sharon L. Kanter was unanimously elected as the Chairman on a motion by Kimberly B. Allison and a second by Oscar Herring. The floor was opened for nominations for Secretary of the Lenoir County Board of Elections and Oscar Herring was unanimously elected as Secretary on a motion by Sharon L. Kanter and a second by Kimberly B. Allison.

The consensus of the board members was to schedule two meetings:

10:00 a.m. on August 10, 2011

10:00 a.m. on August 16, 2011

The meeting was adjourned at 12:25 p.m. on a motion by Kimberly B. Allison.

**MINUTES, SPECIAL CALLED MEETING, LENOIR COUNTY BOARD OF ELECTIONS ON 8 AUGUST 2012 AT 4 P.M. AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison, and Elections Director Dana W. King.

**Others In Attendance:** Jimmy Cochran (Chair of the Lenoir County Democratic Party), Roland Best (Vice Chair of the Lenoir County Democratic Party), Jeff Nice (Chair of the Lenoir County Republican Party), Darrell Eubanks (Republican Candidate for At Large County Commission), Michelle Nix, (Secretary of the Lenoir County Republican Party), Paul Whittington (Executive Committee member of the Lenoir County Republican Party), Angelique Roche, Organizing for America (Eastern Region), David Anderson (reporter from local newspaper), and Janet Carter (photographer with the local newspaper)

Chairman Kanter called the meeting to order at 4:00 p.m. and welcomed all in attendance and thanked them for showing an interest in the work of the local Board of Elections. Mrs. Kanter stated that the purpose of the meeting was to approve the One-Stop Voting Plan and asked if there were additions to the agenda. Hearing none the agenda was approved.

At the onset of the meeting Mrs. Kanter asked the Elections Director, Dana W. King, if there was sufficient money in the budget to cover the elections through 2012. Mrs. King Confirmed there are sufficient funds in the budget to cover all expenses through 2012.

Mrs. King was asked when she received the email from SBOE requesting information on the One-Stop Voting Plan. Mrs. King could not find the email. Therefore, the Board proceeded to review the One Stop Voting Plan without knowing the specific information points which were being requested by the SBOE.

A motion was made by Kimberly B. Allison, seconded by Sharon L. Kanter and approved to extend the hours at Vernon Park Mall from 11:00 a.m. - 7:00 p.m. and that all One Stop sites shall be opened on Sunday, 10/28/2012 from 1:00 p.m. to 5:00 p.m. Herring cast a nay vote.

Ms. King informed the Board that Pink Hill was not a good site for Sunday voting, but if it is opened the cost will not affect the budget. On a motion by Kimberly B. Allison, a second Oscar E. Herring and unanimous approval to exclude Pink Hill as a voting site.

**Schedule for One-Stop Sites**

- Thursday, 10/25/2012, revise the hours at Vernon Park Mall from 11:00 a.m. to 7:00 p.m.
- Saturday, 10/27/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m.
- Sunday, 10/28/2012, One Stop sites will be open from 1:00 p.m. to 5:00 p.m.
- Saturday, 11/3/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m. (required by NC GS).

The Chair asked for comments from the audience and there was a lively discussion between the board and the visitors regarding Sunday voting and the Pink Hill early voting site. An individual expressed his concerns about the elimination of the Pink Hill site. He stated that if only one voter comes to the site to vote, then the BOE should not deny him this opportunity to vote in Pink Hill. Closure of the Pink Hill site will require voters to travel to Kinston to vote. Kimberly B. Allison accepted an amendment to her motion, and on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval, Pink Hill will be included in the One-Stop Voting Site Plan (total of four).

There was considerable dialogue from the visitors regarding the One Stop sites being opened on Sunday. There were several suggestions, but the Board did not implement any of the suggestions except to continue Pink Hill as a One Stop voting site.

The Board reviewed point by point the contents of the drafted One-Stop Voting Plan. The Board reserved the option to delay approval of the Plan to give the Director sufficient time to make corrections.

Mrs. King shared with the Board a tentative training schedule:

**Technical Training on 10/09/2012 (laptops, printers and other equipment)**

10:00 a.m. to 12:00 p.m.  
2:00 p.m. to 4:00 p.m.

**Technical Training on 10/10/2012 (laptops, printers and other equipment)**

10:00 a.m. to 12:00 p.m.  
2:00 p.m. to 4:00 p.m.

**Technical Training on 10/11/2012 (laptops, printers and other equipment)**

10:00 a.m. to 12:00 p.m.  
5:30 p.m. to 7:30 p.m.

**General Training – 10/22, 10/23, 10/25 (no times have been established)**  
(Review the general information in the Lenoir County Training Booklet)

Lenoir County Board of Elections  
Petition for Termination of Lenoir County Elections Director Dana W. King

Exhibit 3

Text Messages between [REDACTED] and Kim

4/19/2012

[REDACTED]: 4/19 11:07 AM

Umm I need to talk you ... Asap ... Plz message me back

Kim 4/19 11:17AM

Call me

[REDACTED] 4/19 11:47AM

What's your number? Is it illegal to write who you *voted* for on a piece of paper and put it in your back pocket

Kim 4/19 11:54 AM

No.

I was traveling from Emerald Isle to Kinston when I received a text message at 11:07 AM on 4/19/12 from [REDACTED]. I was between Trenton and Kinston when I received my first text. When I arrived in Kinston, I went straight to the LCBOE visited for about 20 minutes. I asked Dana how things were going and she said everything was fine no problems. When I left the BOE I went to Medical Center Pharmacy and picked up some prescriptions (11:49AM). When I left the drug store, I was headed to the house when [REDACTED] called me. I was on Carey Road.

[REDACTED] told me that [REDACTED] had been on him" all day. She first told him, he could not write down what candidates that he had *voted* for. He told her it was for his own personal use. They got into a discussion about the presidency and she told him she had rather have Satan as president than Obama. [REDACTED] was offended by the comment. [REDACTED] went outside to call Dana to tell her of the issues that they were having and he told me that Dana was on her way down to PH. They were to meet at the Rescue building not at the polling site. At 12:50PM, [REDACTED] called me again and said Dana had not showed up and he was still waiting. I told him to call back to the BOE and make sure she had left. I left the house and went back to the BOE and Dana was still there. She told me she was trying to get down there but been tied up. She told me she would call [REDACTED].

[REDACTED] called me back around 2:00 and said Dana had called him and when they finished talking, she did not hang her phone up and he heard her tell [REDACTED] that the only reason they had to work him was because he was gay. [REDACTED] responded and said I knew he was going to be trouble from the

start. [REDACTED] was very upset. I told him I was going to call Sharon Kanter our Chairman involved that I was going to step back. Dana called me at 2:53PM to tell me of the incident.

Sharon spoke to Dana and [REDACTED] and they both confirmed that they had made those comments. Sharon tried to set up a meeting between [REDACTED], Dana and herself and they were unable to meet until Monday, April 23<sup>rd</sup> at 11:00.

Sharon called me first thing Monday morning and told me she had a medical emergency and would not be able to attend the meeting. She asked me to attend. I told her I would and would also like board member Oscar Herring present.

The meeting took place at 11:00. [REDACTED] told us again the same story as stated above and Dana agreed for the most part. Dana said that [REDACTED] had told her that [REDACTED] kept going outside. [REDACTED] said he only went outside to calf [REDACTED] and Dana.

Dana and [REDACTED] apologized to [REDACTED]. It was decided that [REDACTED] would not work the PH early voting site and would be moved to LaGrange.

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One federal ballot was received prior to the 5:00 p.m. deadline of 5/14/2012 and must be counted.

The Board of Elections received 129 provisional ballots and 61 were counted.

Absentees by mail – 70

One-Stop – 3878

Curbside ballots – 291

Total votes cast in Lenoir County were 12,726 [low turn-out]

Chairman Kanter and board member Kimberly B. Allison opened the absentee ballots received on 5/14/2012 and there one Democrat and two Republican ballots. On a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval to count the three ballots that were received prior to the 5:00 p.m. deadline date of 5/14/2012 were counted.

Mrs. King informed the Chief Judges that a number of ballots could not be counted because the application had not been signed.

Possible run off date is 7/16/2012.

The Board Secretary read the results of the provisional ballots [counted or not counted]. This information is reflected in the attachment.

Comments made by Chief Judges or their representative.

- Voters' conduct was great, with only one exception.
- In the event a parent brings their small children with them to the precinct to vote the poll workers are encouraged to give them a sticker.
- Unaffiliated voters are not educated on how to use an "unaffiliated ballot".
- A Chief Judge stated that the Board of Elections staff is champs in response to inquiries. They are knowledgeable and are eager to provide information to help the precinct officials and poll workers. The staff received a round of applause for their knowledge and help during the difficult times at the precincts.
- At Moseley Hall a campaign worker waved cars past the 50 foot line and encouraged them to park in the curbside voting space. Republican Judge Myrtle Sutton addressed this violation with the campaign worker.
- Voters used the curbside space to request a curbside ballot when it appeared they were physically able to walk, Moseley Hall.
- Campaign workers violated the 50 foot restriction many times and had repeated warnings from board members, the Chief Judge and poll workers, Moseley Hall.
- The curbside bell does not work, K8. They do not know who is outside because there are many people outside campaigning. Help with this issue is desperately needed.
- During the canvass meeting the Chief Judges were encouraged to share with the other Chief Judges the problems/events that they encountered and how the problems/events were resolved. One Chief Judge began her statement that her precinct had an unusual event and proceeded to elaborate on the topic. Immediately, Kimberly B. Allison, board member, stopped the Chief Judge and informed her that her comments were privileged information and that she should make no further comments regarding the event because the canvass meeting was not the proper setting and the 26 people in attendance did not need to hear this information. The discussion on this topic was stopped.

Local races	LaRoque	-1863
	Bell	- 733
	Johnson	- 3526
	Rich	- 3904

On a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval, the votes were certified.

- The Chairman and Director of Elections encouraged the Chief Judges to call the Director of Elections or a board member if they had recommendations for improvement.
- The laptops and printers were programmed but when they were shipped to the precincts the program did not work and there were printer problems. The county IT Department has stated that they can fix the problem and it should not happen again.
- Chief Judges requested that they be permitted to get into the respective precincts the night before the election and have time to set-up and test the equipment before opening the precinct the next morning. The Director of Elections responded that it is not always possible and the Board of Elections is seeking new precinct locations for precincts that are located at school sites.
- The instructions in the Chief Judge's Notebook instruct the precinct officials to "enter your name" to gain access to the computer. This did not work! After many attempts the precinct officials

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*Per NCGS 163-234(3), the counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and that fact is publicly declared in the official minutes of the county board.*

**Present:** Chairman Sharon L. Kanter, Oscar E. Herring, Kimberly B. Allison and Director of Elections Dana W. King.

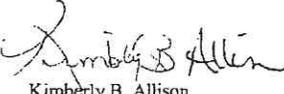
Chairman Sharon L. Kanter called the meeting to order at 4:15 p.m. and the board approved the absentee ballots.

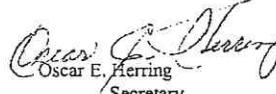
Ballots approved 69 - Received via mail  
3878 - One-Stop [PEB]

The meeting was adjourned at 5:20 p.m. on motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval.

APPROVED

  
 Sharon L. Kanter  
 Chairman

  
 Kimberly B. Allison  
 Board Member

  
 Oscar E. Herring  
 Secretary

**MINUTES, RESULTS OF PRIMARY ELECTION, MAY 8, 2012 AT 7:30 P.M., ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC**

*Per NCGS 163-111 – Determination of primary results.*

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison, Director of Elections Dana W. King, Chief Judges, and the general public.

The Precincts delivered the required information/items (Master PEB, flash cards, and one signed totalized tape) to Election Headquarters. The delivery time of the required documents/items is posted below:

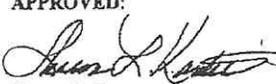
8:17 p.m.	Pink Hill 2 [no zero tape and PEB]
8:19 p.m.	Kinston 6
8:21 p.m.	Kinston 3
8:22 p.m.	Kinston 7
8:29 p.m.	Kinston 5
8:33 p.m.	Kinston 9
8:40 p.m.	Kinston 4
8:41 p.m.	Southwest
8:42 p.m.	Vance
8:43 p.m.	Pink Hill 1
8:44 p.m.	Kinston 1
8:46 p.m.	Falling Creek
8:46 p.m.	Institute
8:48 p.m.	Neuse
8:49 p.m.	Trent 1
8:53 p.m.	Woodington
9:19 p.m.	Kinston 8
9:21 p.m.	Sandhill
9:22 p.m.	Kinston 2
9:24 p.m.	Contentnea
9:29 p.m.	Trent 2
10:35 p.m.	Moseley Hall

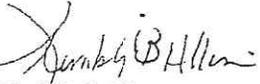
The Director of Elections posted the precinct's election results on the Unity computer when the Precincts delivered the flash cards and Master PEB to Election Headquarters. The election results were displayed on the projection screen in the general purpose room for the public to view. The Director of Elections encountered problems with the Unity computer and assistance was obtained from a SBOE staff member.

The staff closed Election Headquarters at 12:15 a.m. on May 9, 2012.

The election results are shown at attachment 1.

APPROVED:

  
 Sharon L. Kanter  
 Chairman

  
 Kimberly B. Allison  
 Board Member

  
 Oscar E. Herring  
 Secretary

**MINUTES, APPROVAL OF ONE STOP APPLICATIONS, 10:00 A.M. ON JULY 3, 2012 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC 28502**

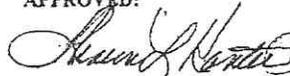
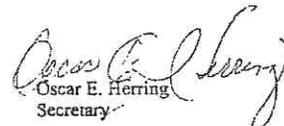
**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison and Director of Elections Dana W. King

*Re: NCGS 163-230(c1) - During the period commencing on the third Tuesday before an election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots.*

The One Stop applications were reviewed and approved; total of 20. This action was taken on a motion by Oscar E. Herring, a second by Sharon L. Kanter and unanimous approval.

The meeting was adjourned at 10:10 a.m. on a motion by Kimberly B. Allison and a second by Oscar E. Herring.

**APPROVED:**

 Sharon L. Kanter Chairman	 Kimberly B. Allison Board Member	 Oscar E. Herring Secretary
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**MINUTES, APPROVAL OF ABSENTEE APPLICATIONS, 10:00 A.M. ON JULY 10, 2012 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC 28502**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison

**Absent:** Director of Elections Dana W. King (conducting a training session for the second primary)

*Re: NCGS 163-230(c1) - During the period commencing on the third Tuesday before an election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots.*

Chairman Kanter called the meeting to order at 10:00 a.m. to approve the Absentee Applications received during the time frame: 7/3/2012 – 7/9/2012. The absentee applications were reviewed and unanimously approved on a motion by Oscar E. Herring, and a second by Kimberly B. Allison.

Civilian	2
One Stop	26
<b>TOTAL</b>	<b>28</b>

On a motion by Kimberly B. Allison, a second by Oscar E. Herring and unanimous approval to go into closed session per N.C.G.S. 143-318.11.

**N.C.G.S. 143-318.11:** A public body may hold a closed session and exclude the public only when a closed session is required.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the member of the public body or another body may not consider or fill a vacancy among its own membership except in an opening meeting. Final action making an appointment or discharge or removal shall be by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

The Board entered into closed session at 10:16 a.m. to discuss personnel. The Board adjourned from closed session at 10:24 a.m. on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval.

Calling a Closed Session - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a)(1) of this section shall also state the name of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public expects to receive advice during the closes session.

The Board took no action in closed session and entered into open session at 10:25 a.m.

On a motion by Oscar E. Herring, a second by Kimberly B. Allison, and unanimous approval the board implemented a policy regarding the death of active personnel (staff and precinct workers).

- Upon hearing of the death of an employee or a precinct worker the board shall make contributions for a gift not to exceed \$30.00. The staff may participate if they desire.

- The collected funds shall be given to the Director of Elections, who will be responsible for delivery of the gift. The memorial gift shall be sent to the Neuse Regional Library (specify which branch, Headquarters, La Grange Branch, or the Pink Hill Branch) or other charity of the deceased's family's choice with the appropriate information enclosed so appropriate recognition may be sent.

Example

Memorial Gift (send to the La Grange Branch)  
In Memory of JOHN J. JONES

Please send acknowledgement cards to:

Family of John J. Jones  
111 Sixth Street  
Washington, DC 22202

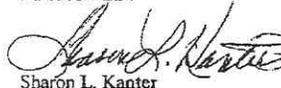
and  
Lenoir County Board of Elections  
PO Box 3503  
Kinston, NC 28502

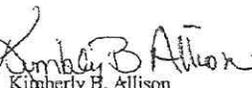
- Any honorary gift in addition to the Board recognition shall be on a case by case personal basis.

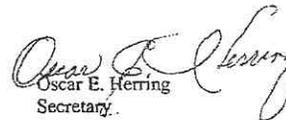
Questions were raised if it is the Director's responsibility to keep the BOE website updated and current. The Chair is to discuss this concern with the Director.

The meeting adjourned at 10:35 a.m. on a motion by Oscar Herring and a second by Kimberly B. Allison.

APPROVED:

  
Sharon L. Kanter  
Chairman

  
Kimberly B. Allison  
Board Member

  
Oscar E. Herring  
Secretary

MINUTES, REFRESHER TRAINING FOR PRECINCT OFFICIALS, 2<sup>ND</sup> PRIMARY IN LENOIR COUNTY, JULY 10, 2012 AT 10:00 A.M., LENOIR COUNTY COOPERATIVE EXTENSION OFFICE, 1791 HWY 11-55, KINSTON, NC 28502

**Attendees:** Board Secretary Oscar E. Herring, Elections Director Dana W. King, Elections Supervisor Barbara Hammonds; K-1: Doris Thompson, Melvin Canady, Doris Greene, Carlin Canady, Jr.; K-2: Patricia Battle, Ventrina Edwards Roach, Cordelia Baker, Wilbert Johnson; K-3 Patricia T. Deters, Vernita Turnage, Katherine Tucker, Jean Marshall; K-4: Rosa Lanier, Pat Rockenhauser, C.M. Swann, Jane Landey; K-5 Marva J. Brown, Victor Kosinski, Virginia Cox-Daughety; K-6: Gloria Brinson; Pink Hill I: Lillie Baker, Eleanor J. Howard, Bonnie Murphy, Terri Arnett; Southwest: Virginia Grimes; Vance: Jewel Dunn

*The purpose of the meeting was to provide refresher training to the precinct officials prior to the second primary.*

The Director of Elections, Dana W. King, welcomed the attendees and briefly reviewed the tasks that the precinct workers will be required to perform: set up all equipment and open the polls, issue ATVs, and close the polls. The precinct officials were informed that due to the anticipated small turn out there will be no rovers to provide any assistance at the precincts. The precinct workers were challenged to review the procedures in the Chief Judge's notebook and make sure that they are familiar with all tasks. If there are any tasks that are not clear the precinct officials were encouraged to establish a time to go to Election Headquarters for additional training.

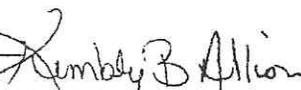
Barbara Hammonds, Board of Elections Supervisor, informed the precinct workers that some of the items that are in the supply boxes are not being returned after the polls have closed. She requested that the precinct officials check the precinct closely before they leave the premises and ensure that all the items are in the supply boxes. Any missing items from a supply box must be replaced with a new purchase prior to the next election. The Board of Elections has limited funds and every effort must be made to use the funds wisely.

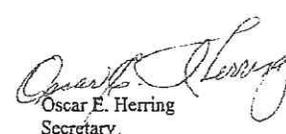
Barbara Hammonds gave the oath of office to several precinct workers.

The training session adjourned at 11:15 a.m.

APPROVED:

  
Sharon L. Kanter  
Chairman

  
Kimberly B. Allison  
Board Member

  
Oscar E. Herring  
Secretary

MINUTES, SPECIAL CALLED MEETING, LENOIR COUNTY BOARD OF ELECTIONS ON 8 AUGUST 2012 AT 4 P.M. AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC

Present: Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison, and Elections Director Dana W. King.

Others In Attendance: Jimmy Cochran (Chair of the Lenoir County Democratic Party), Roland Best (Vice Chair of the Lenoir County Democratic Party), Jeff Nice (Chair of the Lenoir County Republican Party), Darrell Eubanks (Republican Candidate for At Large County Commission), Michelle Nix, (Secretary of the Lenoir County Republican Party), Paul Whittington (Executive Committee member of the Lenoir County Republican Party), Angeliqye Roche, Organizing for America (Eastern Region), David Anderson (reporter from local newspaper), and Janet Carter (photographer with the local newspaper)

Chairman Kanter called the meeting to order at 4:00 p.m. and welcomed all in attendance and thanked them for showing an interest in the work of the local Board of Elections. Mrs. Kanter stated that the purpose of the meeting was to approve the One-Stop Voting Plan and asked if there were additions to the agenda. Hearing none the agenda was approved.

At the onset of the meeting Mrs. Kanter asked the Elections Director, Dana W. King, if there was sufficient money in the budget to cover the elections through 2012. Mrs. King Confirmed there are sufficient funds in the budget to cover all expenses through 2012.

Mrs. King was asked when she received the email from SBOE requesting information on the One-Stop Voting Plan. Mrs. King could not find the email. Therefore, the Board proceeded to review the One Stop Voting Plan without knowing the specific information points which were being requested by the SBOE.

