

BUNCOMBE COUNTY BOARD OF ELECTIONS
VOTER REGISTRATION CHALLENGES

WILLIAM STANLEY BUILDING
35 WOODFIN STREET
ASHEVILLE, NORTH CAROLINA 28801

WEDNESDAY, OCTOBER 28, 2015

BOARD MEMBERS:

JOHN JAY WATSON, CHAIRMAN
GEORGE KELLER
LUCY SMITH, SECRETARY

ATTENDING:

TRENA PARKER - DIRECTOR OF ELECTIONS
JENNIFER SPARKS

REPORTED BY: MAI-BETH KETCH, CVR-M, CCR
ASHEVILLE REPORTING SERVICE

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P R O C E E D I N G S

28 October 2015

5:30 p.m.

BY MR. WATSON:

It is 5:30. We will call the hearing to order. This is a hearing of the Buncombe County Board of Elections to consider 17 challenges that have been brought before the Board. These challenges are proceeding pursuant to North Carolina General Statute 163-85 and 86 particularly. There are other statutes which do have relevance to the hearing, but those are the two particular statutes we're proceeding under. Welcome, everyone. I know you all have some interest here and we thank you for being here. Two things -- a few housekeeping things. If anyone needs to be excused for the restroom or whatnot, there's one right around the corner. Now, a minute ago it was locked so I don't know if somebody was in there or it's locked. But, if it's locked, then you can go downstairs and there are some in the lobby down below. Please, if you haven't already, silence your phones. If you have not signed in, please do so, before leaving tonight.

1 This is a hearing. This Board is now sitting
2 as a quasi-judicial body, so this is different
3 than -- if you've been to our board meetings
4 before that are where we conduct election
5 meetings, we try to be fairly relaxed and
6 informal and welcoming. And people can ask
7 questions and raise their hands. This is a
8 hearing, so we will not be having that kind of
9 an open forum tonight. It's my understanding
10 that we have 17 challenges. Is anyone here
11 personally in response to a challenge?

12 BY WALTER BRINKLEY MELVIN:

13 (Indicates)

14 BY WILLIAM BAUER:

15 (Indicates)

16 BY CHAIRMAN WATSON:

17 And you are, sir?

18 BY WALTER BRINKLEY MELVIN:

19 Walter Brinkley Melvin.

20 BY CHAIRMAN WATSON:

21 Okay. And you, sir?

22 BY WILLIAM BAUER:

23 William Bauer.

24 BY CHAIRMAN WATSON:

25 All right. Now, Mr. Melvin, you are

1 represented by counsel; is that correct?

2 BY WALTER BRINKLEY MELVIN:

3 That's correct, and my three other family
4 members.

5 BY CHAIRMAN WATSON:

6 Okay. So three, in addition to yourself. So
7 four. And then, sir, you are?

8 BY MR. SCHEU:

9 I'm William Scheu, spelled S-c-h-e-u. I'm a
10 resident of Montreat, also of Jacksonville,
11 Florida. I'm appearing on behalf of Mr. and
12 Mrs. Dean, Mr. and Mrs. King, Mr. and Mrs.
13 McLean, Mr. and Mrs. Dubose, Ms. Crowder and
14 the Brown family, which are three. That's a
15 total of 12. And I'm appearing -- I'm a
16 lawyer admitted in Florida but not North
17 Carolina. But under the -- under 163-86D,
18 where a person is unable to appear in person,
19 he may be represented by another person. And
20 I have the affidavits to tender. I've also
21 communicated with the North Carolina bar and
22 spoken with the vice executive director. I
23 have an email from her, Alice Mime, saying
24 that it is permissible for me to appear here.

25 BY CHAIRMAN WATSON:

1 If I got the numbers right, then, we have
2 four, five -- so we have all 17 represented
3 here. Is that correct? And, of the 17, two
4 are here in person, Mr. Brinkley -- or, excuse
5 me, Mr. Melvin and Mr. Bauer. All right. A
6 couple of things, let me just in opening -- a
7 few things. This Board is considering a
8 challenge based on the question of residency.
9 We do not know and we do not want to know and
10 please do not mention party affiliation, or
11 anything like that. Any information that this
12 Board has received, party affiliation has been
13 redacted. Anything having to do with any
14 elections which may be going, we don't know
15 and we don't want to know. That's not our
16 concern, so please don't mention any of that
17 in any of your comments, if you would. What
18 we're interested in is whether -- the question
19 presented before us is whether these 17 voters
20 are, in fact, residents of Montreat, as that
21 is determined in the North Carolina statute.
22 Let me also say that I think the Board
23 recognizes that there's going to be kind of a
24 natural interest in what goes on there, but
25 that's not the test. You can have -- the test

1 of whether you are a resident qualified to
2 vote is not whether you have an interest in
3 the results of an election in that area. You
4 may own a business and have business property
5 in one county and live in another. The fact
6 that you're interested in the outcome of an
7 election in one county doesn't establish the
8 qualifications for residency to vote there.
9 So we're going to be looking to see whether
10 you actually -- these 17 actually qualify, if
11 you meet the standards, of residency. And
12 that actually, under North Carolina law, comes
13 down to domicile, as well. So we will be
14 considering those things. In considering
15 that, we're going to -- each case is going to
16 be -- well, it's going to be a case-by-case
17 determination. Each case may be different.
18 And we have the interest and the authority and
19 the discretion to inquire into things, such as
20 taxes, property records, driver's license, any
21 of those kinds of factual elements that would
22 tend to establish where does a person consider
23 their domicile; all right? I -- what I'm
24 about to say next, believe me when I say we're
25 not trying to threaten or scare anyone. But

1 we want you all, as you move forward, to be
2 fully aware of the -- there are felony
3 penalties for this. So we take this very,
4 very seriously. We understand that, because
5 you may own property somewhere or you have an
6 interest in it, that you may say, "Well, I pay
7 my taxes here. I own property and I should be
8 able to vote." That's not the end of the
9 inquiry. And if you have a concern about
10 being able to establish domicile, testimony
11 will be given under oath. We will be looking
12 at the totality of the circumstances and
13 facts. Please be aware that there -- these
14 have felony implications. Okay? With that
15 being said, we're going to begin to call the
16 cases, each one in turn. No particular order
17 to them, necessarily.

18 BY MR. SCHEU:

19 Mr. Chairman, where there are two counsel --
20 or two -- a person and a counsel, will you
21 receive any preliminary statements or anything
22 like that, or do you ---

23 BY CHAIRMAN WATSON:

24 Not at this time. We'll take them on a case-
25 by-case -- and, if you have a question, if

1 you'll please raise your hand and wait to be
2 recognized by the chair, I'd appreciate it.
3 We will receive all evidence as to each file.
4 At the conclusion of the evidence, we will
5 close that portion of the hearing. The Board
6 will then move into deliberations as to each
7 file. So because it is a case-by-case basis,
8 the fact that there's facts with regards to
9 each challenge, registrant-varied, we're going
10 to take them one at a time in turn. All
11 right?

12 FILE NO. 1, WILLIAM H. BAUER

13 BY CHAIRMAN WATSON:

14 That being said, the first one we'll take up
15 is Mr. Bauer, William Bauer. Now, Mr. Bauer,
16 are you representing yourself here tonight?

17 BY WILLIAM BAUER:

18 I am.

19 BY CHAIRMAN WATSON:

20 All right. Mr. Bauer, do you intend to offer
21 some evidence to the Board tonight?

22 BY WILLIAM BAUER:

23 I do.

24 BY CHAIRMAN WATSON:

25 Okay. Then I'm going to ask you to be sworn,

1 sir. You will be sworn under oath. Do you
2 wish to swear or affirm?

3 BY WILLIAM BAUER:

4 Swear.

5 BY CHAIRMAN WATSON:

6 Okay. If you will, sir, come up. Raise your
7 right, place your left hand on the Bible. Do
8 you swear that the statements of information
9 you shall give in this hearing with respect to
10 your identity and qualifications to be
11 registering to vote shall be the truth, the
12 whole truth and nothing but the truth, so help
13 you God?

14 BY WILLIAM BAUER:

15 I do.

16 BY CHAIRMAN WATSON:

17 All right, sir. Now, Mr. Bauer, it does not
18 matter to me, sir. Wherever you are most
19 comfortable giving your testimony is fine.
20 You may be seated there or you may come to the
21 podium here. Do you have a preference?

22 BY WILLIAM BAUER:

23 I'll stay here, if that's okay.

24 BY CHAIRMAN WATSON:

25 That is fine.

1 EXAMINATION BY CHAIRMAN WATSON:

2 Q Mr. Bauer, will you state your full name for
3 us, please?

4 A William Harvey Bauer.

5 Q All right.

6 A It's B-a-u-e-r.

7 Q Mr. Bauer, you are registered to vote in
8 Montreat, North Carolina; is that correct?

9 A Correct.

10 Q On what basis did you register to vote there?

11 A We live at 320 Texas Road. My wife and I also
12 have a home in Montreat on -- at 215 Alabama,
13 and she also has a home at 372 West Virginia
14 Terrace, but I'm not on the -- the deed of
15 that home, but she is.

16 Q Now, are you claiming that that is your
17 residence, your domicile?

18 A I am, the 320 Texas.

19 Q Okay. And where are you employed?

20 A I work for a pharmaceutical company. I have a
21 territory in South Carolina.

22 Q And what's the name of that?

23 A Sanofi Pharmaceuticals. It's s-, as in Sam,
24 a-n-o-f-i.

25 Q And that's located where?

- 1 A Well, the company's located in New Jersey.
- 2 Q You work out of where?
- 3 A The territory is a Columbia territory.
- 4 Q You work in Columbia, South Carolina?
- 5 A I do.
- 6 Q Okay. And you own a house in Columbia, South
7 Carolina?
- 8 A We own a house in Columbia. We also own a
9 house at Edisto Beach.
- 10 Q And where do you spend most of your time?
- 11 A We don't spend more than 50 percent of our
12 time anywhere. I've spent well over 30 days
13 in the 320 Texas Road house, but, as I saw and
14 you can see, on the VRBO information, those
15 homes are listed for rent and we're fortunate
16 to have three places we can stay in Montreat.
17 So we -- we spend time at those other places
18 as well.
- 19 Q Well, which one of those homes are you
20 claiming as your domicile for purposes of
21 rooming?
- 22 A 320 Texas Road.
- 23 Q Do you have that place currently listed for
24 rent?
- 25 A We do. But I'm spending the night in it

- 1 tonight.
- 2 Q Well, have you spent the last 30 nights in it?
- 3 A I've not spent the last 30 nights in it.
- 4 Q When was the last time you were at that home?
- 5 A The last time I was at it was a week ago.
- 6 Q And how long were you there then?
- 7 A Well, we were staying in the West Virginia
- 8 house because we're doing work. So I was
- 9 there four hours.
- 10 Q Okay.
- 11 A But I was 50 yards from it, so (pause) ---
- 12 Q You were 50 yards from which?
- 13 A From the -- the houses are close is the only
- 14 point I was trying to make.
- 15 Q Well, in fact, you already have some of those
- 16 houses booked for rental; don't you?
- 17 A We do.
- 18 Q And which one is it that you're claiming is
- 19 your domicile?
- 20 A 320 Texas Road.
- 21 Q Do you have that one currently booked for
- 22 rental?
- 23 A You'd have to ask my wife. I honestly do not
- 24 know.
- 25 Q Do you know whether it's booked November 26th

1 through 28th of this year?

2 A I honestly do not know.

3 Q Or December 10th through 12th?

4 A Again, she handles all of that so I really
5 don't know.

6 Q And where is she tonight?

7 A She is in Columbia.

8 Q Were you in Columbia during the recent rains?

9 A I was.

10 Q Did it flood your place?

11 A The neighborhood that that house is in is --
12 was devastated.

13 BY CHAIRMAN WATSON:

14 Thank you.

15 BY MR. KELLER:

16 May I ask ---

17 BY CHAIRMAN WATSON:

18 Yes, please.

19 BY MR. KELLER:

20 Turns out I lived -- I grew up on Coeburn Road
21 at the top of the hill from where you are, and
22 I've walked your neighborhood.

23 BY WILLIAM BAUER:

24 It was very sad.

25 BY MR. KELLER:

1 It struck me to be very sad. In fact, I was
2 going to ask, okay, so where are you living?
3 Because I suspect only 300 feet from the top
4 of Lake Katherine, you probably were
5 inundated.

6 BY WILLIAM BAUER:

7 Luckily, that home that we own there was --
8 was safe.

9 BY MR. KELLER:

10 Oh, okay. That was a near thing, then.

11 BY WILLIAM BAUER:

12 It was close.

13 BY MR. KELLER:

14 Thank you, Mr. Chairman.

15 BY CHAIRMAN WATSON:

16 Ms. Smith, Madam Secretary, do you have a
17 question -- any questions you'd like to ask?

18 BY MR. KELLER:

19 So, where do you file your federal and state
20 tax returns?

21 BY WILLIAM BAUER:

22 We file state income tax in South Carolina.

23 BY MR. KELLER:

24 Okay.

25 EXAMINATION RESUMED BY CHAIRMAN WATSON:

1 Q Do you have children?

2 A We do. We have one child in school and our
3 intent -- obviously, our intent is always to
4 return when we leave the Montreat gates,
5 but ---

6 Q Where is -- how old is your child?

7 A We have a 16-year-old in Utah at a -- at a
8 school out there, and our 13-year-old is in
9 Columbia schools there. And once he -- he
10 finishes, our goal is to, I'd say, retire, but
11 I'm not sure that's going to happen. But ---

12 Q How old is the one, again, that's in Columbia?

13 A Thirteen.

14 Q And he's in Columbia public schools?

15 A He is.

16 Q Is he in Columbia public schools because you
17 have notified the State of South Carolina and
18 County of Columbia that you're residents
19 there?

20 A We have notified them that we have a residence
21 there. But I -- I also have evidence that
22 I've notified them that I have rescinded my
23 voter registration in Columbia.

24 Q Where do you intend to file your state taxes
25 this year?

1 A This year? In South Carolina.

2 Q In South Carolina?

3 A With our intent always to be returning to
4 Montreat.

5 Q And do you have a driver's license?

6 A I do. It's a South Carolina driver's license.

7 Q How long have you had that license?

8 A Twenty-plus years.

9 Q How long have you owned your home in Montreat?

10 A The 320 Texas Road home, three years. That's
11 a ballpark estimate. The house on Alabama, 18
12 months. Again, those are ballpark estimates.
13 The house my wife owns that I'm not on the
14 deed, she has been on that since her mother
15 passed away 25 years ago.

16 Q You -- and so, when did you decide that
17 Montreat was -- you were now going to claim
18 Montreat as your domicile?

19 A I registered in May of this year.

20 Q Well, that wasn't my question. We'll get to
21 that. When did you decide that Montreat was
22 going to be your domicile?

23 A When we bought that home.

24 Q When was that?

25 A When we bought the Texas Road home. I mean,

1 when I fell in love with the place.

2 Q When did you buy that Texas Road home?

3 A Again, this is -- I mean, I realize I'm under
4 oath.

5 Q No, no. Just roughly.

6 A I mean, you know, three -- three years.

7 Q So -- and I'm not trying to put words in your
8 mouth.

9 A Sure.

10 Q I want to understand. So it's your testimony
11 that three years ago, when you bought that
12 home, is when you decided Montreat was going
13 to be your domicile?

14 A Correct.

15 Q But you still have a South Carolina driver's
16 license?

17 A I do.

18 Q And your son is still enrolled in school in
19 Columbia, South Carolina?

20 A He is.

21 Q And you work in Columbia, South Carolina?

22 A I do.

23 BY MR. KELLER:

24 And the tags on your car are?

25 BY WILLIAM BAUER:

1 They're South Carolina tags.

2 BY MR. KELLER:

3 You know you have 30 days in North Carolina,
4 since you're a North Carolina resident.

5 EXAMINATION RESUMED BY CHAIRMAN WATSON:

6 Q Your -- when you file your state taxes in
7 South Carolina and your property taxes, is
8 your home in South Carolina listed as a -- as
9 your primary residence or is it listed as a
10 second home in the State of South Carolina?

11 A We do get -- we get the homestead exemption,
12 so, yes.

13 Q The four percent?

14 A Correct.

15 Q So you've claimed for the State of South
16 Carolina tax purposes that that's your
17 domicile and primary residence.

18 A Correct.

19 Q Okay. And your cars are insured in South
20 Carolina?

21 A They are.

22 Q So you claim for insurance purposes that South
23 Carolina is your state of residence and
24 domicile?

25 A We do.

1 Q Okay. But you're asking this Board to believe
2 you that Montreat is your domicile for voting
3 purposes. Is that what I'm to understand?

4 A It is. Because, as I understand it, the --
5 I've lived there for more than the 30 days and
6 my intent is always to return. My intent, you
7 know, is to be -- for my ashes to be sprinkled
8 there.

9 BY MR. KELLER:

10 Well, to use a phrase I learned at Georgia
11 Tech many years ago, yes, it was sufficient
12 for you to swear all of the things that are on
13 the bottom of that writeup, but it's not --
14 yet, if you have to -- necessary to swear all
15 those things. But sufficiency -- you know,
16 it's sufficiency that you've got to
17 demonstrate to this Board that your real
18 honest-to-goodness domicile is in Montreat.
19 And you've got enormous amounts of evidence
20 that it's really Columbia. Wonderful, hot
21 Columbia. I grew up there.

22 EXAMINATION RESUMED BY CHAIRMAN WATSON:

23 Q Mr. Bauer, under 163-57, the states where
24 residency is defined for registration and
25 voting, Subpart 3, "A person shall not be

1 considered to have gained a residence in any
2 county, municipality, precinct, ward, or other
3 election district of this state into which
4 that person comes for temporary purposes only,
5 without the intention of making that county,
6 municipality, precinct or other election
7 district their permanent place of abode."
8 Now, I understand, sir, that one day you hope
9 to retire here and maybe to have your ashes
10 sprinkled here. But it's not your domicile at
11 this time; is it?

12 A It is my -- it is my domicile, yes.

13 Q You haven't resided there for the past 30 days
14 either; have you?

15 A But -- not for the past 30 days. But, correct
16 me if I'm wrong. Does it say "the past 30
17 days" in here, or is it 30 days prior to -- is
18 it 30 days contiguous? And that's just for my
19 non-lawyer mind.

20 Q You swear when you -- attest under penalty of
21 perjury "I shall have been a resident of North
22 Carolina of this county and precinct for 30
23 days before the election in which I intend to
24 vote."

25 A And yes, I have been in that home for 30 days

1 prior to this election.

2 Q No, sir. Listen again. "I have been a
3 resident of North Carolina, this county and
4 precinct for 30 days before the election in
5 which I intend to vote." I don't believe
6 that's 30 days in the aggregate of all your
7 time ever coming here. Ironically enough, I'm
8 from Florence, South Carolina, and I have
9 family in Hartsville and Newberry and
10 Charleston and Spartanburg and Pineville. I'm
11 in South Carolina a lot, 30 days. But I am
12 not a resident of South Carolina. Sir,
13 everything you have testified to suggests to
14 this Board, including what you have testified
15 that you have told the taxing authorities and
16 the insurance authorities of South Carolina,
17 that you're a resident there. You are
18 claiming South Carolina residency to your
19 benefit, when it suits you, for taxes and
20 other purposes. But you're asking us to -- to
21 believe that your domicile and residence is
22 North Carolina for voting purposes.

23 A I'm not going to speak to the tax
24 implications.

25 Q Well, let me ask you this, sir. Have you

1 voted in the past?

2 A Absolutely.

3 Q Did you vote -- when's the last time you
4 voted; do you recall?

5 A I'm not -- whenever the last ---

6 Q Last election. Where did you vote?

7 A In Columbia.

8 Q Okay. And prior to that where did you vote?

9 A You mean prior prior to ---

10 Q For the last election?

11 A The election before that?

12 Q Yes.

13 A Columbia.

14 Q Columbia. How long have you voted in
15 Columbia?

16 A Oh, gosh. Again, this is ballpark, but I
17 would say the same 20 years that we've owned
18 that home.

19 Q All right. Now you mentioned earlier
20 registration. So you requested a -- well,
21 actually -- excuse me. I'll take a look at --
22 here we go. You registered to vote here April
23 15th -- excuse me, April 21st, 2015. Does
24 that sound about right?

25 A Correct.

1 Q And if you want to look at -- and I'm
2 referring now -- may I please have an exhibit
3 sticker? I'm referring now to your North
4 Carolina Voter Registration Application, and
5 we're going to mark it as -- going to mark it
6 as Exhibit 1.

7 (FILE 1, EXHIBIT NO. 1 MARKED)

8 EXAMINATION RESUMED BY CHAIRMAN WATSON:

9 Q And I marked it as Exhibit 1. And F-1, for
10 File 1. That might help to clarify.

11 BY CHAIRMAN WATSON:

12 And, Madam Reporter, if you'll just simply
13 make a note that File No. 1 is the William
14 Harvey Bauer file. So this is Exhibit 1, File
15 1.

16 EXAMINATION RESUMED BY CHAIRMAN WATSON:

17 Q And that is your North Carolina Voter
18 Registration Application, April 2015, 21st.
19 And, again, any -- any of these that we refer
20 to, if you'd like to take a look, that's fine.
21 I'm not asking you to take our word for it.
22 Now, can you tell us what precipitated you,
23 with all the connections you have in Columbia,
24 South Carolina, suddenly changing your voter
25 registration to Montreat, North Carolina?

1 A Because we began to -- I mean, obviously, we
2 bought the home. We spent 30 days, plus. It
3 became the place that we considered home. So
4 I felt like, because it's -- it's a place
5 where we own that house, another house, and my
6 wife owns the other one; because it is a place
7 that we consider home or our intended
8 domicile, that -- that we felt like we -- we
9 needed a say in the local elections.

10 Q Your job, you said, you're a pharmaceutical
11 sales rep and it's a territory?

12 A Ever-changing, but ---

13 Q What does your territory cover now, roughly?

14 A It used to be your old stomping grounds, but
15 I've got from Hartsville and, you know, it
16 comes up to Newberry and a lot of the places
17 that you mentioned; sort of centrally located.

18 Q Do you travel your territory daily or what's
19 the -- on average?

20 A Miles-wise?

21 Q No. Just that you're out on the road a day --
22 a week, excuse me.

23 A All day every day.

24 Q All day every day. Okay. Well, I'm -- I
25 guess I'm sitting here wondering why have you

1 -- if you're claiming this is your domicile,
2 why haven't you moved here, put your children
3 in school here and commute to work?

4 A Well, it's a very good question. We're lucky
5 enough to own a home in Columbia. Our child
6 is -- is doing well in school. We didn't want
7 to -- to uproot him, and so we just didn't
8 feel like, during the week, we needed to do
9 that. And, you know, the summer things are
10 different as he's not in school. But, again,
11 we're lucky to have, you know, a home at the
12 beach and several homes in Montreat. So,
13 they're like children. You can't pick your
14 favorite house. You've got to keep them all
15 happy.

16 Q You said in the summer, so do you come to
17 Montreat in the summer?

18 A We come to Montreat all the time, as it's, you
19 know, what we're claiming as our intended
20 domicile.

21 Q Do you have a PO box in Montreat?

22 A We do.

23 Q 672; is that right?

24 A That sounds right.

25 Q Do you have a forwarding order on that PO box

1 now?

2 A I do not.

3 Q Does your wife?

4 A She may. And, again, I do not know.

5 Q Do you check that PO box regularly for mail?

6 A I do.

7 Q In the fall and winter?

8 A We check it in the summer, fall, spring and
9 winter.

10 Q But you don't know if you've got a forwarding
11 order on there?

12 A If -- and I do not mean this to be funny, but,
13 if you knew my wife, you'd understand. She --
14 she's the keeper of the -- of the records and
15 the payer of the bills. She keeps me straight
16 in that regard, so I ---

17 Q Well, that raises another interesting
18 question, then. Where do you have the bills
19 for your homes in Montreat mailed?

20 A And, again ---

21 Q You don't know.

22 A I don't -- and this is a truthful statement.
23 We hadn't paid a -- I haven't paid a bill
24 since we got married. She's the queen of
25 Quicken.

1 BY MR. KELLER:

2 Where is she registered to vote?

3 BY WILLIAM BAUER:

4 She is registered in Buncombe County, as well.
5 There was a -- she had transposed the post
6 office box. I believe she put 627, so it got
7 returned because they wouldn't -- it didn't
8 get filed in the correct box. But I believe
9 she has received her card.

10 BY MS. SMITH:

11 Is she registered to vote in South Carolina?

12 BY WILLIAM BAUER:

13 So -- and, again, I know I'm speaking under
14 oath, so speaking for her, the only way I can
15 answer that is that, by signing -- and correct
16 me if I'm wrong. By signing the application
17 here, it says you rescind that right to vote
18 in South Carolina. So I don't want to speak
19 for her.

20 BY MR. KELLER:

21 You have -- let's see, your property is --
22 your property in Columbia is Carter Hill; is
23 that correct?

24 BY WILLIAM BAUER:

25 Correct.

1 EXAMINATION RESUMED BY CHAIRMAN WATSON:

2 Q You have that listed as your residence there;
3 is that correct?

4 A It is a residence. I mean, on -- listed as my
5 residence on -- what are you referring to?

6 Q The tax records there?

7 A Yeah, correct.

8 Q Not as a vacation or a second home. You've
9 got that listed as your residence.

10 A Correct.

11 BY MR. KELLER:

12 Taxes are four percent for residences and six
13 for the ones that you lease -- any South
14 Carolina home that you lease out.

15 EXAMINATION RESUMED BY CHAIRMAN WATSON:

16 Q Your property card here for your Montreat home
17 with the Buncombe County Register of Deeds
18 lists your -- for your address it lists your
19 4707 Carter Hill Drive, Columbia, South
20 Carolina address. Correct?

21 A Correct. As a mailing address and as a -- as
22 a place of residence.

23 BY CHAIRMAN WATSON:

24 I'm going to mark that as Exhibit 2, File 1,
25 which is the Buncombe County property card for

1 Margaret E Bauer and William H. Bauer, Deed
2 Book 5136, Page 863.

3 (FILE 1, EXHIBIT NO. 2 MARKED)

4 EXAMINATION RESUMED BY CHAIRMAN WATSON:

5 Q Mr. Bauer, I just want to share with you --
6 I'm going to summarize a couple of opinions
7 from our North Carolina Supreme Court and one
8 from our North Carolina Court of Appeals. Our
9 Supreme Court has said, in the case of Lloyd
10 v. Babb, that "A person has a domicile for
11 voting purposes at a given place if he or she,
12 one, has abandoned the prior home and is
13 residing elsewhere; and, two, has a present
14 intention to make that place his home; and,
15 three, has no intention presently to leave
16 that place." The Court of Appeals, in
17 Farnsworth v. Jones, went on to say that "To
18 establish a change in domicile, a person must
19 show an actual abandonment of the first
20 domicile, coupled with an intention not to
21 return to it; second, the acquisition of a new
22 domicile by actual residence; and, three, the
23 intent of making the new residence a permanent
24 home." You have not abandoned your Columbia
25 home; have you?

- 1 A No.
- 2 Q And you, in fact, intend to return to it?
- 3 A And when I get there, I intend to return to
4 Montreat.
- 5 Q Sir, my question is you intend to return to
6 it?
- 7 A Yes.
- 8 Q And your son is 13?
- 9 A Correct.
- 10 Q And you testified earlier that you don't want
11 to uproot him from school. He's doing well.
12 Is it your intention that he will be there
13 until he graduates from high school?
- 14 A Assuming his mama doesn't strangle him for not
15 doing his homework. But as ---
- 16 Q So probably at least another four, five, six
17 years?
- 18 A Four or five years, six years.
- 19 Q I don't know how good he is academically, but
20 four, five, six, seven.
- 21 A That's a whole nother board hearing.
- 22 Q Right. So, sir, you're going to be in
23 Columbia working, children in school for at
24 least five or six more years probably?
- 25 A Correct.

1 Q Is that a fair statement? I'm ---

2 A Yeah. Absolutely. My job is in Columbia,
3 but ---

4 Q Are you still trying to maintain before this
5 board -- I wanted you to understand some of
6 the things that we're looking at.

7 A Sure.

8 Q And asking you again about intend to abandon
9 or return to Columbia, are you still
10 testifying under oath before this Board that
11 Montreat, North Carolina, is your
12 domicile ---

13 A So ---

14 Q --- for voting purposes?

15 A --- from -- based on what I have -- I've read
16 and how I feel, you know, my intended domicile
17 is at 320 Texas Road. That, when we leave, we
18 leave temporarily, you know, whatever
19 temporary means. You know, I don't intend to
20 abandon any of the properties that we're lucky
21 enough to own. So ---

22 BY MR. KELLER:

23 Intended. I didn't notice the "intended" in
24 the Supreme Court ruling nor the lower court
25 ruling. I understand intended. We intended

1 to retire to Asheville, so we eventually did.
2 But, I mean, we visited. We stayed a long
3 time when we visited, but we just visited. We
4 subscribed to the newspaper. Do you get a
5 newspaper from Montreat?

6 BY WILLIAM BAUER:

7 I don't -- I don't read the newspaper.

8 BY MR. KELLER:

9 Okay.

10 EXAMINATION RESUMED BY CHAIRMAN WATSON:

11 Q Are you involved in any civic organizations?

12 A Yes. Both in Columbia and in Montreat.

13 Q What civic organizations are you involved in
14 in Montreat?

15 A The President's Council, serving with, you
16 know, various people from ---

17 Q President's Council on the ---

18 A For the Mountain Retreat Association, MRA.

19 Q Okay. Well -- and I don't know what. Roughly
20 would you say 80 percent of the homes up there
21 are seasonal homes; is that fair? Some -- a
22 large percentage of them. We won't put a
23 number on it. The point being that a lot of
24 folks on the councils and whatnot are from
25 other states. Is that -- would that be a fair

1 statement?

2 A That's fair.

3 Q Okay. And what civic organizations are you
4 involved in in Columbia?

5 A The -- I'm on the board of a little nonprofit.
6 It's the Autism Academy of South Carolina.

7 Q All right. Is there any documents or evidence
8 you want to present this Board, which we've
9 not given you an opportunity to do? And I
10 apologize that I didn't ask for that earlier.
11 Is there anything else you'd like to present
12 to us?

13 A That's just verification of the cancellation
14 of the registration in Richland County.

15 Q Is this a copy that we may hold onto?

16 A Yes.

17 BY WILLIAM BAUER:

18 I emailed that to you, didn't I, a pdf? Yeah.

19 EXAMINATION RESUMED BY CHAIRMAN WATSON:

20 Q Mr. Bauer, you mentioned that your wife
21 handles a lot of the, I guess, home business
22 matters. Have you checked the -- and your
23 wife has changed her registration now. She's
24 not part of the challenge so you're not under
25 oath when I'm looking at her. But do you

1 check the postings on the rental site? Or are
2 you aware that it's listed in there -- again,
3 you're welcome to take a look. About the
4 owner, it says, "We live less than three hours
5 and come up to stay at our nearby family
6 home." That's on -- well, both your Texas
7 Road and -- what was the other one?

8 A There's a home on Alabama.

9 Q Alabama.

10 A 215 Alabama. And I -- my guess is, and,
11 again, it's a guess, the family home she's
12 referencing is the family home on West
13 Virginia.

14 Q Well ---

15 A But that's just a guess.

16 Q --- what's intriguing to me is that she says
17 "We live less than three hours away," which I
18 assume she's referring to Columbia. Is there
19 anything else you would like to share or tell
20 the Board?

21 A No.

22 BY CHAIRMAN WATSON:

23 Mr. Keller, do you have any other questions?

24 BY MR. KELLER:

25 No, no questions.

1 BY CHAIRMAN WATSON:

2 Madam Secretary, do you have any other
3 questions?

4 BY MS. SMITH:

5 No. Thank you.

6 EXAMINATION RESUMED BY CHAIRMAN WATSON:

7 Q Mr. Bauer, what is -- what phone number is
8 803-429-6960?

9 A It's a cell phone number I've had for longer
10 than I care to remember.

11 Q And 803 is a South Carolina prefix?

12 A It is.

13 Q That's the phone number you listed on your
14 absentee ballot request form?

15 A It is.

16 Q Okay.

17 BY CHAIRMAN WATSON:

18 I'll mark this Exhibit 3, File 1.

19 (FILE 1, EXHIBIT NO. 3 MARKED)

20 BY WILLIAM BAUER:

21 And, obviously, being a cell phone, it's a
22 mobile phone that goes wherever we may go.

23 EXAMINATION RESUMED BY CHAIRMAN WATSON:

24 Q I understand. Do you have a North -- do you
25 have a phone here in ---

1 A We have phones at both the Texas Road house
2 and the Alabama house.

3 Q Land lines?

4 A They are.

5 Q Okay. Do you know where the bills to those
6 are mailed?

7 A And, again, I'll be completely honest. I
8 don't. If anything happens to her, then I'm
9 going to have to hire a bookkeeper.

10 Q Yes. Do you file estimate income tax, state
11 income tax?

12 A So my wife -- I'm going to answer this the
13 best I can because -- because she and her
14 sister own a business. So I'm going to guess
15 -- or I'm going to say yes because I do
16 believe we started filing quarterly three
17 years ago.

18 Q Do you, with your business as a
19 pharmaceutical ---

20 A We file jointly but we file jointly -- she
21 files quarterly. So I -- I'm W-2'd and she's
22 1099.

23 Q Do you know if she's paying those in North
24 Carolina or South Carolina?

25 A South Carolina. We filed jointly in South

1 Carolina last year.

2 Q Do you have a family doctor?

3 A I do. He's in Columbia.

4 Q Are you a member of a church?

5 A (Pause)

6 Q It's fine if you're not. I'm just ---

7 A It's -- we go to church in many different
8 places, but we're not really a member of any
9 one right now.

10 Q Okay. Your cars are insured in South Carolina
11 you testified to earlier, I believe.

12 BY CHAIRMAN WATSON:

13 Okay. Any other questions?

14 BY MR. KELLER:

15 No.

16 BY CHAIRMAN WATSON:

17 Okay. Mr. Bauer, anything else you'd like to
18 share with the Board or advise the Board of?

19 BY WILLIAM BAUER:

20 No. Thank you.

21 BY CHAIRMAN WATSON:

22 All right. Evidence as to William Bauer is
23 now concluded.

24 (FILE 1, WILLIAM H. BAUER, CLOSED)

25 BY CHAIRMAN WATSON:

1 We'll move on to the next file.

2 BY CHAIRMAN WATSON:

3 I think you're the only one here by yourself;
4 is that right? So next I will either be
5 talking with you or you, is that right, and
6 you represent Melvin ---

7 BY AN UNIDENTIFIED MALE:

8 That would be great.

9 BY CHAIRMAN WATSON:

10 So let's see. I am -- Clark. Mary Jo Clark.

11 BY MR. SCHEU:

12 Mr. Chairman, the Clark-Browns fall into a
13 little bit different category. Would you be
14 willing to take the Deans next?

15 BY CHAIRMAN WATSON:

16 Is there some reason we cannot take the Clarks
17 next?

18 BY MR. SCHEU:

19 No. I'm perfectly willing to do that.

20 BY CHAIRMAN WATSON:

21 Well, if there is, I mean -- is there a reason
22 you'd like to take the Deans next?

23 BY MR. SCHEU:

24 I'd prefer to take the Deans next. It's a
25 little bit more thorough affidavit that I have

1 to present.

2 BY CHAIRMAN WATSON:

3 Mr. Dean, the gentleman out of Laurinburg?

4 BY MR. SCHEU:

5 Yes, sir, it is.

6 FILE 2, DANIEL DEAN

7 BY CHAIRMAN WATSON:

8 All right. We'll look at Daniel Dean. Madam
9 Reporter, if you'll note Daniel Dean as File
10 No. 2.

11 BY MR. SCHEU:

12 For purposes of the record, you may, Mr.
13 Chairman, want to take both of them together,
14 because ---

15 BY CHAIRMAN WATSON:

16 We're going to take Daniel Dean first because
17 there are some specific questions in regard to
18 Mr. Dean. Then we will look at Ellen Dean.
19 And then, if we need to address things jointly
20 to them, I'm certainly happy to do that.

21 BY MR. SCHEU:

22 Great. Thank you. As I said, my name is
23 William Scheu, S-c-h-e-u. I'm appearing on
24 behalf of Mr. Dean, who is unable to be here,
25 as permitted by the statute. He would like to

1 submit, and I'll submit for him, an affidavit.
2 I have the original and copies for each member
3 of the Board. (Tenders)

4 BY MS. SMITH:

5 Thank you.

6 BY MR. KELLER:

7 Thank you.

8 BY CHAIRMAN WATSON:

9 And the original is where?

10 BY MR. SCHEU:

11 I thought I gave you the original.

12 BY CHAIRMAN WATSON:

13 Is there the original here? I'm trying to ---

14 BY MR. SCHEU:

15 I think it's in a black little -- this one.

16 BY CHAIRMAN WATSON:

17 I can't tell. This one's not smudging so it's
18 not the most hygienic test, but it's the best
19 I've come up with.

20 BY MR. SCHEU:

21 This looks more like real ink, if you would
22 like to ---

23 BY CHAIRMAN WATSON:

24 I'll tell you what. I think -- hang on one
25 second. We're going to mark the affidavit as

1 Exhibit 1, F-2, File 2. This is going to be
2 the original, if you'll hand that to the
3 reporter, please. And we have copies that
4 we're going to read, if you'll give us a
5 moment.

