THE BUNCOMBE COUNTY BOARD OF ELECTIONS
MINUTES OF APRIL 22, 2014

THE BUNCOMBE COUNTY BOARD OF ELECTIONS MET ON APRIL 22, 2014 AT 5:30 P.M., AT 35 WOODFIN STREET, MEETING ROOM #330, IN ASHEVILLE NORTH CAROLINA, WHERE AND WHEN THE FOLLOWING BUSINESS WAS TRANSACTED:

MEMBERS PRESENT:
Jay Watson, Chairman
Lucy Smith, Member

STAFF PRESENT:
Trena Parker, Director
Rachel Rathbone, Staff
Victoria Leyva, Staff
John Noce, Staff

VISITORS:

The meeting was called to order at 5:33 p.m. Member Smith moved to approve the minutes of April 15th. The motion passed.

The Board examined the absentee applications presented by Rachel Rathbone. Member Smith moved to approve the applications on the list as submitted. The motion passed. (Attached)

Rachel presented the Board with an absentee application that was missing the witness signatures. Rachel explained that she was advised by the State Board of Elections office to notify the voter of the deficiency to give them an opportunity to correct it. Rachel contacted the voter by phone but the message on her voicemail states that she will be out of town until May 13th. Chairman Watson suggested mailing a letter to the voter so that there is not private information on her voicemail that anyone might access. Trena instructed Rachel to contact the State Board of Elections office for guidance before she attempts to contact the voter whether it is by phone or mail.

John informed the Board that as of today we are short 5 Chief Judges, 3 Republican Party Judges, and 47 assistants. John is requesting approval from the Board to begin using workers who are unaffiliated. The Board advised John to contact the party chairs and inform them of the shortage and ask that they send an email to their lists. Member Smith moved to approve the use of unaffiliated workers if John is still unable to find workers after asking the parties for assistance. The motion passed.

Trena presented to the Board the results of the research conducted for the zero address list provided by Jay DeLancy. Staff members have dedicated approximately 175 labor hours to the task. She stated that there were a number of reasons why these may exist and reasons depend on the size and make-up of a county; Specifically to Buncombe County many represent registrants that registered when the county operated rural routes and there were no street numbers. Many of these types of registration situations have been corrected since our conversion to the statewide database and with countywide implementation of the 911 database. One group represented on the list is registrants
whose address was provided to us by DMV in an incorrect format. The staff has been actively updating addresses since the SEIMS conversion with lots of research taking place over the last two years. The Tunnel Road group of addresses had been tagged with "no ballot style" prior to Mr. DeLancy's research. The remaining zero addresses have been tagged with "no ballot style" and the voter notified of the need to update their address.

The meeting adjourned at 7:10 p.m.

[Signature]
Jay Watson, Chairman

[Signature]
Lucy Smith, Member
North Carolina  
Buncombe County  

IN THE MATTER OF:  
Challenge of 95 voter registrations  

THIS MATTER coming on for hearing April 10, 2014, 6:00 p.m., before the Buncombe County Board of Elections, pursuant to North Carolina General Statute 163-85, et. seq., the Buncombe County Board of Elections finds and concludes as follows:

Findings of Fact

1. On March 13, 2014 William Whitehead, a registered voter in the county of Buncombe, filed challenges to the registration of 182 registered voters, pursuant to Carolina General Statute 163-85, et. seq.

2. After giving proper notice and posting, a preliminary hearing was held on March 27, 2014, 6:00 pm., by Buncombe County Board of Elections, pursuant to North Carolina General Statute 163-85.

3. At the preliminary hearing, the Board found that pursuant to N.C.G.S. 163-85(e) prima facie evidence existed to sustain the challenges of 95 of the 183 challenged voter registrations.

4. The remaining 87 challenges were not sustained by the Board due to improper mailing, death of the voter, or for other cause found by the Board. The decision of the Board to not sustain those 87 challenges was unanimous as to 32 challenges, and by a majority vote of the Board as to 55 challenges.

5. Pursuant to N.C.G.S. 163-86(b), a hearing on the remaining 95 challenges was scheduled for April 10, 2014, 6:00 pm.

6. Notice and posting of the date, time and location of the hearing was duly given on March 29, 2014.

7. The hearing was held April 10, 2014, 6:00 pm, with the full Board seated, John Jay Watson, Chairman, Bob Knapp, Secretary, and Lucy Smith, Member. The challenger, William Whitehead, was also present and represented by attorney Gene Johnson. The hearing was well attended by members of the community and media.

8. The hearing was called to order by the Chairman, and a roll call of all 95 names of the voters whose registration was being challenged was made by the Secretary of the Board, after which the Chairman called for any party who was present at the Hearing in response to a notice of challenge to answer or otherwise make their presence known.

9. No party identified themselves as being present in response to a notice of challenge.

10. A brief recess was called to allow time for challenged voters who may be late to arrive. During the recess the Chairman provided a brief explanation of the hearing process and read aloud
applicable portions of the North Carolina General Statutes, as well as answered a question from the audience.

11. Following the recess the Secretary again called the roll of all 95 challenged voters, followed by an open call from the Chairman for any party present at the hearing in response to a notice of challenge to answer or otherwise make their presence known.

12. Again, no party identified themselves as a voter appearing in response to a challenge, nor as a representative appearing on behalf of a voter, nor were any affidavits presented on behalf of any voter.

13. Based on the above findings of fact, the Board concludes as follows:

Conclusions of Law

1. This matter is properly before the Buncombe County Board of Elections.

2. Proper notice was given to all necessary parties.

3. The Challenger has provided prima facie evidence to sustain challenged to the registration of the 95 challenged voters, and no evidence has been offered to rebut the same.

4. Pursuant to N.C. General Statute 163-90(a), when any challenge is sustained for any cause listed under G.S. 163-85(c), the Board shall cancel or correct the voter registration of the voter. The Board shall maintain such record for at least six months and during the pendency of any appeal.

NOW, THEREFORE, IT IS ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law that the challenge of the attached 95 voter registration is Sustained and the voter registration of the 95 voters be cancelled. The Board of Elections directs the staff to so mark the registration of the 95 voters as cancelled, and the registrations shall be cancelled effective immediately upon the expiration of the 10 days allowed by the N.C. Statute for appeal. The Board further directs the Staff to allow 5 days beyond the 10 days for appeal for service of process of any notice of appeal, before taking final action to cancel the registrations of the 95 voters.

This the 10th day of April 2014, nuc pro tune May 1, 2014.

BUNCOMBE COUNTY BOARD OF ELECTIONS

By: John D. Watson, Chairman
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**Election Date:** 05/06/2014

**Buncombe County Board of Elections**
Election Date: 05/06/2014

EXECUTED ABSENTEE BALLOTS - Precinct Secr.

Blacksun County Board of Elections

July 12, 2014

Dana Hines
### Execution of Absentee Ballots - Precinct #2

**Buncombe County Board of Elections**

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**Gran Total:**

- **Total 6:**
  - 68.0
  - 68.1

**Election Total:**

- **Total 9:**
  - 53.1
  - 53.2
  - 53.3
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**All Over To Date:**

- 09/05/2014

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**Dugwall**

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