A motion was made by Kimberly B. Allison, seconded by Sharon L. Kanter and approved to extend the hours at Vernon Park Mall from 11:00 a.m. - 7:00 p.m. and that all One Stop sites shall be opened on Sunday, 10/28/2012 from 1:00 p.m. to 5:00 p.m. Herring cast a nay vote.

Ms. King informed the Board that Pink Hill was not a good site for Sunday voting, but if it is opened the cost will not affect the budget. On a motion by Kimberly B. Allison, a second Oscar E. Herring and unanimous approval to exclude Pink Hill as a voting site.

Schedule for One-Stop Sites

Thursday, 10/25/2012, revise the hours at Vernon Park Mall from 11:00 a.m. to 7:00 p.m.  
Saturday, 10/27/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m.  
Sunday, 10/28/2012, One Stop sties will be open from 1:00 p.m. to 5:00 p.m.  
Saturday, 11/3/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m. (required by NC GS).

The Chair asked for comments from the audience and there was a lively discussion between the board and the visitors regarding Sunday voting and the Pink Hill early voting site. An individual expressed his concerns about the elimination of the Pink Hill site. He stated that if only one voter comes to the site to vote, then the BOE should not deny him this opportunity to vote in Pink Hill. Closure of the Pink Hill site will require voters to travel to Kinston to vote. Kimberly B. Allison accepted an amendment to her motion, and on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval, Pink Hill will be included in the One-Stop Voting Site Plan (total of four).

There was considerable dialogue from the visitors regarding the One Stop sites being opened on Sunday. There were several suggestions, but the Board did not implement any of the suggestions except to continue Pink Hill as a One Stop voting site.

The Board reviewed point by point the contents of the drafted One-Stop Voting Plan. The Board reserved the option to delay approval of the Plan to give the Director sufficient time to make corrections.

Mrs. King shared with the Board a tentative training schedule:

<u>Technical Training on 10/09/2012 (laptops, printers and other equipment)</u> 10:00 a.m. to 12:00 p.m. 2:00 p.m. to 4:00 p.m.
<u>Technical Training on 10/10/2012 (laptops, printers and other equipment)</u> 10:00 a.m. to 12:00 p.m. 2:00 p.m. to 4:00 p.m.
<u>Technical Training on 10/11/2012 (laptops, printers and other equipment)</u> 10:00 a.m. to 12:00 p.m. 5:30 p.m. to 7:30 p.m.
<u>General Training – 10/22, 10/23, 10/25 (no times have been established)</u> (Review the general information in the Lenoir County Training Booklet)

Sharon Kanter

**From:** Dana King [dking@co.lenoir.nc.us]  
**Sent:** Monday, July 09, 2012 10:58 AM  
**To:** skanter@suddenlink.net; herringoscar@yahoo.com; ksballison@gmail.com  
**Cc:** dking@co.lenoir.nc.us  
**Subject:** Training

Sorry I forgot to put where the training is being held. It will be at the Friday Center in Chapel Hill. I do not have an agenda yet. That usually doesn't come until the week we leave.

Dana

On 9 Jul 2012 at 10:02, Sharon Kanter wrote:

I can be there, Dana. Where is the training?  
Sharon

-----Original Message-----

**From:** Dana King  
**Sent:** Monday, July 09, 2012 8:52 AM  
**To:** sharon Kanter; herringoscar@yahoo.com; ksballison@gmail.com  
**Cc:** dking@co.lenoir.nc.us  
**Subject:** August Training

Good Morning,

There will be a Training for County Election Officials Tuesday, August 14 and Wednesday 15th.

Please let me know if you can attend so I can send in registration for us all.

Have a good day.

---

Dana W. King, Director

---

Dana W. King, Director  
Lenoir County Board of Elections  
252-523-0636

**Sharon Kanter**

Petition for Termination

Documentation Exhibit 9

**From:** Dana King [dking@co.lenoir.nc.us]  
**Sent:** Monday, July 09, 2012 2:37 PM  
**To:** Sharon Kanter; herringoscar@yahoo.com; ksballison@gmail.com  
**Cc:** dking@co.lenoir.nc.us  
**Subject:** Re: Training

The training is 9 to 4 both days. I know when I first got the e-mail Oscar asked if we can stay where his meetings are for the board members. I made reservations already but I knew I could cancel them in plenty of time if someone couldn't go. We got the original letter from SBOE around June 10th. The agenda will come out in August is all they said.  
Thanks

On 9 Jul 2012 at 11:12, Sharon Kanter wrote:

Thanks, Dana. Do you at least have some ballpark time frame? That would be helpful for my planning.  
Sharon

-----Original Message-----

**From:** Dana King  
**Sent:** Monday, July 09, 2012 10:58 AM  
**To:** [skanter@suddenlink.net](mailto:skanter@suddenlink.net); [herringoscar@yahoo.com](mailto:herringoscar@yahoo.com); [ksballison@gmail.com](mailto:ksballison@gmail.com)  
**Cc:** [dking@co.lenoir.nc.us](mailto:dking@co.lenoir.nc.us)  
**Subject:** Training

Sorry I forgot to put where the training is being held. It will be at the Friday Center in Chapel Hill. I do not have an agenda yet. That usually doesn't come until the week we leave.  
Dana

---

Dana W. King, Director  
Lenoir County Board of Elections  
252-523-0636

**Sharon Kanter**Petition for Termination

Documentation Exhibit 9

**From:** Dana King [dking@co.lenoir.nc.us]  
**Sent:** Monday, July 09, 2012 2:58 PM  
**To:** skanter@suddenlink.net; herringoscar@yahoo.com; ksballison@gmail.com  
**Cc:** dking@co.lenoir.nc.us  
**Subject:** (Fwd) August Conference 2012  
**Attachments:** -.dat; -.dat; image001.jpg; August Conference 2012.pdf; Registration Form August 2012.pdf

**Categories:** Red Category

Here is the original e-mail from Maria at SBOE if you would like to read it.

Dana

----- Forwarded message follows -----

Received: from SpoolDir by FINANCE1 (Mercury 1.48); 8 Jun 12 11:46:30 -0500  
 Received: from mail2.co.lenoir.nc.us (10.10.2.9) by finance1.co.lenoir.nc.us (Mercury 1.48)  
 with ESMTTP;

8 Jun 12 11:46:27 -0500

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

AgEFA0Id0k/YERg5/2dsb2JhbABFgkWrW4YxgQeCGgUFIAgBFxoJIwEIAQEBCCh4VAQIKAgwmAQQSAQYIh32YE6ESiyaGA  
 A000IEeAU+EeIM0jEeCYA

X-IronPort-AV: E=Sophos;i="4.75,738,1330923600";

d="pdf'?jpg'145?scan'145,208,217,145";a="493905"

Received: from mail07.57.24.a.static.mtka.securence.com ([216.17.24.57])

by mail2.co.lenoir.nc.us with ESMTTP; 08 Jun 2012 11:46:17 -0400

Received: from NCWWDITMXMBX34.ad.ncmail ([169.254.8.239]) by NCWWDITMXCHB32.ad.ncmail  
 ([:1]) with mapi id 14.01.0289.001; Fri, 8 Jun 2012

11:46:03 -0400

From: "Williams, Maria" <Maria.Williams@ncsbe.gov>

To: SBOE\_Grp - Directors.BOE <Directors.boe@ncsbe.gov>

Subject: August Conference 2012

Thread-Topic: August Conference 2012

Thread-Index: Ac1Fjc4mSDDFpoiJRu+aJ8HqDUwvra==

Date: Fri, 8 Jun 2012 15:46:03 +0000

Message-ID: <1339170371878-018-00382471.maria.williams.ncsbe.gov@smtp.mail.nc.gov>

Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

x-originating-ip: [207.4.104.72]

x-tm-as-product-ver: SMEX-10.0.0.1412-6.800.1017-18954.004

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x-tm-as-user-approved-sender: No

x-tm-as-user-blocked-sender: No

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X-PMFLAGS: 570949760 0 1 Y010AB7.CNM

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 89

Dear Directors:

The Conference for County Election Officials will be held on Tuesday, August 14 and Wednesday, August 15, 2012 at the Friday Center in Chapel Hill. Please see attached documents for more information.

Let me know if you have questions.

Thank you and have a nice weekend!  
Maria Elena

----- End of forwarded message -----  
Lenoir County Board of Elections  
252-523-0636

\_\_\_\_\_ Dana W. King, Director

ensure that both of them are working from the same page. Chairman Kanter stated that she wants to be present at that meeting. Mrs. King responded that she would call Jamie tomorrow and let Kanter know the date and time of the meeting.

At this point in the meeting, the Chairman shared with the other board members and the Elections Director a very impressive notebook and checklist that are being used in training Wake County precinct workers. The Chair removed the tabs listed below and gave them to the Elections Director, along with the entire notebook, with the observation that similar tabs and a notebook could benefit the precinct workers in Lenoir County. Materials in the Wake County Precinct Worker manual included:

- Polling Place Set-Up Checklist
- Ballot Table Quick Guide
- Help Table Quick Guide
- Voting Equipment Quick Guide
- Laptop Quick Guide
- One page guide: What Constitute a Violation of Election Law
- One page guide: Provisional Voting (Instructions)
- One page guide: Observers

It was the consensus of the board not to re-invent the wheel but to mirror the information that has been shared by Wake County. The board agreed that the most critical pieces for LCBOE to adapt for the coming general election are the Quick Guides and the one-page guides. Mrs. King stated it should not be a problem to prepare those materials in advance of the schedule trainings.

Each precinct worker should have an "elections notebook" and the worker's notebook which should be different from the Chief Judge's notebook.

In opening discussion of the LCBOE budget, Chairman Kanter asked if there were sufficient funds in the budget to cover the costs associated with the upcoming General Election and Elections Director King responded "yes". There was extensive discussion on the line items in brackets. Chairman Kanter voiced concern about those line items, and Mrs. King was requested to provide an explanation. Mrs. King stated that when the precinct workers' time sheets were forwarded to Lenoir County Finance Office, the expenses were keyed to the incorrect line item but the error had been corrected. Chairman Kanter requested a corrected copy of the budget showing the corrections. It was recommended that future expenses sent to the Finance Department have a cover sheet with the Board of Elections line items listed and that the Elections Director shall check the line item(s) against the submitted expenses. This minor procedure will assist the Finance Department and will eliminate any guess work.

Mrs. King informed the Board that the One-Stop voting site in the vacant building on McLewean Street has been rented by the owner. The City of Kinston has authorized the LCBOE to use the former Kinston-Lenoir County Recreation Department Administration Building, also on McLewean Street, as a replacement site. There will be no rent or utility cost.

In 2008 the majority of the voters took advantage of the early voting during the 12.5 days that the One Stop sites were opened at Falling Creek and Moseley Hall.

	<u>2008</u>
Falling Creek	607 citizens voted on Election Day
Moseley Hall	494 citizens voted on Election Day

Mr. Gary Bartlett, Executive Director of the SBOE, recommended in his visit to Kinston earlier this week that the LCBOE not split these precincts prior to the General Election and to wait until after the General Election to take this action. Herring suggested that the Elections Director notify the appropriate officials at Falling Creek and Moseley Hall that the new locations will not be used during the General Election.

On August 18, 2012 the officials at Hugo FWB Church approved the use of the church as a new precinct for Contentnea. Mr. Bartlett recommended that the LCBOE not make any changes on the physical site of the Contentnea precinct until after the General Election because there should be nothing done that will cause any confusion on the location of the precinct. Mrs. Kanter stated that the precinct workers wanted out of the Fire Department, which is an uncomfortable and inconvenient work space for them, and they have worked hard to locate a new precinct site. The new precinct site is near the present site, is well-known in the precinct community, and is widely expected to be used as the new site in November. Mrs. King stated that there is a 90 day requirement to change the location of a precinct and the relocation of a precinct must be approved by the SBOE and the US DOJ. The Board's decision was made to pursue relocating the precinct to Hugo FWB Church.

Oscar Herring asked if an alternative site had been found to relocate K7 [Emma Webb] precinct. Mrs. King stated that an alternative site had not been found and she recommended that the LCBOE wait until January or February to seek an alternative site.

Oscar Herring requested the status of the alternative site for Woodington [relocation to a nearby church]. Mrs. King stated that she had made no contact with the church officials and that she had misunderstood the information that was

THE LENOIR COUNTY BOARD OF ELECTIONS MET AT 10:00 A. M. TUESDAY,  
OCTOBER 18, 2011 IN THE BOARD OF ELECTIONS OFFICE, KINSTON NORTH  
CAROLINA

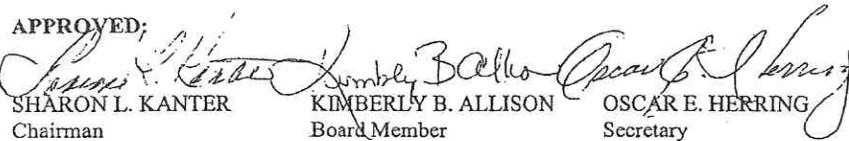
Present: Sharon Kanter, Chairman, Oscar Herring, Secretary and Kimberly B. Allison,  
Member.

Others in Attendance: Dana W. King, Director of Lenoir County Board of Elections  
Mrs. Kanter called the meeting to order.

All Absentee applications for the General Election were reviewed and approved for the  
meeting date October 18<sup>th</sup> (Civilian 13, Military 3, OVR 1).

There being no further business and upon motion by Mr. Herring, seconded by Ms. Allison,  
the meeting adjourned.

APPROVED:

  
SHARON L. KANTER                      KIMBERLY B. ALLISON                      OSCAR E. HERRING  
Chairman                                      Board Member                                      Secretary

THE LENOIR COUNTY BOARD OF ELECTIONS MET AT 10:00 A. M. TUESDAY,  
OCTOBER 25, 2011 IN THE BOARD OF ELECTIONS OFFICE, KINSTON NORTH  
CAROLINA

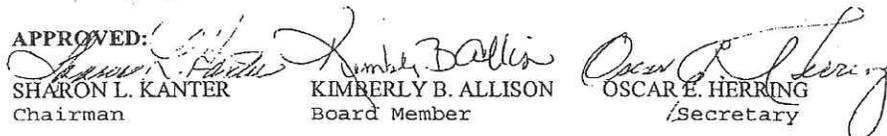
Present: Sharon Kanter, Chairman, Oscar Herring, Secretary and Kimberly B. Allison,  
Member.

Others in Attendance: Dana W. King, Director of Lenoir County Board of Elections  
Mrs. Kanter called the meeting to order.

All Absentee applications for the General Election were reviewed and approved for the  
meeting date October 25<sup>th</sup> (Civilian 0, Military 0, OS 409, MLD 22, OVR 0 ).

There being no further business and upon motion by Mr. Herring; seconded by Ms. Allison,  
the meeting adjourned.

APPROVED:

  
SHARON L. KANTER                      KIMBERLY B. ALLISON                      OSCAR E. HERRING  
Chairman                                      Board Member                                      Secretary

MINUTES, TRAINING SESSION OF PRECINCT OFFICIALS, LENOIR COUNTY  
COOPERATIVE EXTENSION OFFICE, 1791 HWY 11-55, KINSTON, NC, 25 OCTOBER 2011 AT  
10:00 A.M.

Present:

Board Member Kimberly B. Allison

Precinct Officials: *K1* – Doris Thompson, Doris Greene, Melvin Canady, Marilyn Sutton, Carlin Canady;  
*K3* – Patricia Defers, Katherine Tucker, Doris Green, Mable L. Griffin; *K4* – Charles Taylor, Rosa Lanier;  
*K5* – Dorothy D. Moore, Fern J. Washburn; *K6* – Carrie S. Jackson, Margaret Sweat; *K7* – Asonia Jones,  
Ella S. Long; *K9* – Edna Tolliver, Margaret Creech; *PH2* – Lillie Baker, Eleanor Howard, Jolyn Murphy,  
Terri Arnette, Tamberly Bloodgood Horne

Training Scheduled: 10:00 a.m.

Training Began: 9:57 a.m.

The purpose of the training session was to provide the precinct officials a refresher course on the processes  
to use to run a precinct efficiently and without problems.

Barbara Hammonds, Supervisor, opened the meeting at 9:57 a.m. with brief remarks. All attendees  
participated in the Pledge of Allegiance to the American flag.

At 10:09 a.m. the Elections Director gave opening remarks and thanked the attendees for coming to the  
training session. The Elections Director presented:

- ❖ A power point presentation and during the presentation she went page-by-page through the Lenoir  
County BOE 2011 *Lenoir County Precinct Official Training Booklet*. A video was shown,

- ❖ "iVotronic unit." Two copies of the training manual will be placed in the Chief Judge's supply boxes and will be available when the supply boxes are picked up on 11/7/2011.
  - ❖ Demonstration of how to hook-up the laptop and the printer.
- Hands-On training on:
- ❖ Laptop.
  - ❖ Printer.
  - ❖ iVotronic unit.

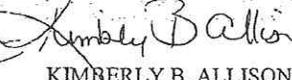
Barbara Hammonds informed the precinct officials that she had not had an opportunity to go through the individual precinct boxes but hoped to perform this task in the near future.

This was extensive training session and all attendees participated in the *hands-on* training. Attendees were encouraged to stay as long as they desired to practice on the iVotronic unit to achieve the expertise needed to make them feel comfortable when working at a precinct and on the iVotronic unit.

The training was completed at 12:30 p.m.

APPROVED:

  
SHARON L. KANTER  
Chairman

  
KIMBERLY B. ALLISON  
Board Member

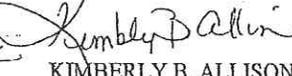
  
OSCAR E. HERRING  
Secretary

**MINUTES, TRAINING SESSION OF PRECINCT OFFICIALS, LENOIR COUNTY  
COOPERATIVE EXTENSION OFFICE, 1791 HWY 11-55, KINSTON, NC 26 OCTOBER 2011 AT  
10 A.M.**

The training session was cancelled because no precinct officials signed up to attend the training session.

APPROVED:

  
SHARON L. KANTER  
Chairman

  
KIMBERLY B. ALLISON  
Board Member

  
OSCAR E. HERRING  
Secretary

**MINUTES, TRAINING SESSION OF PRECINCT OFFICIALS, LENOIR COUNTY  
COOPERATIVE EXTENSION OFFICE, 1791 HWY 11-55, KINSTON, NC 27 OCTOBER 2011 AT  
10 A.M.**

**Present:**

**Board members:** Kimberly B. Allison, Oscar E. Herring  
**Precinct Officials:** K2 – Valerie J. Solomon, Thelma Perry; K4 – Pat Rockenhauser, Frances D. Allison, Jane Landry; K6 – George Fields; K7 – Thelma Williams, Elvan Haynes; K8 – Mallie B. Stocks, Margaret Malloy, Elijah Gooding, Henry G. Dove, Jr.; K9 – Janice Norris, Shirley Overton, *Moseley Hall:* Myrtle Ruth Sutton, Grace S. Burke, Cynthia E. Corbitt

Training scheduled: 10:00 a.m.

Training began: 10:08 a.m.

The purpose of the training session was to provide the precinct officials a refresher course on the processes to use to run a precinct efficiently and without problems.

The start of the training session was delayed because some precinct officials who had signed up to attend were late. At 10:08 a.m. the Elections Director gave opening remarks and thanked the attendees for coming to the training session. The Elections Director presented:

- ❖ A power point presentation and during the presentation she went page-by-page through the contents of the Lenoir County BOE 2011 Lenoir County Precinct Official Training booklet. A video was shown, "iVotronic unit." Two copies of the training manual will be placed in the Chief Judge's supply boxes and will be available when the supply boxes are picked up on 11/7/2011.
  - ❖ Demonstration of how to hook-up the laptop and the printer.
- Hands-On training on:
- ❖ Laptop.
  - ❖ Printer.
  - ❖ iVotronic voting machine.

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Sharon Kanter, Chairman of the Lenoir County Board of Elections gave opening remarks and thanked the attendees for attending the training.

Gary Bartlett, Executive Director of the State Board of Elections, provided instructional training on the following topics:

- Voter Registration
- Ballot Preparation
- Accessible Polling Places
- Absentee Voting
- Voter Fraud
- One-Stop Voting
- What constitutes a vote and what will be counted as a vote?
- What can I do for my Party?
- Provisional Ballots
- Budgets
- Board member involvement in a campaign, donation, etc.

After the presentation, there was time allotted for a question and answer session.  
Training concluded at 3:50 p.m.