6 (FILE 2, EXHIBIT NO. 1 MARKED)

7 BY CHAIRMAN WATSON:

8 All right. And if you'll allow me just a
9 minute, Mr. Scheu, here, before we begin the
10 questions. There's a couple of things I'd
11 like to read into the record. We have the
12 affidavit placed into the record. A couple of
13 things is that attached with the affidavit are
14 a letterhead of Mr. Dean's law firm,
15 Williamson, Dean, Williamson & Sojka, I
16 believe it is, in which it shows that Mr. Dean
17 is now listed of counsel to the firm; a voter
18 registration card showing his home as Chapman
19 Road with a mailing address in Montreat; a
20 driver's license showing that he has updated
21 his driver's license to show his 337 Chapman
22 Home Road in Montreat as his resident; an
23 updated North Carolina property card showing
24 that he has listed as his address for his
25 Montreat Chapman Home Road property -- his

1 mailing address is PO Box 222 in Montreat; and
2 a canceled or voided check showing that he has
3 updated his bank accounts to list the Chapman
4 Road, Montreat, property as the address on his
5 banking account; and a cover of a recent Time
6 magazine showing that he has updated a
7 magazine subscription to show the mailing
8 address for that magazine as PO Box 222,
9 Montreat; and indicates in his affidavit that
10 he has taken steps to notify other
11 subscriptions, and has given that one as an
12 example. He also, under oath, has sworn in
13 his affidavit that he's taken other steps,
14 such as notifying creditors, insurance
15 companies, providers, etcetera, of an address
16 change. A number of other things which he has
17 stated in his affidavit regarding their move
18 -- what appears to be a very permanent move
19 they're seeking to make to Montreat; that
20 their home in Scotland County is being
21 renovated in anticipation of placing it on the
22 market and that he's terminated registration
23 in Scotland County. I have not read certainly
24 an exhaustive list of everything in the
25 affidavit, but those are the pertinent things.

1 Mr. Scheu, is there anything in this affidavit
2 that you would like to add?

3 BY MR. SCHEU:

4 I would, if it would please the Chair. Under
5 the terms of the statute, I want to make sure
6 that we -- you're satisfied that it complies
7 with the statute. The first six paragraphs
8 are the specific requirements that the
9 affidavit required in Subparagraph D that
10 comply with the statute. No. 7, in which Mr.
11 Dean responds specifically to the challenge of
12 Mr. Standaert, I would like to elaborate so
13 that it's clear on the record. Mr. Dean says
14 that he and his wife owned a home located at
15 Chapman Road for many years. Until last year
16 it was seasonal, used primarily during warmer
17 months. In 2014, in anticipation of his
18 retirement from the practice of law and a
19 permanent move to Montreat, they undertook
20 extensive renovations to that home in order to
21 make it a year-round residence. The residence
22 -- the renovations began in November of 2014
23 and they were not completed, but they moved in
24 August. On December 31st, 2014, he fully
25 retired from the practice of law. As you've

1 already indicated and what the law firm
2 letterhead says. The renovations to the
3 Chapman Road home were mostly completed in
4 late June and they moved back into the home
5 where they've gone to visit family and
6 friends. They've returned to Laurinburg to
7 check on the former home, but they view the
8 Montreat home as where they reside. They're
9 not here tonight because they're in Staunton,
10 Virginia. I believe he is grandchildren.
11 Even though they moved back to the Chapman
12 Road home in early July 2015, the renovations
13 were not completed at that time. That's in
14 July -- they began taking steps to effectuate
15 their change. They registered to vote. They
16 changed their address and the North Carolina
17 driver's license. "We changed our mailing
18 address with the County tax department. We
19 changed the address on our checks." As you
20 indicated, they notified various magazines.
21 "We've taken other steps." Then he refers to
22 specific allegations contained in Mr.
23 Standaert's challenge, and part of this
24 relates to the date, which in the earlier case
25 you mentioned the date. The statute says that

1 you must reside 30 days prior to the election.
2 And that's the critical date. He points out
3 that the property card attached to the
4 challenge is out-of-date and incorrect. The
5 mailing address of 337 Chapman Road has been
6 changed to PO Box 222, Montreat.

7 BY CHAIRMAN WATSON:

8 I'm sorry to interrupt. You're referring to
9 the property card in Buncombe County for
10 Chapman Home Road; is that correct?

11 BY MR. SCHEU:

12 Yes. That's the -- Item No. 2 of the
13 challenge, property card, 337.

14 BY CHAIRMAN WATSON:

15 Okay. Thanks.

16 BY MR. SCHEU:

17 He points out that the deed attached to the
18 challenge is inapplicable and it clearly
19 states that it is describing the property
20 located on the south side of Lookout Road, not
21 property located on Chapman Road. Item 3, the
22 property appraisal card for Dunbar Drive,
23 Laurinburg. "This card is correct in that it
24 relates to my former residence in Laurinburg,
25 which my wife and I still own and will

1 continue to own, until such time" as they sell
2 it, which, as you've already noted, they're in
3 the process of doing. Item 4, the web page
4 for Williamson Dean law firm, this is out of
5 date. "The website for my law firm was
6 designed and placed online several years ago
7 and has not been revised to reflect" his
8 retirement. Item D -- Item 5, the biography
9 of his son -- and this is an incredible
10 inclusion in the challenge. This item is
11 completely out of date, keeping in mind the
12 dates, therefore irrelevant. This is a
13 website posting made in 1997 for his son,
14 almost 18 years ago, "when we were residents
15 of Laurinburg." The list was published as of
16 July 2015. As Mr. Dean says, this use of this
17 very outdated information would be comical,
18 except for the fact that it's being used in an
19 effort to deny him the right to vote. He
20 makes a couple of other statements, but I did
21 want to bring that to your attention. A
22 couple of other things I would like to say, I
23 want to thank you all for your service. This
24 is an important service. I was the supervisor
25 of elections in Duval County in Jacksonville

1 in a very controversial year in 2004 with the
2 presidential election.

3 BY CHAIRMAN WATSON:

4 Are you sure about the number?

5 BY MR. SCHEU:

6 It wasn't 2000. It was 2004. And I do
7 appreciate your service, and everybody here
8 does because it's not -- you know, it's not a
9 -- you don't get paid for it and you're
10 volunteers giving up your time, too. It is
11 important. There are important principles
12 here. It involves the right to vote, No. 1.
13 It's probably one of the most crucial rights
14 that we have under our Constitution. But it
15 also is an attack on the integrity of
16 neighbors in a small town, persons who have
17 been accused of not being truthful. This is
18 -- Montreat, as you all know, is a small
19 neighborhood. And that's why one of the
20 important things is that the challenger has
21 the burden of proof. And I hope, as you all
22 evaluate these cases, you will be cognizant of
23 the fact that the challenger has the burden of
24 proof. You have asked us not to talk about
25 the election, and I don't want to talk about

1 the election.

2 BY CHAIRMAN WATSON:

3 No. And I'm going to ask you again, don't
4 talk about the election.

5 BY MR. SCHEU:

6 I won't.

7 BY CHAIRMAN WATSON:

8 And, in fact, I'm going to instruct you not to
9 talk about the election.

10 BY MR. SCHEU:

11 Let me proffer, what I would like to say is
12 that, if you look at the challenge, it really
13 was peculiar to me ---

14 BY CHAIRMAN WATSON:

15 Well, hold on. Stop just a second, please.
16 We're here to consider the challenge as to
17 residents of this voter issue.

18 BY MR. SCHEU:

19 Absolutely.

20 BY CHAIRMAN WATSON:

21 You have presented some evidence to support
22 his change of registration. Now -- and if you
23 want to proceed down that, fine. If we're
24 starting to get into some kind of argument or
25 attack against the whole challenge --

1 challenger, anything like that, or into the
2 election, I'm -- I'm going to ask you to stop.

3 BY MR. SCHEU:

4 Let me suggest -- and I will stop. I do not
5 -- I have great respect ---

6 BY CHAIRMAN WATSON:

7 I'm going to have to pick the right word, but
8 you proffer or you suggest.

9 BY MR. SCHEU:

10 Okay. What I want to say is the motive for
11 this? And the reason I say that is, in the
12 beginning of the challenge -- and I'll refer
13 you to the second page of the challenge. It
14 is not the -- Mr. Standaert ---

15 BY CHAIRMAN WATSON:

16 I've read the challenge.

17 BY MR. SCHEU:

18 --- says, "It is not the intent to
19 disenfranchise," but then he goes on to say
20 "We fully acknowledge that most" -- I always
21 wondered about that first person plural. Why
22 was that "we," if Mr. Standaert is filing the
23 challenge? What I want to suggest to you is
24 that this challenge is part of a strategic
25 tactical effort by the Moffatt campaign ---

1 BY CHAIRMAN WATSON:

2 I'm going to stop you right there. You are
3 now getting into improper statements and
4 testimony. Let me stop you right there,
5 please.

6 BY MR. SCHEU:

7 That's fine. May I proffer one piece of
8 evidence, for the record?

9 BY CHAIRMAN WATSON:

10 Sir, go carefully here because I'm looking for
11 evidence that's relevant to this hearing.

12 BY MR. SCHEU:

13 Yes, sir. And are you -- instruct me. Are
14 you saying -- are you ordering that evidence
15 of ---

16 BY CHAIRMAN WATSON:

17 If you have evidence ---

18 BY MR. SCHEU:

19 --- motive is not relevant in this case?

20 BY CHAIRMAN WATSON:

21 What we're looking at -- I don't know, but
22 this Board is not going to get tangled up in
23 what's going on in Montreat elections and
24 motives on either side of this. What we're
25 looking for is evidence to support or not

1 whether someone is a resident as determined
2 under North Carolina law and established their
3 domicile here. That's what we're looking for.
4 Okay?

5 BY MR. SCHEU:

6 I will respect that and go down the original
7 road.

8 BY CHAIRMAN WATSON:

9 Thank you. I do appreciate that so much.

10 BY MR. SCHEU:

11 This is important and this is the right to
12 vote and a person's integrity has been
13 challenged. The other thing I would like to
14 move for your consideration is that the
15 challenge is now moot because Mr. and Mrs.
16 Dean have voted. They have approached it
17 forthrightly. They have said that they
18 believe that they are the subject of a
19 challenge. There were inquiries made of the
20 elections office. They were advised to go
21 ahead and vote, without the challenge. Their
22 vote -- their ballot has been put into the --
23 as I understand it, into the box with all the
24 other ballots. So help me understand how
25 that ---

1 BY CHAIRMAN WATSON:

2 Well ---

3 BY MR. KELLER:

4 Absentee ballot from early voting.

5 BY CHAIRMAN WATSON:

6 I understand. But let -- if you recall, I
7 think I explained earlier, maybe I didn't -- I
8 believe I explained -- I was talking to the
9 court reporter, just so she'd have an idea of
10 where we're going. We're going to conduct
11 this hearing in two steps. If I did not
12 explain this earlier, I apologize. We will
13 consider all the evidence as to each file. At
14 the conclusion of the evidence, we will come
15 back and we will consider each file for
16 deliberation. Whether -- and the question
17 will be whether the challenge has been
18 sustained or not. Okay? So when you move
19 that it's moot, it will either be a
20 determination after the Board has deliberated
21 as to that file, as to whether it's sustained
22 or not. So we are looking now for evidence,
23 and that is -- that is all we're looking for
24 at this stage. Okay? And if you have some
25 further evidence -- I do appreciate the

1 affidavit. And, again, as we mentioned
2 earlier, there are things that we are looking
3 in establishing residence and domicile or
4 abandonment of a domicile with the intention
5 not to return, acquisition, renew, intent of
6 making a new and permanent home. You've been
7 giving us evidence along those lines. So
8 those are the kinds of things that we are
9 certainly interested in. Okay? And you've
10 given us a sworn statement there with some
11 exhibits.

12 BY MR. SCHEU:

13 Two questions -- and I do think that this --
14 and I would submit that the sworn statement
15 refutes the allegations of the challenge and
16 complies with the law to show that they have
17 done what it takes, what needs to be done to
18 establish their residence.

19 BY CHAIRMAN WATSON:

20 Is there any other evidence for Mr. Daniel
21 Dean?

22 BY MR. SCHEU:

23 No, sir. But did I understand you to say that
24 you were going to consider -- because this is
25 a quasi-judicial proceeding. So to protect

1 the rights of everyone, are you going to
2 consider the mootness of this, as you consider
3 whether or not the challenge is sustained? At
4 some point you have to make a legal
5 determination as to whether or not the whole
6 issue is moot.

7 BY CHAIRMAN WATSON:

8 What whole issue are you referring to, sir?

9 BY MR. SCHEU:

10 Because they've already voted. The
11 challenge ---

12 BY CHAIRMAN WATSON:

13 Oh, no, sir. If you are saying that, because
14 people who knew they were subject to a
15 challenge have gone ahead and voted, that the
16 matter is now moot, no, sir, it is not. In
17 fact, there has been some concern that there
18 has been a lot of activity of people that knew
19 they were challenged coming and voting; that
20 are they under the impression that, if they
21 get this train far enough down the track, that
22 they're safe and it can't be backed up. I
23 think that's a misunderstanding.

24 BY MR. SCHEU:

25 Well, with all due respect, they -- each of

1 them, as I understand it, pointed out to the
2 person at the precinct with the office that
3 they were challenged. That person looked at
4 the records and said, "Sir, you're not
5 challenged." As I understand it, they checked
6 with the -- the main office and they said, "Go
7 ahead and vote." I know, not Mr. Dean, but
8 others then -- they said the challenge -- your
9 vote is a regular vote. And so, it's hard to
10 understand, then -- maybe you could help us
11 understand how that ballot is going to be
12 recaptured?

13 BY CHAIRMAN WATSON:

14 That's an issue we can get into at another
15 point, if you would like. But right now we're
16 not going to take that separate issue up.
17 Now, if you have -- you said you did not have
18 more evidence on Daniel Dean. Mr. Keller, do
19 you have any questions regarding Mr. Dean?

20 BY MR. KELLER:

21 No. That was a very nice affidavit.

22 BY CHAIRMAN WATSON:

23 No?

24 (FILE 2, DANIEL DEAN, CLOSED)

25 FILE 3, ELLEN DEAN

1 BY CHAIRMAN WATSON:

2 Ms. Ellen Dean.

3 BY MR. SCHEU:

4 Yes, sir. Thank you. And I won't repeat all
5 -- I'm William Scheu appearing for her under
6 the statutes.

7 BY CHAIRMAN WATSON:

8 I understand.

9 BY MR. SCHEU:

10 I have her affidavit and I think the original
11 is the one on top.

12 BY CHAIRMAN WATSON:

13 Mr. Scheu, you said this is -- you believe
14 this is the original?

15 BY MR. SCHEU:

16 I believe that's right, in looking at the ink
17 where people signed it.

18 BY CHAIRMAN WATSON:

19 That's the original. So we will mark this as
20 Exhibit 1 -- Madam Court Reporter, is this
21 exhibit -- I'm sorry. This is will be Exhibit
22 1, File 3.

23 (FILE 3, EXHIBIT NO. 1 MARKED)

24 BY CHAIRMAN WATSON:

25 I'm thinking Dean and I mess up. This is the

1 original, if you will please -- do you have
2 another copy?

3 BY MR. SCHEU:

4 I sure do.

5 BY CHAIRMAN WATSON:

6 Or is that a copy?

7 BY MR. SCHEU:

8 This is an extra.

9 BY CHAIRMAN WATSON:

10 No, you don't have another one in your hand;
11 do you?

12 BY MR. SCHEU:

13 No.

14 BY CHAIRMAN WATSON:

15 Thank you, sir. If you'll give us a moment to
16 consider this.

17 BY MR. SCHEU:

18 Yes, sir.

19 BY CHAIRMAN WATSON:

20 Mr. Scheu?

21 BY MR. SCHEU:

22 It's Scheu, it's like a Y.

23 BY CHAIRMAN WATSON:

24 Okay. Thank you. I thought you said "Scheu,"
25 but every time I looked at it I wanted to say

1 "Scheu (different pronunciation)." Mr. Scheu,
2 I assume you would like both of these
3 affidavits admitted into the record ---

4 BY MR. SCHEU:

5 Yes, sir.

6 BY CHAIRMAN WATSON:

7 --- in their entirety?

8 BY MR. SCHEU:

9 Yes, sir.

10 BY CHAIRMAN WATSON:

11 Okay. So, Madam Court Reporter, place that in
12 those records. They're both affidavits
13 admitted into the record in their entirety.
14 This is -- I'm not going to do through and
15 necessarily point out, other than the --
16 significantly, I think, the driver's license
17 has been updated to show Chapman Road. The
18 property card in Buncombe County, North
19 Carolina, has been admitted to -- excuse me,
20 has been updated to reflect a Montreat PO box;
21 and a voided check showing the banking account
22 updated, as well as a couple of magazine
23 subscriptions. These are not going to be
24 individually noted as exhibits because they
25 are part of the affidavit. They are attached

1 with the affidavit, so they'll be considered
2 as part of that affidavit. And this is --
3 hold on one second. Jennifer, will you please
4 pass me the two affidavits?

5 BY JENNIFER SPARKS:

6 (Tenders)

7 BY CHAIRMAN WATSON:

8 Mr. Scheu, if you'll approach one moment,
9 please. This -- nothing -- I think it's just
10 probably a scribner's error. This is the
11 affidavit of Ms. Ellen Dean. This is the
12 affidavit of Mr. Daniel Dean. The signatures
13 -- notaries are correct. Here's what I --
14 here's what I just noticed is it references
15 the same, but ---

16 BY MR. SCHEU:

17 Could we have -- administratively change this?

18 BY CHAIRMAN WATSON:

19 And I don't -- and if you'll -- do you have a
20 copy?

21 BY MR. SCHEU:

22 I don't, unless it's in the challenge.

23 BY CHAIRMAN WATSON:

24 Hold on one second. Here you go. (Tenders)

25 Jennifer, actually, I'm going to rely on your

1 expertise.

2 BY JENNIFER SPARKS:

3 Yes, sir.

4 BY CHAIRMAN WATSON:

5 If I may hold that one second?

6 BY MR. SCHEU:

7 Yeah. Great.

8 BY CHAIRMAN WATSON:

9 What I noted is on the top of the affidavit
10 for both Daniel and Ellen Dean, it's got voter
11 number ---

12 BY JENNIFER SPARKS:

13 The same one.

14 BY CHAIRMAN WATSON:

15 And so, would this be the correct one for Ms.
16 Ellen Dean?

17 BY JENNIFER SPARKS:

18 I can verify that right now.

19 BY MR. KELLER:

20 It's on our folders.

21 BY MR. SCHEU:

22 Madam Clerk, would you do this; would you mind
23 tell me what the ---

24 BY CHAIRMAN WATSON:

25 Yeah. I will gladly show you. This is ---

1 BY JENNIFER SPARKS:

2 4133 right there. Yes, that is correct.

3 BY CHAIRMAN WATSON:

4 All right. Mr. Scheu, if you'll -- this is
5 actually our -- you may approach here. This
6 is our voter profile what she just looked up.
7 This is the number. And if you would like to
8 correct the original here yourself.

9 BY MR. SCHEU:

10 This is hers?

11 BY CHAIRMAN WATSON:

12 This is hers and this is hers. And if you'd
13 like to correct the name there, as well.

14 BY MR. SCHEU:

15 That's would be good; wouldn't it? (Complies)

16 BY CHAIRMAN WATSON:

17 And I have looked, but just to satisfy
18 yourself, check the notary acknowledgment on
19 this one for the date -- excuse me, the name,
20 that it is actually ---

21 BY MR. SCHEU:

22 It's her -- her signature.

23 BY CHAIRMAN WATSON:

24 So you're satisfied with that now?

25 BY MR. SCHEU:

1 Yes, sir. Thank you for pointing that out.

2 BY CHAIRMAN WATSON:

3 Okay. Where is the other original?

4 BY JENNIFER SPARKS:

5 It's right here. I've got it.

6 BY CHAIRMAN WATSON:

7 Thank you. Mr. Keller, do you have any
8 questions regarding the challenge of Ellen
9 Dean?

10 BY MR. KELLER:

11 No.

12 BY CHAIRMAN WATSON:

13 Madam Secretary?

14 BY MS. SMITH:

15 No.

16 BY CHAIRMAN WATSON:

17 Mr. Scheu, again, I'll caution you not to get
18 into motions and argument. Do you have any
19 other evidence?

20 BY MR. SCHEU:

21 Just for the record, without belaboring, I
22 would make the same motion on the record on
23 mootness, recognizing that you said that would
24 be considered at a later date.

25 BY CHAIRMAN WATSON:

1 Well, let me -- let me -- the way you phrased
2 that, now, let me clarify that by "consider,"
3 I don't mean to imply that we're going to take
4 it up for some kind of decision on this Board.
5 But we can -- I certainly don't mind
6 discussing it with you after the hearing. I
7 think what you're getting into has to do with
8 just whole voting procedure and what we do
9 with challenge ballots, what we do with --
10 things of that nature. And these experts over
11 here -- a lot of that is above my pay grade.

12 BY MR. SCHEU:

13 It would be interesting for the public to ---

14 BY CHAIRMAN WATSON:

15 Well, it may be -- yeah. We'll see how late
16 we go tonight.

17 BY MR. SCHEU:

18 The -- and the point is just help me
19 understand, if someone has voted, their ballot
20 has gone into the law, how do you retrieve it
21 without knowing how they voted? Because that
22 would be a fundamental violation of the
23 Constitutional right ---

24 BY CHAIRMAN WATSON:

25 Again, you are asking us to get into something

1 that's beyond what we are here for tonight.

2 And we're not going there at this time.

3 BY MR. SCHEU:

4 Yes, sir.

5 BY CHAIRMAN WATSON:

6 With all due respect, sir ---

7 BY MR. SCHEU:

8 Yes, sir. I appreciate that.

9 (FILE 3, ELLEN DEAN, CLOSED)

10 And I also, just for the record, make my
11 statements briefly about the issue of the motive
12 and that it should be considered. Once again ---

13 BY CHAIRMAN WATSON:

14 Let's see. Now you -- you represent Mary Jo
15 Clark?

16 BY MR. SCHEU:

17 I do. Yes, sir.

18 BY CHAIRMAN WATSON:

19 All right. Then let's take up Mary Jo Clark.

20 BY MR. SCHEU:

21 All right. Now, let's see ---

22 BY CHAIRMAN WATSON:

23 I'm sorry. Yes, ma'am? Okay. Now -- all
24 right. Ms. Mary Jo Clark.

25 (FILE 4, MARY JO CLARK)

1 BY CHAIRMAN WATSON:

2 Do you have an affidavit for Ms. Clark?

3 BY MR. SCHEU:

4 I do. They're at -- you might want to pull up
5 her three family members.

6 BY CHAIRMAN WATSON:

7 Well, would that be Jordan Clark Brown and
8 William Brown?

9 BY MR. SCHEU:

10 Yes, sir. William ---

11 BY CHAIRMAN WATSON:

12 I have them here, but if we can take them and
13 consider Mary Jo Clark ---

14 BY MR. SCHEU:

15 She would be appropriate. Yes, sir.

16 BY CHAIRMAN WATSON:

17 --- first. Yes, sir. What would you like to
18 submit on this one?

19 BY MR. SCHEU:

20 I do. I have an affidavit which she prepared
21 and I would like to submit it on her behalf.

22 BY CHAIRMAN WATSON:

23 All right. Let's see. Okay. The affidavit
24 of Mary Jo Clark will be Exhibit 1, File No.
25 4. The original.

1 (FILE 4, EXHIBIT NO. 1 MARKED)

2 BY CHAIRMAN WATSON:

3 Mr. Scheu, I've read the affidavit. Mr.
4 Keller, do you need more time to consider the
5 affidavit?

6 BY MR. KELLER:

7 No.

8 BY CHAIRMAN WATSON:

9 Madam Secretary, do you need time to consider
10 the affidavit?

11 BY MS. SMITH:

12 No, I'm good. Thank you.

13 BY CHAIRMAN WATSON:

14 What this affidavit does not have, which would
15 be very helpful, is anything showing the steps
16 that they've made to support her testimony in
17 the affidavit that they have moved to
18 Montreat. Do you have anything, by way of
19 driver's license or insurance or mailings,
20 memberships, anything like that, such as you
21 did with the others?

22 BY MR. SCHEU:

23 Mr. Chairman, she has not provided that. I
24 think what this affidavit is about is that it
25 -- and let me just read you through it. I

1 mean, there's stuff here that we'll skip over.
2 But what it says is that, in June, her husband
3 and she moved their home to Montreat. "Upon
4 studying the website for the Board and having
5 conversations with their staff, it was my
6 understanding that I should register to vote
7 where I spent the majority of my nights over
8 the month prior to registration. I had spent
9 22 nights of the past 30 nights in Montreat.
10 Per the instructions, I registered to vote."
11 In other words, she's trying to let you know
12 that she followed the instructions, as she
13 understood them. She then goes into a
14 paragraph about all the things that she did
15 over the summer in Montreat, and that -- in
16 Paragraph 5, it was her understanding that
17 registering to vote on August 17th, following
18 the 30-day rule for residency. So here's a
19 person that feels that she has followed the
20 rules, that she has sought the assistance of
21 the staff, that she's done everything that she
22 was required to do, as the normal -- I mean,
23 these people are not lawyers. They're not
24 sophisticated, in terms of election law. They
25 did what they thought was the right thing to

1 do. I would point out that the burden of
2 proof is on the challenger and that this
3 affidavit squares the challenge with the
4 proof, and the burden is on the challenger.
5 And she is -- she is anguishing about this.
6 She thought that what she was doing was right.
7 That's what she wanted you to know.

8 BY CHAIRMAN WATSON:

9 All right.

10 BY MR. SCHEU:

11 And she didn't have anything else to say.

12 BY CHAIRMAN WATSON:

13 Okay. Do you -- do you know Ms. Clark
14 personally?

15 BY MR. SCHEU:

16 I do.

17 BY CHAIRMAN WATSON:

18 And let me be real clear. I'm not trying to
19 put you under oath to give sworn testimony as
20 to her habits. But do you -- I mean, do you
21 know her well enough to know about her
22 employment or things of that nature?

23 BY MR. SCHEU:

24 I think that that's in -- I think the
25 allegations are in the challenge.

1 BY CHAIRMAN WATSON:

2 Well, she mentions her employment as being --
3 she mentions in her -- Paragraph No. 4, her
4 general pattern was to rise early on Tuesday
5 morning, "drive to my part-time job in
6 Charlotte. Spend Tuesday and Wednesday nights
7 in proximity to my work and return to Montreat
8 on Thursday afternoon. Generally, I slept in
9 Montreat Thursday, Friday, Saturday, Sunday
10 and Monday nights."

11 BY MR. SCHEU:

12 I really don't know what she does.

13 BY CHAIRMAN WATSON:

14 Okay. Thank you. Do you have any idea about
15 her past voting history?

16 BY MR. SCHEU:

17 I do not.

18 BY CHAIRMAN WATSON:

19 Do you have any idea, from the 2016 general
20 election, is she going to have a renewed
21 interest in Gastonia and voting there?

22 BY MR. SCHEU:

23 She's not in Gastonia. She's in ---

24 BY A MEMBER OF THE AUDIENCE:

25 No. No.

1 BY MR. SCHEU:

2 --- Davidson.

3 BY CHAIRMAN WATSON:

4 Where?

5 BY MR. SCHEU:

6 Davidson.

7 BY CHAIRMAN WATSON:

8 Davidson. I'm sorry. We have a Gastonia.

9 Davidson.

10 BY MR. SCHEU:

11 I -- you know, she has said this is going to
12 be there -- this is their home. I think the
13 -- well, I don't want to -- I don't say
14 anything that's not under oath ---

15 BY CHAIRMAN WATSON:

16 No. I understand. And I'm not trying to get
17 you to do that. We, again, are looking
18 for ---

19 BY MR. SCHEU:

20 Part of -- part of the problem here is that
21 you've got people in transition. The Clarks,
22 husband and wife, are about to retire. He's
23 -- his -- his registration -- I believe he's
24 employed by Davidson College. He's in charge
25 of the union, as I recall. But just like the

1 Deans, they're in the process of doing what it
2 takes to retire. They view their home in
3 Montreat as where they live, and they're now
4 transitioning here. And that's, what they
5 believe, all that they had to do. This is
6 their home. This is what they -- when they
7 leave Montreat, they intend to come back. And
8 if that's all -- the statute -- and you read
9 it to Mr. Bauer Subsection 3.

10 BY CHAIRMAN WATSON:

11 Three.

12 BY MR. SCHEU:

13 But Subsection 2 says, "A person shall not be
14 considered to have lost that person's
15 residence, if that person leaves home and goes
16 into another state, town, municipality, or
17 other election district for temporary purposes
18 only" not defining it, "with the intention to
19 return." And clearly her affidavit shows
20 that. The other challenged persons here,
21 these are elderly. They're retiring. They --
22 they love Montreat. These have been people
23 that have been coming to Montreat for years
24 and years. This is what they view as their
25 home, but they're not technicians.

1 BY CHAIRMAN WATSON:

2 No. I understand. And we're not trying to
3 make them be technicians. What we're trying
4 to do is look at the totality of the
5 circumstances to determine where -- where do
6 they, by their daily practices, indicate is
7 their domicile.

8 BY MR. SCHEU:

9 Absolutely. And I think that's why ---

10 BY CHAIRMAN WATSON:

11 And what you said -- I don't mean to cut you
12 off, but they are in transition and she is
13 telling us under oath "We are spending the
14 majority of the time now in Montreat while not
15 at work," whatever. I see that in the statute
16 -- or, excuse me, in the affidavit. I'm
17 looking to see if we have anything else.

18 BY MR. SCHEU:

19 I do -- at the risk of ---

20 BY CHAIRMAN WATSON:

21 Not anything else ---

22 BY MR. SCHEU:

23 --- at the risk of offending the Chair, which
24 I don't want to do, that's why the motive in
25 this is so important.

1 BY CHAIRMAN WATSON:

2 Well ---

3 BY MR. SCHEU:

4 And I -- I know your feelings and I don't mean
5 to be obstinate, but I do want to put it in
6 the record.

7 BY A MEMBER OF THE AUDIENCE:

8 He's a lawyer.

9 BY MR. SCHEU:

10 So that's why this is important.

11 BY CHAIRMAN WATSON:

12 It is -- it is important. And it's important
13 and we are taking it very seriously.

14 BY MR. SCHEU:

15 I know you do. I do not have my mootness,
16 according to this, because I don't believe
17 they voted.

18 BY CHAIRMAN WATSON:

19 Anything else with regards to Ms. Mary Jo
20 Clark that you'd like to relate?

21 BY MR. SCHEU:

22 No, sir. Thank you very much.

23 BY CHAIRMAN WATSON:

24 All right. Mr. Keller?

25 BY MR. KELLER:

1 No. I'd like to see his affidavit, though.

2 BY CHAIRMAN WATSON:

3 We're getting there.

4 BY MR. SCHEU:

5 I've got a surprise for you.

6 BY CHAIRMAN WATSON:

7 Madam Secretary, anything on this one?

8 BY MS. SMITH:

9 No.

10 BY CHAIRMAN WATSON:

11 No.

12 BY MR. SCHEU:

13 I've got a ---

14 BY CHAIRMAN WATSON:

15 Hold, please. All right. I'm going to mark
16 the voter registration application for Mary Jo
17 Clark as Exhibit 2. I believe this will be
18 File 4; is that correct?

19 (FILE 4, EXHIBIT NO. 2 MARKED)

20 BY CHAIRMAN WATSON:

21 I'll note particularly she has stated in her
22 affidavit that, "In June of 2015, my husband
23 and I moved up to our home in Montreat." And
24 she filed a registration application August
25 12th of 2015, so shortly thereafter. We'll

1 just say the dates. They may be important.

2 All right.

3 BY MS. SMITH:

4 May I say something?

5 BY CHAIRMAN WATSON:

6 Yes, ma'am?

7 BY MS. SMITH:

8 And, if it was mentioned, I don't remember.

9 Is Mary Clark here tonight?

10 BY MR. SCHEU:

11 No, ma'am, she's not.

12 BY MS. SMITH:

13 Okay. Thank you.

14 BY CHAIRMAN WATSON:

15 Are any of the people that you're representing
16 here?

17 BY MR. SCHEU:

18 No, sir.

19 BY CHAIRMAN WATSON:

20 Okay. So we can -- we're safe to assume
21 that ---

22 BY MS. SMITH:

23 We've got you for all of them.

24 BY CHAIRMAN WATSON:

25 All right. Again, is there further

1 discussion? Mr. Keller, anything else for
2 Mary Jo Clark?

3 BY MR. KELLER:

4 No.

5 BY CHAIRMAN WATSON:

6 Madam Secretary, anything else on Mary Jo
7 Clark?

8 BY MS. SMITH:

9 No, sir. Thank you.

10 BY CHAIRMAN WATSON:

11 All right. No other evidence to put in?

12 BY MR. SCHEU:

13 No, sir.

14 BY CHAIRMAN WATSON:

15 Okay. Thank you. So we will consider the
16 evidence for Mary Jo Clark closed.

17 (FILE 4, MARY JO CLARK, CLOSED)

18 BY CHAIRMAN WATSON:

19 We will next take -- I can do Jordan Clark
20 Brown or William Brown. I don't have a
21 preference.

22 BY MR. SCHEU:

23 I have the same affidavit for each of this.
24 We don't need to revisit it.

25 BY CHAIRMAN WATSON:

1 Well, why don't we do Jordan Clark Brown.
2 That is -- is that the -- actually, let's
3 don't. I guess he's the son of William?

4 BY MR. SCHEU:

5 He's the son.

6 BY CHAIRMAN WATSON:

7 Right. We'll do William Brown. That's the
8 father.

9 (FILE 5, WILLIAM BROWN)

10 BY CHAIRMAN WATSON:

11 Okay. What do you have for this one?

12 BY MR. SCHEU:

13 I have the same affidavit, which you have.
14 These are copies because you have the
15 original. This is Mary Jo's affidavit. Mr.
16 Brown did not submit a separate, but this is
17 evidence for what they were doing, that same
18 notion of ---

19 BY CHAIRMAN WATSON:

20 So we have no affidavit for ---

21 BY MR. SCHEU:

22 From him. But you have it -- the statute does
23 not require the affidavit ---

24 BY CHAIRMAN WATSON:

25 All right. So am I to -- I just want to make

1 it clear, and correct me.

2 BY MR. SCHEU:

3 Yes, sir.

4 BY CHAIRMAN WATSON:

5 Would you like the record to reflect that, for
6 William Brown, you are submitting the same
7 affidavit, which was previously submitted, of
8 Mary Jo Clark, which was Exhibit 1 of File 4?

9 BY MR. SCHEU:

10 Yes, sir.

11 BY CHAIRMAN WATSON:

12 Okay. And we can -- we can mark it Exhibit 1,
13 File 5, just so it is -- if you're wanting it
14 to be attached with this particular file.

15 Would you like that, Mr. Scheu ---

16 BY MR. SCHEU:

17 Yes, sir. If that is -- if that is your --
18 within your ---

19 BY CHAIRMAN WATSON:

20 It's up to you if you would like this to come
21 in, sir, for your -- Exhibit 1, File 5.

22 (FILE 5, EXHIBIT NO. 1 MARKED)

23 BY MR. SCHEU:

24 She does refer to -- in Paragraph 1, to both
25 her and her husband. And in Paragraph 2 and

1 in Paragraph 3. The facts are a little bit
2 different, though, so that ---

3 BY CHAIRMAN WATSON:

4 They are.

5 BY MR. SCHEU:

6 We don't have a separate affidavit for him.

7 BY CHAIRMAN WATSON:

8 Well, let me ask you. He is -- he's employed
9 full-time with Davidson College; is he not?

10 BY MR. KELLER:

11 It certainly appears to be.

12 BY MR. SCHEU:

13 There's nothing -- I can't testify to that but
14 there's nothing in the record to refute that.

15 BY CHAIRMAN WATSON:

16 And is there a reason why he did not submit an
17 affidavit? Because her -- pass me one of
18 those affidavits, if you would, please. As to
19 Mary Jo Clark, Paragraph 4 was ---

20 BY MR. SCHEU:

21 Yes.

22 BY CHAIRMAN WATSON:

23 --- instructive because she talks about her
24 pattern of going back to what she terms as her
25 part-time job in Charlotte, where she slept

1 and how much time she spent. We have nothing
2 like that for Mr. Brown. And, as you said,
3 there's nothing to refute that he is a full-
4 time employee of Davidson College.

5 BY MR. SCHEU:

6 That's correct. Mrs. Brown was the only one
7 that wanted to file. But they did want this
8 to go into each file. I would point out that
9 on the challenge there are some exhibits. And
10 this would be true for hers, too. There are
11 fliers from the Firefly Dinner in June of 2015
12 and the Patrons Dinner refers to both of them
13 as being from Davidson, but those pre-dated --
14 those are not relevant dates because the date
15 of the registration, as you've seen from her
16 affidavit, was in August 2015, I believe you
17 said. So those -- those are irrelevant dates.