Respectfully Submitted,

Kimberly B. Allison, Secretary  
District 7

**MINUTES, TRAINING SESSION FOR PRECINCT OFFICIALS [COUNTY PRECINCTS], MARCH 29, 2012  
FROM 1 P.M. TO 4 P.M. AT ELECTION HEADQUARTERS, 110-C N. HERRITAGE STREET, KINSTON,  
NC**

**Present:** Board Member Oscar Herring; Contentnea Precinct: Mary T. Johnson, Kay S. McCoy, Betty Smith, Constance Fussell, Debra Rouse, Evernell Pittman; Falling Creek Precinct: Carolyn E. Harper, Phyllis Wallace, Linda Hodges, Margaret I. Wade, Steve Roman, Carol Carlyle, Joyce Forrest; Institute Precinct: Terry Gray, Susan Shelton, Roy Eubanks; Moseley Hall Precinct: Barbara Waller, Geraldine A. Medlin, Myrtle Sutton, Cynthia Corbitt, Grace S. Burke, Peggy Pelletier; Neuse Precinct: Rebecca D. Moody, Gail O. Jarman, Carol Ham, Eva C. Williams, Janica Miller, Gracie Davis, Glenda Baker, Annie Heath, Jennifer Stroud; Pink Hill 1 Precinct: Betsy R. Tyndall, Jean S. Byrd, Audrey Stroud Powell, Frances Stroud, Angela Taylor, Earl W. Bielby; Pink Hill 2 Precinct: None; Sandhill Precinct: Carolyn Butler, Patricia Nelson, Barbara L. Daughety, Carol Harrington, Edwin O. Bradbury; Southwest Precinct: Susan C. Baker, Peggy M. Boyette, Virginia Grimes, Emma R. Moore; Trent No. 1 Precinct: Sandy Smith, Dexter Mills, Barbara Shepard, Claudine Kennedy Wood, Myra R. Heath; Trent No. 2 Precinct: Elizabeth Rouse, Robert Bob Shepard, Diane Prentice, Linda Howard; Vance Precinct: Teresa Owens, Jewel Dunn, Audrey R. Tyson, Charles Jenkins; Woodington Precinct: Deborah S. Barwick, Melvin L. Ham, Shirley Griffin, Jeremy Rogers

*The sign in sheet does not indicate which day the attendees attended the training.*

Dana King, Elections Director, welcomed all attendees and explained that this training was for officials at the county precincts that had not worked during an election during the past two years.

King informed the attendees that the equipment has been color-coded [green to green, red to red, etc.] for ease in setting up the equipment [laptop to printers, PC to printers, keyboard, mouse and equipment must be plugged into a working electrical outlet]. This training session will give each attendee the opportunity to play with the equipment and make sure they are comfortable with all aspects of the equipment operation and in the problem solving phase

Eleven I votronic machines were set-up for the attendees to retrieve a ballot [ballots from the last election], observe the machine's response "already voted" or unable to print application with response of "ABS". Officials were reminded that there will be no application form if the voter does not reside in the precinct. Encouraged the attendees to practice on opening and closing the machines; great opportunity for hands-on experience. Precinct Officials will have PCs available and give them the capability of looking up a voter on a PC.

There will be additional training two weeks prior to the election.

stop voting will begin on 4/19/2012 and end on 5/5/2012 at 1 p.m.  
Saturday, 4/28/2012 from 8:30 a.m. to 5:00 p.m.  
Sunday, 4/29/2012 from 8:30 a.m. to 1:00 pm.  
Locations of One Stop sites: Pink Hill, La Grange, Mall and McLewean Street.

All 44 printers and laptops will be used during the upcoming election. All cords, etc. will be placed in the precinct tub(s) and labeled; for Kinston 1 the tubs will be labeled "K1" and "K1A" and all supplies will be placed in one tub if enough space permits. The printers will be left in the original boxes. Precinct officials must remove the printers from

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the boxes and the thicker cord is for the printer and must be plugged into an 110V receptacle. Precinct officials were encouraged to look at the cords being inserted into the laptops and printers to match the color codes.

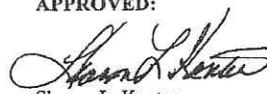
The Lenoir County seal will replace the previous flower on the laptop when the laptop is booted up. As always, the county IT Department is available to resolve problems. The county has "stand alone computers" and the operating system is "Windows 7". The password will be on a sticky note on the front of the machines.

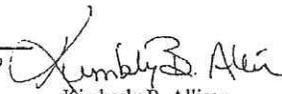
There will be 25 emergency ballots and they may be used if the equipment goes down. After using the emergency ballot [voted or spoiled ballot] they should be placed in the blue bag.

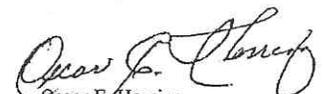
5/8/2012 -- Primary  
7/17/2012 -- Run Off

Training was completed at 1:20 p.m.

## APPROVED:

  
Sharon L. Kanter  
Chairman

  
Kimberly B. Allison  
Board Member

  
Oscar E. Herring  
Secretary

**MINUTES, TRAINING SESSION FOR PRECINCT OFFICIALS [COUNTY PRECINCTS], APRIL 2, 2012  
FROM 1 P.M. TO 4 P.M. AT ELECTION HEADQUARTERS, 110-C N. HERRITAGE STREET, KINSTON,  
NC**

**Present: Board Members:** Sharon L. Kanter, Kimberly B. Allison; **Contentnea Precinct:** Mary T. Johnson, Kay S. McCoy, Betty Smith, Constance Fussell, Debra Rouse, Evernell Pittman; **Falling Creek Precinct:** Carolyn E. Harper, Phyllis Wallace, Linda Hodges, Margaret I. Wade, Steve Roman, Carol Carlyle, Joyce Forrest; **Institute Precinct:** Terry Gray, Susan Shelton, Roy Eubanks; **Moseley Hall Precinct:** Barbara Waller, Geraldine A. Medlin, Myrtle Sutton, Cynthia Corbitt, Grace S. Burke, Peggy Pelletier; **Neuse Precinct:** Rebecca D. Moody, Gail O. Jarman, Carol Ham, Eva C. Williams, Veronica Miller, Gracie Davis, Glenda Baker, Annie Heath, Jennifer Stroud; **Pink Hill 1 Precinct:** Betsy R. Tyndall, Jean S. Byrd, Audrey Stroud Powell, Frances Stroud, Angela Taylor, Earl W. Bielby; **Pink Hill 2 Precinct:** None; **Sandhill Precinct:** Carolyn Butler, Patricia Nelson, Barbara L. Daughety, Carol Harrington, Edwin O. Bradbury; **Southwest Precinct:** Susan C. Baker, Peggy M. Boyette, Virginia Grimes, Emma R. M. Trent No. 1 Precinct: Sandy Smith, Dexter Mills, Barbara Shepard, Claudine Kennedy Wood, Myra R. Heath; **Trent No. 2 Precinct:** Elizabeth Rouse, Robert Bob Shepard, Diane Prentice, Linda Howard; **Vance Precinct:** Teresa Owens, Jewel Dunn, Audrey R. Tyson, Charles Jenkins; **Woodington Precinct:** Deborah S. Barwick, Melvin L. Ham. Shirley Griffin, Jeremy Rogers

*The attendance record does not show which day the precinct workers attended the training.*

The training began at 1:03 p.m. Dana King, Elections Director, welcomed all attendees and explained that this training was for officials at the county precincts that had not worked during an election during the past two years.

King informed the attendees that the equipment has been color-coded [green to green, red to red, etc.] for ease in setting up the equipment [laptop to printers, PC to printers, keyboard, mouse and equipment must be plugged into a working electrical outlet]. This training session will give each attendee the opportunity to play with the equipment and make sure they are comfortable with all aspects of the equipment operation and in the problem solving phase

Eleven Ivotronic machines were set-up for the attendees to retrieve a ballots [ballots from the last election], observe the machine's response "already voted" or unable to print application with response of "ABS". Officials were reminded that there will be no application form if the voter does not reside in the precinct. Encouraged the attendees to practice on opening and closing the machines; great opportunity for hands-on experience. Precinct Officials will have PCs available and give them the capability of looking up a voter on a PC.

There will be additional training two weeks prior to the election.

One stop voting will begin on 4/19/2012 and end on 5/5/2012 at 1 p.m.

Saturday, 4/28/2012 from 8:30 a.m. to 5:00 p.m.

Sunday, 4/29/2012 from 8:30 a.m. to 1:00 pm.

Locations of One Stop sites: Pink Hill, La Grange, Mall and McLewean Street.

All 44 printers and laptops will be used during the upcoming election. All cords, etc. will be placed in the precinct tub(s) and labeled; for Kinston 1 the tubs will be labeled "K1" and "K1A" and all supplies will be placed in one tub if enough space permits. The printers will be left in the original boxes. Precinct officials must remove the printers from the boxes and the thicker cord is for the printer and must be plugged into an 110V receptacle. Precinct officials were encouraged to look at the cords being inserted into the laptops and printers to match the color codes.

The Lenoir County seal will replace the previous flower on the laptop when the laptop is booted up. As always, the county IT Department is available to resolve problems. The county has "stand alone

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computers" and the operating system is "Windows 7". The password will be on a sticky note on the front of the machines.

At 1:40 p.m. attendees were requested to come to where the equipment and to connect and to disconnect the computer and printer. There was no formal training given on the Ivotronic machines.

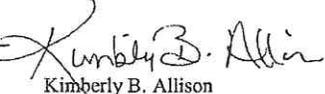
There will be 25 emergency ballots and they may be used if the equipment goes down. After using the emergency ballot [voted or spoiled ballot] they should be placed in the blue bag.

012 - Primary  
2012 - Run Off

Training was completed at 3:00 p.m.

APPROVED:

  
Sharon L. Kanter  
Chairman

  
Kimberly B. Allison  
Board Member

  
Oscar E. Herring  
Secretary

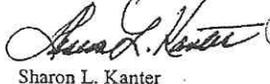
MINUTES, TRAINING SESSION FOR ROVERS AND ONE-STOP WORKERS, LENOIR COUNTY BOARD OF ELECTIONS, APRIL 16, 2012 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC

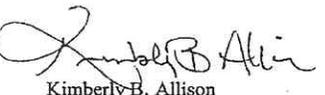
*Per NCGS 163-46, the Director of Elections conducted the required training for all rovers, precinct officials, and precinct workers who will work at the One Stop sites.*

**Present:** Eva C. Williams, Glenda Komegay, Peggy Pelletier, Geraldine A. Medlin, Sandy Smith, Annie Heath, Veronica Miller, Rebecca D. Moody, Gracie Davis, Tommy Braxton, Jeremy Rogers, Edna Tolliver, Betty Jean Carlyle, Shirley Overton, Janice Norris, Asonia Jones, Cynthia Corbitt, Barbara Waller, Jean M. Hussey, Sara Hampton, Vernita Turnage, Sandra Turner-White, Herman Jacobs.

Dana W. King, Director of Elections, welcomed attendees and thanked them for attending the required training. King page-by-page through the blue training booklet (two training booklets per precinct) and discussed each task that rovers, precinct officials, and the poll workers would be required to perform. Barbara Hammonds, Elections Supervisor, discussed the provisional ballots and curbside voting and each precinct was given a handout to follow during the discussion period. All attendees participated in hands-on training on the voting equipment (iVotronics), the laptop and how to connect all equipment.

APPROVED:

  
Sharon L. Kanter  
Chairman

  
Kimberly B. Allison  
Board Member

  
Oscar E. Herring  
Secretary

MINUTES, APPROVAL OF ABSENTEE APPLICATIONS, LENOIR COUNTY BOARD OF ELECTIONS, APRIL 17, 2012 AT 10:00 A.M. AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC

*Per NCGS 163-234(3), the counting of absentee ballots shall not commence until a majority and at least one board member of each political party represented on the board is present and that fact is publicly declared in the official minutes of the county board.*

**Present:** Chairman Sharon L. Kanter, Oscar E. Herring, Kimberly B. Alison and Director of Elections Dana W. King.

Chairman Sharon L. Kanter called the meeting to order at 10:00 a.m. and the board approved 54 Absentee Applications.

7 - Civilian  
7 - Military  
7 - Overseas

The meeting was unanimously adjourned at 10:20 a.m. on a motion by Oscar E. Herring, and a second by Kimberly B. Allison.

APPROVED:

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Sharon L. Kanter  
Chairman

Kimberly B. Allison  
Board Member

Oscar E. Herring  
Secretary

**MINUTES, TECHNICAL TRAINING AT LENOIR COUNTY BOARD OF ELECTIONS, 110-C SOUTH  
HERITAGE STREET, KINSTON, NC AT 10 A.M. ON 19 OCTOBER 2012**

File: Word: AAATechTng10192012

Attendees: The list of attendees is recorded in attachment 1.

*The purpose of the meeting was to provide initial and refresher training to poll workers who missed one of the previous technical training sessions.*

Barbara Hammons, Elections Supervisor, began the meeting with comments that this will be a busy year and requested that the attendees pay close attention because the board does not want any problems during the general election. There were no board members present.

The Lenoir County IT Department assigned an employee to conduct the training about the laptops and printers. This was a verbal recap of the instructions that are in the Chief Judge's notebook. The attendees were informed that the cables and equipment (laptops and printers) have been color coded to ensure the corrections are made correctly. Mrs. Hammonds had duplicated the instructions (same as the verbal instructions) that are in the Chief Judge's notebook and gave the attendees copies. These instructions are for setting up the laptops and the printers. The IT representative cautioned the attendees to follow the instructions step-by-step. *Do not rush the process—give the laptop time to boot up.* The IT representative reiterated that they *should NOT TURN ON THE PRINTER* until after the laptop has booted-up. The IT representative stated *if the printer is not plugged in correctly the first time it will find a default printer and will not work. Cutting the laptop on and off will not correct the problem.* When this is done a second printer icon will appear on the laptop screen. This is an HP software issue that the IT Department has to work around. The attendees were encouraged to follow the written instructions on how to operate the equipment.

The IT representative asked the poll workers to shut down their computers/printers and to restart their computers/printers, restart their computer/printers and follow the instructions that have been provided. Approximately one hour was dedicated to the poll workers connecting the laptops and printers. This part of the training session was not rushed and each attendee was given the opportunity to obtain assistance from the county IT representative, or from the Elections Supervisor. At the conclusion of this portion of the training session Ms. Hammonds encouraged the poll workers to take the hand-outs (printed from the Chief Judge's notebook) home with them, study the set up procedures and if they need clarification on any of the procedures they should call Election Headquarters for clarification prior to the election.

Ms. Hammonds instructed the attendees to proceed to one of the four iVotronic machines to receive hands-on training. Attendees were informed that when they arrive at their precinct on November 6<sup>th</sup> that there will be a zero tape for each iVotronic machine. Ms. Hammonds proceeded with the technical training and informed the attendees that each iVotronic machine has one master PEB and three Supervisor PEBs. Each group assembled at the iVotronic machines were instructed to vote three times and to use a different Supervisor PEB each time. Each attendee was given the opportunity to have hands-on training and to change the paper in the iVotronic machine. Mrs. Hammonds reminded the poll workers when the polls have been closed that they must use the Master PEB, proceed to each of the iVotronic machines and to close each machine. If all machines are not closed down then they will not be able to proceed with the *close down* process. After closing all the terminals, reinsert the Master PEB into any one of the terminals to print the results tape. The communications pack must be hooked up to print a tape. Select *"print polling location results tape now"*. **BE PATIENT – FOLLOW THE INSTRUCTIONS AND DO NOT RUSH THE PROCESS.** Two totalized tapes will print. The Chief Judge and the two Assistant Judges must sign these tapes. At the conclusion of the hands-on training on the iVotronic machine the attendees were afforded the opportunity for questions and answers. Any attendee that desired additional hands-on training was encouraged to remain after the training session and *"play with the iVotronic machine."*

The technical training was completed at 11:30 a.m. on 19 October 2012.

These minutes were electronically approved by the board on 19 October 2012

**APPROVED:**

Sharon L. Kanter, Chairman

Kimberly B. Allison, Board Member

Oscar E. Herring, Secretary

**Attachment 1  
List of Attendee**

- ❖ Boyette, Peggy M (Judge) – Southwest. Did not attend training.
- Chapman, Theresa E – K6, 10/19/2012 [1000-1200]
- ❖ Coward, Andrew L – Sandhill. Did not attend training.

**Lenoir County**  
**BOARD OF ELECTIONS**

P.O. Box 3503  
Kinston, North Carolina 28502

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 122  
Phone (252) 523-0636  
Fax (252) 523-3472  
Dana W. King  
Director of Elections

Sharon L. Kanter, Chairman  
Oscar E. Herring, Secretary  
Kimberly B. Allison, Member

September 10, 2012

Dear Precinct Official:

Thank you for your hard work and support in the May and July Primaries. It is now time that we began working toward the success of a General Election. We will have training the first week of October for the laptops and any other mechanics that is necessary. The last part of October we will have training on provisional, curbside votes and on the voting machines. All of these training sessions are **mandatory**. You must attend your assigned date (if possible) in order to work the elections. All training sessions are held at the **Lenoir County Agriculture Extension Building**. The dates are listed below.

October 9<sup>th</sup>-----10:00 a.m.—12 Noon-----Kinston #1 thru Kinston #4  
2:00 p.m.----4:00 p.m.-----Kinston #5 thru Kinston #8

October 10<sup>th</sup>-----10:00 a.m.----12 Noon..... K#9, Contentnea, FC & Institute  
2:00 p.m.----4:00 p.m.....Moseley Hall, Neuse & Rovers

October 12<sup>th</sup>-----10:00 a.m.----12 Noon.....PH #1 & 2, Sandhill & Southwest  
5:30 p.m.----7:30 p.m.....Trent #1 & 2, Vance & Woodington

October 22-----10:00 a.m.----12 Noon.....Kinston #1 thru Kinston #4  
2:00 p.m.----4:00 p.m.....Kinston #5 thru Kinston #8

October 23-----10:00 a.m.----12 Noon..... K#9, Contentnea, FC & Institute  
2:00 p.m.----4:00 p.m.....Moseley Hall, Neuse & Rovers

October 25-----10:00 a.m.----12 Noon.....PH #1 & 2, Sandhill & Southwest  
5:30 p.m.----7:30 p.m.....Trent #1 & 2, Vance & Woodington

Oscar  
Sharon  
Kim

There will be limited space available during the night class for those persons that cannot attend their regular time due to a work schedule. Please call this office and confirm whether or not you will be able to attend training. Again, thank you for your hard work.

Sincerely,



Barbara Hammonds, Supervisor  
Lenoir County Board of Elections

# Precinct List

Did Not Attend Training  
10-9-11-2012

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 12.2

<u>Name</u>	<u>Precinct</u>	<u>Reason</u>	
Frances Allison	K4	misunderstood ltr.	
Varietta Jenkins	K5	Out of Town Father Passed	
Marshall Isler	K6	No Answer	Attend
Teressa Chapman	K6	misunderstood ltr.	Training Fr.
Mithie Pearcill	K6	No Answer	Attend
Margaret Sweet	K6	Misunderstood ltr.	Train Fr.
Jalerie Solomon	K7	No Answer	
Alessandra Parker	K8	Sick	
Della Rouse	Cont	No Answer	
Robert Wheelless	Cont	work	
Linda Hodges	FC	Misunderstood ltr.	Attend Train Fr.
Nary Wheelless	FC	work	
Terry Gray	Inst.	work out of town	
Race Burke	MH	sick	
Allen Farmer	MH	No.	
Theresa Hill	Neuse	Forgot Date	

Precinct list - 10-9-11-2012

Frances Stroud	R#1	Misunderstood Letter	Attend Training Friday 10:00
Andrew Coward	SH	Misunderstood Letter	
<del>Robin</del> Robin Roberson	SW	cannot work due to work	
Barbara Shepard	T1	Out of Town	Attend Friday Training
Robert Shepard	T2	Out of Town	Attend Friday Training
Sara Hampton	Vance	Forgot Training	Attend Friday Training
Charles Jenkins	Vance	out of Town - cannot attend	Attend Friday Training
Gary Hines	Vance		
Melvin Ham	Woodington	cannot work - wife	ill
Ranetter Best	Woodington	Never worked	
Teresa Daughety	T1		
Deborah Pollard	K3.	No show	
Peggy Bayette	SW		

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MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, APPROVAL OF ABSENTEE APPLICATIONS,  
10 A.M. ON 30 OCTOBER 2012 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET,  
KINSTON, NC

File: WordAAAMinutesAA10302012

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, and Board Member Kimberly B. Allison  
**Absent:** Elections Director Dana W. King [conducting a training class for poll workers]

**Re:** NCGS 163-230(C1) – During the period commencing on the third Tuesday before an election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots.

Chairman Kanter called the meeting to order at 10:05 a.m.

Discussion focused on the number of poll workers that did not attend the required technical training. Poll workers were not asked during the technical training class if anyone wished to work at the One-Stop sites. The training letter did not ask poll workers if they wished to work at the One Stop sites. *How were the One Stop workers selected?* The NCGS and the local board had established a requirement for poll workers to attend training—now some did not attend the training and the question is *"what is the board going to do about untrained workers"*. Herring suggested that the Chairman contact Johnnie McLean with the State Board of Elections for guidance. Ms. McLean advised that *our priority is to ensure that the polling places are opened. However, it is ideal to have the training prior to opening of the precincts and not have to provide on-the-job training during the election.* The questions remains: *"How was the poll workers selected to work the One-Stop sites?"*

The board noted that the training classes were scheduled too close to the election and prevented some poll workers from attending the training because they had been assigned as One-Stop workers. A makeup training class was scheduled for precinct workers who had not been able to/didn't attend one of the scheduled classes, but the notice of that class was too short for some of the untrained precinct workers to participate.

Herring requested clarification if the magnetic sticker is to replace the wire seal on the iVotronic equipment. Response was "yes".

The Chairman suggested that a prepared statement be available so everyone will be using the same terminology; *"vote for the President/Vice President and then vote a straight party ticket or each office individually"*

The board briefly discussed the memorandum from Gary Bartlett regarding the solicitation of votes from various organization and board members were encouraged to send such materials, if received, to Mr. Bartlett.