18 BY CHAIRMAN WATSON:

19 Well, no, not necessarily. His registration
20 is August 12th, '15, as well.

21 BY MR. SCHEU:

22 My only point is that it's the 30-day period.
23 That's the point.

24 BY CHAIRMAN WATSON:

25 So we'll mark his voter registration

1 application Exhibit 2, File 5.

2 (FILE 5, EXHIBIT NO. 2 MARKED)

3 BY CHAIRMAN WATSON:

4 We don't know where he's -- are you -- are we
5 to believe that he is driving from Montreat to
6 Davidson every day?

7 BY MR. SCHEU:

8 I -- I can't say.

9 BY CHAIRMAN WATSON:

10 You can't tell us that, I know. We don't have
11 any evidence.

12 BY MR. SCHEU:

13 Right.

14 BY MR. KELLER:

15 The only evidence we've got here is in her
16 testimony.

17 BY CHAIRMAN WATSON:

18 Right. Do you know whether he's employed now?

19 BY MR. SCHEU:

20 My off-the-record, non-under-oath ---

21 BY CHAIRMAN WATSON:

22 Yeah.

23 BY MR. SCHEU:

24 --- is that I believe he is employed by
25 Davidson College.

1 BY CHAIRMAN WATSON:

2 And her affidavit speaks to her staying in
3 Davidson when she was there. I'm assuming
4 that that is at the 131 Woodland Street ---

5 BY MR. SCHEU:

6 Whatever the address is.

7 BY CHAIRMAN WATSON:

8 So, do you know, do they still own property in
9 Davidson?

10 BY MR. SCHEU:

11 I believe they did. She says that in the
12 affidavit.

13 BY CHAIRMAN WATSON:

14 She says -- I recall her saying that she was
15 staying there, but I didn't recall ---

16 BY MR. SCHEU:

17 "My husband and I assumed ownership," that's
18 in the middle of the ---

19 BY CHAIRMAN WATSON:

20 What paragraph?

21 BY MR. SCHEU:

22 "Our second home" -- Paragraph 2 -- "was
23 purchased in the municipality of Davidson, and
24 in recent years, I've also shared ownership
25 with my brothers." I would say the

1 implication is that they still own the house.

2 BY CHAIRMAN WATSON:

3 Yeah, she still owns it in Davidson.

4 BY MR. SCHEU:

5 Right. Right.

6 BY CHAIRMAN WATSON:

7 Thank you. Just let me hold on to that. I
8 keep having to pass it back and forth.

9 BY MR. SCHEU:

10 As the Board is considering this, I would
11 submit that Mr. and Mrs. Clark are husband and
12 wife, which she alludes to. There's nothing
13 in the record that says they're not
14 cohabiting, so that, presumably, where she is,
15 he is. I realize that that's not a --
16 totally, but for purposes of the record,
17 that's something you consider when you realize
18 that the challenger has the burden of proof.

19 BY MS. SMITH:

20 It's a long drive to Davidson College every
21 day.

22 BY MR. SCHEU:

23 Ma'am?

24 BY MS. SMITH:

25 I said it's a long drive to Davidson College

1 every day then.

2 BY MR. SCHEU:

3 Well, I'll tell you. My daughter and her
4 husband were campus ministers at Davidson for
5 ten years, and we have a house in Montreat.
6 It was a great drive. It was exactly one hour
7 and three-quarters, and that was it. So we'd
8 get up early in the morning and go visit and
9 take care of the grandchildren, and then come
10 back here that night. Sometimes we'd spend
11 the night and sometimes we wouldn't. It's not
12 a long drive. I guess if you live in New York
13 you've got a two-hour commute on the train.
14 At least you've got the pretty mountains of
15 Western North Carolina.

16 BY CHAIRMAN WATSON:

17 Well, it's just -- it's curious to me, with
18 the importance and gravity of what we're
19 considering that he didn't submit an
20 affidavit. As you said, they cohabitate.
21 They're husband and wife. They're together.
22 And it's -- so, then, we're to assume things
23 about him, based on his wife and what she
24 testified. It's interesting, too, I was
25 looking to see, well, was this a Montreat

1 notary and if he was in Montreat, but it's
2 not. It's a -- it's interesting this is a
3 Mecklenburg County notary, and it was sworn to
4 on the 23rd of October, which is a Friday,
5 when she ---

6 BY MR. SCHEU:

7 Did it last -- last Friday.

8 BY CHAIRMAN WATSON:

9 --- when she's telling us generally she's
10 sleeping in Montreat on Friday ---

11 BY MR. SCHEU:

12 During those periods, that's right.

13 BY CHAIRMAN WATSON:

14 --- that she's -- she's in Mecklenburg on
15 Friday. And he didn't ---

16 BY MR. SCHEU:

17 Of course, it doesn't say what time -- it
18 doesn't say what time of day and it is a two-
19 hour drive.

20 BY CHAIRMAN WATSON:

21 But he -- well, okay. She would spend
22 Tuesdays and Wednesdays in proximity to her
23 work, and she would be Thursday, Friday,
24 Saturday, Sunday and Monday in Montreat.

25 BY MR. SCHEU:

1 In fairness to the Board, I think what she's
2 referring to then is her pattern during that
3 critical 30-day period. I don't think she's
4 speaking to her pattern ---

5 BY CHAIRMAN WATSON:

6 Well, I appreciate that. But now I think you
7 just opened up another issue is, if it's just
8 the 30 days, then are we -- is she asking us
9 to assent to her on this short little snapshot
10 of time, but "as to all other times, we're
11 really in Davidson." We're looking to be able
12 to establish something that demonstrates
13 domicile, and I -- I appreciate Paragraph 14
14 and 3 that "we moved our home." But it's --
15 it's really perplexing that the date of the
16 notary doesn't fit with what she said in here.
17 That's not determinative, in and of itself, I
18 realize. But also that the husband -- and, if
19 I understood you correctly earlier, we're
20 about to find out neither of the sons
21 submitted their own affidavits.

22 BY MR. SCHEU:

23 That's correct, sir. I think this all gets to
24 the burden and whether her factual statements
25 carry over as factual evidence for the Board

1 to consider in those other two files.

2 BY CHAIRMAN WATSON:

3 Whether her statements will stand for the
4 husband and the son.

5 BY MR. SCHEU:

6 Yes, sir.

7 BY CHAIRMAN WATSON:

8 Yes, ma'am. Do you have a question, Ms.
9 Smith?

10 BY MS. SMITH:

11 There's something that's bothering me. And
12 maybe I forgot the rules. You're talking 30
13 days here before an election. She's only
14 saying 22. Twenty-two and thirty aren't the
15 same. You've got eight days there.

16 BY MR. SCHEU:

17 What she's saying is that when she went in
18 June, she went to the Board of -- she studied
19 the website of the Board of Elections, had
20 conversations with the staff. It was her
21 understanding that she could register to the
22 vote, if she spent the majority of her nights
23 over the month prior to registration. "I have
24 spent approximately 22 nights of the past 30
25 nights." As I said, these are not

1 sophisticated election people. These -- they
2 thought they were doing the right thing.
3 That's what she's trying to say.

4 BY MS. SMITH:

5 I understand that.

6 BY MR. KELLER:

7 In Paragraph 3 it says, "My husband and I
8 moved to our home in Montreat, North
9 Carolina." I'm happy to see the sentence, but
10 it's tough to prove with the data provided.

11 BY MR. SCHEU:

12 You have to consider the burden and whether
13 this affidavit sufficiently sets forth their
14 intention as to their domicile. That's what
15 you have to consider.

16 BY CHAIRMAN WATSON:

17 All right. Anything else, then, to submit on
18 William Brown?

19 BY MR. SCHEU:

20 No mootness, but I, just for the record, the
21 motive -- and I understand you have, Your
22 Honor ---

23 (FILE 5, WILLIAM BROWN, CLOSED)

24 BY CHAIRMAN WATSON:

25 So this is for the son. So ---

1 BY MR. SCHEU:

2 You might want to check those voter ID --
3 well, no. This ---

4 BY CHAIRMAN WATSON:

5 Right. Jordan Clark Brown, then, which will
6 be File No. 6.

7 (FILE 6, JORDAN CLARK BROWN)

8 BY CHAIRMAN WATSON:

9 And you are submitting -- I'm asking here, Mr.
10 Scheu. I'm not -- so you're asking that the
11 affidavit of Mary Jo Clark be submitted, as
12 well, in the case or the file of Jordan Clark
13 Brown?

14 BY MR. SCHEU:

15 Yes, sir, please.

16 BY CHAIRMAN WATSON:

17 That will be Exhibit 1, File No. 6.

18 (FILE 6, EXHIBIT NO. 1 MARKED)

19 BY CHAIRMAN WATSON:

20 Now, he's a Davidson student; is that correct?

21 BY MR. SCHEU:

22 I believe he's at Davidson. I'm just
23 reflecting on that, not stating that as a
24 matter of fact, but I believe that's the case.
25 I think there is a -- there's something in the

1 challenge that reflects that he's at Davidson.
2 I would point out that the statute -- and I'm
3 referring specifically to 153-57, Subparagraph
4 11. It talks about a student, and a student
5 intends to make the student's home in the
6 community where the student is physically
7 present for the purpose of attending school
8 while the student's -- while the student is
9 attending school, if he has no intent to
10 return to the student's former home. But if
11 he wants to register in Davidson, he can.
12 There's no evidence that he has, so the --
13 again, the burden would be on the challenger
14 to show that Mr. Clark Brown has evidenced an
15 intent to change from where his parents'
16 residence is.

17 BY CHAIRMAN WATSON:

18 Have you spoken with -- what does he go by?

19 How -- is it Jordan ---

20 BY MR. SCHEU:

21 I've never met him nor spoken to him.

22 BY CHAIRMAN WATSON:

23 Okay. You don't know then. Okay. Do you

24 know if he lives with his parents?

25 BY MR. SCHEU:

1 I have no personal knowledge.

2 BY CHAIRMAN WATSON:

3 We don't know about that. We don't have any -
4 - any questions, Mr. Keller?

5 BY MR. KELLER:

6 No.

7 BY CHAIRMAN WATSON:

8 Madam Secretary, any questions regarding
9 Jordan Clark Brown?

10 BY MS. SMITH:

11 Huh-uh.

12 BY CHAIRMAN WATSON:

13 No. All right. Ms. Scheu, anything else
14 you'd like to present for Jordan Clark Brown?

15 BY MR. SCHEU:

16 No motion relevant to mootness, and I just
17 will reassert once again the motive issue.

18 BY CHAIRMAN WATSON:

19 All right. That will conclude, then, on the
20 grounds. I'll hand that affidavit back over.

21 (FILE 6, JORDAN CLARK BROWN, CLOSED)

22 BY CHAIRMAN WATSON:

23 Let's see. Mr. Scheu, who else do you
24 represent?

25 BY MR. SCHEU:

1 The Kings, the McLeans, the Duboses and Ms.
2 Crowder.

3 BY CHAIRMAN WATSON:

4 Okay. Let's see.

5 BY MR. SCHEU:

6 Poor old Mr. Melvin is sitting here. He and
7 his lawyer might want to get home, if you want
8 to take them. I'm happy to go forward, but
9 I'm just thinking ---

10 BY CHAIRMAN WATSON:

11 Well, how many do you have?

12 BY MR. BEBBER:

13 Four.

14 BY CHAIRMAN WATSON:

15 Four.

16 BY MR. BEBBER:

17 If we took Mr. Melvin, he could drive home.

18 BY CHAIRMAN WATSON:

19 We can do that and give you a break, if you
20 would like.

21 BY MR. SCHEU:

22 That would be fine. And I know he's lawyer
23 will be glad probably to not listen to the
24 rest of them, too.

25 BY MR. BEBBER:

1 I'm sure that he wouldn't mind not paying me
2 for the full extent of this hearing. But I
3 have a question, if I may.

4 BY CHAIRMAN WATSON:

5 Well, hold on a second. Are you -- would you
6 like to take a break now and then we will pick
7 these up?

8 BY MR. SCHEU:

9 That will be fine with me.

10 BY CHAIRMAN WATSON:

11 Okay. And we will resume after -- you
12 represent just the Melvin family; is that
13 correct?

14 BY MR. BEBBER:

15 Correct.

16 BY CHAIRMAN WATSON:

17 Okay. We will next take up the Melvins and we
18 will resume with the others after that. I'll
19 tell you what. How long have we been at this?

20 BY MR. KELLER:

21 An hour and thirty-five minutes.

22 BY CHAIRMAN WATSON:

23 Does anybody need a recess? Anybody need --
24 okay. We're going to take a brief recess.

25 (BREAK AND OFF THE RECORD AT 7:07 P.M.; RESUMED AT

1 7:18 P.M.)

2 BY CHAIRMAN WATSON:

3 All right. Ladies and gentlemen, we're back
4 in session. Madam Court Reporter, we are back
5 on the record. Thank you. Next we will be
6 taking up -- how many do we have? One, two,
7 three, four Melvin members; is that correct?

8 BY MR. BEBBER:

9 That's correct.

10 (FILE 7, WALTER BRINKLEY MELVIN)

11 BY CHAIRMAN WATSON:

12 Okay. Go ahead. State your name, please,
13 sir.

14 BY MR. BEBBER:

15 Okay. My name is Jackson Bebber. I'm with
16 the Van Winkle Law Firm, and I represent Mr.
17 Brinkley Melvin and the rest of the Melvins.
18 But ---

19 BY CHAIRMAN WATSON:

20 Mr. Bebber, if you would, for the court
21 reporter, spell your name -- your last name,
22 please.

23 BY MR. BEBBER:

24 It is B, like boy, e-b-b-e-r.

25 BY CHAIRMAN WATSON:

1 Okay. Thank you.

2 BY MR. BEBBER:

3 Thank you.

4 BY CHAIRMAN WATSON:

5 And I understand you may have a motion. I'll
6 tell you what. Let's go ahead and just make a
7 file and start, and then you can begin to
8 present what you'd like. You pick one.

9 BY MR. KELLER:

10 Are you Brinkley?

11 BY WALTER BRINKLEY MELVIN:

12 Yes.

13 BY CHAIRMAN WATSON:

14 So, Mr. Walter Brinkley Melvin.

15 BY MR. BEBBER:

16 And I will clarify that you will not have to
17 put up with me the entire time, Mr. Chair and
18 Board members. I am simply here to get the
19 ball rolling, unless we're fortunate to stop
20 the rolling quickly. But I appreciate all of
21 you hearing us, Mr. Chairman and Board
22 members. Mr. Melvin and I appreciate your
23 seriousness. My mentor, Jones Byrd, sat in
24 that very chair there, I believe, for some
25 time. I understand how much of your time and

1 energy this often thankless job entails. We
2 appreciate the seriousness with which you're
3 taking this. We also understand the gravity
4 of the situation and, of course, it's a two-
5 way street. Because life, liberty and
6 happiness is a well-known phrase in the United
7 States, it's in the Declaration of
8 Independence, the phrase gives three examples
9 of unalienable rights, which the Declaration
10 says have been given to all human beings by
11 their Creator and for which governments are
12 created to protect. And the second
13 unalienable right ---

14 BY CHAIRMAN WATSON:

15 Mr. Bebber, I don't mean to be rude, but I'm
16 going to cut you off. We're here to get some
17 testimony and you can do that, maybe, and some
18 argument. But do you have motions or evidence
19 that you want to present for Mr. Melvin,
20 Brinkley Melvin?

21 BY MR. BEBBER:

22 I do ---

23 BY CHAIRMAN WATSON:

24 Okay.

25 BY MR. BEBBER:

1 --- Mr. Chair, and what I have here is -- just
2 to clarify the basis for this motion ---

3 BY CHAIRMAN WATSON:

4 Okay.

5 BY MR. BEBBER:

6 --- it is a hardship for our client to be
7 here. The challenger, as Mr. Scheu said,
8 carries the burden here. And so, my clients
9 would like to offer this to the Board, and I
10 will be happy to explain. And I have one
11 version that I have signed and one version
12 that Mr. Brinkley has signed. This is --
13 these are the attachments that go with that.
14 Sorry they're not attached. We were not sure
15 which version the Board would accept, but the
16 substance is exactly the same. I'm going to
17 -- I'm sorry. I don't have attachments for
18 all of them.

19 BY CHAIRMAN WATSON:

20 That's all right. Just -- well, let's take
21 them -- you've handed us a few things. The
22 first that I'm holding in my hand now is --
23 it's not an affidavit. It's not a sworn
24 statement. It's got a stamp date at the top
25 of October 28, 2015. How would you like this

1 -- it says, "In re: Walter Brinkley Melvin to
2 John D. Watson, Chair, Buncombe County Board
3 of elections." How would you like this
4 identified and what is this?

5 BY MR. BEBBER:

6 I would like to enter it into the record as a
7 motion, Mr. Chair. And I would, in so doing,
8 like to raise the issue of the mootness, but
9 not on the issue of having voted. Instead, I
10 have here stated and, I believe, proved that
11 -- and I respectfully submit to you that the
12 motion demonstrates the facial invalidity of
13 the challenge itself, which, of course, is the
14 driving force behind this. And I do have
15 affidavits for my clients who are not here.

16 BY CHAIRMAN WATSON:

17 Okay. Well, now, let me take a moment. I
18 wanted to identify -- when I saw it wasn't an
19 affidavit, I wanted to try to get some
20 clarity. So this would be a motion being
21 brought -- and I'm asking, so clarify if I get
22 this wrong, or, members of the Board, again,
23 also. This would be a motion of Walter
24 Brinkley Melvin, "Moves the Buncombe County
25 Board of Elections as follows," and then he

1 recites September 22nd, Standaert signed voter
2 challenger, however he has a right to vote --
3 or register to vote.

4 BY MR. KELLER:

5 The challenge is to the registering.

6 BY CHAIRMAN WATSON:

7 Did not challenge his right to remain
8 registered to vote. Okay. So this is
9 considered a motion and you've asked that this
10 be entered in the record; is that correct?

11 BY MR. BEBBER:

12 I have.

13 BY CHAIRMAN WATSON:

14 Then that would be plaintiff's -- this would
15 be Exhibit 1; wouldn't it?

16 BY MR. BEBBER:

17 Yes, I believe so.

18 BY CHAIRMAN WATSON:

19 File 7?

20 (FILE 7, EXHIBIT NO. 1 MARKED)

21 BY MR. BEBBER:

22 And, Mr. Chairman, would it be beyond the veil
23 to ask for a ruling?

24 BY CHAIRMAN WATSON:

25 It would not be. Hold on one second.

1 BY MR. BEBBER:

2 And I will be more than happy to support this
3 motion.

4 BY CHAIRMAN WATSON:

5 Bebber or Beeber?

6 BY MR. BEBBER:

7 Bebber.

8 BY CHAIRMAN WATSON:

9 Mr. Bebber, were you or your clients present
10 at the preliminary hearing?

11 BY WALTER BRINKLEY MELVIN:

12 I was.

13 BY CHAIRMAN WATSON:

14 You were?

15 BY WALTER BRINKLEY MELVIN:

16 I was. I was the only ---

17 BY CHAIRMAN WATSON:

18 Was Mr. Jones Byrd there with you?

19 BY WALTER BRINKLEY MELVIN:

20 No.

21 BY CHAIRMAN WATSON:

22 But you were there at the preliminary?

23 BY WALTER BRINKLEY MELVIN:

24 Yeah, just Bill Scheu and I were there.

25 BY MR. SCHEU:

1 They have not been furnished copies of the
2 challenges. Those were furnished afterwards
3 by the office. They had not seen those.

4 BY CHAIRMAN WATSON:

5 Hold on one second. Do either of the other
6 Board members have any questions regarding
7 this motion? Mr. Keller, Madam Secretary?

8 BY MR. KELLER:

9 Yes. I'm puzzled.

10 BY CHAIRMAN WATSON:

11 Do you have a question?

12 BY MR. KELLER:

13 We are looking at a challenge to register to
14 vote.

15 BY CHAIRMAN WATSON:

16 Before you -- let me -- let me state for the
17 record the basis of the challenge -- or,
18 excuse me, the motion. The motion is stating
19 that, I believe -- the motion essentially --
20 correct me if you think I misstate it, that
21 the challenge is, on its face, improper
22 because the Voter Challenge Form says "a
23 challenge to the right of Walter Brinkley
24 Melvin," and it's got marked "to register to
25 vote." Mr. Melvin -- Mr. Melvin states that

1 "The challenger, Mr. Standaert, did not
2 challenge his right to, quote, 'remain
3 registered to vote,' his right to, quote
4 'vote' nor his right to, quote, 'cast an
5 absentee ballot,' all of which were options on
6 the challenge form." And, if you would like,
7 we can add the challenge form into the record,
8 as well.

9 BY MR. BEBBER:

10 Yes, please, along with ---

11 BY CHAIRMAN WATSON:

12 Okay. Exhibit 2, File 7. Along with?

13 BY MR. BEBBER:

14 The voter registration and record, please.

15 BY CHAIRMAN WATSON:

16 Yes, sir. So we will do -- Exhibit 2 will be
17 the Voter Challenge Form for File 7, File 7
18 being the file of Walter Brinkley Melvin.

19 (FILE 7, EXHIBIT NO. 2 MARKED)

20 BY CHAIRMAN WATSON:

21 And then ---

22 BY MR. BEBBER:

23 And may I read into the record what the
24 registration date was for his registration?

25 BY CHAIRMAN WATSON:

1 Yes, sir, you may.

2 BY MR. BEBBER:

3 It was, I believe, 08-19 of 2011.

4 BY CHAIRMAN WATSON:

5 And this will be -- the voter registration
6 application will be Exhibit 3, File 7.

7 (FILE 7, EXHIBIT NO. 3 MARKED)

8 BY CHAIRMAN WATSON:

9 All right. And 08-19-2011. Yes. Now -- then
10 it goes on, "The challenge is made for the
11 reasons indicated below." I'm reading now
12 from the Voter Challenge Form. "The person is
13 not a resident of the State of North Carolina.
14 The person is not a resident of the county in
15 which the person is registered. The person is
16 not a resident of the precinct in which the
17 person is registered," and "The person is not
18 a resident of the municipality in which the
19 person is registered." Each of those options
20 have been checked on the challenge form.
21 There are other reasons which have not been
22 checked. Those are four which have been. All
23 right. As to the motion, we have a motion to
24 dismiss. Any -- any questions on the motion
25 before I call for a vote on the motion?

1 BY MR. BEBBER:

2 And, if not, may I offer some support?

3 BY CHAIRMAN WATSON:

4 Yes, sir. Go right ahead, Mr. Bebber.

5 BY MS. SMITH:

6 May I ask a question?

7 BY CHAIRMAN WATSON:

8 Yes. Please.

9 BY MS. SMITH:

10 Okay. Does he still have this business in
11 South Carolina?

12 BY MR. BEBBER:

13 He has -- I'll allow him to testify to that.

14 BY CHAIRMAN WATSON:

15 I'll tell you what. As to some of these that
16 will go to the residency question, we will
17 hold those for a hearing on that, if -- if the
18 challenge survives the motion. So I think at
19 this point simply -- and I would -- I would
20 say that whether, because of the way the Voter
21 Challenge Form has been marked, does that make
22 it on its face improper or ineffective for the
23 reasons that are before this Board.

24 BY MR. BEBBER:

25 And I would like to add, Mr. Chairman ---

1 BY CHAIRMAN WATSON:

2 Yes, sir. I think you wanted to argue
3 something on it.

4 BY MR. BEBBER:

5 --- I think it's, to some extent, intertwined
6 in that Chapter 163, Section 86 says that if
7 the challenged registrant, for instance, Mr.
8 Melvin, takes the oath or if he provides an
9 affidavit, as is required, if you're not here,
10 the Board may still sustain the challenge.
11 But this challenge is unsustainable on its
12 face. I just wanted to make sure that you all
13 understood that you have the ability to
14 sustain or to not sustain a facially
15 unsustainable challenge, as per the statute.

16 BY CHAIRMAN WATSON:

17 Thank you. Anything else you'd like to state
18 on behalf of -- in argument for the motion?

19 BY MR. BEBBER:

20 This is serious business. It's expensive and
21 it's obviously something that needs to be done
22 right, if it's going to be done. And, in
23 fact, I think it turns the finger to an extent
24 on who is representing what and who needs to
25 be careful about how they represent things.

1 BY CHAIRMAN WATSON:

2 Well, and I -- I think you're about to get
3 into motive. So, in all fairness to Mr.
4 Scheu, I'm going to ask you ---

5 BY WALTER BRINKLEY MELVIN:

6 It's the Scheu -- the Scheu motive.

7 BY MR. SCHEU:

8 With all due respect, this is different. This
9 is on his motion to dismiss, not on -- not on
10 the ultimate residency question. So that
11 would be proper.

12 BY CHAIRMAN WATSON:

13 I have to pick the right words with you, don't
14 I, Mr. Scheu? All right. Any questions from
15 either of the other Board members regarding
16 the motion? All right. So the question,
17 then, is whether the motion to dismiss as ---

18 BY MR. KELLER:

19 Based on ---

20 BY CHAIRMAN WATSON:

21 --- based -- yeah, based on these ---

22 BY MR. KELLER:

23 He should not be permitted to register to
24 vote.

25 BY CHAIRMAN WATSON:

1 So whether the motion should be allowed or
2 denied.

3 BY MR. BEBBER:

4 If you'd care to hear anything on mootness,
5 etcetera, I'm happy to provide it, but I think
6 you have enough.

7 BY MR. KELLER:

8 I'm looking here at a challenge. It challenge
9 is to register to vote, challenging somebody
10 who has already registered to vote in that
11 precinct. So I think the voter challenge --
12 that part of it, he checked "Register to
13 vote," he should have checked most anything
14 else, but he didn't. He checked "Register to
15 vote." As far as I can tell, Mr. Melvin has
16 not filed registration to vote recently.
17 That's right. Okay. 14 -- 10-26-14, some
18 time. We haven't gotten to the residency,
19 domicile question.

20 BY CHAIRMAN WATSON:

21 No, we have note. All right. I'm calling for
22 whether to deny the motion or grant the motion
23 sustain it.

24 BY MR. KELLER:

25 As I understand it, I would say grant the

1 motion to sustain because he's not -- he's
2 already registered for 36.

3 BY MR. BEBBER:

4 Point of clarification. Would that be you
5 would move to sustain the motion?

6 BY MR. KELLER:

7 The motion.

8 BY MR. BEBBER:

9 Not to sustain the challenge.

10 BY MR. KELLER:

11 Well, sustain the motion because ---

12 BY CHAIRMAN WATSON:

13 Understand that what he is moving is that the
14 challenge be dismissed, if you believe this
15 challenge as to Mr. Walter Brinkley Melvin be
16 dismissed. He is saying, "Therefore, Walter
17 Brinkley Melvin moves the Board dismiss the
18 challenge on the grounds that the issue is
19 moot, nonjusticiable, as there is no available
20 remedy, as shown by the challenge of the North
21 Carolina voter information record, and that
22 he's entitled to dismissal with prejudice."

23 BY MR. KELLER:

24 Now, Mr. Chairman, my question to you is, if
25 it's evident on the face of it that the one

1 page of the challenge was inappropriately
2 marked, how shall I vote?

3 BY CHAIRMAN WATSON:

4 I'm not telling you how to vote. I'm not
5 doing that. I will tell you that ---

6 BY MR. KELLER:

7 If I vote to dismiss the challenge and I don't
8 want to -- I don't want to dismiss all the
9 residency problems that this -- his
10 family's ---

11 BY CHAIRMAN WATSON:

12 That is what's being asked. What is being
13 asked is he moves to dismiss the challenge.

14 BY MR. KELLER:

15 Then I vote no, not to dismiss.

16 BY MR. BEBBER:

17 Well, may I clarify that some?

18 BY CHAIRMAN WATSON:

19 You may, if you think there's clarification
20 that's needed. I'm not -- I'm reading from
21 the motion itself.

22 BY MR. BEBBER:

23 We are only -- Mr. Chairman, we are only
24 dealing with this challenge and we are moving
25 that it is facially inaccurate or invalid.

1 But -- and you understand that, of course.
2 But as to what could happen in the future,
3 that is not what you determine.

4 BY MR. KELLER:

5 Well, I'm looking forward to the future five
6 minutes from now.

7 BY CHAIRMAN WATSON:

8 Well, that -- what you were asking is that
9 this challenge presented be dismissed because
10 -- on the basis that the form where he has
11 four options and he picked the one that says
12 "Register to vote," and you're saying that he
13 was already -- already registered so,
14 therefore, that's an improper challenge. Is
15 that right?

16 BY MR. BEBBER:

17 That is correct, because it's a fundamental
18 tenet of the law that you ask for what you are
19 seeking.

20 BY CHAIRMAN WATSON:

21 Well, the other things that are noted on the
22 challenge form is that it's made for the
23 reasons indicated below, and he goes into the
24 residency questions, which is really what's
25 been before this Board all night long. And I

1 asked the question earlier as to whether
2 anyone was at the preliminary hearing, which
3 is where the prima facie evidence is
4 considered just to move it to this hearing for
5 determination on the substantive issue, I
6 would say, which -- I mean, I do -- but I do
7 understand the point you're making.

8 BY MR. BEBBER:

9 My point is this shouldn't be -- this endeavor
10 shouldn't be taken lightly.

11 BY CHAIRMAN WATSON:

12 Oh, believe me. It's not.

13 BY MR. BEBBER:

14 And I know that you are -- no, not you. And,
15 I mean -- I don't want to disparage the -- the
16 challenger, but it's serious business and you
17 have to do it right, if you're going to do it.

18 BY CHAIRMAN WATSON:

19 Well, I agree with you. It is very serious
20 business and I -- I will say that I'd like to
21 move on from this motion. Let's get a vote on
22 it because, you know, what before us is
23 serious. So I'm going to ask now -- well,
24 Madam Secretary, do you have any questions
25 regarding this motion?

1 BY MS. SMITH:

2 Let me ask you this. Okay. If we say, "Okay.
3 We'll dismiss this motion," can we still go
4 back and challenge him?

5 BY CHAIRMAN WATSON:

6 This Board cannot. If someone else wants to
7 re-file, but that will not happen for this
8 election, period. The questions and the
9 concerns, if there are any, which you may have
10 regarding the residency issues are before this
11 Board now. And the question, as I understand
12 the motion before us, is to dismiss the
13 challenge as to Walter Brinkley Melvin because
14 this box was checked, rather than "Remain
15 registered to vote" or "Vote." Is that ---

16 BY MR. BEBBER:

17 That is absolutely accurate.

18 BY CHAIRMAN WATSON:

19 Okay. So it is asking to dismiss the action
20 en toto based on -- yes, Ms. Parker?

21 BY TRENA PARKER:

22 I just wanted to point out, in response to
23 Lucy's question, that there is still an
24 opportunity to challenge ballots, both on
25 election day and here for absentee ballots

1 during the hours of 12:00 and 5:00. So just
2 -- if that answers your question.

3 BY MS. SMITH:

4 I think what I also was trying to say, can we
5 still -- are we still going to go challenge
6 him on his residency. That's what I'm
7 concerned about.

8 BY CHAIRMAN WATSON:

9 If you're talking about the information that
10 has been presented ---

11 BY MS. SMITH:

12 Yeah.

13 BY CHAIRMAN WATSON:

14 --- or that this Board has gathered in
15 preparation of this hearing ---

16 BY MS. SMITH:

17 Thank you, Trena.

18 BY CHAIRMAN WATSON:

19 --- as I understand this motion, the answer to
20 your question would be no.

21 BY MS. SMITH:

22 That this would be it?

23 BY MR. BEBBER:

24 That's correct. I mean, you have the burden
25 -- the responsibility of making a decision as

1 to whether this facially invalid challenge, as
2 I would position it, is, in fact, valid and
3 can be sustained. I argue it is not and
4 cannot be sustained. That's your call,
5 though. And you have the decision to sustain
6 or not. You don't make the challenge. You
7 sustain it or not.

8 BY CHAIRMAN WATSON:

9 Okay. Any other questions regarding the
10 motion before the Board? Okay. I'd call for
11 a vote then. Question, Mr. Keller, sustain or
12 -- excuse me, to grant or dismiss the motion.

13 BY MR. KELLER:

14 Dismiss the motion.

15 BY CHAIRMAN WATSON:

16 Ms. -- Madam Secretary, Ms. Smith, Lucy Smith,
17 grant or dismiss the motion?

18 BY MS. SMITH:

19 Dismiss it.

20 BY CHAIRMAN WATSON:

21 I vote to dismiss as well. So we're going to
22 move to the issue of the basis of the
23 challenge. And let me say to you, I think --
24 well, for the time that we took on it as well,
25 I hope you understand and believe that we did

1 take the motion seriously. We want to
2 understand. But, as I think you may concede,
3 because one box was checked and not another,
4 which probably agree a different box should
5 have been checked, doesn't address the basis
6 of what's underlying this, and really actually
7 on this particular file has given us some
8 concern, at least me. I haven't spoken with
9 the others before the hearing about this, but
10 are you -- there's going to be questions which
11 we'll be asking under oath -- or need under
12 oath. And how would you like to proceed?
13 You're here with your client.

14 BY MR. BEBBER:

15 Well, my client will, I believe, answer all
16 the questions that need to be answered under
17 oath. And he is prepared to do so. However,
18 I would like to mention I have similar motions
19 that I would like to enter into the record.
20 They're almost identical except the names are
21 changed ---

22 BY CHAIRMAN WATSON:

23 Who are the others?

24 BY MR. BEBBER:

25 --- for the other three.

1 BY CHAIRMAN WATSON:

2 Well, I'll tell you what. We will take those
3 file-by-file, if that's okay with you.

4 BY MR. BEBBER:

5 That's perfect.

6 BY CHAIRMAN WATSON:

7 Mr. Walter Brinkley Melvin, do you care to
8 testify, sir?

9 BY WALTER BRINKLEY MELVIN:

10 Yes. And I have an affidavit, too.

11 BY CHAIRMAN WATSON:

12 Okay. If you'd please be sworn, sir. Do you
13 prefer to swear or affirm? Does it matter?

14 BY WALTER BRINKLEY MELVIN:

15 Swear.

16 BY CHAIRMAN WATSON:

17 Okay. Do you swear that the statements and
18 information you shall give at this hearing
19 with respect to your identity and
20 qualifications to be registered and to vote
21 shall be the truth, the whole truth and
22 nothing but the truth, so help you God?

23 BY WALTER BRINKLEY MELVIN:

24 I do.

25 BY CHAIRMAN WATSON:

1 Okay. If you would, please, sir -- and,
2 again, wherever you're most comfortable. You
3 may have a seat there or ---

4 BY WALTER BRINKLEY MELVIN:

5 I'll go over there. That's fine.

6 BY MR. BEBBER:

7 Do you one for -- you only have one for you
8 and one for them?

9 BY WALTER BRINKLEY MELVIN:

10 Sorry. I also have an affidavit.

11 BY CHAIRMAN WATSON:

12 I'll tell you what, if you would -- do you
13 have other copies? Is this the only one?

14 BY WALTER BRINKLEY MELVIN:

15 I have my copy. You can have ---

16 BY CHAIRMAN WATSON:

17 No, no, no. That's all right, if you just
18 have the two. That's all right.

19 BY MR. BEBBER:

20 That's his lawyer's fault.

21 BY CHAIRMAN WATSON:

22 It's always good to blame it on the lawyers.
23 Is this -- do you have the original or is that
24 the lawyer's fault, too? Let's see. If
25 you've got the original, I'd like to put the

1 original in the record, if that's okay. I
2 assume you're going to want this in the
3 record? Okay. All right. So let me ask, Mr.
4 Melvin, are you submitting this affidavit for
5 the record?

6 BY WALTER BRINKLEY MELVIN:

7 Yes, I am.

8 BY CHAIRMAN WATSON:

9 Okay. So this will be Plaintiff's Exhibit
10 No. ---

11 BY MR. BEBBER:

12 Two.

13 BY CHAIRMAN WATSON:

14 --- three -- four, actually, File No. 7.
15 (FILE 7, EXHIBIT NO. 4 MARKED)

16 BY CHAIRMAN WATSON:

17 Mr. Melvin -- I'm sorry. Mr. Keller, do you
18 need additional time to look over the
19 affidavit?

20 BY MR. KELLER:

21 No.

22 BY CHAIRMAN WATSON:

23 Madam Secretary, do you need additional time
24 to consider the affidavit?

25 BY MS. SMITH:

1 Just a moment.

2 BY CHAIRMAN WATSON:

3 Take your time. That's fine. Take your time.

4 BY MS. SMITH:

5 Okay.

6 EXAMINATION BY CHAIRMAN WATSON:

7 Q Mr. Melvin, we've looked at your affidavit,
8 and thank you for that. Thank you for the
9 information you provided on it. I'll note
10 specifically that you've provided, with your
11 affidavit, a copy of a North Carolina driver's
12 license showing Montreat -- Texas Spur Road,
13 Montreat, North Carolina, as being the
14 address. That is your driver's license?