The need existed to have a male rover that is technical savvy and with the expertise to diagnosis and perform problem solving services at the voting sites. On a motion by Oscar Edward Herring, a second by Kimberly B. Allison and unanimous approval Moseley Hall Chief Judge Herman Jacobs was moved, with his agreement, into the rover position and Geraldine Alphin Medlin was appointed as the Chief Judge for Moseley Hall precinct.

The absentee applications ending 30 October 2012 had been counted, categorized by the staff, and were submitted to the board:

CIVILIAN – 127      ONE STOP – 8,117      MILITARY – 8      OVERSEAS – 2      TOTAL – 8,254

The absentee applications were unanimously approved on a motion by Sharon L. Kanter and a second by Oscar E. Herring.

The board discussed the protocol for swearing in poll workers; the NCGS states that the Chair of the Board of Elections shall give the oath of office to the Chief Judges and the Chief Judges is to give the oath of office to the poll workers.

The board expressed their appreciation to the staff for the many hours [nights and weekends] that they had devoted to this election.

A motion by Kimberly B. Allison, a second by Oscar Edward Herring and unanimous approval the meeting was adjourned at 11:27 a.m.

These minutes were electronically approved on 30 October 2012.

APPROVED:

Sharon L. Kanter, Chairman

Kimberly B. Allison, Board Member

Oscar E. Herring, Secretary

**Lenoir County Board of Elections**  
**110-C South Herritage Street**  
**Kinston, NC 28502**

**Memorandum for Record**

[File: MFR19Oct2012]

On 19 October 2012 between the hours of 0900 and 1015 Oscar Herring and Kimberly Allison, board members, were having an emergency meeting to discuss the problems encountered at the One-Stop sites on 18 October 2012 and to find a solution to the problems. During the meeting Barbara Perry came to the meeting room and told us that Gary Bartlett, Executive Director at the NCSBOE was on the phone and wanted to talk with Mrs. King. Perry transferred the call to the conference room and the telephone call from Mr. Bartlett was placed on the speaker phone. Mr. Bartlett was informed that Mrs. King was somewhere between the Pink Hill One Stop site and the Moseley Hall One Stop site. Mr. Bartlett informed us that one a staff member was in his office and it appeared that some voters had been placed in the incorrect District [Grifton area]. The SBOE staff member relayed the information to Allison and Herring and he was immediately transferred to Barbara Perry, the LCBOE staff member that prepares the district ballots. During the telephone conversation with the SBOE staff member it was verified by Perry that some voter were in the incorrect district. Error was corrected, votes cancelled and voters were given the opportunity to vote a new ballot.

This information was included in the official minutes because it was not on the agenda.

Oscar E. Herring  
Secretary

Kimberly B. Allison  
Board Member

Memo for Record  
20 October 2012

This is a short narrative of the events during the first couple of days of the early voting.

10/17/2012

On Wednesday evening, 10/17/2012, I received a call from [redacted] from [redacted] asking me if she was to work at the [redacted] One Stop site. [redacted] stated that she had talked with several other poll workers from [redacted] and they stated "I don't know if I am to work or not". I called Election Headquarters and talked with Hammonds and she stated that Dana had gone to Pink Hill. I told Hammonds what I was calling about and she responded *that a list has NOT been made out on who will be working but they will receive a phone call*. When I returned from Bible Study that night Dana had left a message on my phone. I had questions about the message so I called Dana and she stated that she made a statement at the technical training meeting on 10/10/2012 (1400-1600 session) that the regular workers would work the at the One-Stop site. I asked Dana if "regular" meant the poll workers that have worked in the past and she responded "yes." I called [redacted] back and told her she would work and to be at [redacted] site on 10/18/2012 to work. I do not know who is right and who is wrong but several poll workers are stating they *did not hear* the statement and some are saying *they did hear* the statement. Allison attended this meeting and does not recall the statement being made. [redacted] talked with Dana and was informed that the regular poll workers would work and that Hammonds would call them. They never received a phone call from Hammonds informing them that they were to work at [redacted]. The phone call came from [redacted] attended the technical training meeting on 10/9/2012 (1000-1200) session.

10/18/2012

At approximately 0900 I proceeded to [redacted] One-Stop site I was informed that they did not get all of their supplies and the missing items were:

- Curbside signs,
- 50 foot electioneering sign,
- 50 foot rope to measure the distance,
- Envelopes for curbside ballots,
- No name tags,
- Cell phone that was provided did not work and the Chief Judge had to use her private phone,
- No pens and pencils,
- No sticky notes,
- No Bible
- Other supplies were needed throughout the day.

After arrival at the [redacted] site a citizen filed a verbal complaint with Herring about the 50 foot restriction being violated. He stated that a campaign worker was located between the bell and the flag pole and that he had taken some photos [photos were too faint to print]. He stated that he would send a written complaint to the Chair of the Board of Elections. At approximately mid-morning Dana delivered the supplies. By this time there were violations of the 50 foot restricted area. I was immediately approached by a man sitting in his car and he voiced a complaint about the campaign workers violating the 50 foot restriction. He wanted to file an official complaint. Herring listen and the complaint was that a campaign worker stated that campaign material was being distributed within the 50 foot restriction zone (campaign worker standing between the bell and the flag pole). He stated that he had photos but it was later determined that the photos were too faint to duplicate. Herring recommended that he submit a written complain to the Chairman of the Lenoir County Board of

Elections. When the rope was delivered to Allison and Herring used the 50 yellow rope and placed the 50 foot electioneering sign at the proper location [past the bell and flag pole]. Curbside signs were erected at the proper location. Throughout the morning this 50 foot restriction was violated and Herring prepared a letter to give to the violators. However, prior to issuing this letter, Herring called the State Board of Elections Legal Counsel (Don Wright) and advised him of the problems of the 50 foot violation and the propose letter. Herring read the letter and Mr. Wright advised Herring not to issue the letter but recommended that NCGS 163-48 be given to each person violating the general statute and to inform him/her that the board was not trying to restrict their activities outside the 50 foot buffer zone but they must not violate the 50 foot restricted area. Mr. Wright recommended that the board meet with the Chair of the Democratic Party to discuss this problem. Kimberly B. Allison discussed this problem with the Chair of the Democratic Party. The Democratic Chair was receptive to our request but made the statement *"there were no signs posted regarding the 50 foot restriction and the Board of Elections must take some of the blame for these violations.* Mr. Wright provided additional options for the board to take to resolve this problem:

*Send a letter to the candidate(s) and to the individual(s) passing out the campaign material in the restricted area. In the letter, request that the candidate and their campaign worker appear at a meeting with the Board of Elections and for the Board of Elections to rake them over the coals for ignoring the NCGS. If that does not work then involve the press. Discuss the violations with the press—publicity about violations and the names of the candidates will probably encourage the candidate(s) to demand that their campaigns workers abide by the NCGS. This option was NOT used.*

Once Allison and Herring advised the public about NCGS 163-48 the majority of the violations ceased. However, one campaign worker took the action [giving them a copy of NCGS 163-48] by Herring as a racial move and expressed his anger to Herring with very explicit profanity.

Continuing at [redacted] a voter came into the site and requested that a poll worker assist her at the iVotronic machine and the poll worker was honoring her request. Suddenly a female came to the iVotronic voting machine and told the poll worker that *"I am her cousin and I will help her."* When the poll worker was discussing this incident with the Chief Judge a poll worker left her assigned post, joined in the discussion, and gave her interpretation of what could be done. Herring was asked who could assist and he referred the Chief Judge to the Chief Judge's notebook and was informed that they did not receive the Chief Judge's notebook. Herring flagged the page in his law book about voter assistance and left it with the Chief Judge since the Chief Judge notebook was not available.

A poll worker, the newly appointed Chief Judge, was working as a poll worker and instructed one of the Registrars NOT to assign a number to the absentee ballots. Several hours passed before the Chief Judge noted this discrepancy and when she did she discussed it with the poll worker he responded that *"Dana said we do not have to do this."* It was confirmed this is required and the poll worker was advised that he was giving out incorrect information and the Registrar was advised to assign a number to the absentee ballots.

Personally from my observation it was very difficult for the Chief Judged to perform the duties as the Chief Judge because two poll workers constantly into the Chief Judge's business as if they were the Chief Judge. Dana was on her way to [redacted] and Herring & Allison requested that she talk with the staff and to remind them that there is only ONE Chief Judge and all directives, all questions, and all answers are to come from the Chief Judge because she will be the person that will be admonished if things go bad at the One Stop site.

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 12.6

Herring received multiple calls from Allison requesting that Herring come to Kinston [Vernon Park Mall and McLewean] sites because there were long lines and multiple violations. Herring left Moseley Hall at approximately 1:15 p.m. and went directly to McLewean Street One-Stop site. After lunch Herring visited the McLewean site and upon entering the building there was an immediate concern about the safety of the voters and poll workers. The site had limited space with many citizens trying to vote. Herring called the Kinston Department of Public Safety and requested that they send a representative to the site to determine the number of people that could be in the building. The Department of Public Safety posted visited the site and posted a capacity sign of **NOT MORE THAN 50 PEOPLE** in the room at one time. Later that day Herring visited the Vernon Park Mall site and noted no violations [50 foot violation, violations by candidates, no campaign material was being passed out within the 50 foot restriction zone and there were no violations of campaign workers passing out campaign literature to curbside voters].

10/22/2012

Received call from Don Wright regarding actions of Jeff Nice; called Romney/Ryan campaign about The campaign to pay for policemen at VPM and McLewean and that their Campaign Headquarters may call me.

Fielded a complaint at McLewean site that a lady with a badge is a poll worker. Investigation revealed that lady wore a badge "May I help you" and was not a poll worker.

Fielded a complaint at McLewean site that McLewean site was not ADA complaint. The Senior Code Enforce visited the site and stated building is ADA complaint. When the structure was built there was no ADA requirement and unless the building has undergone major renovations ADA. Complaint resolved.

Listened to complaint that there was no curbside bell at McLewean site. Directed the poll workers to place the curbside bell in the appropriate place and this did happen.

Visited with VPM management and requested that the door closer be repaired before the door knocked out a window out. Stated they would make appropriate repairs.

Listened to a complaint at McLewean that persons were blocking vehicles from entering and leaving parking lot because they are standing in the middle of the road with campaign literature. This is not in a violation of NCGS and there is nothing that board can do. However, this is a safety issue.

Complaint at McLewean site about a red truck parking in the curbside space.

50 foot violations have been resolved.

Complaint at McLewean that a poll worker touched her privates. Allison instructed the poll workers not to place any sticker on a person—give it to them and they can put it where they want it.

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These minutes were electronically approved on 16 October 2012.

APPROVED:

Sharon L. Kanter, Chairman

Kimberly B. Allison, Board Member

Oscar E. Herring, Secretary

**MINUTES, EMERGENCY MEETING OF THE LENOIR COUNTY BOARD OF ELECTIONS AT 9 A.M. ON  
19 OCTOBER 2012 AT ELECTION HEADQUARTERS, 110-C S. HERRITAGE STREET, KINSTON, NC**

**Present:** Secretary Oscar E. Herring, Board Member Kimberly B. Allison, Dana W. King, Elections Director, via cell/speaker phone

**Absent:** Chairman Sharon L. Kanter was tending to family matters. (File: Word EMtg19Oct2012)

The Chairman of the Lenoir County Board of Elections was kept abreast of the problems encountered on the first day of the early voting. The Secretary of the Board informed Mrs. Kanter that the board was holding an emergency meeting to discuss the problems that surfaced the previous day. Mrs. Kanter directed the board to discuss these problems with the Elections Director to attest to the fact that all problems had been resolved.

The supplies were delivered by the staff from Election Headquarters. The supplies were received around midday on October 18<sup>th</sup>. Listed items were missing from the supply boxes at one of the One Stop sites.

- no curbside signs,
- no 50 feet electioneering sign,
- no 50 foot rope to measure the 50 foot distance,
- no envelope for curbside ballots,
- no name tags,
- cell phone that was provided did not work and Chief Judge had to use her private phone,
- no pens and pencils.
- no Bible

The board directed Mrs. King to provide a Chief Judge notebook to the four One-Stop sites.

The 50 foot violation was prevalent at each One-Stop sites and on October 18<sup>th</sup> the Board Secretary called the State Board of Elections Legal Counsel for guidance. Mr. Wright recommended that NCGS 163-48 be given to each person violating the general statute and inform him/her that the board was not trying to restrict their activities outside the 50 foot buffer zone but they must not violate the 50 foot restriction. Mr. Wright recommended that the board meet with the Chair of the Democratic Party to discuss the problem. Kimberly B. Allison discussed the problems with the Chair of the Democratic Party. In the event the violations continued Mr. Wright provided additional options for the board to take to resolve this problem. Once these recommendations were enacted and the public was made aware of NCGS 163-48 the majority of the violations ceased. There were few violations the next morning but board members Kimberly B. Allison and Oscar E. Herring visited the two One-Stop sites where there were complaints, addressed the violations and remained visible at said sites for the remainder of the day. Herring shared with Allison the verbal complaint that he had received from a La Grange resident, regarding the 50 foot violations and wanted action taken by the board. Herring recommended that he send a written complaint to the Chair of the Lenoir County Board of Elections. On 19 October 2012, Mr. Wright, Legal Counsel for SBOE, called Herring, in response to a complaint from a Lenoir County citizen, regarding the numerous violations of the 50 foot restriction. Herring informed him of what Lenoir County had done to stop the violations and Mr. Wright was satisfied with the actions taken by the board members. Mr. Wright stated that *the State Board of Elections would provide assistance if needed.*

Chairman Kanter stated that she had visited the Mc Lewean One-Stop site early on the 18<sup>th</sup> and requested that Oscar Herring visit the Mc Lewean One-Stop site. Upon Herring's arrival at the Mc Lewean site it was apparent that there was insufficient space to accommodate the voters. Herring called the Kinston Department of Public Safety and requested that they visit the site and determine the maximum number of persons that could be in this voting site at one time. The Kinston Department of Public Safety posted a **CAPACITY SIGN OF NOT MORE THAN 50 PERSONS IN THE ROOM AT ONE TIME.**

The One-Stop sites continued to call Election Headquarters because of inoperative iVotronic voting machines and the need for additional supplies.

The Chair of the Lenoir County Republican Party Jeff Nice met with the board and expressed his concerns regarding the 50 foot violations and the slow corrective action by the board.

The meeting adjourned at 10:15 a.m. on a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval.

These minutes were electronically approved by the board on 19 October 2012.

APPROVED:

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, TESTING OF VOTING MACHINES AT 12:00 NOON, 30 OCTOBER 2012, AT THE IVOTRONIC STORAGE FACILITY, KINSTON, NC**

File: Word: AAATestofvMachines10302012

**Present:** Chairman Sharon L. Kanter, Secretary Oscar Edward Herring, Board Member Kimberly B. Allison, and Elections Director Dana W. King

**Re:** NCGS 163-33.2 - ...no less than ten percent (10%) of all voting machines programmed for each primary or election, such machines has been completed, and further, the board shall record the serial numbers of the machines test voted in the official minutes of the board...

Sharon L. Kanter tested the listed iVotronic machines:  
T-2 V5178947 V5159474 V5155951

Kimberly B. Allison tested the listed iVotronic machines:  
Falling Creek V5158795 V5176723 V5180043 V5161134 V5158239  
V5160959

Oscar Edward Herring tested the listed iVotronic machines:  
T-1 V5181569 V5159303 V5159420

The testing of the iVotronic machines was completed at 1:02 p.m. and the meeting was adjourned on a motion by Sharon L. Kanter, a second by Oscar Edward Herring, and unanimous approval.

These minutes were electronically approved by the board on 30 October 2012.

**APPROVED:**

Sharon L. Kanter, Chairman                      Kimberly B. Allison, Board Member                      Oscar Herring, Secretary

**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.

<b><u>Sharon L. Kanter</u></b>	<b><u>Kimberly B. Allison</u></b>	<b><u>Oscar E. Herring</u></b>
K5 – Spilman Church	L1 – Carver Courts	K3 - Fairfield
K6 – Teacher’s Memorial School	K2 – Gordon Street	K4 – Northwest School
K7 – Emma Webb	Neuse	K9 – Pentecostal Church
K8 – Holloway Center	Pink Hill 1	Falling Creek
Contentnea	Pink Hill 2	Institute
Sand Hill	Trent 2	Moseley Hall
Vance	Southwest	Trent 1
	Woodington	

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.

## County of Lenoir

Board of Commissioners  
Reuben Davis, Chairman  
Jackie Brown, Vice-Chairman  
J. Mac Daughety  
Craig Hill  
Eric S. Rouse  
Linda Rouse Sutton



Lenoir County Board of Elections

Petition for Termination

Lenoir County Courthouse  
Post Office Box 3289  
130 South Queen Street  
Kinston, NC 28502

Telephone: (252) 559-6450  
Fax: (252) 559-6454

Michael W. Jarman, County Manager  
Tommy Hollowell, Assist. County Manager  
Clevette F. Roberts, Clerk to the Board

To: Dana King  
From: Mike Jarman *MWJ*  
Re: Overtime/Issues  
Date: December 5, 2012

On November 26, 2012 you informed me that Board of Elections staff had accrued compensatory time during the election and requested your staff be paid for part of the overtime. When asked how many hours you replied, a lot, somewhere around 700 hours. I informed you that I would review the issue and that I had concerns since the amount of hours would violate our Personnel Policy.

This memo is to respond to your request and to document my concerns so that we may avoid any future issues in these areas. I appreciate the job you do and recognize you are accountable to your board; however, as county manager, I am responsible and accountable to the citizens of Lenoir County for funds appropriated to the Board of Elections.

In response to your request that staff be paid for compensatory time, I am approving payment for all overtime hours accrued in excess of 240 hours by your non-exempt employees as required by the Fair Labor Standards Act (FLSA). The cost of the payment is \$11,370.52. This amount will need to come from your existing budget. In order to manage this effort you will be required to get approval from County Administration prior to any expenditure. The total cost to pay non-exempt personnel for all comp time earned would have been \$20,028.39 (See Attachment 1).

In reviewing this matter, I found that overtime work was not pre-approved by the county manager, there was no written approval from the manager's office for overtime, there was no emergency requiring an exception under the policy, and the amount of compensatory time earned exceeded the 10-day maximum amount of overtime allowed. These issues are all violations of the Lenoir County Personnel Policy, Sections 100 & 101. (See Attachment 2) It should be noted that violations of these policies have occurred in the past as stated in the December 2, 2004 memo from John Bauer (See Attachment 3) and the February 11, 2001 memo from John Bauer. (See Attachment 4)

Additionally, overtime was not paid to Board of Elections non-exempt employees at the time their compensatory time exceeded 240 hours. This is in violation of the Fair Labor Standards Act Section 207 (0) (2) (B). (See Attachment 5)

Two other areas of concern that may have a negative financial impact on the citizens of Lenoir County are the completion of I-9 forms and Worker's Compensation Claims. We have had multiple incidents where the Board of Elections' I-9 forms were not completed timely. Failure to comply with the Department of Homeland Security and Immigration and Naturalizations I-9 and E-Verify process can result in fines charged to Lenoir County. Also you failed to file Worker's Compensation Claims in a timely manner in two incidences in the last year. This too can prove costly. Information concerning the procedure to follow when dealing with Worker's Compensation Claims has been placed on the Lenoir County website. (See Attachment 6) This should make the process of filing claims easier for all departments.

Again, I appreciate the job you do and I feel you share my commitment to be fiscally responsible in our service to the citizens of Lenoir County.

Please do not hesitate to contact County Administration or Human Resource staff when dealing with matters of this nature. These departments are a great resource and should be utilized.

Board of Elections' Accumulated Compensatory Hours

	Total Accumulated		Hourly		FLSA		County Policy		Benefits		
	Hrs. (Includes O/T Hrs.)		Rate		240 hrs.		75 Hrs.				
Jean Alphin	512.43		13.33	\$	3,631.49	\$	704.15	\$	5,830.94	\$	1,130.62
Barbara Hammonds	261.50		15.08	\$	324.22	\$	62.87	\$	2,812.42	\$	545.33
Barbara Perry	598.31		15.54	\$	5,568.14	\$	1,079.66	\$	8,132.24	\$	1,576.84
Dana King	226.75		24.82								
<b>Total</b>				\$	9,523.85	\$	1,846.67	\$	16,775.60	\$	3,252.79

§93— §95 RESERVED.

§96 APPOINTMENT OF DEPARTMENT DIRECTORS OR MANAGERS.

The County Manager shall make all appointments of Department Directors or Managers under his or her direction, except those elected or appointed by the Board of County Commissioners or other boards.

§97 HOURS OF OPERATION.

The regular hours of operation of County offices are between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Employees will be given one hour lunch periods. Some facilities may be open for additional hours to accommodate service to the public. When the activities of a particular department require some other schedule to meet work needs, the Manager may authorize a deviation from the normal schedule. No county office shall be closed at any time without prior knowledge and approval of the County Manager.

§98 FAIR LABOR STANDARDS ACT.

(A) It is the policy of Lenoir County to comply with all the requirements of the Fair Labor Standards Act (FLSA), 29 U.S.C. section 201 *et seq.*

(B) As an integral part of job duties and responsibilities, every Department Manager, supervisor or individual in a management position is required to ensure compliance with the applicable standards, regulations and guidelines of this law. All overtime shall be compensated pursuant to those requirements set out in the Fair Labor Standards Act. All overtime hours remaining on an employee's leave record shall be compensated at the employee's current rate of pay upon separation.

(C) All employees are encouraged to discuss with their supervisor any employment practices, which may be governed by the Fair Labor Standards Act. All prohibitions of retaliation and discrimination specifically set forth in 29 U.S.C. 215 will be strictly adhered to by all agents of the county, including Department Managers, supervisors and individuals in management. There shall be no retaliation by the county against any employee who asserts a right or claim under the Fair Labor Standards Act.

§99 WORKWEEK.

Salaried employees shall receive a salary commensurate with the employee's grade for all hours worked for the county in a given year. All employees whose overtime is governed by the Fair Labor Standards Act (FLSA) shall accrue overtime compensation in accordance with the provisions of the FLSA. The standard workweek shall be from 12:01 a.m. on Sunday through 12:00 midnight on Saturday, unless an alternate schedule has been so designated by the County Manager. Department managers, supervisors and otherwise exempt employees under the FLSA shall work those hours necessary to ensure satisfactory performance of their departments, but not less than 37.5 hours per week. Law enforcement personnel shall not exceed 168 hours within a 28 day work period in accordance with the law enforcement exemption set forth in the FLSA.

§100 OVERTIME FOR FLSA NONEXEMPT EMPLOYEES.

All employees governed by the FLSA shall maintain true, complete, and legible time records. All time worked shall be recorded to the nearest one-quarter hour and shall be submitted to the supervisor in a timely fashion. Supervisors shall arrange the work schedule of their employees to accomplish necessary work within an average workday or workweek, except in those cases where excessive hours of work are necessary. All overtime work shall be pre-approved by the Department Manager and County Manager except in emergency situations where conditions are such that prior approval cannot be obtained, and in such event approval shall be obtained immediately subsequent to the emergency overtime worked, except when overtime is mandated by shift scheduling. All overtime must have written approval by the County Manager.

(A) FLSA overtime and FLSA straight time. Employees shall be awarded compensatory time in lieu of overtime payments at a rate of time and one-half for hours worked over 40 (FLSA overtime) in a workweek and at time for time (FLSA straight time) for hours worked over 7.5 in a work day when not in excess of 40 hours in the same work- week.

(E) *Overtime at separation.* All accrued overtime hours shall be compensated at the average regular rate received by the employee during the last three years of employment or at the regular rate of pay upon any employee's separation, whichever is higher, consistent with regular payroll practices.

(F) *Employees shall not volunteer to work overtime without receiving compensation.* All overtime work shall be pre-approved by the Department Manager and County Manager except in emergency situations where conditions are such that prior approval cannot be obtained, and in such event approval shall be obtained immediately subsequent to the emergency overtime worked.

#### 100.1 ON CALL DUTY

A) *On-call duty.* Employees required to work on-call duty shall receive overtime for all time actually spent in the service of the department in excess of their regular work schedule. A minimum of two hours shall be guaranteed any employee on call when the employee is required to leave home to conduct duties. If the employee is required to leave home, the recording of time shall begin when the employee leaves home and shall conclude when the employee returns home. Telephone calls while on call shall be counted as time earned for the duration of the call.

##### B) *Shift Premium Differential*

- (a) Sheriff - \$1.00 per hour at night
- (b) Jail - \$1.00 per hour at night
- (c) Communications - \$.50 per hour at night
- (d) Social Services - Beeper Duty (Adult or Children's Services) \$100.00 per week ; Supervisors \$50.00 per week
- (e) Animal Control - Beeper Duty - \$50.00 per week

#### §101 COMPENSATORY TIME FOR FLSA EXEMPT EMPLOYEES

Compensatory time is earned or accrued by an exempt employee for time worked in excess of a workweek as established by these policies that does not result from the FLSA provisions. Exempt employees under the FLSA shall be compensated for compensatory time earned as specified below:

(A) Compensatory time may be accrued on an hour-for-hour basis, but shall not be recorded on the time sheets/records.

(B) Compensatory time shall be taken by an exempt employee at the convenience of the department and in the sole discretion of the supervisor, or Department Manager or County Manager, as applicable, at a time which will least obstruct the operation of the department. Emergency requests for use of time under this section shall be made by the exempt employee with 30 minutes of the beginning of the workday or shift. The use of compensatory time within three months after it is earned (if at all possible) is the goal.

(C) Compensatory time may not be formally transferred to any other type of leave.

(D) An exempt employee may substitute compensatory time on a time-for-time basis for sick or annual leave in time frames of four (4) hours maximum or less.

(E) Compensatory time is lost when an exempt employee is separated from county service.

(F) The County Manager may authorize payment of compensatory time upon written pre and post approval of same by the County Manager due to very unusual extraordinary circumstances.

#### §102—§103 RESERVED.

## County of Lenoir

Board of Commissioners  
Oscar E. Herring, Jr., Chairman  
Chris Humphrey, Vice-Chairman  
Jackie Brown  
George W. Graham, Jr.  
Earl Harper  
Marguerite Whitfield  
Wayne Pittman



Lenoir County Courthouse  
Post Office Box 3289  
130 South Queen Street  
Kinston, NC 28502

Telephone: (252) 559-6450  
Fax: (252) 559-6454

John Bauer, County Manager  
Reginald H. Lee, Asst. County Manager  
LaShanda Aytch, Administrative Secretary

TO: Dana King  
FROM: John Bauer, County Manager  
SUBJECT: Board of Elections Staff: Recent Overtime  
DATE: December 3, 2004

Dana:

I am responding to your inquiry about paying Barbara Hammonds for overtime. I am sorry, but I can not approve a separate cash payment. Please review Article 100 of the Lenoir County Personnel Policies, adopted March 15, 2004. In the future, please follow its provisions. As much as humanly possible, I am using this book to manage the County's personnel policies, as adopted by the Board.

Last, all of your staff had overtime in excess of ten (10) days. All the overtime needs to be taken off through the compensatory leave mechanism. I encourage you to implement as soon as possible for all staff and try to get all compensatory time taken by the affected employees over the next six (6) months. My experience is the sooner this is scheduled and taken, the better.

cc: Diane Atkinson

TO: Dana King  
FROM: John Bauer  
SUBJECT: Putting People on County Payroll  
DATE: February 11, 2001

Your Chairman talked with my Chairman. I want to clarify a few points in writing:

1. Temporary or regular employees are not to begin working without my written advance approval, regardless if they are budgeted or not;
2. The temporary workers you had working without my approval will be paid the hours worked until 5pm, February 9, 2001. This is at \$6.50/hr.; 15 hrs. per week, multiplied by two = \$195. That's it.
3. Any overtime to be worked must be approved in writing by me in advance; even if approved, Board policy for most operating departments is the overtime will be taken as compensatory time.
4. As I have stated in other memos, I will reiterate we are in a very serious financial condition. Departments are expected to under-expend not spend out their budgets.

cc: George Graham  
Reginald Lee

. The following categories of employees shall be treated as follows:

(1) *Law enforcement personnel.* Law enforcement personnel shall be awarded compensatory time at time and one-half when the hours worked in a 28 day work period exceed 168 hours, and at straight time for hours worked in a workday over the regular schedule when total hours are not in excess of 168 hours in the 28 day period. Compensatory time hours may be accrued up to a maximum of 84 hours. All hours earned in excess of 84 hours shall be paid as overtime with prior approval of the County Manager. Overtime is paid for hours worked exceeding 168 hours for scheduled training, school or court appearance.

(2) *Emergency medical personnel.* Flex Time - Actual total hours worked divided by weekly salary equals hourly rate. This hourly rate divided by two (2) equals the over-time rate. This over-time rate is multiplied times all hours worked in excess of forty (40) hours.

(3) *Communications personnel.* Fluctuating Work Week -Long weeks consist of 48 hours - the hours worked over 40 hours are paid at regular hourly rate. Anything in excess of 48 hours is paid at 1 and 1/2 times the hourly rate. The short weeks consist of 36 hours - compensation for overtime begins with hours worked over 40 hours (any time between 36 and 40 hours is not compensated).

(4) *Other employees.* Employees whose work schedules are other than those set forth above shall be awarded compensatory time consistent with the FLSA. Compensatory time may be accrued up to a maximum of ten (10) days. All hours/days earned in excess of ten (10) days shall be paid as overtime with prior approval of County Manager.

(5) Emergency leave requests made under this section shall be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift. Time under this section shall be exhausted prior to the approval of annual leave or leave without pay.

(6) Time under this section may be used in lieu of sick leave. An employee who has earned and properly credited compensatory time (FLSA straight time) during a workweek, who becomes sick, may substitute that compensatory time on a time-for-time basis for sick leave.

(B) *Hours worked.* Hours worked is the time for which an employee is entitled for compensation under the FLSA. Compensation is required for the time an employee is required to be on duty, on the employer's premises, or at a prescribed workplace, and for the time the employee is suffered or permitted to work, whether or not requested to do so.

(1) Vacation, sick, and holiday leave will not be considered hours worked for FLSA purposes.

(2) If a nonexempt employee is required to work on a county designated holiday, the hours worked on that day will be paid at time and one-half.

(3) Training-related time, either to increase efficiency or as required by the employer, is counted as hours worked for purposes of calculating overtime. Time relating to training and educational seminars that are required by the state as a condition of practice of the profession are not considered work time and are not counted as hours worked for the purpose of calculating overtime.

(4) Time spent by an employee during the regular workday adjusting a grievance under the county grievance policy is considered hours worked for purposes of calculating overtime.

(5) All travel time, which is required by the county other than the normal commuting time between home and job is considered hours worked for the purposes of calculating overtime.

(C) *Overtime payments.* Authorization for payment of overtime when the maximum compensatory time ceiling has not been reached shall be made in writing by the County Manager or the Manager's designee.

(D) *Standing authorizations.* Employees or classes of employees may be granted standing authorization for overtime payments by written authorization of the County Manager or the Manager's designee.

Sec. 207(o)(2)(B)

In the case of employees described in clause (A)(ii) hired prior to April 15, 1986, the regular practice in effect on April 15, 1986, with respect to compensatory time off for such employees in lieu of the receipt of overtime compensation, shall constitute an agreement or understanding under such clause (A)(ii). Except as provided in the previous sentence, the provision of compensatory time off to such employees for hours worked after April 14, 1986, shall be in accordance with this subsection.

(3)

(A) If the work of an employee for which compensatory time may be provided included work in a public safety activity, an emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time for hours worked after April 15, 1986. If such work was any other work, the employee engaged in such work may accrue not more than 240 hours of compensatory time for hours worked after April 15, 1986. Any such employee who, after April 15, 1986, has accrued 480 or 240 hours, as the case may be, of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

(B) If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

(4) An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than—

(A) the average regular rate received by such employee during the last 3 years of the employee's employment, or

(B) the final regular rate received by such employee,

whichever is higher.

(5) An employee of a public agency which is a State, political subdivision of a State, or an Interstate governmental agency—

(A) who has accrued compensatory time off authorized to be provided under paragraph (1), and

(B) who has requested the use of such compensatory time,

shall be permitted by the employee's employer to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the public agency.

(6) The hours an employee of a public agency performs court reporting transcript preparation duties shall not be considered as hours worked for the purposes of subsection (a) of this section if—

(A) such employee is paid at a per-page rate which is not less than—

## WHAT TO DO WHEN AN ACCIDENT OCCURS

When an accident occurs, you should first assess the employee's condition. If the employee's condition is stable, the following step-by-step process should be followed, completing the attached forms prior to the employee leaving your premises. If immediate medical attention is required, please proceed in securing medical treatment at the Local ER and/or Hospital and the forms can be completed once the employee is stable.

**STEP 1: Accident Investigation Report**

- a) Completed by the injured employee
- b) Employee will complete the top portion of this form and the supervisor will complete the bottom portion
- c) Make sure that all questions are answered in detail.

**STEP 2: Witness Statement Form (If applicable)**

- a) Each witness should complete this form.
- b) This form should not be completed in the presence of the injured employee.

**STEP 3: Authorization for Disclosure of Medical Information.**

- a) This form authorizes us to request and receive the injured employee's medical records.
- b) Though we are entitled to these records without this form, it is especially useful when a claim is denied or treatment was received without authorization.

**STEP 4: Medical Authorization for Treatment.**

- a) This form should be provided to the injured employee prior to seeking medical treatment.
- b) The supervisor will be responsible for completing the top portion of the form and indicating that the employee is to seek treatment with the local Urgent Care.
- c) You should instruct the employee to return this form to you after receiving medical treatment.
- d) This form provides you with valuable information regarding the employee's diagnosis, prognosis, and work status.

**Step 5: First Report of Injury (North Carolina Industrial Commission Form 19).**

- a) This form should be completed by Department Representative on the day of the incident (if possible).
- b) Once you complete the Form 19 and print the document, it will automatically be forwarded to your Claims Representative.
- c) Retain a copy of the Form 19 for your records
- d) Provide copy of both front and back to the employee.

**STEP 6: Notice of Accident to Employer and Claim of Employee (North Carolina Industrial Commission Form 18)**

- a) Provide this form to employee
- b) Refer employee to instructions on the Form 19 for completion of this form

**\*\*Please Note:** The originals of the *Accident Investigation Report*, *Witness Statement (if applicable)*, *Authorization for Disclosure of Medical Information*, and the *Medical Authorization for Treatment* should immediately be mailed or faxed to the attention of your Human Resources Representative, April Martin.

One Day Pay at One Stop

Position	Hours	Rate of Pay	\$ a Day	# Workers	# Sites	Total
Chief Judge	8.5	\$8.00	\$68	4	4	\$272
	5	\$8.00	\$40	4	4	\$160
Judge	8.5	\$7.50	\$63.75	8	4	\$510
	5	\$7.50	\$37.50	8	4	\$300
Assistant	8.5	\$7.25	\$61.63	8	4	\$493
	5	\$7.25	\$36.25	8	4	\$290
TOTAL Salaries	8.5					\$1275
	5					\$ 750

Extras	Rent (Depends on sites used and rent requested)	Lights	Phone Line	Total
	\$100 a day	\$40 a day	\$30 a day	\$ 170

TOTAL Extras & Salaries

\$1445  
\$ 920

Reasons for not having Sunday Voting in the past and in the District.

- The hours on Sunday (8.5 or 5) is not worth the money it will cost to have the extra time. \$1445 (8.5) or \$920 (5)
- Poll Workers do not want to work on Sunday and do not see the need.

**SUNDAY VOTING - EARLY VOTING**

<u>POSITION</u>	<u>HOURS WORKED</u>	<u>RATE</u>	<u>TOTAL</u>	<u>STAFF PER PRECINCT</u>	<u>COST PER PRECINCT</u>
Chief Judge	4	\$8.00	\$32.00	1	\$32.00
Judge	4	\$7.50	\$30.00	2	\$60.00
Assistant	4	\$7.25	<u>\$29.00</u>	2	<u>\$58.00</u>
			\$91.00		\$150.00

Notes:

At each precinct (4 total) you are required to have 1 chief judge, 2 judges and 2 assistants. The total cost for staff will be \$150.00 per precinct. For a total of \$600.00 for a One-Time Sunday Voting.

**MINUTES, SPECIAL CALLED MEETING, LENOIR COUNTY BOARD OF ELECTIONS ON 8 AUGUST 2012 AT 4 P.M. AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison, and Elections Director Dana W. King.

**Others In Attendance:** Jimmy Cochran (Chair of the Lenoir County Democratic Party), Roland Best (Vice Chair of the Lenoir County Democratic Party), Jeff Nice (Chair of the Lenoir County Republican Party), Darrell Eubanks (Republican Candidate for At Large County Commission), Michelle Nix, (Secretary of the Lenoir County Republican Party), Paul Whittington (Executive Committee member of the Lenoir County Republican Party), Angelique Roche, Organizing for America (Eastern Region), David Anderson (reporter from local newspaper), and Janet Carter (photographer with the local newspaper)

Chairman Kanter called the meeting to order at 4:00 p.m. and welcomed all in attendance and thanked them for showing an interest in the work of the local Board of Elections. Mrs. Kanter stated that the purpose of the meeting was to approve the One-Stop Voting Plan and asked if there were additions to the agenda. Hearing none the agenda was approved.

At the onset of the meeting Mrs. Kanter asked the Elections Director, Dana W. King, if there was sufficient money in the budget to cover the elections through 2012. Mrs. King Confirmed there are sufficient funds in the budget to cover all expenses through 2012.

Mrs. King was asked when she received the email from SBOE requesting information on the One-Stop Voting Plan. Mrs. King could not find the email. Therefore, the Board proceeded to review the One Stop Voting Plan without knowing the specific information points which were being requested by the SBOE.

A motion was made by Kimberly B. Allison, seconded by Sharon L. Kanter and approved to extend the hours at Vernon Park Mall from 11:00 a.m. - 7:00 p.m. and that all One Stop sites shall be opened on Sunday, 10/28/2012 from 1:00 p.m. to 5:00 p.m. Herring cast a nay vote.

Ms. King informed the Board that Pink Hill was not a good site for Sunday voting, but if it is opened the cost will not affect the budget. On a motion by Kimberly B. Allison, a second Oscar E. Herring and unanimous approval to exclude Pink Hill as a voting site.

**Schedule for One-Stop Sites**

- Thursday, 10/25/2012, revise the hours at Vernon Park Mall from 11:00 a.m. to 7:00 p.m.
- Saturday, 10/27/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m.
- Sunday, 10/28/2012, One Stop sites will be open from 1:00 p.m. to 5:00 p.m.
- Saturday, 11/3/2012, One Stop sites will be open from 8:30 a.m. to 1:00 p.m. (required by NC GS).

The Chair asked for comments from the audience and there was a lively discussion between the board and the visitors regarding Sunday voting and the Pink Hill early voting site. An individual expressed his concerns about the elimination of the Pink Hill site. He stated that if only one voter comes to the site to vote, then the BOE should not deny him this opportunity to vote in Pink Hill. Closure of the Pink Hill site will require voters to travel to Kinston to vote. Kimberly B. Allison accepted an amendment to her motion, and on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval, Pink Hill will be included in the One-Stop Voting Site Plan (total of four).

There was considerable dialogue from the visitors regarding the One Stop sites being opened on Sunday. There were several suggestions, but the Board did not implement any of the suggestions except to continue Pink Hill as a One Stop voting site.

The Board reviewed point by point the contents of the drafted One-Stop Voting Plan. The Board reserved the option to delay approval of the Plan to give the Director sufficient time to make corrections.

Mrs. King shared with the Board a tentative training schedule:

<b>Technical Training on 10/09/2012 (laptops, printers and other equipment)</b> 10:00 a.m. to 12:00 p.m. 2:00 p.m. to 4:00 p.m.
<b>Technical Training on 10/10/2012 (laptops, printers and other equipment)</b> 10:00 a.m. to 12:00 p.m. 2:00 p.m. to 4:00 p.m.
<b>Technical Training on 10/11/2012 (laptops, printers and other equipment)</b> 10:00 a.m. to 12:00 p.m. 5:30 p.m. to 7:30 p.m.
<b>General Training – 10/22, 10/23, 10/25 (no times have been established)</b> (Review the general information in the Lenoir County Training Booklet)

provided to her regarding who was to contact the potential sites. The information previously provided to Ms. King was discussed in detail and Mrs. King stated that she would contact the church officials regarding the use of the church(s) as a precinct site.

Oscar Herring asked if the Chief Judges and precinct workers had to be appointed by the Board when a vacancy occurred or if taking the oath of office was sufficient. Mrs. King stated that she would contact the SBOE for clarification.

On a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval the LCBOE restricted the use of overtime of precinct workers during the One-Stop voting period. The Elections Director was instructed to prepare a schedule of workers that will eliminate the use of overtime at any site. This will give all precinct workers the opportunity to receive additional training. Mrs. Allison suggested that the LCBOE might look at using college students as precinct workers during elections because they are knowledgeable of PCs and will be able to ensure the equipment is set up properly, and will be able to make an assessment of the problem and be able to correct them in a short period of time. Mrs. King stated that the students in the LCC computer classes were previously contacted and only one student showed an interest in working at the precincts. Mrs. Kanter stated that she would talk with the officials at Lenoir Community College about student participation. Suggestion was made that perhaps Joey Bryan could provide the names of potential precinct workers with computer expertise.

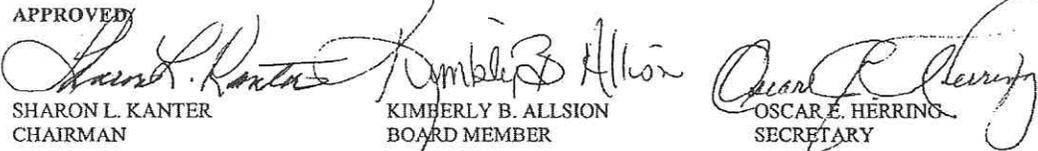
Mrs. King was asked who cleans the LCBOE Office. Mrs. King responded that A.G. Smith, a former deputy sheriff, has a cleaning business and the LCBOE has a contract with said company for cleaning services [100 hours per month]. Responding to an additional question, Mrs. King stated that each County department retains its own cleaning/janitorial services; the County does not have a blanket contract for those services.

The question was asked if the LCBOE has an emergency reserve of precinct workers. Response from the Elections Director was "no". The Board recommended that the Elections Director begin developing a list of potential workers and for Deputy Director Barbara Hammonds to contact potential precinct workers to develop a list of confirmed emergency precinct workers. On a motion by Oscar Herring, a second by Kimberly B. Allison, and unanimous approval, the Elections Director shall develop a Precinct Worker Application and post it on the LCBOE website.