15 A It is.

16 Q And you provided a 2014 income tax return
17 showing a home address of Texas Spur Road.
18 That is your tax return?

19 A That is.

20 Q You provided a 2014 Form 4868, extension of
21 time request for tax return showing Montreat.

22 A Yes.

23 Q That is yours? E-file signature authorization
24 for 2014.

25 A Just to show that it was filed electronically.

1 That's all.

2 Q Is that -- now, there's no address listed on
3 here. Are you stating that this electronic
4 filing was for a tax return -- one of these
5 showing the ---

6 A It's for the -- it's for the tax return that's
7 attached.

8 Q Okay.

9 A It's just -- it's just a document that someone
10 filed that showed the address of the tax
11 return. That's the only reason we put it in
12 there.

13 Q Okay. But you're familiar with this
14 individual income tax return of 2014 showing
15 Montreat; is that correct?

16 A That's correct.

17 Q Okay. Another application for extension,
18 calendar year 2014, showing, again, your
19 Montreat address. What is your Montreat PO
20 box number?

21 A PO Box 866.

22 Q Okay. And your property card here has that
23 address. Mr. Melvin, I'll tell you, I have --
24 coming into this, I've had some concerns, I'll
25 just be real frank with you, about your

1 registration, and I want to ask you about
2 something. And according to what appears to
3 be -- it's South Carolina voting records. In
4 2010 -- in June of 2010, you voted in the
5 Republican and Democratic primary in South
6 Carolina, in Chapin. In November of 2010, you
7 voted, again, in South Carolina. But then,
8 November of 2011, you voted in the municipal
9 election here. And then, in January of 2012,
10 you voted in the presidential primary in South
11 Carolina. But in November of 2012, it appears
12 you voted in the general here.

13 A That's correct.

14 Q And then in two thousand -- November of 2014,
15 you voted in the general here.

16 A That's correct.

17 Q And I'm looking at a voting history that
18 suggests you jump back and forth between
19 states as it suits you.

20 A That's not -- that's not correct.

21 Q Well, I'm not trying to mischaracterize it,
22 but you understand when I see a June 2010 and
23 11-2010 in South Carolina, and then a November
24 2011 here, and then you voted here and South
25 Carolina in 2012 ---

1 A That's correct.

2 Q --- and then back to here in 2014 ---

3 A That's correct.

4 Q --- can you explain that?

5 A I can. The -- the best explanation is that,
6 when you're -- when you are married and you
7 are trying to decide where your future home is
8 going to be, what your domicile is going to
9 be, at the time that this process were going
10 on, we had a son that was out of school and we
11 were -- we were torn back and forth between
12 which is -- which one of these is going to be
13 our permanent address. We made a major
14 investment in our home in Montreat, and at the
15 time we made the major investment in Montreat,
16 we decided, as of the time frame that we are
17 claiming in my affidavit, that we made this
18 our permanent home. And so, if you look at
19 the dates, then what you see is -- you see a
20 reflection of my life. You don't see a
21 reflection of my voting -- you're confusing
22 voting with my life. My voting reflects my
23 life and my life was back and forth between
24 two domiciles. And so, what happened is we
25 made the commitment, moving forward, to move

1 everything to Montreat, and you see that.
2 Because of the -- because of the change that
3 we decided, we claim Montreat on our tax
4 returns and we claim Montreat on our federal,
5 state and every other tax return we do.

6 Q Do you still have your home in Chapin?

7 A I still do have my home in Chapin.

8 Q What's the rate you get there?

9 A The rate I get there now is six percent. The
10 rate I got there at the time that this hearing
11 was -- this accusation was done was four
12 percent. And I didn't even know that I was
13 getting four percent. My mortgage had always
14 paid my -- anywhere I have had a mortgage,
15 they've paid my tax bill, so I wasn't paying
16 attention to what the resident domicile
17 address amount was.

18 Q Well, do you recall when you got that mortgage
19 and made representations to the bank that --
20 did you tell them it would be your primary
21 residence or did you tell them it was going to
22 be a secondary home?

23 A The -- the mortgage -- excuse me. The
24 mortgage was made in 2002.

25 Q When did you buy your property in Montreat?

1 A 1990. Or probably January of '91.

2 Q You mentioned a son. How old is your son?

3 A He's 22.

4 Q Is he -- where is he now?

5 A He is -- he is a full-time resident of
6 Montreat, North Carolina. He works in
7 Raleigh, North Carolina, at Triangle Capital.

8 Q I remember that. We'll get to that in a
9 minute. Yeah. Okay. Thank you.

10 Bk BY MR. KELLER:

11 So how did you manage to vote back and forth;
12 by having registrations in both South Carolina
13 and North Carolina at the same time?

14 BY WALTER BRINKLEY MELVIN:

15 Well, it was in -- within a window of time.
16 It was within a one-year period of time when
17 we were bouncing back and forth. We're not
18 bouncing back and forth now, but during that
19 time we were and we had not made all the
20 commitments we had to Montreat from a -- from
21 a -- from a business standpoint, I had a
22 tremendous amount of business in South
23 Carolina. I owned a company, which I sold in
24 2012, in July 2012. I had not run it for
25 about five years, but I still owned it. And I

1 sold the company in July of 2012 that I had
2 owned for 18 years.

3 EXAMINATION RESUMED BY CHAIRMAN WATSON:

4 Q Are you employed now?

5 A What?

6 Q Are you employed now?

7 A I am employed. I am self-employed and I own
8 11 different companies in two countries and
9 three states.

10 Q What do you do?

11 A I do real estate development. I'm partners in
12 several corporations that do different things
13 around the country ---

14 Q What's the -- I don't mean to interrupt you.
15 I'm sorry. Go ahead.

16 A What's the name of my company? Well, I have a
17 -- I have a large development that I'm doing
18 in Asheville I've been working on for the last
19 year and a half. It's under the name of 28801
20 Properties. You all might know that zip code
21 because it's Montford. We've been working for
22 a year and a half with the City of Asheville
23 on a project that is about a \$5 million dollar
24 project over a two-year period. Took us about
25 18 months to get everything approved. We're

1 in the middle of construction of six
2 condominiums right now. They're about 60
3 percent done, on Courtland Avenue, 145, 147 --
4 I mean 141, 145 and 149 Courtland Avenue. We
5 also ---

6 Q Let me ask you what that -- my question was
7 what's the name of the company? Is it 28801
8 Investments?

9 A I have 11 companies, sir.

10 Q Okay.

11 A Do you want to know all of them or is there
12 one in particular that you'd like to know?

13 Q Well, which one are you ---

14 A 28801 Properties is where I'm spending most of
15 my time now.

16 Q And that's here at this ---

17 A It's domiciled in North Carolina. The address
18 is PO Box 866. It was set up in June of 2015,
19 when the final approval was given by the city
20 and we closed on the property.

21 Q So you're using your Montreat PO box as
22 your ---

23 A I always use the -- the place where I have
24 administrative help to do all of my
25 accounting. In South Carolina I have a staff

1 of people that do my billing, that work with
2 me on legal matters, that work with me on
3 accounting and paying bills. In North
4 Carolina I use my post office box here in
5 Montreat because I'm here most of the time.
6 I'm not there so I can't manage -- I can't
7 manage the mail, no matter where I am, if I'm
8 moving back and forth to all the different
9 locations that I work. If I was a simple
10 person ---

11 Q I understand. My questions was -- I just
12 wanted to clarify when you said -- you know,
13 you said PO Box 866. That's the same one as
14 Montreat; correct?

15 A It's the same address I get the mail you all
16 and I get the mail from everybody in Montreat.

17 Q My question simply was where your business --
18 you mentioned it was PO Box 866 and I thought
19 I recalled that that's the one in Montreat,
20 the same one.

21 A Yes, sir.

22 Q Okay. Thank you. Do you -- so you still own
23 your home in Chapin?

24 A I do.

25 Q When was the last time you were there; do you

1 recall?

2 A I have been probably there, in the last 30
3 days, three days.

4 Q And the rest of the time you've been in ---

5 A In Montreat.

6 Q Okay.

7 A Or I have been traveling. I can tell you for
8 a fact that in the month of September, I was
9 gone to Maine for ten days with a couple of
10 friends of ours. We were gone from probably
11 the 15th to the 25th. I travel about 100 days
12 a year on business and pleasure right now.

13 BY MR. KELLER:

14 May I ask about his wife?

15 BY CHAIRMAN WATSON:

16 Well, let's ---

17 BY MR. KELLER:

18 We're going to get to that.

19 BY CHAIRMAN WATSON:

20 We'll get there.

21 EXAMINATION RESUMED BY CHAIRMAN WATSON:

22 Q I'm sorry. Mr. Melvin, who of your family
23 members are here?

24 A I'm representing my whole family.

25 Q You're the only one. Okay. So we'll get to

1 that. I'm sorry, I'm probably overlooking it
2 here in your affidavit. When did you decide
3 to make Montreat your permanent domicile?

4 A Probably -- probably within the last year.

5 Q Can you narrow that down to at least a month
6 for us?

7 A No, sir. I can't.

8 Q You can't?

9 A No, because it's -- you know, when it comes to
10 -- I mean, I -- as far as legally, it's been
11 my domicile for several years. As far as
12 where I spend my time, I split my time between
13 several different locations. So I don't know
14 if that answers your -- well, I spend a
15 majority of my time in my home in North
16 Carolina here or I spend my time traveling
17 from here.

18 Q When did you get your North Carolina driver's
19 license?

20 A 2011.

21 Q I see you've got the issue date marked
22 through, and ---

23 A I have a copy of it not marked through, but I
24 don't want to put any of that on the public
25 record that ---

- 1 Q Well, I can understand you redacting the
2 license number. That's ---
- 3 A Yeah.
- 4 Q --- perfectly understandable, but the issue
5 and expiration date ---
- 6 A Well, if you look at the -- does it show the
7 expiration on there?
- 8 Q No.
- 9 A It's 2019. It's an eight-year license.
10 August of 2011.
- 11 Q Where is your car tagged?
- 12 A My cars are owned by my business that's based
13 out of South Carolina. They're leased. I
14 have cars that are leased in North Carolina.
- 15 Q Where are your cars ---
- 16 A I have cars that are owned in North Carolina.
17 I have cars that are leased through my
18 companies. They're owned by Toyota Motor
19 Credit.
- 20 Q Where are they tagged is my question.
- 21 A They're tagged in South Carolina. It's a
22 South Carolina corporation that owns ---
- 23 Q Do you -- do you have any personal car that's
24 not a business car?
- 25 A I have one, and it's ---

1 Q Tagged where?

2 A --- it's tagged in South Carolina. It's my
3 wife's Beetle that we're having title problems
4 with for about six months with South Carolina.
5 It's worth about \$5,000 and we leave it up in
6 Montreat and drive it when we have -- when we
7 have guests that are here and we need more
8 than two cars.

9 Q And it's tagged in South Carolina?

10 A It is. It's being -- it's in the process -- I
11 can go back and tell you that there's -- it's
12 a title issue on that car that we've worked on
13 for about three months. It will be titled in
14 North Carolina within -- within two weeks, but
15 there's a problem with the title VIN number
16 not matching the title. It's a bureaucratic
17 nightmare.

18 BY CHAIRMAN WATSON:

19 Go ahead. Do you all have questions? I don't
20 mind.

21 BY MR. KELLER:

22 Your car insurance is written for you, when
23 you're driving, out of North Carolina or South
24 Carolina?

25 BY WALTER BRINKLEY MELVIN:

1 I have insurance in North Carolina and South
2 Carolina. The -- the company owns the cars
3 and the company has the, you know, liability
4 for these. I have a nursing home that I own
5 in -- outside of Morehead City with 138
6 employees. We have five different cars that
7 are owned by a corporation there that are --
8 that I am the owner -- the owner of that
9 corporation. We have cars in Charleston,
10 South Carolina, at a boat company that I'm a
11 partner -- one of three partners on. We have
12 seven cars leased out of that that are owned
13 by the corporation. Some of my partners drive
14 those cars out of that location, and I drive a
15 car out of our corporations based out of South
16 Carolina, as well.

17 EXAMINATION RESUMED BY CHAIRMAN WATSON:

18 Q Do you have any local banking accounts?

19 A I do. I have banking accounts with First
20 Citizens Bank, with BB&T, with Wells Fargo,
21 with TD Bank and Capital Bank. Capital Bank
22 is the lender -- Capital Bank on
23 Hendersonville Road is the lender of the
24 development on 28801 Properties on Courtland
25 Avenue. David Moore is the loan officer and

1 there's a whole staff of people right off of
2 Hendersonville Road at Capital Bank that I
3 work with.

4 Q How is your Montreat property insured?

5 A Montreat property is insured by Jesse Lyle
6 West ---

7 Q No. How? As a primary or a secondary?

8 A Primary. It's primary. Lyle West at
9 Nationwide.

10 Q Well, so, if I understood you earlier, your
11 Chapin property is now getting the six percent
12 rate as a ---

13 A That's correct.

14 Q --- as a second home?

15 A As a second home. It's been corrected. It
16 was a mistake. It was in their system --
17 fortunately -- fortunate -- fortunately, or
18 unfortunately, it was brought up in this
19 process, which is fine. It's not a problem.

20 Q Is it insured as a second home?

21 A It is insured.

22 Q As a second home?

23 A Yes.

24 Q So your Montreat is insured ---

25 A Well, I -- I don't know how it's insured

1 because insurance is paid for through the
2 mortgage. So I can -- I can validate that,
3 one way or the other.

4 Q But you -- where is your wife tonight?

5 A Do you want to know?

6 Q Yes, I do.

7 A My -- my mother, who I'm going to testify for,
8 who was here with me all this past month and
9 she also voted on Friday -- Trena Parker met
10 her and shook her hand. I wanted Trena to see
11 her because she was not going to be able to be
12 here. She had to go to a birthday party for
13 my sister. She was with my sister and she
14 fell and hit her head and broke her shoulder
15 Monday night.

16 Q Your mother or your wife?

17 A My mother.

18 Q Okay.

19 A And she was in the shock trauma center. She
20 was medevacked to the shock trauma center.
21 And my wife has been with her for three days,
22 as I have been. But I drove back here so I
23 could look at you all's face and you all could
24 look at me and you all could know that I'm a
25 person who came to the hearing. I told George

1 and Lucy, I said, "This is very serious to
2 me," and that I'm coming to this. And I drove
3 several hours in a hurry to get here so that I
4 could be here to represent myself.

5 Q Well, and I'm glad you did.

6 A My wife is there.

7 Q And I'm sorry to hear about your mother and
8 your wife. So she's in the hospital where?

9 A She's at the hospital in Augusta, Georgia. My
10 mother was in Aiken with my sister for her
11 birthday party, and she fell at the ---

12 Q But let me ask you, prior to that accident,
13 tragic event, where has your wife been
14 staying?

15 A She's been staying at -- are you now wanting
16 to do my wife's ---

17 Q No.

18 A --- testimony or -- or ---

19 Q No, I'm not. If you'll just answer that
20 question for me, I'd ---

21 A She's been staying at our home in Montreat,
22 and she's been traveling with me, as well.

23 Q Okay. But your testimony ---

24 A And she goes to our home in South Carolina,
25 too. We have a home in South Carolina that we

1 stay in and we own that we continually will
2 own, and it is part of our ownership and a
3 place that we're going to use. It's not
4 mutually exclusive as to where we live and
5 what we do, but it is a home that we will go
6 stay in and we will continue to stay in. But
7 it's not our domicile and we don't spend the
8 majority of our time there.

9 Q Well, that's my question. Your testimony is
10 -- thank you for -- your testimony, though, is
11 that you're spending most of your time in
12 Montreat; that that is what you consider your
13 domicile; that is the place you'll return to
14 permanently?

15 A That's correct. I testify to that. And, in
16 addition to that, if you count days on how
17 many days -- which we do not count days
18 because we -- we have made the commitment that
19 Montreat is our domicile. We're not trying to
20 decide how many days we do or don't spend in a
21 location.

22 BY MS. SMITH:

23 You can't do that.

24 BY WALTER BRINKLEY MELVIN:

25 Excuse me, Lucy?

1 BY MS. SMITH:

2 But to vote, you've got to be in your
3 permanent home 30 days ---

4 BY CHAIRMAN WATSON:

5 Well, to register.

6 BY WALTER BRINKLEY MELVIN:

7 To register.

8 BY MS. SMITH:

9 To register to vote.

10 BY WALTER BRINKLEY MELVIN:

11 Yeah, which we were and we have been and we
12 are. That's correct.

13 EXAMINATION RESUMED BY CHAIRMAN WATSON:

14 Q Mr. Melvin, you testified earlier that, with
15 regards to this voting record showing that you
16 voted in South Carolina and North Carolina ---

17 A You said that I voted in South Carolina.

18 Q Are you denying now that you did?

19 A I'm looking for my records right now.

20 Q Sir, do you know did you vote -- you voted in
21 South Carolina?

22 A Yes. You mean have I voted in South Carolina?

23 Q Yes.

24 A Yes, I've voted in South Carolina.

25 Q Well, you just seemed to challenge me on that.

1 Are you saying ---

2 A I'm looking for my ---

3 Q --- that you did not vote in South Carolina?

4 A In this election and the last election and
5 previous elections, I have voted in South
6 Carolina.

7 Q Okay. Do you recall if you voted in South
8 Carolina in 2010?

9 A Yes.

10 Q Do you recall if you voted in 2010 in the
11 South Carolina Republican and Democratic
12 primary?

13 A Five years ago, I did.

14 Q 2010. That's my question.

15 A Yes.

16 Q November of 2010 in the statewide general
17 election.

18 A Right.

19 Q Okay. And then in 2011, in Montreat?

20 A Yes.

21 Q Okay. And then in January of 2012, did you
22 vote in the presidential preference primary in
23 South Carolina?

24 A In January of 2012?

25 Q January 21 of 2012, presidential preference

1 primary, Chapin Elementary School in Lexington
2 County?

3 A Yes. Yes, that's correct.

4 Q And then in 2014, November 4th of 2014, here
5 in Montreat in the general election; does that
6 sound accurate to you?

7 A Yeah. Do you have the other voter records for
8 the -- the ---

9 Q Well, my -- my question to you ---

10 A Yes, that's correct.

11 Q Thank you. My question to you is you
12 testified earlier, if I understood you
13 correctly, that that was a reflection of you
14 all -- I'm not trying to put words in your
15 mouth. You can state it how you want, but ---

16 A Flip-flopping.

17 Q --- trying to make up your mind where was
18 going to be your domicile; is that accurate?

19 A That's correct.

20 Q Okay. Can you tell us what finally
21 precipitated that you all have decided
22 Montreat is now the permanent domicile?

23 A Yes. We had a family agreement that we were
24 going to go in one direction and make a
25 commitment in one direction, which we've done.

1 That's about as good an answer as I can get
2 that's to the core of the truth. And we filed
3 tax returns from here as well.

4 Q Can you explain, if you hadn't had that family
5 agreement before, why you've changed in 2011
6 and registered in North Carolina, and then
7 apparently went back to South Carolina in
8 2012?

9 A Just what I said.

10 Q Okay.

11 A I mean, I -- it's not an excuse. I'm stating
12 a fact about what happened, and those are
13 facts that I support and will testify to.

14 BY MR. KELLER:

15 Is there a municipal election in Chapin in --
16 this month, November?

17 BY WALTER BRINKLEY MELVIN:

18 Yes.

19 BY MR. KELLER:

20 2015?

21 BY WALTER BRINKLEY MELVIN:

22 I'm not sure. I don't -- I don't vote in
23 Chapin.

24 BY MR. KELLER:

25 Lexington?

1 BY WALTER BRINKLEY MELVIN:

2 Lexington County. I don't know. I haven't
3 voted there for a long time, so I don't know.

4 EXAMINATION RESUMED BY CHAIRMAN WATSON:

5 Q So it's your testimony that, from this point
6 on, you plan to vote in Montreat in Buncombe
7 County?

8 A Yeah. Do you all have my voter record, Trena,
9 of where I voted in North Carolina? Do you
10 have that as part of your file?

11 Q Yes, sir. That's what I'm looking at.

12 A Okay. We didn't -- we didn't decide to do --
13 there is not any -- there is not any intention
14 on our part, as -- as being prescribed in the
15 challenge. The purpose for us being here
16 today is so we can vote in a municipal
17 election in Montreat. There is zero reason
18 for that. I've been voting in North Carolina
19 and not started voting at this election. And
20 there were no elections about municipal
21 concerns, when I voted in 2014. And it won't
22 be in '16.

23 Q Well, the concern, I think is -- what has been
24 a concern to this Board is this voting record
25 history of 2010, '11, '12 ---

1 A Yeah. I -- I understand that. I don't have
2 any -- I have no rebuttal for that. But you
3 don't see the trend line on that going
4 forward, from when I committed to being here
5 as my domicile, going forward, because we are
6 committed here. We're filing tax returns
7 here, federal, state and -- and I think that,
8 if you look at it from a commitment
9 standpoint, I don't think you can go back five
10 years and question somebody's intention five
11 years ago, when they're track record going
12 forward is showing that this is what they're
13 doing. Because what -- what happened is I am
14 admitting a full responsibility for flip-
15 flopping five years ago, and that was -- that
16 was our -- there's no excuse for that, other
17 than that was what was happening, but it
18 wasn't about voting. We weren't flip-flopping
19 about voting. We were flip-flopping about
20 where we were going to call home and what was
21 home. And Montreat is our home and Montreat
22 is where we are (pause) ---

23 Q Well, I understand and I -- I appreciate you
24 testifying to that under oath and I appreciate
25 you explaining that. Just to be clear, we're

1 not going back just five years. Again, it was
2 2010, '11, '12 and '14. We don't have a track
3 record since '14. But we'll -- we'll -- I'm
4 sure we will. And I expect that we ---

5 A You have one for '15 because I've already
6 voted.

7 Q --- and I expect that we'll see that trend
8 continue here in Montreat, based on ---

9 A You will.

10 Q --- your sworn testimony today.

11 A You will.

12 Q So let me ask you, because -- and I hope you
13 can understand why we are going into this,
14 because you've got a lot of ties to South
15 Carolina, business and personal and otherwise.
16 And -- and that's not fatal to you voting
17 here. But what we have to consider is what
18 now are determining and saying is your
19 domicile. And, as I read earlier, our courts
20 have -- they've got some elements they look
21 to, and one is actual abandonment of the first
22 domicile, coupled with an intention not to
23 return to it. Let me state, too, I don't
24 think that the Court's intending -- I mean,
25 people have multiple homes they go to and they

1 return to them for vacations, or otherwise.
2 We're not talking about shutting the door and
3 never going back. But we're looking at --
4 that's one element, and the acquisition of a
5 new domicile by actual residents and the
6 intent of making the new residence a permanent
7 home. So what you're saying is that, as far
8 as a permanent home, you have abandoned your
9 domicile in Chapin, South Carolina?

10 A I have.

11 Q And you don't have an intention to return to
12 it?

13 A I do not.

14 Q And you have property, a new domicile, an
15 actual residence in Montreat?

16 A It's not new. I've owned it 25 years ---

17 Q Well, it's a new domicile for you. It's not
18 -- it's your new domicile.

19 A Yeah, from the time that I claimed it, that's
20 correct. You're correct.

21 Q And it was your intent that -- making that
22 newer residence or domicile your permanent
23 home?

24 A Yeah. Here's a reflection that you ---

25 Q But ---

1 A Yes. Yes.

2 Q That's right. Okay.

3 A The answer is yes. But I have something to
4 add to that.

5 Q All right.

6 A Part of the -- this is a -- this is a problem
7 to have your community hear your inner
8 squabbles; okay?

9 Q Oh, you don't need to tell us that.

10 A I'm going to tell you one thing -- I'm going
11 to tell you an inner squabble that does matter
12 because my wife would tell it for you, if she
13 was here.

14 Q Shall we move to your wife's file now?

15 A No, I'm just talking about my file.

16 Q All right.

17 A Which is mostly her file.

18 Q Okay.

19 A So anyway, the point I was going to make is
20 that the problem that we have is we have a
21 really nice house in South Carolina. And our
22 home in North Carolina in Montreat at 249
23 Texas Road Spur was a vacation home, not a
24 permanent home. And about four or five years
25 ago, when this was going on, we said, "Okay."

1 Let's go ahead and move to Montreat." Okay?
2 We did. Well, we moved to Montreat and -- and
3 we started using it, but it has baseboard
4 heat. Okay? I don't know -- you all probably
5 don't know what that means, if you live up
6 here. But if you don't live up here and
7 you're from Columbia where it's hot as all get
8 out and you come up here -- you come up here
9 and use it during the summer and the spring
10 and the fall, everything's cool. But you come
11 up here in the wintertime and you start
12 sitting in here with baseboard heat and you've
13 got \$500 to \$700 bills and you're cold all
14 day, that's what I was going through. And so,
15 where the squabble got solved is we made a
16 complete renovation in 2011, in that time
17 frame, and gutted our house, added on about 40
18 percent to the house, and it is a very nice
19 house now. It's the same framework with a
20 little bit more of a porch, and things like
21 that. But there was not one thing in the
22 house that remained, except the fireplace that
23 was built in '36. So that's part of the
24 transition to the Melvins that is a reflection
25 of a commitment.

1 Q All right.

2 BY MR. KELLER:

3 And that explains why the taxable value jumped
4 from \$136,000 to \$333,000.

5 BY WALTER BRINKLEY MELVIN:

6 That's correct.

7 BY CHAIRMAN WATSON:

8 Any other questions, Mr. Keller?

9 BY MR. KELLER:

10 No.

11 BY CHAIRMAN WATSON:

12 Madam Secretary?

13 BY MS. SMITH:

14 (Negative nod)

15 BY CHAIRMAN WATSON:

16 All right. Mr. Melvin, do you have anything
17 else you would like to offer to the Board
18 or ---

19 BY WALTER BRINKLEY MELVIN:

20 Well, I have a lot of -- I have a lot of
21 things that I could offer to rebut every
22 single thing in that -- in the accusation from
23 the challenger. I think there were -- I will
24 say that I felt like 90 percent of it was pure
25 petty ---

1 BY CHAIRMAN WATSON:

2 Well, do you have any other ---

3 BY WALTER BRINKLEY MELVIN:

4 Yeah, but I want to talk about a couple of
5 them and I want to see whether or not you want
6 anything. I have letters from -- I have
7 letters that -- that clarify things that were
8 printed in the accusation about where my
9 location was. The conference center in
10 Montreat showed in some donor bulletin that
11 showed Chapin, South Carolina. I have a
12 letter from the conference center in which I
13 chastised them for -- I don't even look at the
14 donor list; okay? I give, but I don't look to
15 see what my name does or doesn't say or what
16 level it is or isn't. I was the chairman for
17 several years at the Montreat Conference
18 Center in the early 2000's and have not been
19 on the board since then. And so, what
20 happened is I have been in their database,
21 just like I'm in other databases, based on
22 whenever I was really actively involved. And
23 when -- when you move out of being involved in
24 one database into another database, if you're
25 not paying attention to it or snooping around

1 looking at it, you don't worry about it
2 because it doesn't matter to you. And so, I
3 have a -- I can show you a rebuttal to every
4 single thing in there, but it doesn't really
5 solve any problems because most of it's social
6 media, and that's not dated and time-stamped.

7 EXAMINATION RESUMED BY CHAIRMAN WATSON:

8 Q Well, do you have anything by way of -- which
9 -- and I'm not asking -- or I'm not suggesting
10 that you need to submit more. You submitted a
11 driver's license and some tax records.
12 Anything along those lines that you would also
13 like to submit? If not, that's fine. Before
14 I close the evidence on this file, I'm asking,
15 giving you one more chance.

16 A Well, I think you do see also that -- you do
17 know that it's in the affidavit that the house
18 that I have does show that that's my domicile,
19 as far as the tax ---

20 Q Well, just so we're understanding each other.

21 A --- tax record and the mailing address.

22 Q You're talking about the Buncombe County tax
23 card or -- excuse me -- yes, property card?
24 What you're saying is that the address there
25 has the PO Box 866?

1 A Yeah. That's where I get the mail there.

2 Q With the property location of 246 Texas Spur.

3 Is that what you were wanting ---

4 A Yes, sir.

5 Q Got it. Thank you. Anything else?

6 A No. It's just that I have a very complex set

7 of circumstances and it could be hard for you

8 all to not have some ambiguity about me, and I

9 have some ambiguity about it myself. So ---

10 BY CHAIRMAN WATSON:

11 Again, we've had more discussion. So, Mr.

12 Keller, any further questions?

13 BY MR. KELLER:

14 No further questions.

15 BY CHAIRMAN WATSON:

16 Madam Secretary?

17 BY MS. SMITH:

18 No, sir.

19 BY WALTER BRINKLEY MELVIN:

20 Would you like any of the corporation

21 documents or any of the information that is

22 relating to my Asheville organization and

23 business? Does that help in anyway or not?

24 If you don't need it, there's no need for me

25 to ---

1 BY CHAIRMAN WATSON:

2 I don't ---

3 BY WALTER BRINKLEY MELVIN:

4 It's public record.

5 BY CHAIRMAN WATSON:

6 --- I don't believe it's necessary. If you
7 think it would help in anyway ---

8 BY WALTER BRINKLEY MELVIN:

9 I don't.

10 BY CHAIRMAN WATSON:

11 --- regarding the domicile question, that's
12 really what we're looking at, establishing
13 residency. If you don't -- I don't know what
14 you've got in your folder, so if you're fine
15 with leaving it as is, it's up to you.

16 BY WALTER BRINKLEY MELVIN:

17 Okay.

18 BY CHAIRMAN WATSON:

19 All right.

20 BY MR. BEBBER:

21 May I add something, Mr. Chairman?

22 BY CHAIRMAN WATSON:

23 Yes, sir, Mr. Bebber.

24 BY MR. BEBBER:

25 I would like to add that -- just to remind the

1 Board who the burden is with here.

2 BY CHAIRMAN WATSON:

3 Yes, sir.

4 BY MR. BEBBER:

5 And we can offer a lot of paper, but we think
6 we've met our burden -- I mean -- I mean
7 countered the burden here.

8 BY CHAIRMAN WATSON:

9 We will -- and you will -- depending on how
10 late it is, you'll have a moment for brief
11 argument later.

12 BY MR. BEBBER:

13 Okay.

14 BY CHAIRMAN WATSON:

15 All right. We will close, then, the file for
16 evidence on Melvin -- or, excuse me, Walter
17 Brinkley Melvin and ---

18 BY WALTER BRINKLEY MELVIN:

19 Yeah. Yeah.

20 BY CHAIRMAN WATSON:

21 --- and move on to -- Mr. Melvin, I can take
22 these in whatever order you prefer.

23 (FILE 7, WALTER BRINKLEY MELVIN, CLOSED)

24 BY WALTER BRINKLEY MELVIN:

25 I'd like to do my wife.

1 BY CHAIRMAN WATSON:

2 Your wife?

3 BY WALTER BRINKLEY MELVIN:

4 Yeah, my wife. I'd like to do her next.

5 (FILE 8, ROBIN STACY MELVIN)

6 BY CHAIRMAN WATSON:

7 Do you have an affidavit for her?

8 BY WALTER BRINKLEY MELVIN:

9 Here's the original and here's a copy.

10 BY CHAIRMAN WATSON:

11 This is the original?

12 BY WALTER BRINKLEY MELVIN:

13 Yeah. That's the original. And I'll give

14 that back when you're done.

15 BY CHAIRMAN WATSON:

16 All right. So this will be Exhibit No. 1,

17 File 8; is it?

18 BY TRENA PARKER:

19 Correct.

20 (FILE 8, EXHIBIT NO. 1 MARKED)

21 BY CHAIRMAN WATSON:

22 Mr. Bebbber, you're making me nervous over

23 there. What do you need, sir?

24 BY MR. BEBBBER:

25 I'm sorry to make you nervous. I'll put these

1 in your hands and get out of the way. These
2 are the ---

3 BY CHAIRMAN WATSON:

4 The same motion?

5 BY MR. BEBBER:

6 Similar motions.

7 BY CHAIRMAN WATSON:

8 Is there any -- are these -- other than the
9 movant, I assume that the basis of the motion
10 is the same; is that correct?

11 BY MR. BEBBER:

12 Basis is the same, yes, sir. Slightly
13 different facts, but -- dates are slightly
14 different, the name is different. Otherwise,
15 they're identical.

16 BY CHAIRMAN WATSON:

17 You know what? I didn't -- well, now, this
18 one has your signature at the end. I don't
19 recall seeing one like that before.

20 BY MR. BEBBER:

21 I offered both to the Board before, and that
22 is up to you, as to which you prefer or will
23 accept.

24 BY CHAIRMAN WATSON:

25 I did not -- I did not see -- if you offered

1 one with you -- I'm sorry, Mr. Melvin. Just
2 one moment. Back with regards to what I guess
3 would have been ---

4 BY MS. SMITH:

5 No. 8?

6 BY CHAIRMAN WATSON:

7 --- yes, ma'am, 8. What was the exhibit
8 number and file number on the first motion?

9 BY THE COURT REPORTER:

10 It was Exhibit 1, File 7.

11 BY CHAIRMAN WATSON:

12 Okay. With regards to Exhibit 1, File 7, I
13 did not see one that had Mr. Bebbber -- Jackson
14 Bebber, Attorney, on it. So I think just the
15 one with Mr. Melvin's signature was admitted.

16 BY MR. BEBBBER:

17 If that's what was admitted, let's keep the
18 continuity.

19 BY CHAIRMAN WATSON:

20 Are you okay with that?

21 BY MR. BEBBBER:

22 Yes, sir.

23 BY CHAIRMAN WATSON:

24 Do you have a need for the other one to be
25 entered?

1 BY MR. BEBBER:

2 No, sir. It's the same content.

3 BY CHAIRMAN WATSON:

4 Okay. Also, I don't think that these
5 attachments, if they were -- when they were
6 handed up with the other, were -- did you want
7 those to be attachments to the motion?

8 BY MR. BEBBER:

9 That was how I originally planned to offer
10 them, but they're fine as exhibits to it.
11 They are noted as attachments on the document
12 itself.

13 BY CHAIRMAN WATSON:

14 And were they noted the same on the other one?
15 Then let's ---

16 BY MR. BEBBER:

17 Yes.

18 BY CHAIRMAN WATSON:

19 --- do this because I would like to make a
20 record good for you and clean.

21 BY MS. SMITH:

22 Do you want -- here. You can have this back.

23 BY CHAIRMAN WATSON:

24 No. If -- Mr. Bebber, were your attachments
25 the same for both of them? Would you

1 approach ---

2 BY MR. BEBBER:

3 Generally the same, yes.

4 BY CHAIRMAN WATSON:

5 Check and see. I think these are the
6 attachments, then, that you handed up with the
7 first one. Does that look correct to you?

8 BY MR. BEBBER:

9 Those all look the same.

10 BY CHAIRMAN WATSON:

11 If you'll, please, just hand those to the
12 reporter and add those as attachments with --
13 if you will -- I'm looking for -- no. I'm
14 looking for, it would have been, Exhibit 1,
15 File 7.

16 BY TRENA PARKER:

17 We don't have it. There are several that you
18 haven't given us.

19 BY CHAIRMAN WATSON:

20 Well, again, it's the common theme of the
21 night. Okay. Exhibit 1, File 7.

22 BY MR. BEBBER:

23 I'm only standing here to help ---

24 BY CHAIRMAN WATSON:

25 No, you're fine. You're fine. I want to make

1 sure we get that in the record as you would
2 like them, because I just noticed that this
3 one -- hold on.

4 BY MR. KELLER:

5 I think the sticker ---

6 BY CHAIRMAN WATSON:

7 Well, here's the one with a stamp date, so --
8 all right. That's Exhibit 1, File 7. Where
9 are the attachments?

10 BY MS. SMITH:

11 Right there. I'm giving you this back.

12 BY CHAIRMAN WATSON:

13 Don't give it back.

14 BY MS. SMITH:

15 Since it wouldn't ---

16 BY CHAIRMAN WATSON:

17 Staple those together, please, Jennifer.

18 Actually, let me see that.

19 BY MR. BEBBER:

20 Thank you. And I'll explain this -- this
21 was ---

22 BY CHAIRMAN WATSON:

23 That's all right. That's a different
24 situation. Does that look correct? And
25 that's the one that's got the stamp date on it

1 for Mr. Walter Brinkley -- that's Mr. Walter
2 Brinkley Melvin's motion, is it not, on the
3 front?

4 BY MR. BEBBER:

5 That is correct.

6 BY CHAIRMAN WATSON:

7 Okay. If you'll staple that to Exhibit 1,
8 File 7; correct? Okay. Thank you. And
9 now ---

10 BY MR. BEBBER:

11 Do you need me to help reassemble this -- or
12 properly assemble it?

13 BY CHAIRMAN WATSON:

14 All right.

15 BY TRENA PARKER:

16 If you have any other exhibits that you come
17 across, would you pass them this direction?

18 BY CHAIRMAN WATSON:

19 Yes, ma'am. If you're missing them, let me
20 know. All right. So I'll tell you what. So
21 the motion of Robin Melvin -- Robin Stacy
22 Melvin is before the Board.

23 BY MR. KELLER:

24 Move to ---

25 BY CHAIRMAN WATSON:

1 Mr. Bebber or Mr. Melvin, you're representing
2 that there is nothing, other than the movant
3 who is moving -- nothing in this substantively
4 different from the prior ---

5 BY MR. BEBBER:

6 That's correct, Your Honor. The dates of the
7 registration, etcetera, are different, as --
8 and they are particular to the -- to the
9 register ---

10 BY CHAIRMAN WATSON:

11 Right. Okay. Other than that, so ---

12 BY MR. BEBBER:

13 That's correct.

14 BY CHAIRMAN WATSON:

15 Does the -- any member of the Board have any
16 questions regarding the motion of Robin Melvin
17 motion to dismiss? Mr. Keller?

18 BY MR. KELLER:

19 No.

20 BY CHAIRMAN WATSON:

21 Madam Secretary?

22 BY MS. SMITH:

23 No.

24 BY CHAIRMAN WATSON:

25 Any discussion on the motion?

1 BY MR. KELLER:

2 I can't seem to find the challenge form for
3 Robin. Is it checked in that same four
4 different spots?

5 BY CHAIRMAN WATSON:

6 It is.

7 BY MR. KELLER:

8 It is? Okay.

9 BY CHAIRMAN WATSON:

10 I will call for, regarding the motion, Mr.
11 Keller, sustain or ---

12 BY MR. KELLER:

13 No.

14 BY CHAIRMAN WATSON:

15 Madam Secretary?

16 BY MS. SMITH:

17 No.

18 BY CHAIRMAN WATSON:

19 All right. The motion is denied.

20 BY MR. BEBBER:

21 So, for the record, we did hear the motion and
22 it was denied?

23 BY CHAIRMAN WATSON:

24 Yes.

25 BY MR. BEBBER:

1 Okay. Thank you.

2 BY THE COURT REPORTER:

3 Are you going to make that exhibit -- an
4 exhibit, the motion?

5 BY CHAIRMAN WATSON:

6 Yes, ma'am. That will be Exhibit 2, File 8.
7 (FILE 8, EXHIBIT NO. 2 MARKED)

8 BY CHAIRMAN WATSON:

9 And I'll tell you I'm fumbling around up here
10 because you handed up to me a set of these
11 motions, one with her signature and one with
12 yours. I've got the one with yours. I don't
13 have the one with hers; all that shuffling and
14 trying to get these exhibits straight.

15 BY MR. BEBBER:

16 Well, let me clarify. We have -- this is one
17 of the reasons we have the alternates. It's
18 either his signature or mine.

19 BY TRENA PARKER:

20 It's his.

21 BY MR. BEBBER:

22 As he is the representative speaking for his
23 wife ---

24 BY CHAIRMAN WATSON:

25 Did she not send a motion, though, under her

1 own signature?

2 BY MR. BEBBER:

3 You mean an affidavit?

4 BY CHAIRMAN WATSON:

5 No, a motion.

6 BY MR. BEBBER:

7 No. It would either be me or her.

8 BY CHAIRMAN WATSON:

9 Him?

10 BY MR. BEBBER:

11 Representative, as per the statute.

12 BY CHAIRMAN WATSON:

13 You or him, not her?

14 BY MR. BEBBER:

15 Those are our choices tonight.

16 BY CHAIRMAN WATSON:

17 I thought for sure I -- okay.

18 BY MR. BEBBER:

19 Sorry.

20 BY CHAIRMAN WATSON:

21 That's all right. All right, then. Make the
22 record clearer, if it's clear, that Exhibit 2,
23 File 8 is a motion for Robert Stacy Melvin ---

24 BY MR. BEBBER:

25 Robin.

1 BY CHAIRMAN WATSON:

2 Robin Stacy Melvin. This particular motion,
3 which I have in-hand, will be submitted and
4 has been marked as -- the one with the
5 signature of Jackson C. Bebber, attorney with
6 Van Winkle Law Firm.

7 BY MR. BEBBER:

8 Okay.

9 BY CHAIRMAN WATSON:

10 Are you satisfied?

11 BY MR. BEBBER:

12 Absolutely, sir. Thank you.

13 BY CHAIRMAN WATSON:

14 Thank you. Thank you for your patience with
15 that.

16 BY MR. BEBBER:

17 Thank you.

18 BY CHAIRMAN WATSON:

19 Affidavit of Ms. Robin Stacy Melvin, have you
20 all looked at it? Ms. Lucy, if you'll at
21 that. If you'll give me just a moment.

22 BY MR. BEBBER:

23 Yes, sir. And while we have a pause in the
24 action, if I may borrow a stapler, I ---

25 BY TRENA PARKER:

1 We have paper clips.

2 BY MR. BEBBER:

3 I have paper clips. That's all right.

4 (OFF THE RECORD)

5 BY CHAIRMAN WATSON:

6 Okay. Did you need one to reference?

7 BY MR. BEBBER:

8 Yeah. I'll let you keep the original.

9 BY CHAIRMAN WATSON:

10 All right. So we'll note that Ms. Robin Stacy
11 Melvin has submitted an affidavit. You'd like
12 this affidavit put into the record?

13 BY MR. BEBBER:

14 Correct.

15 BY CHAIRMAN WATSON:

16 Okay. It has been marked as Exhibit 1, File
17 8, and -- in which she states -- this is in
18 part. I'm not reading the entire affidavit.
19 But Paragraph No. 2, "My residence address and
20 place of abode is 246 Texas Spur Road in
21 Montreat. I have a home in Chapin, South
22 Carolina, that's a temporary home that I visit
23 from time to time on a temporary basis, always
24 with the intention of returning to my
25 residence for place of abode in Montreat.

1 I've rescinded voter registration I previously
2 retained" -- "maintained in any other state or
3 county. Attached are copies of a driver's
4 license, 2014 tax return, Buncombe County
5 property record." And she has attached those
6 items. If any of the Board members have
7 questions, while I'm looking through this
8 information, feel free.

9 BY MR. KELLER:

10 Okay. So she's either in -- usually in
11 Montreat, or traveling with you, and only now
12 occasionally in Chapin?

13 BY WALTER BRINKLEY MELVIN:

14 Right. She spends time in Chapin. She spends
15 time in Montreat, and our domicile is
16 Montreat. You've heard me testify to that.

17 BY MR. KELLER:

18 And, I guess occasionally she's without at
19 home?

20 BY WALTER BRINKLEY MELVIN:

21 And she's spending a lot of time with her
22 father in the last three months because he's
23 86 and he is dying from leukemia and at the
24 last few days. So the last -- probably last
25 five months have just been kind of a whirlwind

1 with elderly parents in their mid '80's. And
2 so, we're in that cycle of life.

3 BY MS. SMITH:

4 Now, your son is in South Carolina; right?

5 BY WALTER BRINKLEY MELVIN:

6 No.

7 BY MR. KELLER:

8 We haven't gotten to him yet.

9 BY MS. SMITH:

10 Okay. Never mind.

11 BY MR. KELLER:

12 Lucy keeps wanting to get on to something
13 else.

14 BY MS. SMITH:

15 I'm just encouraging.

16 BY MR. KELLER:

17 Like "Let's move on."

18 BY MR. BEBBER:

19 I can go as fast as you all want me to.

20 BY MR. KELLER:

21 Robin's voter record seems less complicated
22 than yours.

23 BY WALTER BRINKLEY MELVIN:

24 Yeah, she is.

25 BY MR. KELLER:

1 Again, as you noted, she became a voter in
2 Montreat awhile ago.

3 EXAMINATION BY CHAIRMAN WATSON:

4 Q Well, Mr. Melvin, can you help shed any light
5 on why it appears she registered to vote in
6 2011, on her absentee request form for 2014.
7 I realize it's a year ago, but she was still
8 giving her absentee mailing address as the
9 Newburg Road in Chapin.

10 A We were there during that time.

11 Q What do you mean by you were there during that
12 time?

13 A We were at that home during that time, when we
14 requested an absentee ballot, just like she
15 was here this week when she voted Monday here.
16 And so, if we're -- if we're traveling and
17 we're not going to be here, we're going to
18 vote. And we're going to vote whether we're
19 here physically or not.

20 Q Well, yeah, I ---

21 A I mean, I don't -- I don't know any other way
22 to answer than that.

23 Q Well, I know that she voted 2012 and 2014.
24 She did vote here. And I note that I don't
25 see her voting in South Carolina since 2010.

1 A Right. That's correct.

2 Q You could learn a lot from your wife.

3 BY MR. KELLER:

4 A lot cleaner.

5 BY WALTER BRINKLEY MELVIN:

6 It would be a lot easier if she was here for
7 herself.

8 EXAMINATION RESUMED BY CHAIRMAN WATSON:

9 Q The -- I'm sorry. I'm just looking over the
10 tax returns. How often -- when you're
11 traveling -- you've testified that you travel
12 a good bit; is that accurate?

13 A That's correct.

14 Q Any rough estimate ballpark how many -- how
15 many ---

16 A How many days ---

17 Q --- days a year, days ---

18 A Days a year? 100. Maybe 100. About 100. I
19 have a ranch in Uruguay I spend several weeks
20 during the spring in. I have a business in --
21 a complete set of businesses in Morehead City
22 that I travel on a route. I have businesses
23 here. I have businesses in -- it's
24 developments. You know, it's a development
25 business so you're -- you're moving your deals

1 forward.

2 Q My question is you -- did I just understand
3 you to say you travel about 100 days a year?

4 A Yes.

5 Q All right. Of those 100 days, roughly how
6 many of those days is your wife with you, or
7 is she with you? Does she travel with you?

8 A I don't know. She travels a good amount with
9 me. She does. In the last probably six
10 months, more than usual.

11 Q Well, when you're traveling and she is not
12 with you, presumably staying at home alone
13 somewhere, where is she staying alone?

14 A Whichever home that she's in. I mean, she --
15 if she's in Montreat -- if she's in Montreat,
16 she's going to be in -- I'm not trying to be
17 smart. I'm just ---

18 Q Well, I think you -- you understand what I'm
19 after here. What I'm trying to get to is
20 where is your wife typically residing, when
21 you're not with her? Where does she feel most
22 comfortable and this is home where she is?
23 Where would you expect to call her ---

24 A Montreat.

25 Q So when you're out on the road somewhere and

1 she's not with you, where would you expect to
2 most likely find her?

3 A I would find her in Montreat, but not in
4 January probably.

5 BY MS. SMITH:

6 In January.

7 BY WALTER BRINKLEY MELVIN:

8 We -- we have a tendency to do what I call a
9 somewhat weather shift, based on bad weather,
10 which we have the luxury to do.

11 BY CHAIRMAN WATSON:

12 Okay. Thank you, sir. Any other questions,
13 Mr. Keller?

14 BY MR. KELLER:

15 I don't have any questions.

16 BY CHAIRMAN WATSON:

17 Ms. Lucy?

18 BY MS. SMITH:

19 No, sir.

20 BY WALTER BRINKLEY MELVIN:

21 She also has a business in Asheville.

22 EXAMINATION RESUMED BY CHAIRMAN WATSON:

23 Q What's her business?

24 A It's an antique business in Asheville that
25 she's had for about three and a half, four

1 years.

2 Q Do you know the name of that business?

3 A Well, it's called the Green Beetle Gallery
4 because her Volkswagen is green.

5 Q The Green Beetle Gallery?

6 A Uh-huh.

7 BY MR. KELLER:

8 And where is it?

9 BY WALTER BRINKLEY MELVIN:

10 It's in Asheville, the antique mall. She
11 doesn't actually -- I mean, it's -- you know,
12 it's in that strip.

13 BY CHAIRMAN WATSON:

14 All right. Is there anything else you would
15 like to offer on behalf of your wife?

16 BY WALTER BRINKLEY MELVIN:

17 No, sir.

18 BY CHAIRMAN WATSON:

19 I'm sorry, I didn't ---

20 BY WALTER BRINKLEY MELVIN:

21 No, sir.

22 BY CHAIRMAN WATSON:

23 Okay. Any other questions of the Board
24 regarding Robin Melvin?

25 BY MR. KELLER:

1 No.

2 BY MS. SMITH:

3 No.

4 BY CHAIRMAN WATSON:

5 Further discussion regarding the evidence on
6 Robin Melvin?

7 BY MR. BEBBER:

8 I would like to add one thing, please ---

9 BY CHAIRMAN WATSON:

10 Yes, sir, Mr. Bebber.

11 BY MR. BEBBER:

12 --- if I may. I would just like to focus on
13 the intent. The Board has a lot of energy and
14 effort in this already and, I'm afraid, not
15 enough on the intent end and more on other
16 areas.

17 BY CHAIRMAN WATSON:

18 I -- well, okay. Thank you, sir.

19 BY MR. BEBBER:

20 Thank you.

21 BY CHAIRMAN WATSON:

22 I will disagree with your comments, but
23 they're noted.

24 (FILE 8, ROBIN STACY MELVIN, CLOSED)

25 BY CHAIRMAN WATSON:

1 Michael or Harriet, that's your ---

2 BY WALTER BRINKLEY MELVIN:

3 My mother.

4 BY CHAIRMAN WATSON:

5 All right.

6 (FILE 9, HARRIET WATSON MELVIN)

7 BY CHAIRMAN WATSON:

8 Now, this is a separate residence than yours
9 in Montreat.

10 BY WALTER BRINKLEY MELVIN:

11 That's right.

12 BY CHAIRMAN WATSON:

13 Yours is at Kentucky Road; is that right?

14 BY WALTER BRINKLEY MELVIN:

15 That's correct.

16 BY CHAIRMAN WATSON:

17 And this is Texas Road Extension.

18 BY WALTER BRINKLEY MELVIN:

19 That's correct.

20 BY CHAIRMAN WATSON:

21 Is she -- do you have an affidavit or anything
22 from her?

23 BY WALTER BRINKLEY MELVIN:

24 I do, but he's going to give you his little
25 routine first.

1 BY CHAIRMAN WATSON:

2 Yes, of course. Mr. Bebber ---

3 BY MR. BEBBER:

4 Thank you, sir. Respectfully submitted with
5 my signature.

6 BY CHAIRMAN WATSON:

7 This will be Exhibit 1, File 9.

8 (FILE 9, EXHIBIT NO. 1 MARKED)

9 BY CHAIRMAN WATSON:

10 All right. Exhibit 1, File 9, the motion of
11 -- on behalf of Harriet Watson Melvin,
12 submitted by Attorney Jackson Bebber; motion
13 to dismiss the challenge on grounds that the
14 issue is moot, nonjusticiable, and
15 particularly noting as a basis for that that
16 the challenge form cited the -- what has been
17 alleged as an improper basis for the challenge
18 to vote -- for the right of Melvin to vote.
19 Now, other than name and relevant dates to
20 this registrant, any difference in this motion
21 from the others, Mr. Bebber?

22 BY MR. BEBBER:

23 No, Mr. Chair.

24 BY CHAIRMAN WATSON:

25 Substantively?

1 BY MR. BEBBER:

2 Substantively.

3 BY CHAIRMAN WATSON:

4 The dates will follow the registration of the
5 name -- of the registrant ---

6 BY MR. BEBBER:

7 That is correct. And hope springs eternal.

8 BY CHAIRMAN WATSON:

9 Yes. This is from -- on behalf of Harriet
10 Watson Melvin. And with -- and noted, again,
11 this one has three pages of exhibits as well.
12 All right. Any questions or discussions from
13 the Board regarding this motion?

14 BY MR. KELLER:

15 No questions.

16 BY CHAIRMAN WATSON:

17 Any -- no questions. Any discussion? I'd
18 call for -- Mr. Keller, on that motion?

19 BY MR. KELLER:

20 On that motion, I vote no.

21 BY CHAIRMAN WATSON:

22 Motion to dismiss is denied. Is that your
23 vote?

24 BY MR. KELLER:

25 That's my vote.

1 BY CHAIRMAN WATSON:

2 And Ms. Lucy, Madam Secretary?

3 BY MR. KELLER:

4 No.

5 BY CHAIRMAN WATSON:

6 All right. The motion is denied. All right.

7 Harriet Watson Melvin ---

8 BY MR. BEBBER:

9 So you all are ready for the affidavits?

10 BY CHAIRMAN WATSON:

11 Yes, sir. I'm sorry. Thank you.

12 BY MR. BEBBER:

13 All right. She did it blue ink so I can tell

14 -- see which one is ---

15 BY MR. KELLER:

16 It's nice to get the signature in blue because

17 you can tell if they're copies.

18 BY CHAIRMAN WATSON:

19 This is an affidavit of Harriet Watson Melvin.

20 It will be marked as Exhibit 2, File 9.

21 (FILE 9, EXHIBIT NO. 2 MARKED)

22 BY JENNIFER SPARKS:

23 Do you want to look ---

24 BY CHAIRMAN WATSON:

25 Yes, ma'am. Question?

1 BY JENNIFER SPARKS:

2 I just thought you was going to hand it to me,
3 but I ---

4 BY CHAIRMAN WATSON:

5 That's fine. I -- actually, do you want -- do
6 you want me to get it?

7 BY MS. SMITH:

8 Do you need to see it first?

9 BY CHAIRMAN WATSON:

10 Go right ahead.

11 BY MS. SMITH:

12 You're more important.

13 BY CHAIRMAN WATSON:

14 Go right ahead, please. Mr. Melvin, do you
15 want to hold on to one of these for ---

16 BY WALTER BRINKLEY MELVIN:

17 Yeah, it doesn't matter. Whichever one you
18 think is the original. I can't tell.

19 BY CHAIRMAN WATSON:

20 Well, I've marked this one, so -- that's the
21 original. Okay. Mr. Melvin, let me ask you
22 if you could just clarify a couple of things.

23 EXAMINATION BY CHAIRMAN WATSON:

24 Q The reference in the affidavit of Harriet
25 Watson Melvin, Paragraph 2 -- actually strike

1 that. In Paragraph 5, she states that she
2 sold her home in Lumberton, North Carolina, in
3 March of 2015.

4 A That's correct.

5 Q And then she states in Paragraph 2 that she
6 also has a home in South Carolina, "a
7 temporary home that I visit from time to time
8 on a temporary basis."

9 A Yes. That's correct. Yes.

10 Q Where is that home?

11 A In Aiken, South Carolina.

12 Q Do you know, of your own knowledge,
13 approximately how often she's there?

14 A She's there probably -- my guess is about half
15 the time or less.

16 Q Okay. And ---

17 A It's a retirement home that she rents a -- a
18 cottage in. She's 85 and she is in
19 independent living, although we're kind of
20 moving to a different phase in our lives. But
21 it's independent and she doesn't own anything
22 there. She rents and pays monthly rent.

23 Q By the way, you know, to clarify, too, for the
24 two attorneys that are here and for you, Mr.
25 Melvin, since you're testifying, I want to

1 make -- when we ask about roughly time or how
2 much you're there, that's not a determinative
3 test. In other words, you can live somewhere
4 else more time, actually, and it not be your
5 domicile. It's just one factor that we look
6 at. So I don't want to create on the record
7 any impression that we're trying to do a time
8 percentage test here. We're not.

9 A It is, as far as taxes in Florida, though.

10 Q The question's before us -- I'll note on the
11 record here that, included with her affidavit,
12 is a -- well, it's a document that appears to
13 be from the North Carolina Division of Motor
14 Vehicles, Class C driver's license, but it
15 doesn't look like a driver's license I've ever
16 seen. What is ---

17 A It's off the website. I mean, I have her -- I
18 have a number and she -- when I went to get
19 the documents to be able to do the affidavit
20 for the hearing today, we've had an accident
21 in the meantime. And so, the only thing I had
22 was the number and so I was able to go on the
23 website and pull up the official record. That
24 is the official record. I am testifying that
25 that is, in fact, her driver's license.

1 Q Based on the driver's license number which you
2 of your personal knowledge to be her driver's
3 license?

4 A That's right. It is her driver's license and
5 it has ---

6 Q And then, also, we have a 2014 tax return of
7 Harriet W. Melvin, giving her home address as
8 being Montreat.

9 A The reason for it being Montreat versus
10 Lumberton, up until this year, she's always
11 filed her tax return with the Lumberton
12 address. She lived there 50 years. And what
13 happened is, when she sold the house, we did
14 an extension on her tax return, which should
15 be a -- I don't know if there's a copy in
16 there or not. But we did an extension. She
17 filed it in October, just like I do. And she
18 had already claimed as of April her domicile
19 was Montreat and moved everything to Montreat.

20 Q All right. And you know that of your personal
21 knowledge and observation as well; is that
22 correct?

23 A That's correct.

24 Q Okay. This home, Texas Road Extension -- is
25 that right?

1 A 177 Texas Road Extension, Box 685 is her
2 official mailing address.

3 Q And you know that property? You've been
4 there.

5 A I do.

6 Q And you know ---

7 A I'm on the deed as well with her, but it's her
8 primary residence.

9 Q That's your mother and you, of your own
10 knowledge, also know -- know that that's where
11 her domicile is?

12 A That's correct.

13 Q The property that she's renting in South
14 Carolina, you said, is a cottage in a
15 retirement center? Is that right?

16 A That's right. An independent retirement
17 village. And she -- she splits her time
18 between there and here, but she's never
19 claimed that as a domicile. She's never voted
20 in South Carolina and she's never had license
21 in South Carolina. She's never owned property
22 in South Carolina. She's only owned property
23 or voted in North Carolina. I have her voting
24 record for you all to look at. She's never
25 voted until Monday. She met -- actually,

1 Friday she met Trena when -- when she went to
2 my sister's. And so, ---

3 Q Well, now, the things that you just testified
4 to about she's never voted in South Carolina,
5 never had a driver's license in South
6 Carolina, never -- I don't remember the whole
7 litany of them, but those things -- and you
8 might, you know, look to your attorney for a
9 nod before you answer because you're under
10 oath. But you are testifying to those things
11 of your own personal knowledge regarding your
12 mom?

13 A Yes. That I'm -- that I know that for a fact,
14 that she's never ---

15 Q Had a driver's license in South Carolina?

16 A Yeah, she never has had one. She's never
17 voted in South Carolina and she's never owned
18 property in South Carolina.

19 Q Okay. All right. Well, to your knowledge.

20 A To my knowledge. Well, I have ---

21 Q I was not trying to pin you down. I just want
22 to -- you know, you're here on your mom's --
23 okay.

24 BY CHAIRMAN WATSON:

25 Any other questions regarding Harriet Watson

1 Melvin, Mr. Keller?

2 BY MR. KELLER:

3 No.

4 BY WALTER BRINKLEY MELVIN:

5 Her car is registered at 177 Texas Road
6 Extension. That's where her house -- for the
7 State of North Carolina, there's a place where
8 you register where your car is located. It is
9 registered at 177. She pays North Carolina
10 State and federal taxes. I don't know of
11 anything else I can add, except her voting
12 record in North Carolina, you cannot find her
13 voting record on the NC Vote, you know, the
14 website where you can go find somebody's
15 voting record. So yesterday I called the --
16 the election board in Lumberton, North
17 Carolina, which is where she lived her whole
18 life and has already voted. And she -- she
19 has voted there until this election.

20 BY MR. BEBBER:

21 We'd like to offer that in.

22 BY CHAIRMAN WATSON:

23 You want this in there?

24 BY MR. BEBBER:

25 Please.

1 BY CHAIRMAN WATSON:

2 And that would be Exhibit 3, File 9.

3 (FILE 9, EXHIBIT NO. 3 MARKED)

4 BY CHAIRMAN WATSON:

5 Can we go off the record briefly?

6 (OFF THE RECORD)

7 BY CHAIRMAN WATSON:

8 All right. As to Harriet Watson Melvin, no

9 further questions or discussion?

10 BY MR. KELLER:

11 No further questions.

12 BY CHAIRMAN WATSON:

13 Ms. Lucy?

14 BY MS. SMITH:

15 No.

16 BY CHAIRMAN WATSON:

17 All right. We will close the file for

18 evidence on that one.

19 (FILE 9, HARRIET WATSON MELVIN, CLOSED)

20 BY CHAIRMAN WATSON:

21 Next is Michael Melvin.

22 (FILE 10, MICHAEL MELVIN)

23 BY CHAIRMAN WATSON:

24 Mr. Melvin, this is your son. Before we

25 start, Mr. Bebbler, do you want to -- I know

1 you have some important papers there.

2 BY MR. BEBBER:

3 We would like to submit this. And I would
4 like to point out to Madam Secretary that she
5 has an opportunity to abridge this proceeding
6 somewhat here.

7 BY CHAIRMAN WATSON:

8 All right. This is, again, a motion submitted
9 by Attorney Jackson Bebber on behalf of
10 Michael Stacy Melvin. This will be Exhibit 1,
11 File 10, having three pages of attachments, as
12 well.

13 (FILE 10, EXHIBIT NO. 1 MARKED)

14 BY CHAIRMAN WATSON:

15 And, Mr. Bebber, again, assuming -- or asking
16 you, the motion is the same, with the
17 exception of names and dates related to this
18 registrant; is that fair?

19 BY MR. BEBBER:

20 That's correct. The motion itself is in the
21 last paragraph.

22 BY CHAIRMAN WATSON:

23 The same as before. All right. So, again,
24 the ---

25 BY MR. BEBBER:

1 Essentially same motion, same substantive
2 basis as before.

3 BY CHAIRMAN WATSON:

4 Any questions or discussions from the Board,
5 Mr. Keller?

6 BY MR. KELLER:

7 No.

8 BY CHAIRMAN WATSON:

9 Madam Secretary?

10 BY MS. SMITH:

11 No, sir.

12 BY CHAIRMAN WATSON:

13 All right. Mr. Keller, as to the motion, do
14 you affirm or deny?

15 BY MR. KELLER:

16 Deny.

17 BY CHAIRMAN WATSON:

18 Madam Secretary?

19 BY MS. SMITH:

20 Deny.

21 BY CHAIRMAN WATSON:

22 All right. The motion is denied. We'll
23 submit that.

24 BY MR. BEBBER:

25 One moment, please, Mr. Chair.

1 BY CHAIRMAN WATSON:

2 Yes, sir. Take your time.

3 BY MR. BEBBER:

4 Mr. Chair?

5 BY CHAIRMAN WATSON:

6 Yes, sir.

7 BY MR. BEBBER:

8 I would request that, if anyone has something
9 audible to say, that we put it on the record.

10 BY CHAIRMAN WATSON:

11 Are you referring to something up here at the
12 table?

13 BY MR. BEBBER:

14 No.

15 BY A MEMBER OF THE AUDIENCE:

16 It's my bad. My bad. Sorry.

17 BY CHAIRMAN WATSON:

18 Let me, I'll tell you what, make a general
19 instruction, please, to guests to kindly hold
20 your comments. Mr. Bebber, are we still
21 waiting for you all to locate something? I
22 don't mind, if we are, I just ---

23 BY WALTER BRINKLEY MELVIN:

24 I've got it. I'm sorry.

25 BY MR. BEBBER:

1 Oh, you did have it?

2 BY WALTER BRINKLEY MELVIN:

3 I'm sorry. That's my fault.

4 BY MR. BEBBER:

5 Okay. We're good then. Sorry.

6 BY CHAIRMAN WATSON:

7 All right. Mr. Melvin? Yes, sir, do you have
8 something you'd like to submit?

9 BY WALTER BRINKLEY MELVIN:

10 Yes, the affidavit.

11 BY CHAIRMAN WATSON:

12 The affidavit? All right. So we're receiving
13 an affidavit on behalf of Michael Stacy
14 Melvin. This will be Exhibit 2, File 10.

15 BY MR. KELLER:

16 Okay. Hold one second, please, sir.

17 BY CHAIRMAN WATSON:

18 Let me see if we've got the original.

19 BY MR. KELLER:

20 I saw what I wanted to see. Perfectly
21 reasonable, if he were still a student.

22 However, where does he work?

23 BY WALTER BRINKLEY MELVIN:

24 He works at Triangle Capital in Raleigh, North
25 Carolina. He started working there in July.

1 He graduated the first part of May, moved --
2 moved to Montreat. He has had his driver's
3 license and residency in Montreat and
4 continues -- he had his driver's license
5 updated. I was telling Jack. I don't know
6 what there is, but there's something on a
7 driver's license that, when you're over 21, it
8 has a different look and you take it to -- and
9 so, he wanted to have a formal vest. The
10 older looking picture is his current driver's
11 license that he's had. He has a job at
12 Triangle Capital in Raleigh, North Carolina.
13 He also spends a tremendous amount of time in
14 Montreat. He actually has started his first
15 job. He's 22. He complained -- only the
16 challenge showed -- said he's 23. That's
17 incorrect. He's 22. And he is a -- just
18 recently got his first car that he's ever
19 owned. He bought it from Jim Barkley Toyota.
20 He has a North Carolina driver's license that
21 shows Montreat. He bought the car from Toyota
22 Motor Credit. Saved his money for about eight
23 years, made the down payment, financed it, got
24 the college discount, everything, since he
25 graduated from college. And it is titled in

1 Montreat, North Carolina, at 246 Texas Road.
2 It is insured at 246 Texas Road Spur, PO Box
3 866. His pay stub for his company that he
4 works at shows a physical address of 246 Texas
5 Road Spur, which I have a copy of to give you
6 to add to ---

7 BY CHAIRMAN WATSON:

8 If you would please hand that up, sir.

9 BY WALTER BRINKLEY MELVIN:

10 Yes.

11 BY MS. SMITH:

12 Does he have a home in Raleigh?

13 BY WALTER BRINKLEY MELVIN:

14 He does not have a home in Raleigh. He stays
15 with a fellow that has an apartment in
16 Raleigh. He doesn't own any real estate in
17 Raleigh. He's 22. He's -- he has voted here.
18 He will be voting here, if you all allows him
19 to, and he will continue to vote here. He
20 voted in Chapel Hill when he was in college
21 there. I had a son that went to Wake Forest
22 who voted at Wake Forest. I have another two
23 that went to Chapel Hill and they voted there.
24 College kids typically take the path of least
25 resistance, as you all probably found out in

1 your summers, UNC Asheville, whatever.
2 Anyway, he is a -- his domicile is our home
3 here, and he claims that and titles everything
4 he has, his insurance policies, everything
5 that he does. His North Carolina -- his North
6 Carolina licenses for hunting and fishing and
7 boating are all in Montreat, as well. This is
8 his document of the car that he bought with
9 Toyota Motor Credit. He doesn't live in
10 Chapel Hill; has not lived in Chapel Hill
11 since he graduated.

12 BY MR. KELLER:

13 No. He lives with a fellow in Chapel Hill.

14 BY WALTER BRINKLEY MELVIN:

15 No, he doesn't ---

16 BY MR. KELLER:

17 He doesn't rent in Chapel Hill?

18 BY WALTER BRINKLEY MELVIN:

19 He doesn't live in Chapel Hill, rent in Chapel
20 Hill or stay in Chapel Hill.

21 BY CHAIRMAN WATSON:

22 He mentioned Raleigh, I think.

23 BY MR. KELLER:

24 Oh, Raleigh. I'm sorry.

25 BY WALTER BRINKLEY MELVIN:

1 Yeah. Chapel Hill was where he went to
2 college.

3 BY MR. KELLER:

4 Sorry.

5 BY WALTER BRINKLEY MELVIN:

6 He will file his tax return for 2015 on 246
7 Texas Road Spur, as well. He just never
8 earned any money until now.

9 BY MR. KELLER:

10 We've all been there. When he starts paying
11 rent or when he buys a house in Raleigh ---

12 BY WALTER BRINKLEY MELVIN:

13 He'll move to Raleigh.

14 BY MR. KELLER:

15 --- he'll move to Raleigh.

16 BY WALTER BRINKLEY MELVIN:

17 Yeah. When he has any kind of permanence.
18 He's lived a life of, you know, a person
19 without a -- without a domicile. And our
20 domicile is his domicile.

21 BY CHAIRMAN WATSON:

22 If you will excuse me for just a minute.
23 Madam Reporter, if we could go off the record
24 just briefly.

25 (OFF THE RECORD)

1 BY CHAIRMAN WATSON:

2 Mr. Bebber, just so you'll know, and Mr.
3 Melvin, earlier I -- and, Madam Reporter, back
4 on the record. Thank you. What I am looking
5 for, earlier today I had come across some form
6 that your son -- that Michael had submitted,
7 as I recall, and I'm looking for that form.
8 But on it he had given an address of 3700
9 Glenwood Avenue, Suite 530, and ---

10 BY WALTER BRINKLEY MELVIN:

11 Yes, that's -- that's where he works.

12 BY CHAIRMAN WATSON:

13 That's where he works.

14

15 BY WALTER BRINKLEY MELVIN:

16 That's where he works. That's right.

17 BY CHAIRMAN WATSON:

18 I lived in Raleigh ---

19 BY WALTER BRINKLEY MELVIN:

20 That's where he requested his absentee ballot
21 to be sent to.

22 BY CHAIRMAN WATSON:

23 Right. Here we go. It's -- and I apologize.
24 I don't know where the hard copy went, but we
25 pulled it up here online on the website, and

1 you're welcome to take a look, if you like.

2 BY WALTER BRINKLEY MELVIN:

3 No. That's Triangle Capital. That's the
4 address on Glenwood ---

5 BY CHAIRMAN WATSON:

6 He's given his absentee mailing address as his
7 work address.

8 BY WALTER BRINKLEY MELVIN:

9 That's correct.

10 EXAMINATION RESUMED BY CHAIRMAN WATSON:

11 Q When was the last time he was with you in
12 Montreat staying there?

13 A Two weeks ago.

14 Q And how long was he there?

15 A He -- he was -- I would say that probably in
16 the last 90 days, he's been with us like six
17 times, spent time with us.

18 Q Weekends?

19 A Weekends. Sometimes he takes off Friday. He
20 -- he works remote, a lot of what he does. I
21 want to make an interesting point about
22 qualifications of domicile. The chairman and
23 president of his company, which is a Fortune
24 -- is a New York Stock Exchange private equity
25 firm, Triangle Capital. You can look them up.

1 The fellow who's the president, his dad is
2 Gregory Poole. You might -- if you've ever
3 been to Raleigh, you know Gregory Poole
4 Equipment is the huge Caterpillar dealer.
5 They're the largest one in North Carolina.
6 His father's a huge person in politics up
7 there, too; a very generous man. His son is
8 in his 40's and his name is Ashton Poole.
9 Ashton is the president or the CEO of Triangle
10 Capital, and has been for several years.
11 Ashton lives in Charlotte, North Carolina, as
12 a lot of the people -- there are a 25
13 employees at Triangle. A lot of them live all
14 over the place and they come in to work and
15 then they go remote and they use their
16 technology. Ashton is a Charlotte voter, but
17 he is the president of his company, and has
18 been.

19 Q Well, Mr. Melvin, I don't mean to cut you off
20 or be rude, but I don't -- I don't know where
21 Ashton -- what his domicile is or anything.
22 We're just trying to establish Michael's. And
23 I do understand that domicile's are very fact-
24 specific. We noted that at the beginning of
25 this hearing tonight. So it can vary and you

1 can have interests somewhere else and that not
2 be your domicile. What I'm curious about with
3 your son is does he not pay rent there? Does
4 he not ---

5 A He does pay rent.

6 Q --- does he not -- is he on a ---

7 A I don't know how much rent.

8 Q --- is he on a lease there?

9 A I don't know if he is or not. I think his
10 roommate is on the lease, but he may be. I
11 don't know. He's a -- he's out of school.
12 He's on his own.

13 Q His employment is full-time?

14 A Yes, sir.

15 Q And he's been employed with him how long?

16 A He started in July of this year.

17 Q This year. And he graduated in May?

18 A First part of May.

19 Q Okay. When he graduated in May, packed up his
20 bags there at college ---

21 A He came to Montreat.

22 Q And was there until when?

23 A Yeah, he was there until July. And then he
24 was back every weekend, you know, as soon as
25 whatever training he was going through expired

1 during that week. Sometimes he was three
2 days, sometimes it was five.

3 Q And you testified -- did I understand you
4 earlier to testify that he will file his tax
5 returns ---

6 A He will file his tax returns in PO Box 866,
7 246 Texas Road Spur, for 2015, which will
8 match his employment data.

9 Q I'm sorry. Where is the -- you're welcome to
10 see any of it.

11 BY MR. BEBBER:

12 I just want to clarify that the payment stub,
13 the check stub from the company was entered
14 into evidence. I'm not sure that it was.