Mrs. King shared with the board members that the Kinston Branch of the Neuse Regional Library had acknowledged the receipt of the monetary gift from the LCBOE in memory of James L. Smith, who was previously a Chief Judge in Lenoir County.

The meeting adjourned at 1723.

APPROVED

  
SHARON L. KANTER  
CHAIRMAN  
KIMBERLY B. ALLISON  
BOARD MEMBER  
OSCAR E. HERRING  
SECRETARY

MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 4 SEPTEMBER 2012 AT 1400, ELECTIONS HEADQUARTERS, 110C SOUTH HERRITAGE STREET, KINSTON, NC 28502

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring and Board Member Kimberly B. Allison

Chairman Kanter called the meeting to order at 1305. On a motion by Oscar E. Herring, a second by Kimberly B. Allison, and unanimous approval to enter into closed session per N.C.G.S. 143-318.11.

**N.C.G.S. 143-318.11:** A public body may hold a closed session and exclude the public only when a closed session is required.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the member of the public body or another body may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal shall be by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

The Board entered into closed session at 1306 to discuss a personnel matter. The Board adjourned from closed session at 1405 on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval.

**Calling a Closed Session** – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a)(1) of this section shall also state the name of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public expects to receive advice during the closes session.

*Re: NCGS 163-230(C1) – During the period commencing on the third Tuesday before an election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots.*

Chairman Kanter called the meeting to order at 10:00 a.m. The staff had reviewed and categorized the absentee applications and on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval of the absentee applications received as of 16 October 2012.

CIVILIAN – 621      MILITARY – 45      OVERSEAS – 11      TOTAL 677

The sign-in sheets for the mandatory technical training sessions were reviewed by Barbara Hammonds, Elections Supervisor, and she provided the board with the rationale why some of the poll workers had failed to attend the training. Barbara Hammonds scheduled a make-up technical training class for 10 a.m. on Friday, 19 October 2012 for the poll workers that did not attend the previous technical training sessions.

The Elections Director, Dana W. King, verified that all the mats shall be removed from the floor at Emma Webb gymnasium, [K7 precinct]. Herring suggested, for documentation purpose, that she follow-up her telephone conversation with an email.

During the review of the list of poll workers who attended the technical training it was noted that Chief Judge Terry Gray at the Institute precinct did not attend the training because she was out of town with her job. Follow-up revealed that her work schedule does not permit her to work during the election. On a motion by Oscar E. Herring, a second by Kimberly B. Allison, and unanimous approval to appoint Mary Ann Dawson as the Chief Judge at Institute precinct.

Barbara Waller, Chief Judge at Moseley Hall submitted her resignation. On a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval to appoint Herman Jacobs as the Chief Judge at Moseley Hall.

The board discussed the rationale why some poll workers missed the technical training; specifically “*misunderstood the letter.*” The Chair noted the portions of the letter that may have caused confusion and recommended revisions for future letters.

The board discussed the frustrations of one precinct that attended the technical training and the lack of the SOSA program being on their laptop. They were informed that the data on the laptops was being revised in preparation for the upcoming election.

Herring recommended that an arrow be placed at the top of each roll of iVotronic tape to ensure that the paper roll is loaded correctly. The Elections Director got a roll of paper and showed the board that there is printed information on the reverse side of the paper. After the roll of paper has been loaded into the iVotronic machine the poll worker should check the iVotronic window. There will be no written data in the iVotronic window if the paper is loaded properly.

Barbara Hammonds, Elections Supervisor, stated that the supply boxes are returned to Election Headquarters in disarray and after the canvass meeting she will meet with the Chief Judges to demonstrate how to repack the supply boxes

At the technical training sessions the IT representatives encouraged the Chief Judges and the poll workers that can set up their equipment the night before the election should do so. If there are problems they should call the IT Department to resolve the problem that night. Once the equipment has been set up they can leave the laptops/printers ON during the night. Mrs. King stated that she and Hunter Morgan may deliver the computers/printers to the sites. Chairman Kanter offered her assistance and stated that she has a truck.

The sample ballots are on the Lenoir County Board of Elections website and the public should be encouraged to review their personal ballot by doing a web search for the Lenoir County Board of Elections [must enter name and address when prompted]. The relocation of the Contentnea precinct has been approved. The new location is:

Contentnea Precinct (**Hugo FWB Church**)  
3122 Grifton-Hugo Road  
Grifton, NC 28530

Chairman Kanter asked The Elections Director if she had received a budget revision from the Finance Office [some of the previous expense were keyed to the incorrect line items]. Mrs. King provided board members with the response from the Finance Office.

Board Member, Kimberly B. Allison, reminded the Elections Director that she and her staff should use professional courtesy and professional language at all times and to all citizens.

The question was asked “*why are there temporary personnel working at Election Headquarters and is there sufficient budgeted money to pay their salary*”. Response was that *temporary personnel are always brought in prior to an election and there are sufficient funds available.*

On a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval the meeting was adjourned at 11:15 a.m.

## WHAT TO DO WHEN AN ACCIDENT OCCURS

Lenoir County Board of Elections

Petition for Termination

Documentation Exhibit 20

When an accident occurs, you should first assess the employee's condition. If the employee's condition is stable, the following step-by-step process should be followed, completing the attached forms prior to the employee leaving your premises. If immediate medical attention is required, please proceed in securing medical treatment at the Local ER and/or Hospital and the forms can be completed once the employee is stable.

**STEP 1: Accident Investigation Report**

- a) Completed by the injured employee
- b) Employee will complete the top portion of this form and the supervisor will complete the bottom portion
- c) Make sure that all questions are answered in detail.

**STEP 2: Witness Statement Form (If applicable)**

- a) Each witness should complete this form.
- b) This form should **not** be completed in the presence of the injured employee.

**STEP 3: Authorization for Disclosure of Medical Information.**

- a) This form authorizes us to request and receive the injured employee's medical records.
- b) Though we are entitled to these records without this form, it is especially useful when a claim is denied or treatment was received without authorization.

**STEP 4: Medical Authorization for Treatment.**

- a) This form should be provided to the injured employee prior to seeking medical treatment.
- b) The supervisor will be responsible for completing the top portion of the form and indicating that the employee is to seek treatment with the local Urgent Care.
- c) You should instruct the employee to return this form to you after receiving medical treatment.
- d) This form provides you with valuable information regarding the employee's diagnosis, prognosis, and work status.

**Step 5: First Report of Injury (North Carolina Industrial Commission Form 19).**

- a) This form should be completed by Department Representative on the day of the incident (if possible).
- b) Once you complete the Form 19 and print the document, it will automatically be forwarded to your Claims Representative.
- c) Retain a copy of the Form 19 for your records
- d) Provide copy of both front and back to the employee.

**STEP 6: Notice of Accident to Employer and Claim of Employee (North Carolina Industrial Commission Form 18)**

- a) Provide this form to employee
- b) Refer employee to instructions on the Form 19 for completion of this form

**\*\*Please Note:** The originals of the *Accident Investigation Report*, *Witness Statement (if applicable)*, *Authorization for Disclosure of Medical Information*, and the *Medical Authorization for Treatment* should immediately be mailed or faxed to the attention of your Human Resources Representative, April Martin.

## County Personnel Policy

### §196 REPORTING ACCIDENTS.

(A) An employee who has a work-related injury or illness should immediately report the incident within three (3) days to his or her immediate supervisor, Department Manager and the County Manager.

(B) The supervisor and/or Department Manager shall be responsible for contacting the current Workers' Compensation Insurance Administrator immediately. The information disclosed to the Insurance Administrator will be transferred to "First Report of Injury" (Form 19) within five (5) days of the reported injury or illness. A completed copy of a Form 19 can be completed by the Department Manager and forwarded by email or fax to the Workers' Compensation Insurance carrier. A copy of this form will be forwarded to the N.C. Industrial Commission upon completion as well as a copy to the County Manager's office by the Workers' Compensation Administrator. A "Medical Authorization" form must be completed by the Department Manager prior to an employee receiving medical treatment unless injury or illness is an emergency. All other necessary/required forms and instructions are in the "Form" section.

(C) State statutes require all accident reports to be filed within five days to the North Carolina Industrial Commission after knowledge of the injury or illness.

(D) Copies of all future correspondence regarding said claim shall be forwarded to the County Manager's office.

Cite Staff Meeting July 2001

§197— §200 RESERVED.

# Injury and Illness Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by Diane Atkinson  
Title HR Admin.  
Phone 858-559-6453 Date 9/21/11

### Information about the employee

- 1) Full name [Redacted]
- 2) Street [Redacted] City Winston State NC ZIP 28551
- 3) Date of birth 9/4/41
- 4) Date hired 1-1-11
- 5)  Male  Female

### Information about the physician or other health care professional

- 6) Name of physician or other health care professional Emergency Room
- 7) If treatment was given away from the workplace, where was it given?  
Facility Lenoir Memorial Hospital
- Street 200 Airport Rd City Winston State NC ZIP 28551

- 8) Was employee treated in an emergency room?  
 Yes  No
- 9) Was employee hospitalized overnight as an in-patient?  
 Yes  No

### Information about the case

- 10) Case number from the Log 18 (Transfer the case number from the Log after you record the case.)
- 11) Date of injury or illness 9/13/2011
- 12) Time employee began work 8:00 AM/PM
- 13) Time of event \_\_\_\_\_ AM/PM  Check if time cannot be determined
- 14) What was the employee doing just before the incident occurred? Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."  
Carrying signs into the building

- 15) What happened? Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."  
Tapped on the forehead causing knee to fall
- 16) What was the injury or illness? Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."  
Broken pelvis bone

- 17) What object or substance directly harmed the employee? Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.  
floor

- 18) If the employee died, when did death occur? Date of death \_\_\_/\_\_\_/\_\_\_

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this burden estimate or any other aspect of this data collection, including suggestions for reducing this burden, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3604, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

**EMPLOYER'S REPORT OF EMPLOYEE'S INJURY OR OCCUPATIONAL DISEASE TO THE INDUSTRIAL COMMISSION**

**To the Employer:**

A copy of this Form 19 accompanied by a blank Form 18 must be given to the employee. It does not satisfy the employee's obligation to file a claim. The filing of this report is required by law. This form MUST be transmitted to the Industrial Commission through your Insurance Carrier.

**To the Employee:**

This Form 19 is not your claim for workers' compensation benefits. To make a claim, you must complete and sign the enclosed Form 18 and mail it to Claims Administration, N.C. Industrial Commission, 4335 Mail Service Center, Raleigh, NC 27699-4334 within two years of the date of your injury or last payment of medical compensation. For occupational diseases, the claim must be filed within two years of the date of disability or the date your doctor told you that you have a work-related disease, whichever is later.

The use of this form is required under the provisions of the Workers' Compensation Act.

IC File # \_\_\_\_\_

\*Emp.Code # \_\_\_\_\_

\*Carrier Code# \_\_\_\_\_

Employer FEIN \_\_\_\_\_

Carrier File# \_\_\_\_\_

**\*Required Information**

The I.C. File # is the unique identifier for this injury. It will be provided by return letter and is to be referenced in all future correspondence.

Employer's Name <b>Lenoir County Bd of Elections</b>		Telephone Number <b>252-523-0636</b>	
Address <b>110 C S. Heritage St</b>		City <b>Kinston</b>	State Zip <b>NC 28501</b>
City <b>Kinston</b>	State Zip <b>NC 28501</b>	Insurance Carrier	Policy Number
Home Telephone	Work Telephone	Carrier's Address	City State Zip
Social Security Number	Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F	Date of Birth	Carrier's Telephone Number Fax Number

<b>Employer</b>	1. Give nature of employer's business <b>Elections for all Lenoir County</b>
<b>Time And Place</b>	2. Location of plant where injury occurred <b>Fairfield Recreation Center, 850 Greenbriar Rd, County Lenoir Department Elections State if employer's premises No</b>
	3. Date of injury <b>09-13-2011</b> 4. Day of week <b>Tuesday</b> Hour of day <b>8:00</b> <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.
	5. Was employee paid for entire day <b>Yes</b> 6. Date disability began <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.
<b>Person Injured</b>	7. Date you or the supervisor first knew of injury <b>09-13-2011</b> 8. Name of supervisor <b>Dana W. King</b>
	9. Occupation when injured <b>Precinct Worker - Assistant ( Part time for elect)</b>
	10. (a) Time employed by you <b>6am to 9pm</b> (b) Wages per hour \$ <b>7.00</b>
	11. (a) No. hours worked per day <b>15</b> (b) Wages per day <b>105.00</b> (c) No. of days worked per week <b>1</b> (d) Avg. weekly wages w/ overtime \$ <b>105.00</b> (e) If board, lodging, fuel or other advantages were furnished in addition to wages, estimated value per day, week or month. \$ <b>15.00</b> per day
<b>Cause And Nature of Injury</b>	12. Describe fully how injury occurred and what employee was doing when injured <b>[Redacted] was helping pack up supplies at Kinston 3 Precinct (Fairfield Rec. Center) where she had worked all day. She was taking signs down and when she came back in the door with a sign in each hand, she tripped on the small raised threshold and fell on the floor at the door inside the recreation center. Other workers heard the noise and went to her and helped her get up and sit in a chair. Chief Judge called our office and two of our board members went to the precinct. An ambulance was called and she was carried to the emergency room.</b> <small>(Statement made without prejudice and without vouching for correctness of information)</small>
	13. List all injuries and specify body part involved (e.g. right hand or left hand)
	14. Date & hour returned to work _____ at _____ 15. If so, at what wages \$ _____ per _____
	16. At what occupation _____ 17. Employee's salary continued in full _____
<b>Fatal Cases</b>	18. Was employee treated by a physician <b>Yes</b>
	19. Has injured employee died <b>No</b> 20. If so, give date of death (Submit Form 29)

Employer name Lenoir County Board of Elections Date Completed 9-21-2011  
 Signed by Dana W. King Official Title Director Lenoir County B

**OSHA 301 Information**

Case Number from Log:	Date Hired <b>08-2007</b>	Time Employee began work on date of incident: <b>6:00</b> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	If off-site medical treatment provided, answer entire next line.
Name of facility: <b>Lenoir Mem Hosp Emerg Rm</b>	Address: Street/City/Zip/Telephone <b>100 Airport Rd, Kinston,</b>		ER Visit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Overnight stay? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

For IC use ONLY  
 Researcher: \_\_\_\_\_  
 CC: \_\_\_\_\_  
 EC: \_\_\_\_\_  
 Data Entry: \_\_\_\_\_

SELF-INSURED EMPLOYER OR CARRIER MAIL TO:  
 NCIC - CLAIMS ADMINISTRATION  
 4335 MAIL SERVICE CENTER  
 RALEIGH, NORTH CAROLINA 27699-4334  
 MAIN TELEPHONE: (919) 807-2500  
 HELPLINE: (800) 688-8349  
 WEBSITE: HTTP://WWW.COMP.STATE.NC.US/

September 22, 2011

From: \_\_\_\_\_, Chief Judge - K-3

To Whom It May Concern:

On September 13, 2011, shortly after closing the polls, \_\_\_\_\_ Assistant, while retrieving curbside signs, fell upon entering the building at Fairfield Recreation Center.

I, \_\_\_\_\_ did not witness her actual fall, but with the commotion caused me to stop closing machines and look towards the door leading into the hallway. Mrs. \_\_\_\_\_ was on her right side and I immediately had her stay until she could gather her thoughts and determine if she was hurt. She sat for a few minutes and turned herself onto her knees and with help was able to stand and assisted to a chair inside the voting area. She was encouraged to remain seated while we finished closing machines.

\_\_\_\_\_ called her husband to come down and help Mrs. \_\_\_\_\_ into her car because at that point she wanted to go home. After Mr. \_\_\_\_\_ arrived, she did not seem able to go home and be alone. She was unsteady on her feet and agreed for us to call an ambulance. I notified the BOE of the fall and called for an ambulance.

After closing Mrs. \_\_\_\_\_ went to ER and remained with Mrs. \_\_\_\_\_ until discharge. I went to ER after turning in all materials to BOE. I left ER before results of x-rays but Mrs. \_\_\_\_\_ called and told me what ER doctor said, no hip fracture noted at that time.

On Friday September 16th, I called Mrs. \_\_\_\_\_ at home and she stated she was sore but would be alright; thanked me for my concern.

I am not sure of the times of any of these events but the call to Board of Elections was 8:30 pm.

# OSHA's Form 301 Injury and Illness Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved (DMS) no. 12 (8-0) 715

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-586 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by April C. Martin  
 Title Personnel Technician  
 Phone 202-587-0313 Date 10/24/12  
Ext 6466

### Information about the employee

- 1) Full name [redacted]
- 2) Street [redacted] City Kinston State NC ZIP 28504
- 3) Date of birth 11/11/08
- 4) Date hired 11/11/08
- 5)  Male  Female

### Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_
- 7) If treatment was given away from the worksite, where was it given?  
 Facility SMH
- 8) Was employee treated in an emergency room?  
 Yes  No
- 9) Was employee hospitalized overnight as an in-patient?  
 Yes  No

### Information about the case

- 10) Case number from the Log 30 (Transfer the case number from the Log after you record the case.)
- 11) Date of injury or illness 10/18/12
- 12) Time employee began work 10:30  AM  PM
- 13) Time of event 10:30 - 11:00 AM  Check if time cannot be determined
- 14) What was the employee doing just before the incident occurred? Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."  
Working @ the Early Voting Site @ Vassar Park. We left building to help couple w/curb-cutting.
- 15) What happened? Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."  
Slipped out onto driveway and tripped on porch and fell. Broke right wrist, and cut chin.
- 16) What was the injury or illness? Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."  
Broken right wrist and cut chin.
- 17) What object or substance directly harmed the employee? Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.  
Pavement
- 18) If the employee died, when did death occur? Date of death \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_



**Lenoir Memorial Hospital**  
100 Airport Rd  
Kinston, NC 28501  
Phone: 252-522-7100

Date: 10/18/12  
Account Num: L00037265873  
Med Rec Num: [REDACTED]  
Patient: [REDACTED]  
Location: ERM  
Physician: BENNETT MD, JENNIFER

## Patient Visit Information

You were seen today for:

Fall  
Fracture right wrist  
Laceration chin

### Staff

Your caregivers today were:

Physician BENNETT MD, JENNIFER  
Practitioner KATHI JEAN BARRINGER

### Patient Instructions Reviewed

Abrasion (ED)  
Emergency Department Discharge  
Laceration (ED)  
Wrist Fracture in Adults (ED)

received 10/18/12 - 1523

### Activity Restrictions or Additional Instructions

Call Orthopedic clinic and schedule an appointment as soon as possible. Return to the Emergency Department or your primary care doctor in 5-7 days for suture removal.

### Medication Dose and Instructions

Ibuprofen (Motrin 800 Mg Tablet) 800 MG, ORAL THREE TIMES DAILY AS NEEDED, #30

### Follow-up

[REDACTED] has been referred to the following clinics/specialists for follow up care:

Orthopedics East



**Lenoir Memorial Hospital**  
100 Airport Rd  
Kinston, NC 28501  
Phone: 252-522-7100

Date: 10/18/12  
Account Num: L00037265873  
Med Rec Num: M000181318  
Patient: [REDACTED]  
Location: ERM  
Physician: BENNETT MD, JENNIFER

---

## Emergency Department Discharge

You have been seen and treated by one of our physicians in the Emergency Department. Instructions for your continued care have been provided for you and explained to you. Follow Up with your doctor in 2 to 4 Days. Return to the Emergency Department for persistent or worsening symptoms.



Copy

# NOTICE OF ACCIDENT TO EMPLOYER AND CLAIM OF EMPLOYEE, REPRESENTATIVE, OR DEPENDENT (G.S. §§97-22 THROUGH 24)

IC File # \_\_\_\_\_

Emp. Code # \_\_\_\_\_

Carrier Code # \_\_\_\_\_

Employer FEIN \_\_\_\_\_

The I.C. File # is the unique identifier for this injury. It will be provided by return letter and is to be referenced in all future correspondence.

The Use Of This Form Is Required Under The Provisions of The Workers' Compensation Act

Employee Name	[Redacted]	Employer's Name	Lenoir County	Telephone Number	252-527-0313
Address	[Redacted]	Employer's Address	PO Box 3289, Kinston NC	City	28502
City	Kinston	State	N.C.	Zip	28503
Home Telephone		Work Telephone		Insurance Carrier	Discovery Ins. Co. ?
Social Security Number		Sex	<input type="checkbox"/> M <input checked="" type="checkbox"/> F	Carrier's Address	PO Box 200, Kinston NC 28502
		Date of Birth		Carrier's Telephone Number	252-523-1200
				Carrier's Fax Number	252-208-2589

EMPLOYEE - This form must be filed with the Industrial Commission within two years of the date of injury or occupational disease or your claim may be barred. Notice shall be given to the employer immediately after the accident or as soon as practicable and within 30 days. (This form should also be used for occupational disease claims; however, for asbestosis, silicosis and byssinosis, Form 18B is to be used.)

Notice is hereby given, as required by law, that the above-named employee sustained an injury or contracted an occupational disease, described as follows: 11:00 on 10-18-12 at Kinston, Lenoir Describe the injury or occupational disease, including the specific body part involved (e.g., right hand, left hand) right hand (hooker wrist) & right shoulder (rotator-cuff) (fall)

Describe how the injury or occupational disease occurred: working at early voting for Lenoir County BOE went outside to help couple curbside vote - tripped and fell

Occupation when injured: part worker - know Nature of employer's business: elections  
County Board of Elections  
Number of days out of work due to injury: 2 1/2 weeks  
Medical treatment received? Yes  No   
Weekly wage: 7.50 per hour Number of hours worked per day: 9 Days worked per week: 6

NOTE: If employee is unable to sign this form, another may sign for him. This form should be typewritten, if possible. Employee should retain one signed copy of this notice, mail one signed copy to the Industrial Commission at the address below, and provide one signed copy to employer.

Signature of (Check One)  Employee,  Attorney,  
 Representative, or  Dependent

[Redacted Signature] Telephone Number \_\_\_\_\_

Address: [Redacted] City: Kinston State: NC Zip: 28503 Date Completed: 12-20-12

EMPLOYER: This notice is being sent to you in compliance with requirements of the North Carolina Workers' Compensation Act, in order that the medical services prescribed by the Act may be obtained; and, if disability extends beyond 7 days duration, or if death ensues, compensation may be paid according to law.

FOR IC USE ONLY

RESEARCHER:

CC: \_\_\_\_\_

EC: \_\_\_\_\_

DATA ENTRY: \_\_\_\_\_

MAIL TO:  
NCIC - CLAIMS ADMINISTRATION  
4335 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-4334  
MAIN TELEPHONE: (919) 807-2500  
HELPLINE: (800) 688-8349  
WEBSITE: HTTP://WWW.COMP.STATE.NC.US/

On October 18, 2012 at approximately 10:30 - 11:00 while working for the Early Voting at Vernon Park Mall, I left the building to help a couple with curbside voting. I had a clipboard, a Bible, and the necessary papers for the couple in my hands. Several cars were lined up next to the curb at this driveway waiting for curbside. I stepped into the driveway to find the car I was looking for, tripped on something, and fell. I broke my right wrist, and cut my chin. I also broke a pair of prescription glasses.





Lenoir County  
Local Government

April Martin <amartin@co.lenoir.nc.us>

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## Fwd: Precinct Official

---

Jack Jones <jjones@co.lenoir.nc.us>

Mon, Oct 22, 2012 at 11:18 AM

To: April Martin <amartin@co.lenoir.nc.us>, Lashanda Hall <lhall@co.lenoir.nc.us>, Diane Atkinson <datkinson@co.lenoir.nc.us>

----- Forwarded message -----

From: **Dana King** <dking@co.lenoir.nc.us>

Date: Sun, Oct 21, 2012 at 3:59 PM

Subject: Precinct Official

Do we know anything about a Form 19, etc. Sounds like the individual went to Emergency Room instead of the Urgent Care Place we have. Anyone know anything or been contacted. Jack

To: Mike Jarman <mjarman@co.lenoir.nc.us>, Jack Jones <jjones@co.lenoir.nc.us>

Cc: Sharon Kanter <skanter@suddenlink.net>, Oscar Herring <herringoscar@yahoo.com>, Kim Allison <ksballison@gmail.com>, Dana King <dking@co.lenoir.nc.us>

Mike and Jack,

We had a precinct official to fall Thursday at the mall. I'm sorry that things were so crazy that I did not call you Friday. I spoke to her this weekend and asked her to write down everything that happened at the site of the fall. She was in the process of helping a curbside voter and fell. She went to the hospital here and they x-rayed her wrist and it is broken. They could not get her chin to stop bleeding so they put 2 or 3 stitches in. She then went to an orthopedic doctor Friday in Greenville and they confirmed the wrist is broken and that she needs surgery. She is scheduled to have surgery Wednesday, October 24th.

I will be staying in contact with her. We have training for the precinct officials this week so if you need me please e-mail or call the office. I will get back to you as soon as possible.

Thank you,

Dana

--

Jack B. Jones



## U.S. Citizenship and Immigration Services

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 20

### **Q : What is the required timeframe for conducting an employment eligibility check on a newly hired employee?**

The earliest the employer may initiate a query is after an individual accepts an offer of employment and after the employee and employer complete the Form I-9. The employer must initiate the query no later than the end of three business days after the new hire's actual start date.

An employer may initiate the query before a new hire's actual start date; however, it may not pre-screen applicants and may not delay training or an actual start date based upon a tentative non-confirmation or a delay in the receipt of a confirmation of employment authorization. An employee should not face any adverse employment consequences based upon an employer's use of E-Verify unless a query results in a final non-confirmation. In addition, an employer cannot use an employment authorization response to speed up an employee's start date. This would be unfair treatment to use E-Verify results to accelerate employment for this employee compared to another who may have received a tentative non-confirmation.

For example, Company X always assigns a start-date to new employees that is two weeks after the employee has completed an approved drug test. After the employee has accepted a job with Company X and after the employee and Company X completes the Form I-9, the company can initiate the E-Verify query. However, the company cannot speed up or delay the employee's start date based upon the results of the query (unless the program issues a final non-confirmation, in which case the employee should not be further employed).

Employers must verify employees in a non-discriminatory manner and may not schedule the timing of queries based upon the new hire's national origin, citizenship status, race, or other characteristic that is prohibited by U.S. law.

#### Plug-ins



**U.S. Citizenship and Immigration Services**



**Penalties**

Employers have certain responsibilities under immigration law during the hiring process. The employer sanctions provisions, found in section 274A of the Immigration and Nationality Act (INA), were added by the Immigration Reform and Control Act of 1986 (IRCA). These provisions further changed with the passage of the Immigration Act of 1990 and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.

**Employers must:**

- Verify the identity and employment authorization of each person hired after Nov. 6, 1986. For employment in the Commonwealth of the Mariana Islands (CNMI), this verification requirement applies to persons hired after Nov. 27, 2009.
- Complete and retain a Form I-9 for each employee required to complete the form.

**Employers must not:**

- Discriminate against individuals on the basis of national origin, citizenship, or immigration status.
- Hire, recruit for a fee, or refer for a fee aliens he or she knows to be unauthorized to work in the United States.

**Employers who violate the law may be subject to**

- civil fines
- criminal penalties (when there is a pattern or practice of violations)
- debarment from government contracts
- a court order requiring the payment of back pay to the individual discriminated against
- a court order requiring the employer to hire the individual discriminated against

**Civil Fines and Criminal Penalties for Form I-9 Violations**

Civil Violations	First Offense		Second Offense		Third Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Hiring or continuing to employ a person, or recruiting or	\$375 for each worker.	\$3,200 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.	\$4,300 for each worker.	\$16,000 for each worker.

referring for a fee, knowing that the person is not authorized to work in the United States.						
Failing to comply with Form I-9 requirements.	\$110 for each form.	\$1,100 for each form.	\$110 for each form.	\$1,100 for each form.	\$110 for each form.	\$1,100 for each form.
Committing or participating in document fraud.	\$375 for each worker.	\$3,200 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.	\$3,200 for each worker.	\$6,500 for each worker.
Committing document abuse.	\$110 per violation.	\$1,100 per violation.	\$110 per violation.	\$1,100 per violation.	\$110 per violation.	\$1,100 per violation.
Unlawful discrimination against an employment-authorized individual in hiring, firing, or recruitment or referral for a fee.	\$375 per violation.	\$3,200 per violation.	\$3,200 per violation.	\$6,500 per violation.	\$4,300 per violation.	\$16,000 per violation.
Asking an employee for money guaranteeing that the employee is authorized to work in the United States, also called an indemnity bond.					<ul style="list-style-type: none"> <li>• Pay \$1,100 for each bond the employee paid to the employer.</li> <li>• Refund the employee the full amount of the bond. If the employee cannot be found, this refund will go to the U.S. Treasury.</li> </ul>	
<b>Criminal Violations</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>			

<p>Engaging in a pattern or practice of hiring, recruiting or referring for a fee unauthorized aliens.</p>	<ul style="list-style-type: none"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul>	<ul style="list-style-type: none"> <li>• Up to \$3,000 for each unauthorized alien.</li> <li>• Up to 6 months in prison for the entire pattern or practice.</li> </ul>
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Last updated: 11/23/2011

Plug-ins

## SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 11/20/2012  
Page: 1 of 1

Case Verification Number: 2012325095836PV

**Case Information:****Employee Information:**

Last Name: ██████████  
Middle Initial: ██████████  
Social Security Number: \*\*\* \*\* ██████████  
Citizenship Status: A citizen of the United States

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 11/06/2012  
Three-Day Rule Reason: Other  
Submitted By: RFOX6245

Employer Case ID:  
Three-Day Rule - Other: Not submitte to Human Resources until 11/20/2012  
Submitted On: 11/20/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

**Employee Referred to DHS (Additional):**

---

Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

---

Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

---

Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result.  
Closed By: RFOX6245 Closed On: 11/20/2012

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\_\_\_\_\_

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SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 11/19/2012  
Page: 1 of 1

Case Verification Number: 2012324095945SL

Case Information:

Employee Information:

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: \*\*\* \*\* [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name: [REDACTED]  
Date of Birth: [REDACTED]

Document Information:

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

Additional Information:

Hire Date: 11/06/2012  
Three-Day Rule Reason: Other  
Submitted By: RFOX6245

Employer Case ID:  
Three-Day Rule - Other: Not Submitted to Human Resources until 11/19/2012  
Submitted On: 11/19/2012

Initial Case Result:

Case Result: Employment Authorized

Employee Referred to SSA:

Referred By: Referred On:

Case Result from SSA (after SSA Tentative Nonconfirmation):

Case Result: Response Date:

Resubmitted to SSA (after Review and Update Employee Data):

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

Case Result from SSA (after Resubmission):

Case Result:

Request Name Review:

Comments:  
Submitted By: Submitted On:

Case Result from DHS (after DHS Verification in Process):

Case Result: Response Date:

Employee Referred to DHS:

Referred By: Referred On:

Case Result from DHS (after DHS Tentative Nonconfirmation):

Case Result: Response Date:

Photo Matching Results:

Determination:

## SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 11/13/2012  
Page: 1 of 1

Case Verification Number: 2012318113311PZ

**Case Information:**

**Employee Information:**

Last Name:	[REDACTED]	First Name:	[REDACTED]
Middle Initial:	[REDACTED]	Maiden Name:	[REDACTED]
Social Security Number:	*** ** [REDACTED]	Date of Birth:	[REDACTED]
Citizenship Status:	A citizen of the United States		

**Document Information:**

List B Document:	Driver's license or ID card issued by a U.S. state or outlying possession	List C Document:	Social Security Card
Document Name:	Driver's license	Document State:	North Carolina
Driver's License or ID Card Number:		Document Expiration Date:	
Alien Number:		I-94 Number:	

**Additional Information:**

Hire Date:	10/18/2012	Employer Case ID:	
Three-Day Rule Reason:	Other	Three-Day Rule - Other:	Not submitted to Human Resources until 11/13/2012
Submitted By:	RFOX6245	Submitted On:	11/13/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name:	First Name:
Middle Initial:	Maiden Name:
Social Security Number:	Date of Birth:
Resubmitted By:	Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 11/13/2012  
Page: 1 of 1

Case Verification Number: 2012318113622ZR

Case Information:

Employee Information:

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name: [REDACTED]  
Date of Birth: [REDACTED]

Document Information:

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

Additional Information:

Hire Date: 10/18/2012  
Three-Day Rule Reason: Other  
Submitted By: RFOX6245

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until 11/13/2012  
Submitted On: 11/13/2012

Initial Case Result:

Case Result: Employment Authorized

Employee Referred to SSA:

Referred By: Referred On:

Case Result from SSA (after SSA Tentative Nonconfirmation):

Case Result: Response Date:

Resubmitted to SSA (after Review and Update Employee Data):

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

Case Result from SSA (after Resubmission):

Case Result:

Request Name Review:

Comments:  
Submitted By: Submitted On:

Case Result from DHS (after DHS Verification in Process):

Case Result: Response Date:

Employee Referred to DHS:

Referred By: Referred On:

Case Result from DHS (after DHS Tentative Nonconfirmation):

Case Result: Response Date:

Photo Matching Results:

Determination:

SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 11/13/2012  
Page: 1 of 1

Case Verification Number: 2012318112907TX

**Case Information:****Employee Information:**

Last Name: ██████████  
Middle Initial: ██████  
Social Security Number: \*\*\*\* \* ██████  
Citizenship Status: A citizen of the United States

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 10/18/2012  
Three-Day Rule Reason: Other  
Submitted By: RFOX6245

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until 11/13/2012  
Submitted On: 11/13/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: ██████████ Referred On: ██████████

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: ██████████ Response Date: ██████████

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: ██████████ First Name: ██████████  
Middle Initial: ██████ Maiden Name: ██████████  
Social Security Number: ██████████ Date of Birth: ██████████  
Resubmitted By: ██████████ Resubmitted On: ██████████

**Case Result from SSA (after Resubmission):**

Case Result: ██████████

**Request Name Review:**

Comments: ██████████  
Submitted By: ██████████ Submitted On: ██████████

**Case Result from DHS (after DHS Verification in Process):**

Case Result: ██████████ Response Date: ██████████

**Employee Referred to DHS:**

Referred By: ██████████ Referred On: ██████████

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: ██████████ Response Date: ██████████

**Photo Matching Results:**

Determination: ██████████

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Department of Homeland Security  
E-Verify

Report Prepared: 05/22/2012  
Page: 1 of 1

Case Verification Number: 2012143144528YD

**Case Information:****Employee Information:**

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: \*\*\* \*\* [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name: [REDACTED]  
Date of Birth: [REDACTED]

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 22, 2012.  
Submitted On: 05/22/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

**Employee Referred to DHS (Additional):**

---

Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

---

Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

---

Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result  
Closed By: AMAR1561 Closed On: 05/22/2012

---

**SENSITIVE BUT UNCLASSIFIED**

SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 05/17/2012

Page: 1 of 1

Case Verification Number: 2012138154536XQ

**Case Information:****Employee Information:**

Last Name: ██████████  
Middle Initial: ██████  
Social Security Number: \*\*\*-██-████  
Citizenship Status: A citizen of the United States

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number: ██████████

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date: ██████████

Alien Number: ██████████

I-94 Number: ██████████

**Additional Information:**

Hire Date: 05/08/2012

Employer Case ID: ██████████

Three-Day Rule Reason: Other

Three-Day Rule - Other: ██████████

Submitted By: AMAR1561

Submitted On: 05/17/2012

Not submitted to Human Resources until May 17, 2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: ██████████

Referred On: ██████████

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: ██████████

Response Date: ██████████

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: ██████████  
Middle Initial: ██████  
Social Security Number: ██████████  
Resubmitted By: ██████████

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████  
Resubmitted On: ██████████

**Case Result from SSA (after Resubmission):**

Case Result: ██████████

**Request Name Review:**

Comments: ██████████  
Submitted By: ██████████

Submitted On: ██████████

**Case Result from DHS (after DHS Verification in Process):**

Case Result: ██████████

Response Date: ██████████

**Employee Referred to DHS:**

Referred By: ██████████

Referred On: ██████████

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: ██████████

Response Date: ██████████

**Photo Matching Results:**

Determination: ██████████

**Employee Referred to DHS (Additional):**

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Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

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Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

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Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result.  
Closed By: AMAR1561 Closed On: 05/17/2012

---

**SENSITIVE BUT UNCLASSIFIED**

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Department of Homeland Security  
E-Verify

Report Prepared: 05/17/2012  
Page: 1 of 1

Case Verification Number: 2012138153759HZ

Case Information:

Employee Information:

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: \*\*\* \*\* [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name:  
Date of Birth: [REDACTED]

Document Information:

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

Additional Information:

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 17, 2012  
Submitted On: 05/17/2012

Initial Case Result:

Case Result: Employment Authorized

Employee Referred to SSA:

Referred By: Referred On:

Case Result from SSA (after SSA Tentative Nonconfirmation):

Case Result: Response Date:

Resubmitted to SSA (after Review and Update Employee Data):

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

Case Result from SSA (after Resubmission):

Case Result:

Request Name Review:

Comments:  
Submitted By: Submitted On:

Case Result from DHS (after DHS Verification in Process):

Case Result: Response Date:

Employee Referred to DHS:

Referred By: Referred On:

Case Result from DHS (after DHS Tentative Nonconfirmation):

Case Result: Response Date:

Photo Matching Results:

Determination:

**Employee Referred to DHS (Additional):**

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Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

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Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

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Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result.  
Closed By: AMARI561 Closed On: 05/17/2012

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SENSITIVE BUT UNCLASSIFIED

Department of Homeland Security  
E-Verify

Report Prepared: 05/17/2012  
Page: 1 of 1

Case Verification Number: 2012138155009JF

**Case Information:****Employee Information:**

Last Name: ██████████  
Middle Initial: ██████  
Social Security Number: \*\*\* \*\* ██████  
Citizenship Status: A citizen of the United States

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████

██████████  
= COPY

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 17, 2012  
Submitted On: 05/17/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

**Employee Referred to DHS (Additional):**

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Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

---

Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

---

Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result.  
Closed By: AMAR1561 Closed On: 05/17/2012

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Department of Homeland Security  
E-Verify

Report Prepared: 05/17/2012  
Page: 1 of 1

Case Verification Number: 2012138153037XA

**Case Information:**

**Employee Information:**

Last Name: ██████████  
Middle Initial: ██████  
Social Security Number: \*\*\* \*\* ██████  
Citizenship Status: A citizen of the United States

First Name: ██████████  
Maiden Name: ██████████  
Date of Birth: ██████████

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 17, 2012.  
Submitted On: 05/17/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

**Employee Referred to DHS (Additional):**

Referred By:

Referred On:

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

Case Result:

Response Date:

**Case Closure:**

Closure Statement:

The employee continues to work for the employer after receiving an Employment Authorized result.

Closed By:

AMAR1561

Closed On:

05/17/2012

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Department of Homeland Security  
E-Verify

Report Prepared: 05/16/2012  
Page: 1 of 1

Case Verification Number: 2012137082246FM

Case Information:

Employee Information:

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: \*\*\* \*\* [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name:  
Date of Birth: [REDACTED]

Document Information:

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

Additional Information:

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 15, 2012  
Submitted On: 05/16/2012

Initial Case Result:

Case Result: Employment Authorized

Employee Referred to SSA:

Referred By: Referred On:

Case Result from SSA (after SSA Tentative Nonconfirmation):

Case Result: Response Date:

Resubmitted to SSA (after Review and Update Employee Data):

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

Case Result from SSA (after Resubmission):

Case Result:

Request Name Review:

Comments:  
Submitted By: Submitted On:

Case Result from DHS (after DHS Verification in Process):

Case Result: Response Date:

Employee Referred to DHS:

Referred By: Referred On:

Case Result from DHS (after DHS Tentative Nonconfirmation):

Case Result: Response Date:

Photo Matching Results:

Determination:

**Employee Referred to DHS (Additional):**

Referred By: \_\_\_\_\_ Referred On: \_\_\_\_\_

**Case Result from DHS (after Additional DHS Tentative Nonconfirmation):**

Case Result: \_\_\_\_\_ Response Date: \_\_\_\_\_

**Case Closure:**

Closure Statement: The employee continues to work for the employer after receiving an Employment Authorized result.  
Closed By: AMAR1561 Closed On: 05/16/2012

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Department of Homeland Security  
E-Verify

Report Prepared: 05/15/2012

Page: 1 of 1

Case Verification Number: 2012136154024ZU

**Case Information:****Employee Information:**

Last Name: [REDACTED]  
Middle Initial: [REDACTED]  
Social Security Number: \*\*\* \*\* [REDACTED]  
Citizenship Status: A citizen of the United States

First Name: [REDACTED]  
Maiden Name: [REDACTED]  
Date of Birth: [REDACTED]

**Document Information:**

List B Document: Driver's license or ID card issued by a U.S. state or outlying possession  
Document Name: Driver's license  
Driver's License or ID Card Number:  
Alien Number:

List C Document: Social Security Card  
Document State: North Carolina  
Document Expiration Date:  
I-94 Number:

**Additional Information:**

Hire Date: 05/08/2012  
Three-Day Rule Reason: Other  
Submitted By: AMAR1561

Employer Case ID:  
Three-Day Rule - Other: Not submitted to Human Resources until May 15, 2012  
Submitted On: 05/15/2012

**Initial Case Result:**

Case Result: Employment Authorized

**Employee Referred to SSA:**

Referred By: Referred On:

**Case Result from SSA (after SSA Tentative Nonconfirmation):**

Case Result: Response Date:

**Resubmitted to SSA (after Review and Update Employee Data):**

Last Name: First Name:  
Middle Initial: Maiden Name:  
Social Security Number: Date of Birth:  
Resubmitted By: Resubmitted On:

**Case Result from SSA (after Resubmission):**

Case Result:

**Request Name Review:**

Comments:  
Submitted By: Submitted On:

**Case Result from DHS (after DHS Verification in Process):**

Case Result: Response Date:

**Employee Referred to DHS:**

Referred By: Referred On:

**Case Result from DHS (after DHS Tentative Nonconfirmation):**

Case Result: Response Date:

**Photo Matching Results:**

Determination:

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 10:00 A.M. ON 8 JANUARY 2013 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC [File: BOE8Jan2013]**

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**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, and board member Kimberly B. Allison

Chairman Kanter called the meeting to order at 10:10 a.m. The board discussed the LCBOE Expenditure Statement for the period ending 1/31/2013 [fiscal year 2012-2013]. Specifics of discussion were :

Line item: 10-4170-1730 – Salaries/Wages – County and the unencumbered balance of (22,801.41). The County Manager had informed the Chairman that this expenditure is valid, but unfunded in the BOE's current budget. This overrun will have to be addressed by petition to County Commission for additional funding. An additional concern was expressed regarding the County Manager not having been notified in accordance with County personnel policy of the anticipated overtime.