15 BY CHAIRMAN WATSON:

16 Actually, none of these have been yet, so
17 let's move on and we will.

18 BY MR. BEBBER:

19 That bear is going to follow the money ---

20 BY CHAIRMAN WATSON:

21 If you will -- let me tell you what I haven't
22 had. I have a printout from the North
23 Carolina Wildlife Resources Commission; a copy
24 of -- I'm not sure what it is. It appears to
25 be some kind of a financial statement from

1 Toyota South ---

2 BY WALTER BRINKLEY MELVIN:

3 Yeah. It's his -- his truck that he purchased
4 from Jim Barkley that he financed.

5 BY CHAIRMAN WATSON:

6 Okay. The affidavit has a copy of his North
7 Carolina driver's license, which shows the
8 Texas Spur Road.

9 EXAMINATION RESUMED BY CHAIRMAN WATSON:

10 Q And you said he lives with you; is that
11 correct?

12 A Yes.

13 Q At your home?

14 A Yes. At 246 Texas Road Spur.

15 Q I thought you were 424 Kentucky Road?

16 A No, that's another house that we have in
17 Montreat, but that's not where we live.

18 Q All right. Because earlier I -- and your
19 mother is at ---

20 A 177 Texas Road Extension.

21 Q Okay.

22 A Which is the only piece of real estate she
23 owns.

24 Q All right. Earlier I was making that
25 distinction and I think at that time I

1 referenced the Kentucky Road ---

2 BY A MEMBER OF THE AUDIENCE:

3 You did.

4 BY CHAIRMAN WATSON:

5 I did? I thought so. And I thought you said,
6 yes, that was your home. But let's clarify
7 that now.

8 EXAMINATION RESUMED BY CHAIRMAN WATSON:

9 Q Which home are you claiming is your domicile?

10 A My only -- my affidavit shows what I claim.

11 Q Which ---

12 A 246 Texas -- only 246 Texas Road.

13 Q Okay. Good. So not Kentucky?

14 A Kentucky's a 100-year-old log cabin.

15 Q Okie doke.

16 A 700 square feet.

17 Q Thank you. So that's a "no" as to Kentucky.

18 BY CHAIRMAN WATSON:

19 All right. Mr. Bebber, what I'm not seeing,
20 and I'm sure it's here, is the -- you were
21 looking for the pay stubs, that they be
22 entered.

23 BY MR. BEBBER:

24 Right. They're up there.

25 BY CHAIRMAN WATSON:

1 Very good. Thank you. Let's go ahead and get
2 these marked, then, for you. So the affidavit
3 is Exhibit 2, File 10. Is there any
4 particular order you'd like these to come in
5 or be marked?

6 BY MR. BEBBER:

7 I don't think so.

8 (FILE 10, EXHIBIT NO. 2 MARKED)

9 BY CHAIRMAN WATSON:

10 Okay. Next, we'll have an earnings statement
11 from ADP, which we will mark as 3, File 10;
12 a printout from the North Carolina Wildlife
13 Resources Commission, which we will mark as
14 Exhibit 4, File 10. You want all of these in;
15 is that correct, Mr. Bebber?

16 BY MR. BEBBER:

17 Yes. Yes, please.

18 BY CHAIRMAN WATSON:

19 Toyota -- you want the Toyota finance
20 statement in as well?

21 BY MR. BEBBER:

22 Yes, please.

23 BY CHAIRMAN WATSON:

24 All right. And a statement from Toyota
25 Finance, which will be Exhibit 5, File 10.

1 (FILE 10, EXHIBIT NOS. 3, 4 AND 5 MARKED)

2 BY WALTER BRINKLEY MELVIN:

3 What we don't -- what I didn't bring to you is
4 a copy of his registration of his truck, but
5 that shows the same address and the insurance
6 bill shows the same address. I don't have
7 that, but I figured, if every single thing he
8 owns shows one thing, it's probably a pretty
9 good guess that that's what that one thing is.

10 BY CHAIRMAN WATSON:

11 All right. Mr. -- Mr. Melvin, thank you for
12 the things you submitted on him. I will just
13 note that I hope, so that your son doesn't
14 find himself in some situation like this
15 again, but he's really in, as you were talking
16 about earlier you all's transition -- you
17 know, the more his job and his presence in
18 Raleigh becomes permanent, he's going to have
19 to declare something. And he's -- he's 22.
20 He's in a full-time job. He's in Raleigh,
21 he's in Wake County. I was in Raleigh in Wake
22 County when I was 22.

23 BY MR. BEBBER:

24 You understand the intent not to stay then, at
25 this point.

1 BY CHAIRMAN WATSON:

2 So ---

3 BY WALTER BRINKLEY MELVIN:

4 I know of nothing else that I can provide you
5 that ---

6 BY CHAIRMAN WATSON:

7 Well, I appreciate what you've provided. Just
8 your -- you know, your son's got to stop
9 straggling here before long, so just ---

10 BY WALTER BRINKLEY MELVIN:

11 I understand that.

12 BY CHAIRMAN WATSON:

13 Thank you.

14 BY WALTER BRINKLEY MELVIN:

15 I've been a straggler.

16 BY CHAIRMAN WATSON:

17 Well, anyway. Mr. Bebber, is there something
18 else you would like to add, sir?

19 BY MR. BEBBER:

20 I'll just add, rather than anecdotal evidence
21 of the stragglers I had until my wife chased
22 them off from my domicile because I was the
23 only one that got out of college and got a job
24 and grew roots immediately, I would like to
25 say and remind the Board that domicile, once

1 acquired, is presumed to continue and is never
2 lost until a new one is established. And,
3 again, the burden of proof rests on the person
4 alleging the change in domicile.

5 BY CHAIRMAN WATSON:

6 Well, I understand. And, again, as we talked
7 about earlier, this abandonment of the first,
8 coupled with the intention not to return, some
9 of those elements, I -- your son hasn't
10 manifested any intention. It appears, from
11 what you presented, that he's not going to be
12 returning. But -- but the picture is
13 probably, I would suspect, going to change.

14 BY WALTER BRINKLEY MELVIN:

15 It will. It will.

16 BY CHAIRMAN WATSON:

17 And we all grow up and leave the nest, and
18 that does it. Mr. Keller, anything else
19 regarding Michael Melvin?

20 BY MR. KELLER:

21 No further questions.

22 BY CHAIRMAN WATSON:

23 Madam Secretary?

24 BY MS. SMITH:

25 No, sir.

1 BY CHAIRMAN WATSON:

2 Mr. Melvin, anything else you want to submit
3 on behalf of your son?

4 BY WALTER BRINKLEY MELVIN:

5 No. Thank you all. Thank you all.

6 BY CHAIRMAN WATSON:

7 Mr. Bebber, anything else you want to submit
8 on behalf of Michael Melvin?

9 BY MR. BEBBER:

10 On behalf of all the Melvins ---

11 BY CHAIRMAN WATSON:

12 Hold on. Only on behalf of Michael Melvin?

13 BY MR. BEBBER:

14 On behalf of Michael Melvin, yes, if this is
15 my last chance.

16 BY CHAIRMAN WATSON:

17 For Michael?

18 BY MR. BEBBER:

19 Yes.

20 BY CHAIRMAN WATSON:

21 And then we're going to close that file. But
22 I'll let you speak as to all of them, as well.
23 So as to Michael, what else would you like to
24 submit on this, before we close the file on
25 Michael first?

1 BY MR. BEBBER:

2 If I have a chance to speak to all of them
3 later and to also ask the -- for a bit of
4 cross-examination, then I will pass with
5 Michael, if I can speak to all of them
6 generally for one minute.

7 BY CHAIRMAN WATSON:

8 Let me try to clarify then. What I'm looking
9 for now, again, as we -- as I stated, on each
10 file, right now we're just collecting any
11 rebuttal evidence to the challenge. Do you
12 have anything else you would like to put into
13 the file for evidence on behalf of Michael
14 Melvin?

15 BY MR. BEBBER:

16 Will I have a chance to add any evidence
17 to ---

18 BY CHAIRMAN WATSON:

19 Now is your time for evidence. And as far as
20 -- let me ask -- let me -- well ---

21 BY MR. BEBBER:

22 I want to ask one question.

23 BY CHAIRMAN WATSON:

24 Okay.

25 BY MR. BEBBER:

1 And it's the same for all the Melvins, of Mr.
2 Standaert.

3 BY CHAIRMAN WATSON:

4 Well ---

5 BY MR. BEBBER:

6 The same question. And, like the other parts
7 of this hearing where we sort of glossed over
8 the motion ---

9 BY CHAIRMAN WATSON:

10 I'm going to take exception to that, sir.

11 BY MR. BEBBER:

12 Not glossed over. Moved through it quickly.
13 I'm sorry. I mischaracterized that.

14 BY CHAIRMAN WATSON:

15 Well, the first one we took quite a bit of
16 time on, and the others were the same, with
17 the exception of name and dates. And so, I
18 don't ---

19 BY MR. BEBBER:

20 I didn't mean that the way it came out. I
21 meant in the interest of time and out of
22 respect for the Board ---

23 BY CHAIRMAN WATSON:

24 Yes, sir.

25 BY MR. BEBBER:

1 --- I would like to just ask one question of
2 Mr. Standaert that applies to all.

3 BY CHAIRMAN WATSON:

4 Okay. Do you have ---

5 BY MR. BEBBER:

6 Let me sit down.

7 BY CHAIRMAN WATSON:

8 Yes, sir. Mr. Bebber, I'll tell you what I'm
9 looking at here, and if you have a place in
10 the statutes you can reference me to, I'm
11 happy to look. But as I'm reading through the
12 hearing on the challenge, the challenge is --
13 well, we'll take it back a few steps. A
14 challenge is made. It goes to a preliminary
15 hearing where the Board determines is there
16 sufficient evidence to move to a full hearing.
17 Okay. At the full hearing, then, the Board
18 can accept such evidence as it thinks, you
19 know, necessary or appropriate from the
20 challenged, in this case, registrant. But I
21 don't know that the procedure calls for or
22 requires, necessarily allows, although I think
23 it would probably be at our discretion, as to
24 whether we want to open it up for cross-
25 examinations and other things of that nature.

1 BY MR. BEBBER:

2 I think you're correct.

3 BY CHAIRMAN WATSON:

4 What's that?

5 BY MR. BEBBER:

6 You are correct. You have statutorily the
7 right to subpoena people and ---

8 BY CHAIRMAN WATSON:

9 And I will just tell you honestly, I am
10 hesitant, given that for Mr. Scheu there we
11 still have seven more files to go, to start
12 opening this up for cross-examinations and
13 other things.

14 BY MR. BEBBER:

15 I understand.

16 BY CHAIRMAN WATSON:

17 And I'm not sure that it's going to serve any
18 purpose that's going to be determinative --
19 again, I want to keep us focused on -- we're
20 trying to look at questions of residency and
21 domicile. That's what's before us. Questions
22 of motive, intent or "Why did you do this or
23 say that?" you know, that -- that's ---

24 BY MR. BEBBER:

25 At the risk of beating a dead horse, I will

1 say that the residency question is intent-
2 based, and you can't have one without the
3 other. And that's my question and that's
4 really what I ---

5 BY CHAIRMAN WATSON:

6 I'm sorry. I don't understand your statement
7 there. The residency -- you're talking about
8 where particular registrants ---

9 BY MR. BEBBER:

10 Intends to make his or her domicile. Intent
11 is the questions.

12 BY MR. KELLER:

13 Are words. And domiciles are places and
14 they're two different things. One is what you
15 say you want to do and the other is what did
16 you do.

17 BY MR. BEBBER:

18 It's a conscious act and a conscious decision.

19 BY MR. KELLER:

20 Tell me what you ---

21 BY MR. BEBBER:

22 And it is just like intent in criminal law.

23 BY MR. KELLER:

24 Well, I'm interested in intent, but I'm
25 interested more in where did you plant your

1 flag.

2 BY MR. BEBBER:

3 Different question, to an extent. I
4 understand what you're saying.

5 BY CHAIRMAN WATSON:

6 Well -- and I think I understand you, and I
7 don't believe the two are mutually exclusive.
8 Certainly -- certainly a registrant or voter
9 states their intent. What we then are looking
10 for is did they act consistent with their
11 stated intent.

12 BY MR. BEBBER:

13 I understand.

14 BY CHAIRMAN WATSON:

15 And that's -- and so, I'll tell you. Let's do
16 this. If you're okay, let's move on to Mr.
17 Scheu and get the rest of these files -- the
18 evidence in, and then, if -- if you feel that
19 the question is just burning and really needs
20 to be answered, I'm happy to reconsider that
21 at that time. Is that okay? Is that fair
22 enough?

23 BY MR. BEBBER:

24 I understand and I would like to be denied
25 formally on the record the opportunity to

1 cross-examine Mr. Standaert.

2 BY MR. SCHEU:

3 May I clarify something as to -- this is not
4 part of this, but I would just part out, which
5 your records will show, that at the
6 preliminary hearing there was no testimony
7 taken. Mr. Standaert was not cross-examined.
8 All that was done was the files. And I asked
9 about whether he was going to be put under
10 oath. That's when we got into the reading of
11 the oath to see if it was an acknowledgment or
12 a jurat, which it was a jurat, so it was under
13 oath. But there was never -- even if you all
14 cross -- you all have asked very good, very
15 thorough questions tonight. But he's never
16 been asked about it. And so, why is he
17 trolling around the Internet in 1997? I mean,
18 what does that bearing about anything? So all
19 that -- so the preliminary hearing, yes, he
20 was there, but you all took no evidence.

21 BY CHAIRMAN WATSON:

22 Well, again -- and let me -- I don't mean to
23 cut you off, but that's not entirely true.
24 The challenge is submitted, a sworn statement
25 under oath. So that was before the Board at

1 that time. I was not at that hearing, but it
2 was before the Board and the preliminary --
3 the statute on the preliminary hearing is --
4 it's pretty clear. And the bar is not
5 terribly high. I'll grant you that.

6 BY MR. SCHEU:

7 Right.

8 BY CHAIRMAN WATSON:

9 But it -- you know, they were sustained to
10 come here. So we're beyond that issue at this
11 point.

12 BY MR. SCHEU:

13 Sure.

14 BY CHAIRMAN WATSON:

15 And I would like to move on to get the
16 evidence on these closed, and as -- if you are
17 saying -- I'm not sure ---

18 BY MR. BEBBER:

19 We're asking -- I'll clarify. We're asking to
20 ask him a question or to ask you to ask him a
21 question. And, if not, just say "No" clearly
22 for the record.

23 BY CHAIRMAN WATSON:

24 Well, why don't we do this? If you would like
25 to submit the question, I'm -- and -- and is

1 this question just relevant as to your
2 clients? And is it a question to solicit
3 evidence, because right now we are getting
4 evidence. If this is going to intent or
5 something and doesn't really have to do with
6 domicile and the issue that's before us to
7 establish where are these people qualified to
8 vote, then I don't find the question relevant.
9 I don't even know what it is now. But, again,
10 we've got seven more files to go. Is this a
11 question that's going to be relevant to the
12 issue before this Board?

13 BY MR. BEBBER:

14 Well, it goes back to the intent, yes.

15 BY CHAIRMAN WATSON:

16 Intent of -- intent of a registrant or intent
17 of the challenger?

18 BY MR. BEBBER:

19 Of a registrant. Of a registrant. Yes,
20 it's ---

21 BY CHAIRMAN WATSON:

22 What's the question?

23 BY MR. BEBBER:

24 Does Mr. Standaert know the intent of Harriet
25 Watson Melvin, Robin Stacy Melvin, Walter

1 Brinkley Melvin and Michael Stacy Melvin, as
2 to their domicile?

3 BY CHAIRMAN WATSON:

4 Okay. So is that the question that you would
5 like to pose to Mr. Standaert?

6 BY MR. BEBBER:

7 It was a little rushed, but yes.

8 BY CHAIRMAN WATSON:

9 No, no. I understand. I'm not trying to put
10 you on the spot or -- let me simply make this
11 observation. When we get through the end of
12 all of this, if you feel you still need to ask
13 that question, that raises another whole issue
14 of swearing in and whatnot. I think we know
15 the answer to that because your question -- I
16 mean, within the question itself it would
17 imply that he would have to be able to read
18 their minds, which ---

19 BY MR. BEBBER:

20 I would beg to differ. I'm not sure that he
21 understands the law enough. And I'm not sure,
22 in fact, that the law is 100 percent clear in
23 this room.

24 BY CHAIRMAN WATSON:

25 I will grant you that.

1 BY MR. BEBBER:

2 And that's what I'm seeking to clarify, for
3 the record.

4 BY CHAIRMAN WATSON:

5 And I will say this, too. There is probably,
6 on both sides of this, everything we're seeing
7 tonight, that -- that not everyone on both
8 sides, challenger and challenged, is really
9 clear on what the law is and on what they need
10 to be doing here. So that's what we are
11 trying to determine here, and I'd like to move
12 forward with that process, if we may.

13 BY MR. BEBBER:

14 Understood. I agree.

15 BY CHAIRMAN WATSON:

16 Okay. Mr. Scheu, are you ready to proceed,
17 sir?

18 BY MR. SCHEU:

19 If you all are ready, I'm ready.

20 BY CHAIRMAN WATSON:

21 We're ready.

22 BY MR. SCHEU:

23 Thank you.

24 BY CHAIRMAN WATSON:

25 Now, Mr. Melvin, are you all leaving?

1 BY WALTER BRINKLEY MELVIN:

2 I'm just going to step outside for one second.

3 BY CHAIRMAN WATSON:

4 I will -- I'll tell you what. Hold one second
5 because there's kind of a point here -- and I
6 hate Mr. Bauer left us. Mr. Bebbber, do you
7 have a statute book?

8 BY MR. BEBBBER:

9 I do. I have Chapters 159 through 168A.

10 BY CHAIRMAN WATSON:

11 163-86, Mr. Scheu, do you have that, as well?

12 BY MR. SCHEU:

13 I believe I do, yes, sir.

14 BY MR. BEBBBER:

15 That's the one I was just looking at.

16 BY CHAIRMAN WATSON:

17 We're not going to stop the evidence, but I
18 want both of you to take a look, Mr. Bebbber,
19 while I continue with Mr. Scheu here, under
20 Sub-C, you'll see the second paragraph,
21 roughly, is the -- is the -- the oath that the
22 witnesses take. And then below that, "After
23 swearing the challenged registrant, the Board
24 shall examine as to the qualifications." It
25 then says that, "If the registrant insists

1 he's qualified, the Board shall tender him the
2 following oath," and there is another there.
3 So that is one which I suspect that Mr. Melvin
4 will need to be familiar with here, before we
5 conclude tonight. Okay? So if you'll take a
6 look at that and you'll maybe have a chance to
7 explain that to your client.

8 BY MR. BEBBER:

9 Okay. I'll be happy to do so.

10 BY MR. SCHEU:

11 And I'd just submit, too, that under D, the
12 affidavit under D is intended to take the
13 place because the person is not ---

14 BY CHAIRMAN WATSON:

15 Is not present.

16 BY MR. SCHEU:

17 Right.

18 BY CHAIRMAN WATSON:

19 So as to Michael Melvin, you have nothing
20 else. And, as to the Melvins, we are closed
21 with the evidence for him at this time.

22 BY MR. BEBBER:

23 Agreed.

24 BY CHAIRMAN WATSON:

25 Thank you.

1 BY MR. BEBBER:

2 Thank you.

3 (FILE 10, MICHAEL MELVIN, CLOSED)

4 BY CHAIRMAN WATSON:

5 All right. Now, Mr. Scheu, do you represent
6 the remaining, which would be Crowder, Dubose,
7 King and McLeans?

8 BY MR. SCHEU:

9 Yes, sir.

10 (FILE 11, CAROLYN CROWDER)

11 BY CHAIRMAN WATSON:

12 All right. As to Carolyn Crowder, we'll take
13 that one up next. And I am going to recuse
14 myself from this one. I have a conflict on
15 this particular file. These two Board members
16 will carry this matter forward.

17 BY MR. SCHEU:

18 So are you recusing yourself from any
19 consideration of this file?

20 BY CHAIRMAN WATSON:

21 On Carolyn Crowder? Yes, sir.

22 BY MR. KELLER:

23 Okay. On the pattern, do you have an
24 affidavit for us?

25 BY MR. SCHEU:

1 Yes, sir.

2 BY MR. KELLER:

3 Evidence for us?

4 BY MR. SCHEU:

5 Before we have the affidavit, I have a motion
6 for you. The first -- it's amazing what you
7 learn when you just watch. I have a motion to
8 dismiss the Crowder challenge on the same
9 basis as the motion was made with respect to
10 all of the Melvins. And that is that the box
11 was checked that she -- he was challenging her
12 right to register to vote. The records of
13 your Board, of which I would ask you to take
14 judicial notice, would reflect that Ms.
15 Crowder has been voting here for some time. I
16 don't know the exact dates, but you could pull
17 that up and it would show it. So the same
18 defect, which goes to the heart of the
19 challenge, that all -- the domicile stuff
20 fails, if the basic challenge is not capable
21 of -- of that challenge. She falls into a
22 different category because she has been here
23 and has -- Mr. Standaert has alleged that
24 she's moved away. That's not true. But
25 that's his allegation. So it's a different

1 setting than someone going to register to
2 vote. So I'd like to file the motion for the
3 record and ask you all to move on that. If it
4 goes -- I wasn't real clear that you all
5 understood that motion earlier, because it
6 gets to the basic substance of the Complaint.
7 In Court, you can't -- you're subject to a
8 motion to dismiss if you don't state a cause
9 of action. And the basic remedy that he is
10 seeking is based on the allegation that she --
11 he challenges her right to register; her right
12 to register to vote, not to remain registered
13 to vote. So I'd ask you to rule on that
14 motion.

15 BY MR. KELLER:

16 This is Exhibit 1 of ---

17 BY THE COURT REPORTER:

18 File 11.

19 BY MR. KELLER:

20 --- 11, and that it seeks to challenge her
21 right to vote.

22 (FILE 11, EXHIBIT NO. 1 MARKED)

23 BY MR. KELLER:

24 So she is presently registered in?

25 BY MR. SCHEU:

1 Montreat.

2 BY MR. KELLER:

3 And she's been presently registered there for
4 awhile.

5 BY MR. SCHEU:

6 How long does that reflect?

7 BY MR. KELLER:

8 Well, I go back to 2012, at least. Well, we
9 have a situation where the checkmark is in the
10 wrong spot, apparently.

11 BY MR. SCHEU:

12 Yes, sir.

13 BY MR. KELLER:

14 The question is what shall we do about it?

15 Shall we continue to look at evidence, as we
16 have before, about domicile, or shall we come
17 back and do all of this again?

18 BY MR. SCHEU:

19 I'm asking for you to reserve your -- reserve
20 your right to rule on this motion until we're
21 through with the domiciliary evidence. But
22 before you close the file, I think you need to
23 make a decision on the motion here. But I'm
24 happy to have you defer that until we put in
25 this other evidence.

1 BY MR. KELLER:

2 Madam Secretary?

3 BY MS. SMITH:

4 Yes.

5 BY MR. KELLER:

6 Shall we -- shall we cease to talk about Ms.

7 Crowder? Shall we work on her domicile?

8 Shall we pass or throw out this motion?

9 BY MS. SMITH:

10 Well, I think we need to decide which one is
11 her domicile, her permanent one, because she's
12 listed the one in Montreat. Then it says here
13 it's filed at the -- Montreat is listed as a
14 rental. Black Mountain is supposed to be her
15 residence? I don't know.

16 BY MR. KELLER:

17 Okay. Let's defer to the end of the domicile
18 discussion.

19 BY MS. SMITH:

20 Okay.

21 BY MR. KELLER:

22 Because clearly my colleague and I both are
23 interested in that.

24 BY MR. SCHEU:

25 Yes, sir.

1 BY MR. KELLER:

2 I'd like to know where she claims to live
3 these days.

4 BY MR. SCHEU:

5 Yes, sir. Here's the original motion. Do you
6 all need a copy, too?

7 BY MS. SMITH:

8 Thank you.

9 BY MR. KELLER:

10 I know she lives at -- I know she lives in
11 Black Mountain, Montreat, someplace.

12 BY MR. SCHEU:

13 You know, it's really -- it's really
14 interesting that you don't have a precinct in
15 Montreat; that you're -- you're registered in
16 Black Mountain. You cannot -- help me on
17 this. There's something about you can't
18 register -- it's Black Mountain.

19 BY TRENA PARKER:

20 There is no residential delivery in Montreat,
21 so they have to use Black Mountain, 28711, or
22 a post office box.

23 BY MR. SCHEU:

24 So even -- you might theoretically say, "Well,
25 if you live in Black Mountain or Montreat, you

1 can vote, whether you live in one or the
2 other." It's all the same. After all, it is
3 all Buncombe County.

4 BY TRENA PARKER:

5 But our precincts are split, and so we -- we
6 know who's in and outside of a municipality.

7 BY JENNIFER SPARKS:

8 Zip code -- yeah, zip code lines and township
9 lines ---

10 BY TRENA PARKER:

11 Don't match.

12 BY JENNIFER SPARKS:

13 --- don't -- are not one in the same.

14 BY MR. SCHEU:

15 Don't match?

16 BY JENNIFER SPARKS:

17 Yes. No. They're not one in the same.

18 BY MR. SCHEU:

19 Okay.

20 BY MR. KELLER:

21 One of the continuing challenges for the Board
22 of Elections.

23 BY MR. SCHEU:

24 Yes. It ---

25 BY MR. KELLER:

1 You should see the effort that goes into
2 trying to decide whether the bedroom's on this
3 side of the house or that side of the house
4 because that's the line.

5 BY MR. SCHEU:

6 And whether they have a domicile in the
7 bedroom ---

8 BY MR. KELLER:

9 Oh, yeah. Sure. Whether they actually live
10 in the garage.

11 BY MR. SCHEU:

12 So we would offer this affidavit into evidence
13 on her behalf.

14 BY MR. KELLER:

15 Okay. Have you got one of those under there,
16 Madam Secretary, that ---

17 BY MS. SMITH:

18 Stickers?

19 BY MR. KELLER:

20 No, no. The affidavit?

21 BY MS. SMITH:

22 Yes, I do. Right here.

23 BY MR. KELLER:

24 I have -- good. I have stickers. I'll stick
25 one on in a second.

1 BY MS. SMITH:

2 Okay.

3 (FILE 11, EXHIBIT NO. 2 MARKED)

4 BY MR. KELLER:

5 She states that she does have another
6 residence on Hattie's Way in Black Mountain,
7 which is the kind of evidence we receive for
8 -- 183 and 183.

9 BY MR. SCHEU:

10 I would submit to you that this statutory
11 reference here is 163-57.2, which says "A
12 person shall not be considered to have lost
13 that person's residence, if that person leaves
14 home and goes into another state, county,
15 municipality, precinct or other election
16 district for temporary purposes only, with the
17 intention of returning." Her affidavit
18 clearly addresses that and says that she does
19 have another residence where she is
20 temporarily residing at, but intends to return
21 to her Montreat address. She has friends
22 staying in that Montreat residence, but that
23 clearly falls within the statute. And
24 remember here, we're not talking about a new
25 person registering to vote. We're talking

1 about someone that has been registered to
2 vote. So you're stripping them of that right.
3 And she clearly meets that burden. I might
4 just say ---

5 BY MR. KELLER:

6 So this makes the primary residence presently
7 rental property.

8 BY MR. SCHEU:

9 No, it doesn't. It says that it's just being
10 occupied by friends who pay no rent.

11 BY MR. KELLER:

12 No rent but pay to cover the expenses. Okay.

13 BY MR. SCHEU:

14 And I asked her that specifically, and not --
15 and her affidavit, which is under oath, says
16 that.

17 BY MR. KELLER:

18 The file data on her includes buying a new lot
19 and another place.

20 BY MR. SCHEU:

21 Well, the fact that you buy a piece of
22 property has no bearing on it. It's where her
23 -- you've already said once that it's the
24 intent -- the intent is the issue.

25 BY MR. KELLER:

1 I just note that she's -- she's hard to pin
2 down, if you're ---

3 BY MR. SCHEU:

4 So are your statutory requirements.

5 BY MR. KELLER:

6 Speaking as a non-lawyer, I certainly agree
7 with you, sir. It's got to be your fault,
8 though.

9 BY MR. SCHEU:

10 Well, it's just like -- like this past year,
11 my residence is Jacksonville, Florida. I had
12 a temporary job in Atlanta -- Decatur,
13 Georgia, for nine months. I never left my
14 domicile. My domicile was always
15 Jacksonville, even though I resided in Decatur
16 for nine months. And it's the same thing
17 here. She owns her house. She doesn't --
18 she's not there now, but ---

19 BY MR. KELLER:

20 She's living in her other house.

21 BY MR. SCHEU:

22 She's living in her other house on a temporary
23 basis. She says that -- you can't substitute
24 your own factual -- she's put the facts here,
25 as she states them.

1 BY MR. KELLER:

2 She states them and swears they're facts.

3 BY MR. SCHEU:

4 Right. She also attaches to her affidavit a
5 driver's license, which shows Montreat. It
6 shows the bills that she gets all go to her
7 Montreat address. It shows her -- a number of
8 bills. Her bank statement from Chase goes
9 there. The challenge did say that there was
10 -- I just can't imagine the snooping around on
11 this -- the Johnson C. Smith Seminary, of
12 which she's on the board of trustees, had her
13 listed as ---

14 BY MR. KELLER:

15 It's seeking information; not snooping around.

16 BY MR. SCHEU:

17 You and I can characterize it differently, but
18 there was attached to the challenge a list of
19 the board of trustees and under her name under
20 that challenge, it said "Black Mountain, North
21 Carolina." That has since been corrected and
22 is attached to her -- it's just like -- I
23 forget who it was. I guess it was Mr. Melvin,
24 or it may have been somebody else, that said,
25 you know, these donor lists and these lists of

1 board of trustees, who in the world pays
2 attention to them? So she was as surprised as
3 Mr. Standaert probably was surprised that she
4 is in Montreat. That's now been corrected and
5 the record has been corrected. And so, as to
6 Ms. Crowder, I would submit that the affidavit
7 clearly states that she falls within 163-57.2
8 and is a resident of Montreat.

9 BY MR. KELLER:

10 She's left temporarily.

11 BY MR. SCHEU:

12 Correct.

13 BY MR. KELLER:

14 Do I have any other questions? What address
15 does she plan to use for her tax returns?

16 BY MR. SCHEU:

17 I have no idea. But since all of -- I would
18 -- I would infer that, since all of her other
19 bills go to the house, the tax return is
20 probably going to go to Montreat. It's
21 probably going to refer to the Montreat
22 address. But that's -- that's only a surmise.

23 BY MR. KELLER:

24 Just for fun, pronounce the name of the street
25 she lives on?

1 BY MR. SCHEU:

2 Kanawha.

3 BY MR. KELLER:

4 Kanawha? Madam Secretary, do you have any
5 other questions about domiciliary?

6 BY MS. SMITH:

7 Something like that. No. I guess not.

8 BY MR. KELLER:

9 She has explained -- her testimony does
10 explain why -- why she's back and forth, in
11 her words, and we take -- we've taken that as
12 her evidence.

13 BY MR. SCHEU:

14 Thank you. And remembering the burden of
15 proof.

16 BY MR. KELLER:

17 And remembering the burden of proof.

18 BY MR. SCHEU:

19 Now, yes, you have a motion?

20 BY MR. KELLER:

21 We have a motion to consider.

22 BY MR. SCHEU:

23 Having heard all of that.

24 BY MR. KELLER:

25 Having heard all of that, the motion -- excuse

1 me, the complaint was that she has no right to
2 register to vote.

3 BY MR. SCHEU:

4 Yes, sir.

5 BY MR. KELLER:

6 Which, unfortunately, is -- she is registered
7 -- already registered to vote. This is not a
8 -- this is not a new thing. Shall we dismiss
9 the motion? I vote for dismissing the motion.
10 I'll do it differently.

11 BY MR. SCHEU:

12 You mean deny the motion?

13 BY MR. KELLER:

14 Deny the motion. Okay.

15 BY MR. SCHEU:

16 That would be ---

17 BY MR. KELLER:

18 Deny the motion so that we can do the job for
19 which we are hired for this evening, which is
20 to work out the domicile and the proper
21 precinct.

22 BY MR. SCHEU:

23 I would submit you weren't hired for it. You
24 were volunteered for it.

25 BY MR. KELLER:

1 It's something less than minimum wage, but we
2 do get paid.

3 BY MS. SMITH:

4 Something.

5 BY MR. SCHEU:

6 So are both -- just for the record, are both
7 of you all voting to deny the ---

8 BY MR. KELLER:

9 Are you voting to deny the motion, as we've
10 done before for the same ---

11 BY MS. SMITH:

12 Yeah.

13 BY MR. KELLER:

14 --- circumstance? The motion to deny has
15 passed.

16 BY MR. SCHEU:

17 Thank you. I also would renew the same motion
18 on the mootness that you all have considered
19 on the others; that Ms. Crowder has also voted
20 under the same circumstances, acknowledging
21 that she was challenged, not getting a
22 challenge ballot when voting. I don't see how
23 you all can do that, but I would like to make
24 that motion, for the record. I think that you
25 all have not ruled on that; is that correct?

1 BY MS. SMITH:

2 That's correct.

3 BY MR. SCHEU:

4 That's a -- but I want to make it for the
5 record, the same one I've made in the other
6 cases.

7 BY MR. KELLER:

8 I don't -- read me back the motion.

9 BY MR. SCHEU:

10 That because she has already voted, it is now
11 moot as to whether she can be registered to
12 vote.

13 BY MR. KELLER:

14 Well, I'm not as bashful as my chairman. I've
15 worked in early voting many times. Every vote
16 so far can be obtained and be gotten back.
17 You just have to write the -- all the words on
18 the top of the ballot for early voting, what
19 precinct, and all these good things. And the
20 wonderful new machines print them for us
21 automatically. Every absentee ballot -- and
22 early voting is an absentee ballot -- can be
23 pulled out of the pile. Every one of them.

24 BY MR. SCHEU:

25 If they're an absentee ballot ---

1 BY MR. KELLER:

2 So if you haven't voted yet, come at 2:00
3 o'clock on election day and we there will be
4 opening the ballots. There will be ballots of
5 -- of challenge ballots, of absentee ballots.

6 BY MR. SCHEU:

7 Just so I understand, because I don't think
8 that's what happened, and Trena may correct
9 me, because an absentee ballot is different.
10 It goes into a sleeve and you don't vote it in
11 the machine. As I understood it, these
12 ballots were ---

13 BY TRENA PARKER:

14 North Carolina law, General Statute 163-227.2,
15 E1, spells out that absentee ballots -- that
16 one-stops are absentee ballots and that all
17 absentee ballots are retrievable.

18 BY MR. SCHEU:

19 And early voting is deemed to be an absentee
20 ballot?

21 BY TRENA PARKER:

22 Correct.

23 BY MR. KELLER:

24 Yes.

25 BY MR. SCHEU:

1 Well, I'm grateful for the clarification
2 because no one has clarified that before.

3 BY MR. KELLER:

4 Well, perhaps nobody has worked as many hours
5 in early voting as I have.

6 BY MR. SCHEU:

7 It's helpful to ---

8 BY MR. KELLER:

9 It used to be a pain in the rump ---

10 BY MR. SCHEU:

11 It's helpful to ---

12 BY MR. KELLER:

13 --- to write -- put all that stuff on the top.
14 But when they print the ballot, they print the
15 magic information on the top, which really
16 helps.

17 BY MR. SCHEU:

18 Well, it is helpful to the person voting to
19 know that because these folks didn't have a
20 clue.

21 BY MR. KELLER:

22 It actually keeps you from writing on top of
23 their ballot, which some folks objected to.

24 BY MR. SCHEU:

25 That's all -- that's all I have.

1 (FILE 11, CAROLYN CROWDER, CLOSED)

2 BY MS. SMITH:

3 All right. Who else?

4 BY MR. KELLER:

5 Who else? Somebody else in the chair.

6 BY MS. SMITH:

7 Who's the next one?

8 BY MR. SCHEU:

9 We've got King and McLean and Dubose.

10 BY MR. KELLER:

11 Who is next on your ---

12 BY MR. SCHEU:

13 I'm happy to do whatever you all want to do.

14 The ---

15 BY MR. KELLER:

16 Dubose.

17 BY MR. SCHEU:

18 Let's do King.

19 BY MR. KELLER:

20 Okay. Let's do King.

21 BY MR. SCHEU:

22 I have two kings.

23 BY MR. KELLER:

24 Let's retrieve our chair.

25 BY CHAIRMAN WATSON:

1 Madam Reporter, if you would just note what
2 time I returned and that I was absent for the
3 prior.

4 (CHAIRMAN WATSON RETURNS AT 9:47 P.M.)

5 BY MR. SCHEU:

6 They did a fine -- they did a fine job.

7 BY CHAIRMAN WATSON:

8 Thank you.

9 BY TRENA PARKER:

10 Just for your information, the absentee
11 statutes were clarified for them.

12 BY MR. KELLER:

13 Yes.

14 BY MR. SCHEU:

15 It really, really was -- it was clarified.

16 BY CHAIRMAN WATSON:

17 Well, good. I don't want to know what you all
18 talked about and that's -- that's the whole
19 point of me leaving. Well, let's wait just
20 another minute. Take a break, Madam Reporter.
21 You are working hard.

22 (BREAK AND OFF THE RECORD AT 9:49 P.M.; RESUMED AT
23 9:56 P.M.)

24 BY CHAIRMAN WATSON:

25 If you'll note the time, Madam Reporter, and

1 we are back on the record and back in session.
2 My understanding, for clarification, the
3 Crowder matter was concluded; correct?

4 BY MR. SCHEU:

5 Yes, sir.

6 BY CHAIRMAN WATSON:

7 Okay. As far as evidence. Okay. Next, King,
8 is that -- all right. Mr. Scheu, I can take
9 Graham or Susan. Do you have a preference?

10 BY MR. SCHEU:

11 It doesn't matter. Probably Graham. There's
12 probably more about his retirement and stuff.
13 (FILE 12, JENNINGS GRAHAM KING, JR.)