Line item: 10-4170-1212 – Salaries/Wages Overtime and an unencumbered balance of (5,424.39). This expenditure is of concern because there was no official request for this overtime.

Line item: 10-41701-1260 – Salaries Wages – Part Time with an unencumbered balance of 600.00. It appears that the Elections Director should have used these monies to cover a portion of the expenditures for line item 10-4170-1730 – Salaries/Wages County.

Chairman Kanter shared with board members that 37 poll workers have been paid for their overtime. Chairman Kanter informed the board members that the Elections Director is scheduled to appear before the Board of County Commissioners on 22 January 2013 and present a Resolution which will request that the County Commissioners appropriate monies to cover the 2012 budget overages for the LCBOE. The LCBOE shall hold a special meeting to review the details of what the Elections Director shall include in the Resolution.

On several occasions, prior to and during the One-Stop voting, the Elections Director was requested by the Board to provide a work schedule of the poll workers to ensure there was no overtime. The Elections Director did not provide the requested schedule.

The board discussed in detail the violations of the County Personnel Policy and the federal laws as they pertain to the delays in the submission of the I-9 forms and the delays in the submission of the worker's compensation claims.

The board requested that the Chairman contact the Elections Director and direct her to prepare a schedule for the employees to take their compensatory time off. This is a concern of the board because several employees have mentioned possible retirement for the upcoming year.

Of concern to the board is the several months of board minutes that have been written and posted on the website, but they have not been printed for the board members to sign and place in the official minute book. The board members asked the Chairman to contact the Elections Director and to request that she print these minutes so they can be officially entered in the minute book.

Page 1532

The meeting was adjourned at 10:45 a.m. on a motion by Kimberly B. Allison and a second by Oscar E. Herring.

The board approved these minutes electronically on December 3, 2012.

APPROVED:

Sharon L. Kanter  
Chairman

Kimberly B. Allison  
Board Member

Oscar E. Herring  
Secretary

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 2 P.M. ON 3 JANUARY 2013 AT THE COUNTY MANAGER'S OFFICE, LENOIR COUNTY COURTHOUSE, KINSTON, NC [File: MTGCTYMGR3JAN2013]**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison and County Manager Mike Jarman

At the request of the members of the Board of Elections a meeting was held in the County Manager's Office to discuss the excessive amount of overtime used during the One-Stop Early Voting and the General Election. Also, discussed was the non-compliance of filing the I-9 forms and the Worker's Compensation claims on a timely basis as required by the Lenoir County Personnel Policy.

The meeting adjourned at 3:45 p.m.

These minutes were electronically approved by the board members on 7 January 2013.

APPROVED:

Sharon L. Kanter  
Chairman

Kimberly B. Allison  
Board Member

Oscar E. Herring  
Secretary

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 10:00 A.M. ON 8 JANUARY 2013 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC [File: BOE8Jan2013]**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, and board member Kimberly B. Allison

Chairman Kanter called the meeting to order at 10:10 a.m. The board discussed the LCBOE Expenditure Statement for the period ending 1/31/2013 [fiscal year 2012-2013]. Specifics of discussion were :

Line item: 10-4170-1730 – Salaries/Wages – County and the unencumbered balance of (22,801.41). The County Manager had informed the Chairman that this expenditure is valid, but unfunded in the BOE's current budget. This overrun will have to be addressed by petition to County Commission for additional funding. An additional concern was expressed regarding the County Manager not having been notified in accordance with County personnel policy of the anticipated overtime.

Line item: 10-4170-1212 – Salaries/Wages Overtime and an unencumbered balance of (5,424.39). This expenditure is of concern because there was no official request for this overtime.

Line item: 10-41701-1260 – Salaries Wages – Part Time with an unencumbered balance of 600.00. It appears that the Elections Director should have used these monies to cover a portion of the expenditures for line item 10-4170-1730 – Salaries/Wages County.

Chairman Kanter shared with board members that 37 poll workers have been paid for their overtime. Chairman Kanter informed the board members that the Elections Director is scheduled to appear before the Board of County Commissioners on 22 January 2013 and present a Resolution which will request that the County Commissioners appropriate monies to cover the 2012 budget overages for the LCBOE. The LCBOE shall hold a special meeting to review the details of what the Elections Director shall include in the Resolution.

On several occasions, prior to and during the One-Stop voting, the Elections Director was requested by the Board to provide a work schedule of the poll workers to ensure there was no overtime. The Elections Director did not provide the requested schedule.

The board discussed in detail the violations of the County Personnel Policy and the federal laws as they pertain to the delays in the submission of the I-9 forms and the delays in the submission of the worker's compensation claims.

The board requested that the Chairman contact the Elections Director and direct her to prepare a schedule for the employees to take their compensatory time off. This is a concern of the board because several employees have mentioned possible retirement for the upcoming year.

## Sharon Kanter

---

**From:** Dana King [dking@co.lenoir.nc.us]  
**Sent:** Tuesday, January 15, 2013 3:35 PM  
**To:** Sharon Kanter  
**Cc:** Oscar Herring; Kim Allison; Dana King  
**Subject:** Re: Meeting

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 284

Sharon, Friday at 10:00 am is fine.  
Dana

On Tue, Jan 15, 2013 at 3:02 PM, Sharon Kanter <[skanter@suddenlink.net](mailto:skanter@suddenlink.net)> wrote:

Dana, the Board would like to meet with you at the BOE this Friday, January 18 at 10:00 AM for the purpose of following up on my email to you of last week. Specifically, we will need to review and discuss the following items:

- The schedule you have developed for BOE staff members to begin taking some of their accrued comp time
- The resolution which you have been directed to submit to County Commission next regarding the budget overrun

Additionally, we will expect to sign the official minutes which have been approved and have accrued since August 8, 2012 but have not been signed or entered into the official minutes yet.

We will also discuss an incident of potential voter fraud on November 6. Neither Kim or I was even aware of the incident until last week; Oscar was aware of it, but assumed the incident was being investigated. It involves a man who apparently voted an absentee ballot during early voting, then voted again on election day in his precinct with a provisional ballot which was properly provided him there. The Board was not made aware of this situation when we were examining and depending on staff recommendations in accepting/rejecting provisional ballots.

If Friday afternoon works better with your schedule, please let me know and I will alert Kim and Oscar. We need to meet on Friday to allow time for getting the 48-hour meeting notice in the Free Press. Please let me know, and I will take care of getting the notice in the newspaper.

Thanks,

Sharon

partial count and 276 not approved.) The opening of the provisional ballots was a long and tedious process because Lenoir County has three Congressional districts. The opening of the provisional ballots continued into the mandated statutory time for the canvass meeting. The process of reviewing the provisional ballots (opening of the recommended approved ballots for counting by machine) and the review of provisional ballots not recommended for approved (ballots not opened) was completed at 12:15 p.m.

The Board took a brief break from the canvass meeting for personal reasons and to welcome and hear from the Chief Judges. When the Board returned from the break, Board members began to review the names on the county generated report of "Provisional Voters by Precinct Voted." This was a laborious process because some voters had voted in the wrong precinct and manual reviews had to be implemented to ensure each candidate received the votes they were entitled to receive.

The canvass meeting continued throughout the day. At 6:10 p.m. and on a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval to certify the results of the ballots count in this election (November 2012). The official results of the General Election held in Lenoir County, NC on November 6, 2012 are recorded at Attachment 1.

The meeting adjourned at 6:42 p.m. on a motion by Sharon L. Kanter and a second by Oscar E. Herring.

These minutes were electronically approved by the board on November 16, 2012.

**Attachment**

Official Results-General Election in Lenoir County, NC on November 6, 2012. *This status of this report will change to OFFICIAL after the State Board of Elections holds its canvass meeting on November 27, 2012.*

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, RECOUNT OF VOTES FOR US CONGRESSIONAL DISTRICT 7 [MC INTYRE AND ROUSER], LENOIR COUNTY ELECTIONS HEADQUARTER, 110-C SOUTH HERRITAGE STREET, KINSTON, NC 28501 ON NOVEMBER 27, 2012 AT 9:00 A.M. USCongressDistr7Nov272012**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar Herring, Board Member Kimberly B. Allison, Elections Director Dana W. King and staff member Barbara Perry.  
**Others in Attendance:** Danny Rice, Rita Spence, McIntyre Delegation; Tyler McIntyre, McIntyre Delegation; Mike Gerini, McIntyre Delegation, Attorney Brian Ratledge, Rouser for Congress; Jeff Nice, Chair of the Lenoir County Republican Party; and Clayton Bauman from WITN TV-12.

Chairman Kanter called the meeting to order at 9:00 a.m. and Dana W. King, Elections Director, explained the protocol that would be used during the recount and Mrs. King provided the attendees with a hand-out that delineated the written protocol.

During the recount, Attorney Ratledge challenged the instructions given by Mrs. King and read NCGS 163-182.1(a)(7)a:

*If a voter casts a vote for a straight-party ticket, that vote shall be counted for all the candidates of that party, other than those for President and Vice President, in the partisan ballot items on that official ballot except as otherwise provided in this subdivision.*

Board members were in agreement with Attorney Ratledge's challenge.

The Authorization to Vote (ATV) ballots were ran through the M-100 for a total. However, some ATV ballots were not properly marked and had to be hand-counted. Chairman Kanter read the names of the candidates and board members Kimberly B. Allison, Oscar E. Herring, and staff member Barbara S. Perry tallied the hand-to eye ballots.

his page will be revised to correct the figures that shifted to the left and to correct the spelling of ouzer.

*Results of the Recount held on November 27, 2012  
 US House of Representatives District 7*

	<u>rovisional</u>	<u>Curbside</u>	<u>Absentee By Mail</u>	<u>One Stop Election</u>	<u>Election Day</u>	<u>Total</u>
M. McIntyre Before 19	69	118	2,969	1,506	4,681	
After	20	71	124	2,968	1,506	4,689
D. Rouse Before 38	70	328	4,548	2,640	7,624	
After	38	71	333	4,547	2,640	7,629

On a motion by Oscar E. Herring, a second by Kimberly B. Allison and unanimous approval the board certified the recount for US Congressional District 7.

Page 1532

The meeting was adjourned at 10:45 a.m. on a motion by Kimberly B. Allison and a second by Oscar E. Herring.

The board approved these minutes electronically on December 3, 2012.

**APPROVED:**

Sharon L. Kanter  
Chairman

Kimberly B. Allison  
Board Member

Oscar E. Herring  
Secretary

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 2 P.M. ON 3 JANUARY 2013 AT THE COUNTY MANAGER'S OFFICE, LENOIR COUNTY COURTHOUSE, KINSTON, NC [File: MTGCTYMGR3JAN2013]**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, Board Member Kimberly B. Allison and County Manager Mike Jarman

At the request of the members of the Board of Elections a meeting was held in the County Manager's Office to discuss the excessive amount of overtime used during the One-Stop Early Voting and the General Election. Also, discussed was the non-compliance of filing the I-9 forms and the Worker's Compensation claims on a timely basis as required by the Lenoir County Personnel Policy.

The meeting adjourned at 3:45 p.m.

These minutes were electronically approved by the board members on 7 January 2013.

**APPROVED:**

Sharon L. Kanter  
Chairman

Kimberly B. Allison  
Board Member

Oscar E. Herring  
Secretary

**MINUTES, LENOIR COUNTY BOARD OF ELECTIONS, 10:00 A.M. ON 8 JANUARY 2013 AT ELECTION HEADQUARTERS, 110-C SOUTH HERRITAGE STREET, KINSTON, NC [File: BOE8Jan2013]**

**Present:** Chairman Sharon L. Kanter, Secretary Oscar E. Herring, and board member Kimberly B. Allison

Chairman Kanter called the meeting to order at 10:10 a.m. The board discussed the LCBOE Expenditure Statement for the period ending 1/31/2013 [fiscal year 2012-2013]. Specifics of discussion were :

Line item: 10-4170-1730 – Salaries/Wages – County and the unencumbered balance of (22,801.41). The County Manager had informed the Chairman that this expenditure is valid, but unfunded in the BOE's current budget. This overrun will have to be addressed by petition to County Commission for additional funding. An additional concern was expressed regarding the County Manager not having been notified in accordance with County personnel policy of the anticipated overtime.

Line item: 10-4170-1212 – Salaries/Wages Overtime and an unencumbered balance of (5,424.39). This expenditure is of concern because there was no official request for this overtime.

Line item: 10-41701-1260 – Salaries Wages – Part Time with an unencumbered balance of 600.00. It appears that the Elections Director should have used these monies to cover a portion of the expenditures for line item 10-4170-1730 – Salaries/Wages County.

Chairman Kanter shared with board members that 37 poll workers have been paid for their overtime. Chairman Kanter informed the board members that the Elections Director is scheduled to appear before the Board of County Commissioners on 22 January 2013 and present a Resolution which will request that the County Commissioners appropriate monies to cover the 2012 budget overages for the LCBOE. The LCBOE shall hold a special meeting to review the details of what the Elections Director shall include in the Resolution.

On several occasions, prior to and during the One-Stop voting, the Elections Director was requested by the Board to provide a work schedule of the poll workers to ensure there was no overtime. The Elections Director did not provide the requested schedule.

The board discussed in detail the violations of the County Personnel Policy and the federal laws as they pertain to the delays in the submission of the I-9 forms and the delay s in the submission of the worker's compensation claims.

The board requested that the Chairman contact the Elections Director and direct her to prepare a schedule for the employees to take their compensatory time off. This is a concern of the board because several employees have mentioned possible retirement for the upcoming year.

Sharon Kanter

**From:** Oscar Herring [herringoscar@yahoo.com]  
**Sent:** Saturday, December 22, 2012 4:50 PM  
**To:** Sharon Kanter; Kim Allison  
**Subject:** Fw: Cty Manager's Letter  
**Attachments:** CtyMgrLetterRevised.docx

Oops, I forgot to send you cc. Here it is. Oscar

----- Forwarded Message -----

**From:** Oscar Herring <herringoscar@yahoo.com>  
**To:** Dana King <dking@co.lenoir.nc.us>; "mjarman@co.lenoir.nc.us" <mjarman@co.lenoir.nc.us>  
**Sent:** Saturday, December 22, 2012 4:48 PM  
**Subject:** Cty Manager's Letter

Mrs. King and Mr. Jarman,

I am the Secretary for the LCBOE and I am sending this email on behalf of the LCBOE. It has been electronically approved by the board members.

Mrs. King, you stated in your email that you would be responding to Mr. Jarman's email over the weekend. The board is sending you this memorandum so you will know what the board supports and does not support regarding the overtime, filing the I-9 forms and the worker's comp forms. This memorandum should assist you in the preparation of your response to Mr. Jarman. Please make sure that each member of the LCBOE receives a copy of your response.

I understand that you will be on vacation the majority of next week and on behalf of the LCBOE we wish you a Merry Christmas and hope that you have quality time with your family.

*Oscar Herring*, Secretary  
Lenoir County Board of Elections

LENOIR COUNTY BOARD OF ELECTIONS  
110-C SOUTH HERRITAGE STREET  
KINSTON, NC 28502

MEMORANDUM

TO: Dana King, Elections Director  
FROM: Lenoir County Elections Board of Directors  
DATE: December 21, 2012  
RE: Letter from the County Manager, dated December 5, 2012

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All three members of the board have reviewed the County Manager's letter and his concerns. In your email you stated that you were working on a response to the County Manager's letter. The purpose of this memorandum is to give you clear information regarding the support you will receive from the members of the Board of Elections. This memo also includes points you might want to address in your response to the County Manager.

This letter from the County Manager is very serious and this board is deeply concerned because you misled this board to believe that there were budgeted funds to cover the 2012 election. In addition, the board is concerned that this letter is dated December 5, 2012 but the board was not provided a copy until December 20, 2012 – eleven days later and just before the holiday breaks, when people have time and family commitments. It is a further concern because this board has repeatedly emphasized to you the need to communicate promptly to the board any and all information which concerns our duties and responsibilities.

Mrs. King, the board appreciates the dedication and work that you and the staff have provided to the citizens of Lenoir County. Statistics proved that there was a higher turnout of people to vote in the November election than any other election ever held in Lenoir County. You and each employee are commended for your dedication to ensure that Lenoir County had an error-free election.

The board added one additional Saturday and one Sunday to the One-Stop Voting Plan which probably added a cost of \$3,000.00 to the election. The board does not believe that changing the hours of operation at the Vernon Park Mall One-Stop Site added any additional expense to the election.

There was a dramatic increase in new registrations that required the staff to work late at night and on the weekends to process these registrations. **The board supports this overtime. The board supports the overtime on Election Day.** The board understood that overtime was necessary and would be more receptive to supporting your decision for overtime if you had obtained approval for the overtime.

You stated in your email to the board members that you have been a county employee for 16 years and we must assume that these years have been as the Elections Director. As a member of the Lenoir County Management team, you are charged with the responsibility of ensuring that your Department complies with all the county policies.

Now the board is in the uncomfortable position of addressing the County Manager's concerns regarding the staggering amount of overtime hours. Throughout this year, the board has asked you whether there were sufficient budgeted funds to cover the 2012 election and each time your response was "yes".

Lenoir County Board of Elections  
Petition for Termination  
Documentation Exhibit 2027

This board concurs with the concerns of the County Manger regarding tardy completion of the I-9 forms. Lenoir County cannot absorb fines from the Department of Homeland Security and Immigration and Naturalization because you failed to complete the I-9 forms timely. Fiscally speaking—the county is in deep financial stress, and your delays in submitting these forms are of grave concern for this board.

The board concurs with the concerns of the County Manager regarding your delay in filing Worker's Compensation claims. You cannot claim that you did not know the specifics of the County Personnel Policy—you are a 16 year veteran.

This board would have never known of the violations in previous years if it had not been for the letter sent by the County Manager.

In summary, the board's position includes the following clarification of its support.

The members of the Lenoir County Board of Elections **will support you in the use of overtime to process the extraordinary high volume of new registrations, support the overtime on Election date** and understands that other overtime was necessary. At the same time, the board is concerned and disappointed that you did not seek approval from the County Manager.

However, **the board will not support you in the other overtime because you failed to comply with the County Personnel Policy.** You will have to justify to the County Manager and to the County Commissioners your actions for failure to comply with the Lenoir County Personnel Policy without the support of your board.

This memorandum has been electronically approved by the board members and is electronically transmitted to Mrs. King and to the County Manager.

Cc: Mike Jarman, County Manager  
Gary Bartlett, Executive Director of NCSBOE

Here, from the official minutes, are dates on which the board questioned the availability of budgeted funds:

- **8 August 2012 minutes:** At the onset of the meeting Mrs. Kanter asked the Elections Director, Dana W. King, if there was sufficient money in the Board of Elections budget to cover the elections through 2012. *Mrs. King confirmed there were sufficient funds in the budget to cover all expenses through 2012.*
- **8 August 2012 minutes**, last page. Kimberly B. Allison made a motion that no precinct worker shall work in excess of 40 hours. The motion did not receive a second. Chairman Kanter stated she did not believe the review of the One-Stop Plan was the place to include this restriction. Secretary Herring suggested that this item be placed on the agenda for the next meeting.

Mrs. Allison's motion, it should be noted here, was an outcome of repeated discussions of the board with you regarding the need to involve more poll workers from the pool of 180+ trained poll workers in One-Stop voting, rotating experienced and first-time One-Stop workers both for reasons of more poll workers gaining more active election experience and for minimizing overtime. The board asked to see a One-Stop workers schedule at least two weeks prior to the beginning of early voting, but to the board's knowledge, no schedule was ever produced.

- **23 August 2012 minutes**, page 2. In opening the discussion of the LCBOE budget, Chairman Kanter asked if there were sufficient funds in the budget to cover the costs association with the upcoming General Election and *Elections Director King responded "yes"*.

**23 August 2012 minutes** , last page. On a motion by Kimberly B. Allison, a second by Oscar E. Herring, and unanimous approval the LCBOE restricted the use of overtime of precinct workers during the One-Stop voting period. *The Elections Director was instructed to prepare a schedule of workers that will eliminate the use of overtime at any site.*

- **16 October 2012 minutes**, last page. The question was asked "*why are there temporary personnel working at Election Headquarters and is there sufficient budgeted money to pay their salary?*" Response was that *temporary personnel are always brought in prior to an election and there are sufficient funds available.*

The board is appalled that you never, not even once, called the County Manager to obtain approval for overtime. The board expects more from a veteran of 16 years who is in a professional leadership role and serving as the Elections Director. The County Manager's letter included a copy of a letter to you in which a previous County Manager addressed this situation with you and cautioned you to stay within the budgeted amount that is in the Board of Elections approved budget.

*On February 11, 2001 the County Manager, John Bauer, brought to your attention that "temporary or regular employees are not to begin working without my written advance approval, regardless if they are budgeted or not."* Mrs. King, you failed to comply with the County Manager's directive.

The board is concerned that overtime was not paid to BOE non-exempt employees at the time their compensatory time exceeded 240 hours. Mrs. King, this is a very serious violation of the Lenoir County Personnel Policy and the Fair Labor Standards Act.