14 BY CHAIRMAN WATSON:

15 Okay. Graham King. This is a gentleman in
16 Chapel Hill; is that correct?

17 BY MR. SCHEU:

18 That's ---

19 BY CHAIRMAN WATSON:

20 Well, I'm sorry. I'm sorry.

21 BY MR. SCHEU:

22 --- he's in Montreat.

23 BY CHAIRMAN WATSON:

24 I understand. I am trying to -- is he an
25 attorney?

1 BY MR. SCHEU:

2 He was both a software -- according to the
3 affidavit, both a software person and an
4 attorney.

5 BY CHAIRMAN WATSON:

6 All right. Do you have an affidavit to hand
7 up?

8 BY MR. SCHEU:

9 I do, sir. I would like to make the same
10 motion for the record, which we had a little
11 bit of discussion about in the previous case,
12 as to the mootness of the matter today, having
13 voted. I understand you're not going to rule
14 on that, but I want to make that for the
15 record.

16 BY CHAIRMAN WATSON:

17 Mr. Scheu, let me ask just a point of
18 clarification. Do you -- do you intend to
19 make a motion with regards to each file
20 regarding -- as to a motion to dismiss for
21 mootness? Is that ---

22 BY MR. SCHEU:

23 Yes, sir. If you want to take that as a
24 whole, that's fine.

25 BY CHAIRMAN WATSON:

1 Why don't we take that as a blanket motion,
2 and that motion is denied.

3 BY MR. SCHEU:

4 As long as ---

5 BY CHAIRMAN WATSON:

6 It's on the record.

7 BY MR. SCHEU:

8 And I guess you probably ought to take the
9 vote to deny it.

10 BY CHAIRMAN WATSON:

11 We can -- yes, we can. Do the other -- yes.
12 And I only presumed to say that because I
13 think it's already been considered by the
14 other Board members previously. But so that
15 we are clear for the record -- thank you, Mr.
16 Scheu. No problem at all to clarify that, as
17 to each of the remaining files, which would be
18 Graham King, Susan King, William Dubose, Sally
19 Dubose, Suzanne McLean and -- Lynn Leslie or
20 Leslie Lynn?

21 BY MR. SCHEU:

22 Lynn Leslie.

23 BY CHAIRMAN WATSON:

24 Lynn Leslie McLean, that there would be a
25 blanket -- or a, I guess, a verbal motion as

1 to all of those files to dismiss for mootness.
2 Is that -- is it relevant to each one? Have
3 they each voted?

4 BY MR. SCHEU:

5 Yes, sir. Yes.

6 BY CHAIRMAN WATSON:

7 And that similar motions on prior files
8 represented by Mr. Scheu have been considered
9 by the Board. Any questions from the Board,
10 Mr. Keller, regarding that motion?

11 BY MR. KELLER:

12 No. Move to deny.

13 BY CHAIRMAN WATSON:

14 Madam Secretary, any questions?

15 BY MS. SMITH:

16 No, sir.

17 BY CHAIRMAN WATSON:

18 Okay. The motion -- we'll vote, then, Mr.
19 Keller, to sustain or deny the motion?

20 BY MR. KELLER:

21 Deny.

22 BY CHAIRMAN WATSON:

23 Madam Secretary, sustain or deny the motion?

24 BY MS. SMITH:

25 I'm sorry. Deny.

1 BY CHAIRMAN WATSON:

2 The motion is denied. Thank you, Mr. Scheu.

3 Will that ---

4 BY MR. SCHEU:

5 Yes, sir, that's very helpful.

6 BY CHAIRMAN WATSON:

7 Thank you.

8 BY MR. SCHEU:

9 Here's the original affidavit for Mr. James
10 Graham King and a copy for each of you.

11 BY MS. SMITH:

12 Thank you.

13 BY CHAIRMAN WATSON:

14 Okay. This is -- thank you very much. All
15 right. This will be Exhibit 1, File 12.

16 (FILE 12, EXHIBIT NO. 1 MARKED)

17 BY CHAIRMAN WATSON:

18 This is identified as the affidavit of
19 Jennings Graham King, Jr. If you'll give us
20 just a moment to read it. Thank you.

21 BY MR. SCHEU:

22 Yes, sir.

23 BY CHAIRMAN WATSON:

24 Thank you, Mr. Scheu, and I thank Mr. King for
25 the submission of the affidavit. It's

1 helpful. The attachments are helpful. I will
2 just note that -- you want the affidavit put
3 in the record?

4 BY MR. SCHEU:

5 Yes, sir.

6 BY CHAIRMAN WATSON:

7 So the affidavit, which is Exhibit 1, File 12,
8 be made part of the record; that attached with
9 the affidavit are a copy of the North Carolina
10 driver's license of Jennings Graham King, Jr.,
11 listing as the address 131 John Knox Road,
12 Montreat; a Medicare card which he has
13 submitted in support, I take it, of his
14 statement in his affidavit that he has retired
15 from his employment. In March of 2014 -- he
16 started with Medicare Part B in April of 2014,
17 after his former employment insurance expired.
18 He also has attached what appears to be --
19 it's an insurance card; is that correct? Am I
20 looking at that correctly?

21 BY MR. SCHEU:

22 It looks like it's his ---

23 BY CHAIRMAN WATSON:

24 Or the registration card.

25 BY MR. SCHEU:

1 Yeah. It's the -- it's the -- it may be the
2 loan. That is the insurance policy showing
3 the policy listing.

4 BY CHAIRMAN WATSON:

5 For a vehicle, a Subaru vehicle, which lists
6 parked most nights at 131 John Knox Road in
7 Montreat; a Wells Fargo online -- that would
8 be a banking account; is that what he's ---

9 BY MR. SCHEU:

10 That's showing the street address.

11 BY CHAIRMAN WATSON:

12 Right, showing ---

13 BY MR. KELLER:

14 Showing a street address at the bottom.

15 BY MR. SCHEU:

16 And that's his home permanent address.

17 BY CHAIRMAN WATSON:

18 And then an information page from his American
19 Express account showing the address of 131
20 John Knox. There are a number of other things
21 which he has stated with regards to some of
22 the allegations in the challenge. Those will
23 be part of the record per the affidavit.

24 BY MR. SCHEU:

25 If I could explain the affidavit briefly. I

1 know you all are very generous with your time,
2 but just to clarify for this statute,
3 Paragraph 1 tracks the statute for what he put
4 in the affidavit.

5 BY CHAIRMAN WATSON:

6 You're talking about ---

7 BY MR. SCHEU:

8 D -- E -- E60, as to what -- if they're unable
9 to appear in person. Those are the factual
10 statements that are required by that statute.

11 BY CHAIRMAN WATSON:

12 You're talking about 163-86-D; is that what
13 you're referencing?

14 BY MR. SCHEU:

15 Yes, sir. Yes, sir.

16 BY CHAIRMAN WATSON:

17 Okay. And the oath there is what you're
18 saying he has tendered here in the affidavit?

19 BY MR. SCHEU:

20 Yes, sir. And they go two, three, four.
21 You've already alluded to that, but I would
22 like to call to your attention just to
23 emphasize that they've become part of the
24 community. They've joined these various
25 health and fitness clubs, racquet clubs, and

1 they play here. That's where -- the court
2 here. The -- also, I do think it important,
3 so that the challenger can hear, because I'm
4 sure it wasn't anything that we did. I think
5 it was on the Internet. As for Exhibit 5
6 attached to the Voter Challenge Form, I did
7 not receive this purported civic recognition
8 award. The recognition award in Exhibit 5 is
9 a hoax and a fraud. It names no entity as a
10 presenter of the award, other than, quote, "By
11 Award Committee." The article states that
12 residents of Chapel Hill can be proud that one
13 of their own has received this recognition.
14 Mr. Keller, I was -- we were talking about
15 Chapel Hill before, quote, "I have never lived
16 in Chapel Hill since my graduation from the
17 University over 40 years ago. My townhouse at
18 1207 Cranebridge Place is in the City of
19 Durham. It has a Chapel Hill mailing address.
20 I received an award from the governor in the
21 '80's, but I've not been notified nor received
22 this hoax civic recognition award."

23 BY CHAIRMAN WATSON:

24 Mr. Scheu, let me ask you. He says he's never
25 lived in Chapel Hill, but the Buncombe County

1 property card, which interestingly enough only
2 lists -- I guess that's his wife's name on the
3 property card. But it would be for the 131
4 John Knox Road, which he's claiming is his
5 residence -- does have, under the owner
6 information, an address. And this was printed
7 on September 22nd of this year so it's not ---

8 BY MR. SCHEU:

9 He explains that in his affidavit. He said
10 that it's a Durham place but it has a Chapel
11 Hill address. Similar in the previous case,
12 unrelated to the merits, we were discussing
13 the fact that Montreat does not have -- how
14 did you explain it -- did not have a ---

15 BY TRENA PARKER:

16 Residential delivery.

17 BY MR. SCHEU:

18 Residential delivery.

19 BY CHAIRMAN WATSON:

20 It doesn't.

21 BY MR. SCHEU:

22 So Black Mountain is the address to which --
23 is on the voting card.

24 BY CHAIRMAN WATSON:

25 Well, that's ---

1 BY MR. SCHEU:

2 And so, the same thing may be true here.

3 BY CHAIRMAN WATSON:

4 No. I mean, I understand the situation in
5 Montreat. That's got to do with two different
6 things. One, there is no -- I don't want to
7 get into this whole explanation, but there's
8 no residential delivery. There is PO box
9 delivery and we've seen property cards with a
10 PO box for Montreat. But this says "I live in
11 Durham and this is a Chapel Hill address."
12 And Durham ain't Montreat. It's a pretty
13 good-size city. I think they've got ---

14 BY MR. SCHEU:

15 I would -- yes, and I would submit that this
16 is an attachment from records -- from Buncombe
17 County records. And this -- and it's -- this
18 is his oath, under oath, where he's saying
19 that he lives in Durham.

20 BY CHAIRMAN WATSON:

21 I understand. My question -- and I'm simply
22 -- I'm observing here. He says he's never
23 lived in Chapel Hill, but they have given
24 Buncombe County property -- Buncombe County
25 Register of Deeds or the property office their

1 information with a Chapel Hill address. And
2 on the Martindale-Hubbell, Martindale profile
3 he gives the same Chapel Hill address as is
4 given on the Buncombe County property card.

5 BY MR. SCHEU:

6 You know, it's -- I don't know. I can't
7 speculate.

8 BY CHAIRMAN WATSON:

9 Right. And I'm not asking you to. But when I
10 have an affidavit saying "I don't live in
11 Chapel Hill," and I'm looking at two different
12 exhibits here which the information that we
13 can reasonably expect came from them giving a
14 Chapel Hill address ---

15 BY MR. SCHEU:

16 You know, I don't know that you can speculate
17 to that because they may have posted an
18 acquisition or their mortgage, or whatever
19 the Buncombe County property people got. In
20 Duval County they get the -- they get the --
21 the information for the property appraisal
22 from the recording of the deeds. And a
23 private company might do that.

24 BY CHAIRMAN WATSON:

25 No.

1 BY JENNIFER SPARKS:

2 Mr. Chairman?

3 BY CHAIRMAN WATSON:

4 Yes?

5 BY JENNIFER SPARKS:

6 I looked up the address in GIS and the
7 property card -- that's the current property
8 card, so it has been updated. That's of right
9 now.

10 BY CHAIRMAN WATSON:

11 All right. We have an updated property card.
12 And thank you, Jennifer.

13 BY MR. SCHEU:

14 They did not tell me that they had done that.

15 BY CHAIRMAN WATSON:

16 All right. And ---

17 BY JENNIFER SPARKS:

18 I've been checking every one of them as we go.

19 BY CHAIRMAN WATSON:

20 --- and here's the thing I hope you can
21 appreciate. We're seeing not just the
22 property card. We're seeing some others where
23 mailing addresses -- everything's giving this
24 -- we had at least three different incidences
25 where this same address is given. When you

1 see something like that and then you've got
2 someone saying "I've never lived in Chapel
3 Hill," it tends to raise a question.

4 BY MR. SCHEU:

5 Sure. But I would submit, for our purposes,
6 neither Chapel Hill nor Durham is Montreat.
7 So the issue is the domicile in Montreat, not
8 whether Chapel Hill or Durham is the other
9 place.

10 BY CHAIRMAN WATSON:

11 Well, correct.

12 BY MR. SCHEU:

13 We're talking about Montreat, and he says
14 clearly and he sent all of these facts as to
15 why this is his place of abode.

16 BY CHAIRMAN WATSON:

17 Well, let me -- yes. And I understand. And I
18 will say that the property card has been
19 updated to show a mailing address in Montreat.
20 Is that correct?

21 BY TRENA PARKER:

22 That's correct.

23 BY CHAIRMAN WATSON:

24 His driver's license has been updated the 7th
25 of September of this year, which is said

1 September of this year. Now -- all right. Do
2 you have a question, Mr. Keller?

3 BY MR. KELLER:

4 Point of confluence of things, with the issue
5 date on the driver's license of September
6 17th, 2015, and they decided to make Montreat
7 their permanent residence on September 17th,
8 2014, and registered on September 17th, 2015,
9 if I ---

10 BY MR. SCHEU:

11 Well, you know, when you go to register, you
12 go -- he said he evidenced his intent to do
13 it. So where do you go to register to vote?
14 You go to the Motor Vehicle Department.

15 BY MR. KELLER:

16 He did all his bases on one day.

17 BY MR. SCHEU:

18 He did what he did, and so that's he said.
19 And remember, it's 30 days before the
20 election. That's what the standard is.
21 There's no evil intent here.

22 BY MR. KELLER:

23 No. He combined trips, for which we
24 congratulate him. He saved gas.

25 BY CHAIRMAN WATSON:

1 Have you spoken personally with Mr. King?

2 BY MR. SCHEU:

3 Yes, sir.

4 BY CHAIRMAN WATSON:

5 Has he -- do you know Mr. King personally,
6 beyond this?

7 BY MR. SCHEU:

8 No.

9 BY CHAIRMAN WATSON:

10 Is there any particular reason Mr. King is not
11 here tonight, if he's living in Montreat?

12 BY MR. SCHEU:

13 He's unable to be here. I think the reason is
14 irrelevant.

15 BY MR. KELLER:

16 That's not required.

17 BY MR. SCHEU:

18 It's not required. He doesn't have to be
19 here.

20 BY MR. KELLER:

21 And he was represented.

22 BY CHAIRMAN WATSON:

23 I understand that. Well, it's interesting,
24 you know, in some of this that folks aren't
25 showing up.

1 BY MR. SCHEU:

2 Well, it's the same thing about motive that I
3 was speaking about.

4 BY CHAIRMAN WATSON:

5 Anything else you'd like to submit on behalf
6 of Mr. King?

7 BY MR. SCHEU:

8 No, sir. Thank you.

9 BY CHAIRMAN WATSON:

10 Okay. Any other questions from the Board
11 members? Mr. Keller?

12 BY MR. KELLER:

13 No more questions.

14 BY MS. SMITH:

15 No, sir.

16 BY CHAIRMAN WATSON:

17 All right. No other evidence will be received
18 regarding Mr. Graham King. We'll close that
19 file as to evidence.

20 (FILE 12, JENNINGS GRAHAM KING, JR., CLOSED)

21 (FILE 13, SUSAN VAN DORSTEN KING)

22 BY CHAIRMAN WATSON:

23 I think next will be Ms. Susan King.

24 BY MR. SCHEU:

25 Yes, sir. And I have the affidavit ---

1 BY CHAIRMAN WATSON:

2 Thank you, sir.

3 BY MR. SCHEU:

4 --- and three copies.

5 BY MS. SMITH:

6 Thank you.

7 BY CHAIRMAN WATSON:

8 This will be affidavit of Susan Van Dorsten
9 King?

10 BY MR. SCHEU:

11 Yes, sir.

12 BY CHAIRMAN WATSON:

13 Which will be marked as Exhibit 1, File 13.
14 (FILE 13, EXHIBIT NO. 1 MARKED)

15 BY CHAIRMAN WATSON:

16 And that affidavit will be admitted into
17 evidence. You do wish that to be moved into
18 evidence?

19 BY MR. SCHEU:

20 Yes, sir.

21 BY CHAIRMAN WATSON:

22 In its entirety. All right, sir. If you all
23 have questions, tell me.

24 BY MR. KELLER:

25 I don't have any questions. I appreciate good

1 affidavits. I'd prefer to have an affidavit
2 that answers the questions, but we have to ask
3 them.

4 BY MR. SCHEU:

5 And I don't have anything to add. There are
6 some slight differences from Mr. King's, but
7 you see what those are. And I want you to
8 take your time. That goes in the record.

9 BY CHAIRMAN WATSON:

10 Anything else, then? Mr. Keller, I think
11 you've already answered "No."

12 BY MR. KELLER:

13 I don't have any questions.

14 BY CHAIRMAN WATSON:

15 Madam Secretary? Lucy?

16 BY MS. SMITH:

17 No, thank you.

18 BY CHAIRMAN WATSON:

19 Do you have any questions?

20 BY MS. SMITH:

21 No, sir.

22 BY CHAIRMAN WATSON:

23 Mr. Scheu, I understood you to say that you do
24 not have anything else you wish to present on
25 this?

1 BY MR. SCHEU:

2 That's correct.

3 BY CHAIRMAN WATSON:

4 Okay. All right. Is there just the one
5 exhibit for her, just the affidavit?

6 BY MR. SCHEU:

7 That was for Susan?

8 BY CHAIRMAN WATSON:

9 Yes, sir.

10 BY MR. SCHEU:

11 I thought there were -- there were a couple of
12 exhibits ---

13 BY CHAIRMAN WATSON:

14 Well, there were the attachments to the
15 affidavit. Was there any other exhibits?

16 BY MR. SCHEU:

17 No, sir.

18 BY CHAIRMAN WATSON:

19 Okay. All right. Then nothing else will be
20 presented on Susan King. We've closed that
21 one as to any further evidence.

22 (FILE 13, SUSAN VAN DORSTEN KING, CLOSED)

23 BY CHAIRMAN WATSON:

24 Next we have the McLeans and Dubose. Do you
25 have a preference?

1 BY MR. SCHEU:

2 No, sir. Whatever your preference is.

3 BY CHAIRMAN WATSON:

4 Well, I've got the Dubose laying on top. How
5 about we just do it that way?

6 BY MR. SCHEU:

7 Great. William first?

8 BY CHAIRMAN WATSON:

9 That's fine. Yes, sir.

10 (FILE 14, WILLIAM THOMPSON DUBOSE)

11 BY MR. SCHEU:

12 Here's the first one. Here's the original
13 affidavit.

14 BY CHAIRMAN WATSON:

15 I'm assume you want this entered into the
16 record?

17 BY MR. SCHEU:

18 Yes, sir, please.

19 BY MS. SMITH:

20 Thank you.

21 BY CHAIRMAN WATSON:

22 All right. The affidavit of William Thompson
23 Dubose will be marked Exhibit 1, File 14.

24 (FILE 14, EXHIBIT NO. 1 MARKED)

25 BY CHAIRMAN WATSON:

1 Is there anything else you have to present on
2 behalf of Mr. Dubose?

3 BY MR. SCHEU:

4 Just to point out a couple of things. The
5 reference to the out-of-date records, I think
6 that probably refers to the patrons list and
7 the Firefly, which pre-date ---

8 BY CHAIRMAN WATSON:

9 I'm sorry. I missed you. The reference to
10 the what?

11 BY MR. SCHEU:

12 In Paragraph 4?

13 BY CHAIRMAN WATSON:

14 Yes, sir.

15 BY MR. SCHEU:

16 It says "The records submitted as evidence by
17 Mr. Standaert are out-of-date, as I registered
18 as a Montreat resident voter September" -- and
19 what he's saying is that the records, as they
20 relate to the contributions to the Firefly and
21 residents fund community, any fund -- that
22 those are out-of-date. That those were the
23 prior year. I think that's all that that
24 refers to. I think that the Duboses epitomize
25 a lot of what -- because of their residence.

1 These are people who are in their late 80's.
2 They have had a home in Montreat for years and
3 years. They spend the bulk of their time
4 here. This is where they view their abode.
5 But they are in Davidson. They say that
6 they're in Davidson. They don't work there.
7 They're each retired. It's been -- he's 80-
8 something years old. And this is -- this is
9 part of my -- it really does get to "Well,
10 what is the person intending as their
11 domicile?" And they can get -- the statute
12 doesn't -- it says that they can go back and
13 forth. All they have to say is that they
14 intend to return to this residence. And this
15 is a particular example. Their son is now the
16 president of the MRA. They spend -- they view
17 this as their home and spend their quality-of-
18 life time that they have here. And that is --
19 that is -- to them it's a simple matter.
20 Paragraph 1 does pick up the statutory
21 requirement, and I'd submit, with the burden,
22 this is -- that they -- that Mr. Dubose has
23 satisfied the legal burden.

24 BY CHAIRMAN WATSON:

25 Thank you, Mr. Scheu. It's very unfortunate

1 that they didn't -- they're not here tonight
2 because there are a number of questions I
3 would ask them. I'm afraid you're not going
4 to be able to answer them, but I'll put the
5 questions to you.

6 BY MR. SCHEU:

7 Sure.

8 BY CHAIRMAN WATSON:

9 It's -- and I -- it states that he registered
10 as a Montreat resident voter in September of
11 2015. He actually registered in August, but
12 that's -- I mean, you know, that's ---

13 BY MR. SCHEU:

14 He's ---

15 BY CHAIRMAN WATSON:

16 --- that's not determinative. I'm not going
17 to nitpick on that. But the point of
18 clarification in his affidavit is wrong. But
19 what's curious to me is that he's claiming
20 that Montreat is his abode. This is where
21 they consider home. This is where they --
22 this is their domicile. But on their
23 application, the mailing address they give is
24 Davidson. Send the mail to Davidson.

25 BY MR. SCHEU:

1 I haven't seen the application.

2 BY CHAIRMAN WATSON:

3 And you're welcome to take a look at it.

4 BY MR. SCHEU:

5 Sure.

6 BY CHAIRMAN WATSON:

7 And the mailing address which they've given
8 for their voter profile is Davidson. The
9 mailing address that they've given for their
10 Buncombe County property card is the same
11 address in Davidson. And I would really like
12 to ask them about their driver's license,
13 their tax returns, where is their physician
14 that they see. I'm sure they've probably got
15 one, a number of things which we've considered
16 for everyone else tonight. It's easy to say,
17 "I love Montreat. That's my home." But where
18 have you really established those day-to-day
19 elements of your life. And I'm seeing here
20 that they're saying, "We want to vote in
21 Montreat, but send everything to Davidson."
22 That -- it's a shame that they aren't here
23 tonight. It really is. Do you know; are they
24 in Davidson?

25 BY MR. SCHEU:

1 I do not know. They may very well be.

2 BY CHAIRMAN WATSON:

3 Okay. What I'm looking at, just so you're
4 aware, is the voter history pulled from --
5 Jennifer, where is this ---

6 BY JENNIFER SPARKS:

7 State Board of Elections website.

8 BY CHAIRMAN WATSON:

9 State Board of Elections website, voter
10 history, going back to 1998. And from '98 to
11 2002, they voted in Mecklenburg, which is
12 where Davidson is. From 2003 to 2009, they
13 voted in Buncombe, which I assume -- I don't
14 know, but I would assume that would be
15 Montreat. They were claiming Montreat at that
16 time. In 2010 to 2014, they're back in
17 Mecklenburg. I mean, this voting history
18 stretches back a ways and I -- you know, but
19 it's, again, similar to some we've seen
20 earlier. You know, one county, another
21 county, back to another county. And even the
22 information which they have given this
23 elections office says, you know, "Send the
24 information to Davidson." And -- Mr. Keller,
25 do you have any questions?

1 BY MR. KELLER:

2 Well, without them here, there are just so
3 many questions about this particular fellow.
4 I'm old enough that we now have our stable of
5 doctors. I talked to a new one today.
6 Hallelujah. He can fix things. But where are
7 they? Are they in Davidson or are they in
8 Montreat or Asheville or Black Mountain?

9 BY CHAIRMAN WATSON:

10 You're referring to his doctors?

11 BY MR. KELLER:

12 I'm suggesting that I would be surprised at
13 somebody at their age to say they camp out in
14 Montreat, as much as they love it, when they
15 probably are finding it's easier to live close
16 to their doctors.

17 BY MR. SCHEU:

18 I think they -- if I recall the Montreat
19 parade a few years ago, I remember the Dubose
20 family celebrating their 50th or 75th
21 anniversary. You're right about their love of
22 Montreat.

23 BY MR. KELLER:

24 They could be at 65 now.

25 BY MR. SCHEU:

1 Yeah. And so this is one of the -- this is
2 one of the most beloved couples in Montreat,
3 and it's -- it's just sad that the situation
4 in Montreat has become this way.

5 BY CHAIRMAN WATSON:

6 Well -- and, Ms. Scheu, let me speak to
7 something you just said. Actually, you know,
8 I don't -- I don't want any of these hearings
9 to take on a personal tone.

10 BY MR. SCHEU:

11 I know.

12 BY CHAIRMAN WATSON:

13 And I'm sure the Duboses are fine folks. And
14 I actually know a number of folks in Montreat
15 and have been to many of those Fourth of July
16 parades. They're wonderful. They're fun.
17 They're a Norman Rockwell kind of event that
18 you can't find hardly anywhere else that I've
19 ever seen. And so, I can appreciate that
20 someone who has some history there, has a home
21 there, for whatever reasons -- and we
22 addressed this earlier, they have a vested
23 interest in Montreat.

24 BY MR. SCHEU:

25 Yeah.

1 BY CHAIRMAN WATSON:

2 This year or years past, there was some
3 activity in Buncombe. They said, "Well, we
4 want to vote in Montreat." Well, what we are
5 having to consider tonight -- today before us
6 is "Where is your domicile?" And, you know --
7 and I asked earlier about one of your -- one
8 of the folks you're representing here, where
9 were they, because this is very serious.
10 You're standing there arguing on their behalf
11 how serious it is. And it's just very curious
12 that you're saying, "This is really, really
13 serious and they're residents of Montreat,"
14 and they're not here. If it was that serious
15 and they're living there, I would think they
16 would be here tonight. They don't have to be.
17 I understand. They're not going to get
18 penalized because they aren't. But we have a
19 lot of questions which we can't answer. And
20 when we're looking at information which they
21 have provided before tonight, before the
22 hearing, when they registered, when they
23 bought property, when they told the county
24 agency the property -- the Register of Deeds
25 office, the tax office or the elections office

1 where to send their important mail, they said
2 to send it to Davidson. That's trouble.

3 BY MR. SCHEU:

4 That's what your records say.

5 BY CHAIRMAN WATSON:

6 That's what the record says.

7 BY MR. SCHEU:

8 The affidavit says that this is where they
9 reside and have their place of abode. And you
10 all have to weigh the evidence. There's no
11 question about that. But I would, again,
12 point out that we have -- the burden of proof
13 is on the challenger, and that's important for
14 you.

15 BY CHAIRMAN WATSON:

16 Anything else that you want to add?

17 BY MR. SCHEU:

18 No, sir.

19 BY CHAIRMAN WATSON:

20 Anything else that you want to add on behalf
21 of Mr. Dubose?

22 BY MR. SCHEU:

23 No, sir.

24 BY CHAIRMAN WATSON:

25 Frankly, I'm frustrated with this one because

1 I feel like there's so much that we would like
2 to know, but I think we simply are not going
3 to be able to know it. We don't have
4 information. They didn't send you with the
5 information, and -- Mr. Keller, anything
6 further?

7 BY MR. KELLER:

8 No further questions.

9 BY CHAIRMAN WATSON:

10 Madam Secretary, anything further?

11 BY MS. SMITH:

12 No.

13 BY CHAIRMAN WATSON:

14 If there's nothing on Mr. William Dubose, we
15 will then close that file as to any further
16 evidence, and we will move on to Sally Dubose.

17 (FILE 14, WILLIAM THOMPSON DUBOSE, CLOSED)

18 (FILE 15, SALLY TAYLOR DUBOSE)

19 BY MR. SCHEU:

20 Yes, sir. And here's the affidavit for her.

21 And we could probably have the same
22 conversation.

23 BY CHAIRMAN WATSON:

24 So Exhibit 1, File 15.

25 (FILE 15, EXHIBIT NO. 1 MARKED)

1 BY CHAIRMAN WATSON:

2 Thank you. 15. Affidavit of Sally Taylor
3 Dubose. Mr. Scheu, do you have -- do you have
4 any -- did you say you've spoken with them?

5 BY MR. SCHEU:

6 No, sir.

7 BY CHAIRMAN WATSON:

8 Okay. Well -- and Ms. Dubose is 89 and Mr.
9 Dubose was 87; does that sound ---

10 BY MR. SCHEU:

11 It was somewhere in that area. Yeah.

12 BY CHAIRMAN WATSON:

13 Again, Mr. Scheu, I'm referencing here the
14 voting history for Ms. Dubose. It shows a
15 little different. Going back to 1998, has
16 voted in Mecklenburg County every year but
17 2009, when she voted in Buncombe. And then in
18 2010 and 2014, back to Mecklenburg. Now, I do
19 not mean to imply there's some hard-and-fast
20 rule that, once you vote in Mecklenburg, you
21 always have to vote in Mecklenburg. But, of
22 course, what I'm noting, though, is that there
23 is a very consistent history of voting there,
24 with the exception of one year. Again, we
25 have no information to answer these questions.

1 They're 89 years old and someone decided --
2 strike that. I don't mean to be facetious.
3 Not somebody decided. But that at 89, with
4 that voting history, is now saying, "Wait a
5 minute. Montreat's my home. I'm voting in
6 Montreat."

7 BY MR. SCHEU:

8 That's what they're saying under oath and
9 that's what they say that their residence and
10 place of abode is.

11 BY CHAIRMAN WATSON:

12 And her -- and, again, I'd just note she
13 states that they became registered voters in
14 September of 2015. It was actually August of
15 2015, and curiously enough, hers is one day
16 different than her husband's. I think his was
17 August 29th and hers is August 30th. But,
18 again, on her voter registration application
19 which she filed with the Buncombe County Board
20 of Elections -- or elections office, she has
21 given her mailing address as Davidson, not a
22 PO box for Montreat. In Davidson. So "Send
23 my information to Davidson." Her property
24 address card has the same Davidson address.
25 Jennifer, can you look up the property address

1 card, please?

2 BY JENNIFER SPARKS:

3 Uh-huh.

4 BY CHAIRMAN WATSON:

5 Thank you.

6 BY MR. SCHEU:

7 She's good.

8 BY CHAIRMAN WATSON:

9 We love our staff.

10 BY JENNIFER SPARKS:

11 It's just right there under all their
12 information.

13 BY CHAIRMAN WATSON:

14 I got it. Got it, got it. Thank you. They
15 still -- I mean, I'm hoping to see an update
16 there. I'm not. And, you know, it's -- it's
17 just kind of -- it's, frankly, compelling to
18 me, on their Voter Registration Application,
19 if -- if you're making the changes that
20 they're saying under oath they're making that
21 "this is now our home. This is where we want
22 to spend our" -- "this is our domicile," that
23 important mail would be directed to that
24 place. And I -- I'm not asking you to -- I
25 know you can't.

1 BY MR. SCHEU:

2 I don't know why on the registration address
3 -- why that would have been accepted.

4 BY CHAIRMAN WATSON:

5 What do you mean, would have been accepted?

6 BY MR. SCHEU:

7 I mean , in trying to answer that. Did you
8 say that, on the Voter Registration
9 Application ---

10 BY CHAIRMAN WATSON:

11 Yes, sir.

12 BY TRENA PARKER:

13 There's a place for both residential address,
14 which is what we have to have in order to put
15 them in the correct precinct with the right
16 ballot; and then, of course, there's a mailing
17 address.

18 BY MR. SCHEU:

19 So that may answer the question. So there may
20 be a residence address.

21 BY CHAIRMAN WATSON:

22 Well, the residence address is the Alabama
23 Terrace.

24 BY TRENA PARKER:

25 Correct.

1 BY MR. SCHEU:

2 Okay.

3 BY CHAIRMAN WATSON:

4 But the mailing address, we would expect to
5 see a PO box in Montreat, if this affidavit
6 truly is what they're intending to do.

7 BY MR. SCHEU:

8 Well, you know, you don't -- with all due
9 respect, that's speculation, but that -- you
10 don't know why they did that. But ---

11 BY CHAIRMAN WATSON:

12 Well, you don't. But -- you know, and I go
13 back to -- to establish a change in domicile,
14 you show an actual abandonment of the first
15 domicile, coupled with an intention not to
16 return. Acquisition of a new domicile by
17 actual residence and the intent of making the
18 new residence their permanent home. Well,
19 I'll grant you two of the three, but not the
20 first one. I don't show any -- we have
21 nothing that shows abandonment with no
22 intention of returning.

23 BY MR. SCHEU:

24 Well, with all due respect, I think you're
25 confusing abandonment of the physical place

1 with abandonment of the domicile.

2 BY CHAIRMAN WATSON:

3 No. This is actually to establish a change in
4 domicile, and what I'm seeing is the
5 information they're giving us is "We want to
6 vote here, but we're going to keep pretty
7 close ties in Davidson." Go ahead, Mr. Scheu.

8 BY MR. SCHEU:

9 I'm sure the Supreme Court did not mean that I
10 have to sell my house in Davidson to establish
11 my voting residence in Montreat. That's not
12 what abandonment means.

13 BY CHAIRMAN WATSON:

14 That's right. And I addressed that actually
15 earlier with one of the witnesses. I said
16 that it's not "Forever and ever, amen, I ain't
17 going back to that property." That -- "We
18 have houses elsewhere." I agree.

19 BY MR. SCHEU:

20 Right. That's the only point I want to make.
21 It's really -- they did abandon, according to
22 the affidavit -- in their minds, they
23 abandoned their domicile and place of abode in
24 Davidson for Montreat.

25 BY MR. KELLER:

1 They've lived happily in Davidson for years.
2 They are members of the Davidson community.
3 They go to Montreat every chance they can
4 because they love it. It's clear from the
5 testimony that many people tonight that
6 Montreat must be even a nicer place than I
7 thought, and I thought it was really nice. So
8 people want to love -- love Montreat and want
9 to live there, even when it has -- it's really
10 close to being physically impossible to do so.

11 BY MR. SCHEU:

12 Well, you have a ---

13 BY MR. KELLER:

14 I think that's that the picture that comes
15 across, just taking the whole thing in one
16 bundle.

17 BY MR. SCHEU:

18 And you do have the change of circumstance
19 where their son, Richard, has become the
20 president of the ---

21 BY MR. KELLER:

22 Right. So you've got a ---

23 BY MR. SCHEU:

24 That changes the dynamics, as far as their
25 desire.

1 BY MR. KELLER:

2 Oh, yes. Yes.

3 BY MR. SCHEU:

4 I've got nothing further.

5 BY CHAIRMAN WATSON:

6 Okay. Thank you, Mr. Scheu. I appreciate
7 that. Anything further on Ms. Sally Dubose,
8 Mr. Keller?

9 BY MR. KELLER:

10 No.

11 BY CHAIRMAN WATSON:

12 Madam Secretary?

13 BY MS. SMITH:

14 No, sir.

15 BY CHAIRMAN WATSON:

16 All right. We'll close on Sally Dubose.

17 (FILE 15, SALLY TAYLOR DUBOSE, CLOSED)

18 BY MS. SMITH:

19 If we -- can I say something?

20 BY CHAIRMAN WATSON:

21 Yes, ma'am.

22 BY MS. SMITH:

23 I've been quiet. If we do get together again
24 and go through all these names, I wish we
25 could encourage the people to come. I mean,

1 this is important. I agree with them. I
2 mean, there are questions we all would like to
3 ask, and, I mean, if it was me, I would be
4 here. And I think this is something we need
5 to encourage, if we get together again and
6 have a good time.

7 BY CHAIRMAN WATSON:

8 Mr. Scheu, we're getting to the end, sir.

9 BY MR. SCHEU:

10 We are. Thank you for your patience.

11 BY CHAIRMAN WATSON:

12 We have Suzanne McLean and Leslie Lynn McLean
13 -- no, Lynn -- it's Lynn Leslie actually.

14 BY MR. SCHEU:

15 I think it's Lynn Leslie.

16 BY CHAIRMAN WATSON:

17 Do you have a preference in which you would
18 like to take, sir?

19 BY MR. SCHEU:

20 Let's take the husband, Lynn Leslie.

21 (FILE 16, LYNN LESLIE MCLEAN)

22 BY CHAIRMAN WATSON:

23 Okay.

24 BY MR. SCHEU:

25 And I have the affidavit.

1 BY CHAIRMAN WATSON:

2 All right.

3 BY MR. SCHEU:

4 Unfortunately, I was in Atlanta today when
5 this was delivered to me. There's only one
6 copy of the driver's license on the original.
7 The other two affidavits don't have that.

8 BY MS. SMITH:

9 Thank you.

10 BY CHAIRMAN WATSON:

11 That's -- so we will mark this Plaintiff's
12 Exhibit 1, File 16, affidavit of Lynn Leslie
13 McLean.

14 (FILE 16, EXHIBIT NO. 1 MARKED)

15 BY TRENA PARKER:

16 I think I might better tell you at this point
17 that both of those registrations have been
18 denied.

19 BY CHAIRMAN WATSON:

20 Yes. That's right. Point of clarification.
21 Both of these registrations were denied
22 because -- well ---

23 BY TRENA PARKER:

24 Well, they gave us an address that they
25 thought was, I believe, on Salem Road, which,

1 in actuality, the address point is Kentucky.

2 Correct me if I'm going to wrong direction.

3 BY MR. SCHEU:

4 They changed that. That's changed.

5 BY TRENA PARKER:

6 Well, I'm just ---

7 BY CHAIRMAN WATSON:

8 Please, keep your comments just a moment. Go
9 ahead.

10 BY TRENA PARKER:

11 I'm just telling you what happened with the
12 registration. Okay? Do you have it pulled
13 up?

14 BY JENNIFER SPARKS:

15 I don't. My computer's dead.

16 BY CHAIRMAN WATSON:

17 The long and short of it is that the mailings
18 that were sent to them ---

19 BY TRENA PARKER:

20 We have tried to mail to them two different
21 times and it has come back "Undeliverable."

22 BY MR. SCHEU:

23 And where did you mail them?

24 BY CHAIRMAN WATSON:

25 To the address they gave, which was ---

1 BY JENNIFER SPARKS:

2 My computer died. I can't see the
3 registrations.

4 BY MR. KELLER:

5 That means we've been here too long.

6 BY MR. SCHEU:

7 The problem is when Kentucky Road was -- that
8 part of Kentucky Road was changed to Salem
9 Drive.

10 BY TRENA PARKER:

11 Yes, and that seems to be the issue.

12 BY MR. SCHEU:

13 So they're in Montreat. But we've already
14 noted that there's no mail delivery to the
15 property address in Montreat anyway.

16 BY CHAIRMAN WATSON:

17 Well, we understand. And here's -- I'll tell
18 you what. Let's just get into it then
19 because, on their Voter Registration
20 Application, which was August 12th of this
21 year, they didn't give a mailing address.
22 They only gave the 534 Salem Drive, Montreat.
23 And so that is all that we had to work with on
24 that. Now, again, it's a shame that they
25 didn't come because there's -- there are a

1 number of questions that we would like to ask
2 them. But I would note a few things that
3 immediately are apparent ---

4 BY JENNIFER SPARKS:

5 If this helps with the denial of the
6 registration as well, the -- and I say "they,"
7 because I can't remember exactly which one, if
8 it was Mr. McLean or Mrs. McLean, showed up to
9 the Asheville Mall to vote. And the folks
10 there pulled up the name and the registration
11 showed "Denied," and they stated that they did
12 live in Montreat. So I actually instructed
13 them to vote provisionally, and that the
14 reason that the registration was denied was
15 because they provided no mailing address and
16 that we had attempted to contact them twice by
17 mail, with the address they provided, and it
18 come back undeliverable. And they stated
19 there that they had no PO box and that was
20 their mailing. I have not seen the
21 provisional envelope that came back in to see
22 what they actually did fill out, so I can't
23 attest to if they did eventually provide any
24 information. But that's the conversation that
25 I had on the phone with that voting site.

1 That was yesterday.

2 BY CHAIRMAN WATSON:

3 And it's your understanding that the -- one of
4 them claims -- or both stated "We have no PO
5 box in Montreat"?

6 BY JENNIFER SPARKS:

7 That is correct, because that ---

8 BY MR. SCHEU:

9 Which may be true because many people don't
10 get -- I don't know how the mail gets
11 delivered, if you don't have a PO box.

12 BY JENNIFER SPARKS:

13 Right. It doesn't. And that's -- and that's
14 what we were trying to -- you know, when that
15 circumstance happens and they're
16 registration's denied and they do show back
17 up, we try to explain to them "Please provide
18 us with a valid mailing," and that's what we
19 were telling them, too. And they said that
20 they did not have a PO box.

21 BY CHAIRMAN WATSON:

22 Well, and, again, it's a shame they're not
23 here because I find it hard to believe that
24 anybody who's been out in Montreat very long
25 doesn't know you've got to have a PO box, if

1 you want to get mail. I mean, it's just ---

2 BY MR. SCHEU:

3 So how will you all handle the provisional
4 ballot? Will they be able to show up and -- I
5 mean, I don't know how you -- how do you do
6 that up here?

7 BY JENNIFER SPARKS:

8 The provisional ballots will come before the
9 Board.

10 BY MR. SCHEU:

11 So -- and that's shortly after -- either on or
12 after election day?

13 BY JENNIFER SPARKS:

14 Seven days.

15 BY MR. SCHEU:

16 Seven days. So, Mr. Chairman, could I suggest
17 we just do the domicile through the
18 affidavits, put that into their file. And if
19 they wanted to come to ---

20 BY CHAIRMAN WATSON:

21 Well, they -- I'm sorry. Go ahead. I didn't
22 mean to cut you off.

23 BY MR. SCHEU:

24 --- if they wanted to come when you all
25 consider the provisional ballot, that would be

1 an opportunity to do that.

2 BY CHAIRMAN WATSON:

3 Let me -- you've got about three questions in
4 there. So first, the affidavit is admitted
5 into the record. At least -- right now we're
6 just on Lynn Leslie's. His affidavit is
7 admitted into the record. You said can we
8 just consider the domicile on the affidavit.
9 The affidavit is in there. There are -- and I
10 want to note them for you. You know, we have
11 concerns. One is that, again, on their
12 property card -- are you dead over there?

13 BY JENNIFER SPARKS:

14 I'm alive in that aspect.

15 BY CHAIRMAN WATSON:

16 Let's just see if that's been updated. That
17 the property card, they've given -- they've
18 given the Gastonia, North Carolina, address.
19 There appears to still be, as of today -- now
20 we've checked -- the North Carolina real
21 estate, Angie's List, various online sites
22 regarding their -- their business there, Les
23 McLean Development Company. That still seems
24 to be active in Gastonia for both, as I
25 recall. But we'll look at ---

1 BY CHAIRMAN WATSON:

2 That's true.

3 BY CHAIRMAN WATSON:

4 --- we'll look at Ms. McLean in a minute.

5 BY JENNIFER SPARKS:

6 I will -- I will tell you, if this helps,
7 their voter registration is still active in
8 Gaston County because, since they were denied
9 here, until they're an active voter in
10 Buncombe County, their registration in Gaston
11 will remain active.

12 BY CHAIRMAN WATSON:

13 Okay. Can you just double-check the property
14 card and see if there's been any update there?

15 BY JENNIFER SPARKS:

16 I sure will. Yes, sir.

17 BY CHAIRMAN WATSON:

18 Mr. Scheu, we've got at least some evidence
19 and indications that they are still actively
20 engaged in business in Gastonia; that on their
21 property card here they've given Gastonia as
22 the address; that they say they have no
23 Montreat PO box, which, if this is your
24 domicile, this is where you are going to
25 continually return and claim -- you know,

1 would you not want to get mail, where they
2 directed their important mail be sent; where
3 is their driver's license.

4 BY MR. SCHEU:

5 The driver's license is addressed.

6 BY CHAIRMAN WATSON:

7 Is it on the affidavit?

8 BY MR. SCHEU:

9 It's on the affidavit.

10 BY MR. KELLER:

11 Yeah, we've got that one.

12 BY MR. SCHEU:

13 Is this the one you only have the one of?

14 BY MR. SCHEU:

15 Correct.

16 BY CHAIRMAN WATSON:

17 Okay. Is that -- hold on one second. That is
18 still Gastonia. Thank you.

19 BY MR. SCHEU:

20 That it right there in your left hand?

21 BY CHAIRMAN WATSON:

22 No, sir. That's -- I'm sure it's here. I've
23 just shuffled so many papers. There it is.
24 Thank you. Well, he registered in August.
25 This driver's license was issued last

1 Thursday.

2 BY MR. SCHEU:

3 Correct.

4 BY CHAIRMAN WATSON:

5 Do you know whether he's still full-time
6 employed with his business or continuing in
7 his business?

8 BY MR. SCHEU:

9 I do not, sir. I'd submit that the -- and
10 understanding the reasons for your question,
11 but still the resident -- the address of your
12 business and where he conducts his business as
13 a real estate developer is really immaterial.

14 BY CHAIRMAN WATSON:

15 Well, I understand. And -- and you are
16 correct. It is not determinative. But it is
17 another factor and it is -- if that is his
18 business -- the business that he operates and
19 he's still in full-time employment of that,
20 it's hard to believe that he is commuting
21 every day from Montreat to Gastonia or that
22 Gastonia is the summer home or winter home or
23 vacation home. I mean, no offense to anybody
24 from Gastonia, but I ain't never heard anybody
25 buying a vacation home in Gastonia. So, you

1 know, your affidavit is duly noted. Any other
2 questions, Mr. Keller?

3 BY MR. KELLER:

4 You might want to have a conversation with
5 them about how there's plenty of time to
6 register and actually take the actions to
7 become permanent domiciled folks at Montreat
8 before the primary that comes up in March.

9 BY CHAIRMAN WATSON:

10 Mr. Scheu -- go ahead, George. I'm sorry. I
11 thought you were done.

12 BY MR. KELLER:

13 I mean, it's not like the world ends, if you
14 can't vote in Montreat in this particular one.
15 They've got the next one. But they have some
16 -- they have things to do that they're not
17 documented here. Not just to talk about, but
18 they have things to do and we don't have the
19 documentation of that.

20 BY MR. SCHEU:

21 That depends on how much substance forms the
22 intent, and that's a matter of judgment that
23 you all have to ---

24 BY MR. KELLER:

25 That's -- that's tough; isn't it?

1 BY MR. SCHEU:

2 --- you all have to evaluate that.

3 BY MR. KELLER:

4 Yeah.

5 BY CHAIRMAN WATSON:

6 Did you show us the voting history?

7 BY JENNIFER SPARKS:

8 It's all -- it's all Gaston County because
9 they're still active in Gaston County.

10 BY CHAIRMAN WATSON:

11 But has there been an active voting history?

12 BY JENNIFER SPARKS:

13 Yes.

14 BY MR. SCHEU:

15 Would you mind stating for the record what
16 you're looking at?

17 BY CHAIRMAN WATSON:

18 Yes, sir. I'm glad to. That is the voting
19 history for Lynn Leslie McLean, and it is
20 showing -- it's dating back to '96?

21 BY JENNIFER SPARKS:

22 Uh-huh.

23 BY CHAIRMAN WATSON:

24 And shows a pretty steady, I would say most
25 years, voting all in Mecklenburg County.

1 BY JENNIFER SPARKS:

2 Gaston.

3 BY CHAIRMAN WATSON:

4 I'm sorry, Gaston. Thank you. Up to and
5 including ---

6 BY JENNIFER SPARKS:

7 The general election of 2014.

8 BY CHAIRMAN WATSON:

9 2014. Okay.

10 BY MR. SCHEU:

11 And I, again, would just submit that, as of
12 how, that -- I couldn't understand that you
13 are giving it some credence, but it's not
14 determinative ---

15 BY CHAIRMAN WATSON:

16 It is not determinative. And, again, I will
17 state, as I've stated before, we are not
18 looking at any one element. We're trying to
19 look at the totality of everything. And --
20 and this is not the intention of this Board to
21 tell someone "You can't vote here." I mean,
22 that's not what we're doing. That's not -- we
23 have had challenge hearings before and this
24 Board has split in their votes before. And
25 there have been some sustained and some not.

1 And so I think we've got a pretty good record
2 of trying to weigh everything and be very
3 judicious in our deliberations and
4 determinations and conclusions. But it -- it
5 -- well, let me move on from that. Is there
6 anything else that you can offer on behalf of
7 ---

8 BY MR. SCHEU:

9 No, sir.

10 (FILE 16, LYNN LESLIE MCLEAN, CLOSED)

11 BY CHAIRMAN WATSON:

12 Okay. Last one.

13 BY MR. SCHEU:

14 Thank you for your patience.

15 BY CHAIRMAN WATSON:

16 Thank you. Susan -- Suzanne, I guess, McLean.

17 BY MR. SCHEU:

18 Suzanne. Yes, sir.

19 (FILE 17, SUZANNE BUTLER MCLEAN)

20 BY CHAIRMAN WATSON:

21 All right. What do you have for her, Mr.

22 Scheu?

23 BY MR. SCHEU:

24 I've got an affidavit ---

25 BY CHAIRMAN WATSON:

1 Thank you.

2 BY MR. SCHEU:

3 --- similar to -- there's a driver's license
4 attached and, I apologize, there's only one.
5 I think we'd say the same things that we said
6 before, although there's one difference on
7 this one. She -- Mr. Standaert attached in
8 the challenge a paper presumably promulgated
9 by the Gastonia Presbyterian Church, church
10 choir. Where that came from, I don't know.

11 BY CHAIRMAN WATSON:

12 Mr. Scheu, if you'll hold that thought one
13 second. Madam Reporter, we'll accept into
14 evidence into the record what will be marked
15 as Exhibit 1, File 17, affidavit of Suzanne
16 Butler McLean.

17 (FILE 17, EXHIBIT NO. 1 MARKED)

18 BY CHAIRMAN WATSON:

19 Sorry, Mr. Scheu. Go right ahead.

20 BY MR. SCHEU:

21 Well, I was just going to say that pretty much
22 the affidavit is the same, except I've got to
23 say that she, in fact, retired, resigned from
24 the church choir and from the handbell choir
25 in November of 2014. So just to make that

1 clear. But it was astonishing that the
2 records of the church choir, the Presbyterian
3 church, or whatever it was, in Gastonia were
4 the result of activities of the challenger.

5 BY CHAIRMAN WATSON:

6 Well, I will -- I will tell you that one of
7 the things that the State Board, I believe,
8 has considered in some of its hearings in the
9 past has been questions regarding membership
10 or activity in civic groups, and activity and
11 memberships in church. And so -- where a
12 family picture is kept. I mean, there are a
13 number of very fact-specific questions that,
14 you know, this Board will consider, that the
15 State Board, I believe, has considered. So I
16 make that comment simply to point out you look
17 to see "Where is this person really living
18 day-to-day life?"

19 BY MR. SCHEU:

20 Oh, I think that's -- you're absolutely right
21 and I'm not surprised that that's considered.
22 What surprises me is that someone has no
23 better time in their life than to look at the
24 Internet for all this stuff that -- and it
25 just goes to the motive. And it's just

1 astonishing.

2 BY CHAIRMAN WATSON:

3 Okay. Well, again, the property card is
4 Gastonia. We have no -- we have no Montreat
5 address. Again, this -- it was either Mr. or
6 Mrs. McLean, when they appeared to vote, said,
7 "We don't have a PO box in Montreat," which is
8 notable. We -- again, if you'll reference
9 what I'm looking at here, it is voting history
10 for Suzanne McLean. It goes back to 1992.
11 It's a pretty solid voting history. By that I
12 mean consistent each year, from '92 to the
13 general election in November of 2014, all in
14 Gaston County. So, again, it's curious that
15 at -- well, I was going to say at this age,
16 which is 67, and I ain't getting too far
17 behind that. So I'm not going to say that's
18 old. But, you know, you begin to make some of
19 these kind of ---

20 BY MR. SCHEU:

21 Some of us have already passed that, for sure.

22 BY MR. KELLER:

23 For sure.

24 BY CHAIRMAN WATSON:

25 Okay.

1 BY MR. SCHEU:

2 I guess what we ought to say for the record,
3 too, is that this was denied earlier. I don't
4 think you said that, if it was, in fact.

5 BY CHAIRMAN WATSON:

6 I'm sorry, what was denied?

7 BY MR. SCHEU:

8 The registration, because that one said ---

9 BY CHAIRMAN WATSON:

10 Yes. This one also is one that -- it was both
11 of the McLean registrations, I think. Is that
12 right?

13 BY JENNIFER SPARKS:

14 Yes.

15 BY CHAIRMAN WATSON:

16 Is there any clarification regarding that?
17 They came back -- they couldn't be --
18 essentially, they couldn't be processed
19 because they were returned. Am I -- I know I
20 misstated that.

21 BY TRENA PARKER:

22 We have to attempt to contact them two
23 different times. That's federal and state
24 law.

25 BY CHAIRMAN WATSON:

1 And they, again -- they've not given us a
2 Montreat address. They've given a street
3 address and the property records show the
4 Gaston address. So this one is unique, in
5 that it actually has been denied. I do note
6 -- I'm sorry. Hand me that one more time.

7 BY TRENA PARKER:

8 I need 16, as well.

9 BY CHAIRMAN WATSON:

10 Is this ---

11 BY MR. SCHEU:

12 That should be attached.

13 BY CHAIRMAN WATSON:

14 --- an attachment to it? Okay. Yes. All
15 right. And so, with Exhibit 1 of File 17 is
16 attached a printout from the North Carolina
17 DMV, which evidences a driver's license to
18 Suzanne Butler McLean issued October 22nd of
19 this year. I'll get a stapler and try to fix
20 that. Do you have anything else to offer on
21 behalf of Mrs. McLean, Mr. Scheu?

22 BY MS. SMITH:

23 No, sir, except to express my thanks to you
24 all. It's been a long night. You all have
25 been very patient with all of us. And I do

1 respect the fact that you all are going to do
2 your job and we appreciate it. It's a hard
3 job. We thank you for that. I did learn that
4 you're not volunteers, though.

5 BY CHAIRMAN WATSON:

6 Yeah. George -- Mr. Keller, do you have any
7 other questions regarding evidence on Mrs.
8 McLean, Suzanne McLean?

9 BY MR. KELLER:

10 No.

11 BY CHAIRMAN WATSON:

12 Okay. Madam Secretary?

13 BY MS. SMITH:

14 No, sir.

15 BY CHAIRMAN WATSON:

16 All right. As to Mrs. Suzanne McLean, the
17 evidence will be closed on that.

18 (FILE 17, SUZANNE BUTLER MCLEAN, CLOSED)

19 BY CHAIRMAN WATSON:

20 If there is no further evidence on any of
21 these files, then the portion of the hearing
22 related to evidence will be closed and we
23 would then move to deliberations. Yes, sir?

24 BY MR. SCHEU:

25 May I point out something?

1 BY CHAIRMAN WATSON:

2 Yes, sir.

3 BY MR. SCHEU:

4 There was an indication that you might -- I
5 thought you said that you might consider, at
6 the close of all the evidence, rather than ---

7 BY CHAIRMAN WATSON:

8 To ask the question of ---

9 BY MR. SCHEU:

10 They asked the question, and we would ask you
11 to do that on our behalf, too, if you so
12 determine.

13 BY CHAIRMAN WATSON:

14 Mr. Bebber, that was your question, if I'm --
15 I'm going to restate it, as I understand it,
16 and correct me. Essentially what you were
17 asking -- or what you would like to ask of the
18 challenger is whether -- I think we could
19 probably make it a global question as to any
20 of the 17 challenges as to whether he knows
21 their intent. Is that fairly stated?

22 BY MR. BEBBER:

23 That is correct. I'm happy to be inclusive
24 and not limit it to the Melvins.

25 BY CHAIRMAN WATSON:

1 Well -- and the only reason I say that as to
2 him is because, Mr. Scheu, it's my
3 understanding that that is a question you
4 were ---

5 BY MR. SCHEU:

6 I would also request that that question be
7 asked.

8 BY CHAIRMAN WATSON:

9 Okay. That is in the Board's discretion as to
10 whether we want to pose that or -- do I have
11 any discussion from the Board on that?

12 BY MR. KELLER:

13 No. I have no -- I have no idea that by
14 discussing it here until midnight we could
15 arrive at the right answer.

16 BY MS. SMITH:

17 I think it's a good question.

18 BY MR. KELLER:

19 Oh, it's a great question. But arriving at
20 the right answer.

21 BY CHAIRMAN WATSON:

22 I'm looking for a "yes" or "no" from the
23 members. Do we ---

24 BY MR. KELLER:

25 No, I don't want to do that.

1 BY MS. SMITH:

2 Sustained.

3 BY CHAIRMAN WATSON:

4 We need either a "yes" or "no" as to the
5 question. Let me -- I'm getting a sense that
6 it's "no." Let me, Mr. Bebber and Mr. Scheu,
7 state that I do appreciate, I think, that the
8 question -- the purpose of the question, which
9 is -- I don't want to put words in your mouth.
10 I'll let you explain for yourself. But as to
11 the intent, I don't know that the challenge
12 has to -- the challenge does have -- it
13 doesn't have to know the intent of the parties
14 that bring the challenge, under the statute.
15 He can look at the statute. He can look at
16 the evidence, which -- whether it's good
17 evidence or not, weak evidence, strong
18 evidence. He can look at it, compile the
19 evidence, as he did, and bring it in the form
20 a challenge, which is a sworn statement, which
21 he did. And then it's considered for a
22 preliminary hearing, which this Board did, and
23 they were sustained. And it's come to this
24 full hearing. So ---

25 BY MR. BEBBER:

1 I agree with that certainly and I defer to
2 your -- I mean, it's your call, obviously. I
3 would just think that, if I brought this many
4 challenges, I would expect to make some public
5 appearance or statement to defend my
6 challenges and to make my point more fully.
7 And, because I bear the burden of proof, I
8 would want to make it as clear as I could, and
9 we would like to hear what he has to say on
10 that. But ---

11 BY CHAIRMAN WATSON:

12 Well, let me -- I will, again -- and, Mr.
13 Keller, Ms. Smith, if there are any questions
14 that this Board has for the challenger, then
15 we're certainly open to ask those. And I will
16 entertain -- the Chair will entertain those.

17 BY MR. BEBBER:

18 May I ask, Is this unique? And I'm sorry to
19 drag this out. Is this a unique number? Is
20 the volume here unique, in your experience?

21 BY CHAIRMAN WATSON:

22 Is what a unique number? The 17?

23 BY MR. BEBBER:

24 Yes.

25 BY CHAIRMAN WATSON:

1 Oh, no. We've had much bigger challenges.

2 BY MR. SCHEU:

3 Of one person?

4 BY CHAIRMAN WATSON:

5 Yes.

6 BY MR. KELLER:

7 Yes.

8 BY CHAIRMAN WATSON:

9 So this is not -- do you have any questions
10 for the challenger?

11 BY MR. KELLER:

12 No.

13 BY CHAIRMAN WATSON:

14 Ms. Smith?

15 BY MS. SMITH:

16 No.

17 BY CHAIRMAN WATSON:

18 All right. We are going to, at least for now,
19 close this part of the hearing as to
20 testimony. Madam Reporter, note this as
21 closed, as to the testimony and evidence on
22 the 17 challenges and go off the record for a
23 moment.

24 (TESTIMONY AND EVIDENCE REGARDING THE 17 CHALLENGES
25 CLOSED)

1 (OFF THE RECORD)

2 BY CHAIRMAN WATSON:

3 Mr. Melvin, this is -- if you'll please, sir,
4 step up to the table here and state your full
5 name.

6 BY WALTER BRINKLEY MELVIN:

7 Walter Brinkley Melvin.

8 BY CHAIRMAN WATSON:

9 All right.

10 EXAMINATION RESUMED BY CHAIRMAN WATSON:

11 Q Mr. Melvin, I'm going to read to you here the
12 oath here from 163-86 of the statutes. It's
13 my understanding you have reviewed this oath
14 with your attorney?

15 A I have.

16 Q And you are ready to take this oath?

17 A Yes, I am.

18 Q All right. Mr. Melvin, you do solemnly swear
19 that you are a citizen of the United States;
20 that you are at least 18 years of age or will
21 become 18 by the date of the next general
22 election; that you have or will have resided
23 in this state in the precinct for which
24 registered for 30 days, by the date of the
25 next primary or election; that you are not

1 disqualified from voting by the Constitution
2 or the laws of this state; that your name is?

3 A Walter Brinkley Melvin.

4 Q And that, in such name, you are duly
5 registered as a voter of 36.1 precinct.

6 A 36.1 precinct.

7 Q And that you are the person you represent
8 yourself to be, so help you God?

9 A So help me God.

10 BY CHAIRMAN WATSON:

11 Thank you. There are no other challenged
12 registrants here to take the oath, so as to
13 the remaining 16 we will have to consider them
14 on affidavits, if presented, and also on the
15 totality of any other evidence which has been
16 presented to the Board and all the facts. We
17 will take each one up for deliberation, then,
18 in no particular order. As to -- hold this
19 one second. Ms. Parker, with regards to the
20 McLean, the two that have their registration,
21 what is the actual status of it at this point?
22 What's the proper designation of ---

23 BY TRENA PARKER:

24 It is a provisional ballot. Both voters have
25 voted -- prospective voters have voted a

1 provisional ballot.

2 BY CHAIRMAN WATSON:

3 So they both have voted provisionally?

4 BY TRENA PARKER:

5 Correct, today.

6 BY CHAIRMAN WATSON:

7 All right. The registration, though, has
8 been ---

9 BY JENNIFER SPARKS:

10 Denied.

11 BY CHAIRMAN WATSON:

12 --- denied. All right.

13 BY TRENA PARKER:

14 And all provisional ballots are to be ruled
15 upon before canvass.

16 BY CHAIRMAN WATSON:

17 All right. So, as I see it, we have a few
18 different things going on there. One is that
19 they have voted provisionally. Registration
20 has been denied. But then we still have the
21 question before this Board tonight and from
22 the deliberations tonight as to whether they
23 presented sufficient evidence to this Board to
24 support their claim of domicile and their
25 intent to be permanent here in a residence in

1 Montreat. Now, as to each member of the
2 Board, I'm going to ask you to consider all of
3 the evidence that was presented before you to
4 make your determination. I'd like you to
5 maybe record your determination in your
6 folder, or something, and then I'm going to
7 call for a vote.

8 BY MS. SMITH:

9 This was on McLean?

10 BY CHAIRMAN WATSON:

11 And this one -- the first one we'll take up is
12 Lynn Leslie McLean. As to each of these two,
13 I think we will need -- we will make some
14 specific findings of fact as to each one. I
15 would like, though, to reserve the opportunity
16 to -- upon review of the transcript, anything
17 that I may have overlooked, just trying to
18 remember that we can pull from the transcript
19 to make as a finding of fact, based on the
20 evidence presented. I will do my best to
21 recall from each one, as we've gone through
22 them. As to Leslie Lynn McLean -- bear with
23 me one moment, please. All right. As to
24 Leslie Lynn McLean, findings of fact that a
25 challenge was filed October 7th, 2015. Is

1 that the stamp date of when this was received?

2 BY TRENA PARKER:

3 Yes. It's October 7th.

4 BY CHAIRMAN WATSON:

5 October 7th, 2015; that a challenge was filed
6 to the registration of Lynn Leslie McLean by
7 Mr. Joseph Patrick Standaert; that attached
8 with that challenge was a Buncombe County
9 property card; that that property card showed
10 an address given for the Standaert's -- excuse
11 me, for the McLeans of 2916 Grampian, G-r-a-m-
12 i-a-n, Drive, Gastonia, North Carolina, 28054,
13 and that is a property card for properties
14 which they own at 534 Kentucky Road in
15 Montreat, North Carolina; that also attached
16 was information which appears to be a property
17 card from Gaston County, North Carolina,
18 showing property there at the same address of
19 2916 Grampian Drive, Gastonia, North Carolina.
20 There were other attachments to the challenge,
21 which was denoted as being part of the
22 challenge form, one of which is a listing for
23 real estate agents in North Carolina website.
24 I'd point out it appears to be a Les McLean
25 Development Company being the company of Lynn

1 L. McLean, Jr., in Gastonia, North Carolina;
2 that on the voter registration form of Mr.
3 McLean, that it did not list a Montreat
4 mailing address. They only list a residential
5 address; that within the evidence portion of
6 the hearings tonight that the Board heard from
7 staff of the elections office that both Mr.
8 Leslie Lynn McLean and Suzanne McLean
9 presented themselves at Asheville Mall to vote
10 on August 27th, yesterday ---

11 BY TRENA PARKER:

12 October.

13 BY CHAIRMAN WATSON:

14 I'm sorry. October 27th; that they were
15 denied -- or, excuse me, that the office was
16 contacted because their registrations had been
17 returned ---

18 BY JENNIFER SPARKS:

19 Denied.

20 BY CHAIRMAN WATSON:

21 --- and denied because the mailings had been
22 returned; that a conversation over the phone
23 that one of the McLeans -- it was unclear if
24 it was Mr. or Mrs. McLean -- indicated that
25 they do not have a Montreat post office box;

1 that an affidavit was submitted, which was
2 Plaintiff's Exhibit 1, F-16; that attached to
3 that is a printout of a North Carolina
4 driver's license for Lynn Leslie McLean, Jr.,
5 which was issued October 22nd of this year;
6 that Lynn Leslie McLean was not present for
7 the hearing; that he was represented by Mr.
8 Scheu -- what is your first name, again, sir?

9 BY MR. SCHEU:

10 William B.

11 BY CHAIRMAN WATSON:

12 William B. Scheu, who presented affidavits on
13 behalf of Mr. McLean; that Mr. McLean
14 presented no other evidence to the Board,
15 other than his affidavit and the attached DMV
16 printout. The Board also considered printouts
17 found on the web and the Internet, which would
18 tend to show that the McLeans are still active
19 in real estate in Gastonia with a business
20 there. Let's go off the record briefly.

21 (OFF THE RECORD)

22 BY CHAIRMAN WATSON:

23 That Mr. Lynn Leslie McLean, in his affidavit,
24 has stated "I have" -- in Paragraph 3, "I have
25 rescinded any voter registration that I

1 previously maintained in any other state or
2 county"; that a check of the voter
3 registration site, the State Board of
4 Elections site, indicates that he is, in fact,
5 still a registered voter in Gaston County.

6 BY MR. SCHEU:

7 May I just say something? I know you're in
8 deliberations, but just to ---

9 BY CHAIRMAN WATSON:

10 Do we need to go off the record or do you ---

11 BY MR. SCHEU:

12 Off the record is fine.

13 BY CHAIRMAN WATSON:

14 Unless you want it on.

15 BY MR. SCHEU:

16 No. Off the record is fine.

17 (OFF THE RECORD)

18 BY CHAIRMAN WATSON:

19 That the North Carolina Voter Registration
20 Application which was submitted by Mr. Lynn
21 Leslie McLean, Paragraph 7 states -- previous
22 voter registration paragraph -- "This
23 information will be used to cancel your
24 previous voter registration in another county
25 or state"; his application here to Buncombe

1 County has been denied due to inadequate
2 mailing and non-sufficient mailing address
3 provided by the registrant.

4 BY MR. SCHEU:

5 And, consequently, that rescission has not
6 been effectuated.

7 BY CHAIRMAN WATSON:

8 I'm satisfied with my findings of fact, as
9 I've stated them. Any other findings of fact?
10 Anything further, then, as to Lynn Leslie
11 McLean?

12 BY THE BOARD:

13 (No response)

14 BY CHAIRMAN WATSON:

15 All right. I'll call for a vote as to Mr.
16 McLean, whether to sustain the challenge or
17 deny it. And understand that, by sustaining
18 the challenge, then his registration, I think,
19 would be -- what status would that move him
20 into?

21 BY JENNIFER SPARKS:

22 Well, you can't -- once a voter has been
23 denied, you can't reinstate that status for
24 any reason. So upon consideration of the
25 provisional -- whatever happens with that

1 provisional, the registration process will
2 then begin again.

3 BY CHAIRMAN WATSON:

4 Well, you're talking about on the vote. The
5 actual -- right?

6 BY JENNIFER SPARKS:

7 Yes.

8 BY CHAIRMAN WATSON:

9 But as to what -- off the record.

10 (OFF THE RECORD)

11 BY CHAIRMAN WATSON:

12 The question is whether the challenge be
13 sustained or denied.

14 BY MR. KELLER:

15 Sustained.

16 BY CHAIRMAN WATSON:

17 Is that your vote?

18 BY MR. KELLER:

19 That's my vote.

20 BY CHAIRMAN WATSON:

21 Okay. Thank you. Ms. Smith?

22 BY MS. SMITH:

23 Sustained.

24 BY CHAIRMAN WATSON:

25 All right. I will vote sustained on that one.

1 So the challenge of Mr. Lynn Leslie McLean is
2 sustained. We'll conclude then, as a matter
3 of law, that the matter was properly before
4 the Buncombe County Board of Elections. It
5 was properly noticed and served upon all
6 parties. The challenger was present at the
7 hearing. The challenged registrant, Mr. Lynn
8 Leslie, was not present but was represented by
9 Mr. William B. Scheu, S-h-u ---

10 BY MR. SCHEU:

11 S-c-h-e-u.

12 BY CHAIRMAN WATSON:

13 S-c-h-e-u. I am so sorry, sir.

14 BY MR. SCHEU:

15 I'm used to it.

16 BY CHAIRMAN WATSON:

17 Based on the foregoing findings of fact, that
18 this Board concludes as a matter of law that
19 Mr. Lynn Leslie McLean has not, to the
20 satisfaction of this Board, established that
21 Montreat is his domicile and, therefore, the
22 challenge to his registration is sustained.

23 (LYNN LESLIE MCLEAN CHALLENGE SUSTAINED)

24 BY CHAIRMAN WATSON:

25 Next, we will consider Suzanne McLean.

1 BY TRENA PARKER:

2 Mr. Chairman?

3 BY CHAIRMAN WATSON:

4 Yes.

5 BY TRENA PARKER:

6 I'm going to be bold here.

7 BY CHAIRMAN WATSON:

8 Well, you go right ahead. Let's go off the
9 record a moment.

10 (OFF THE RECORD)

11 BY CHAIRMAN WATSON:

12 All right. Having completed Lynn Leslie
13 McLean's and going through a finding of fact
14 and conclusion law, that the remaining cases
15 that Mr. Bebber, on behalf of his clients,
16 being the Melvins, and Mr. Scheu on behalf of
17 his clients ---

18 BY MR. SCHEU:

19 I don't have clients.

20 BY CHAIRMAN WATSON:

21 --- excuse me, the challenged registrants,
22 being all but Mr. Bauer, and those that are
23 represented by Mr. Bebber, that the counsel
24 and representative are in agreement that we
25 will make specific findings of fact as to each

1 challenged registrant at a later date, pulling
2 from the record and from the evidence that's
3 already been presented tonight, as well as
4 conclusions of law. So we will now call for
5 the vote as to each file from the Board. So
6 next we'll take up Suzanne McLean. As to
7 Suzanne McLean, is the Board ready to proceed?
8 Ms. Smith, do you vote to sustain or deny the
9 challenge?

10 BY MR. KELLER:

11 Sustain.

12 BY CHAIRMAN WATSON:

13 All right. Mr. Keller is to sustain. Ms.
14 Smith?

15 BY MS. SMITH:

16 Sustain.

17 BY CHAIRMAN WATSON:

18 All right. Sustain. Okay.

19 (SUZANNE BUTLER MCLEAN CHALLENGE SUSTAINED)

20 BY CHAIRMAN WATSON:

21 We will next move to ---

22 BY MR. SCHEU:

23 Did you vote to sustain?

24 BY CHAIRMAN WATSON:

25 Yes, sir.

1 BY MR. SCHEU:

2 Thank you.

3 BY CHAIRMAN WATSON:

4 Yes, sir. Sally Dubose. All right. As to
5 Sally Dubose, is the Board ready to vote or
6 to ---

7 BY MR. KELLER:

8 I'm ready. Sustained.

9 BY CHAIRMAN WATSON:

10 Ms. Smith?

11 BY MS. SMITH:

12 Sustain.

13 BY MR. SCHEU:

14 Did she say sustain?

15 BY MS. SMITH:

16 Sustain.

17 BY CHAIRMAN WATSON:

18 I will sustain. I will note, Mr. Scheu, you
19 had asked for -- if there was any reason. All
20 indications from the registrant, when they
21 register, is they are still saying to send
22 information to Davidson. It seems that they
23 still have their property cards listed
24 Davidson. It seems that they are still
25 keeping very close ties to Davidson, even

1 asking that their ballots be sent to Davidson.

2 (SALLY TAYLOR DUBOSE CHALLENGE SUSTAINED)

3 BY CHAIRMAN WATSON:

4 William Dubose?

5 BY MR. KELLER:

6 Sustained.

7 BY CHAIRMAN WATSON:

8 Ms. Smith? Take your time.

9 BY MS. SMITH:

10 I sustain.

11 BY CHAIRMAN WATSON:

12 And I will sustain on this one for roughly the
13 same reason as stated earlier as with regards
14 to Ms. Sally Dubose.

15 (WILLIAM THOMPSON DUBOSE CHALLENGE SUSTAINED)

16 BY CHAIRMAN WATSON:

17 J. Graham King?

18 BY MR. KELLER:

19 Deny.

20 BY CHAIRMAN WATSON:

21 May I see that affidavit for Mr. King, please?

22 Is that the one you only had the one copy of?

23 BY MS. SMITH:

24 No. I've got one right here.

25 BY MR. SCHEU:

1 No, that was McLean.

2 BY CHAIRMAN WATSON:

3 Let's see.

4 BY TRENA PARKER:

5 There's two. There's Jennings and then
6 there's Susan King.

7 BY CHAIRMAN WATSON:

8 I'm recalling some stuff that I don't see in
9 my file. I just want to make sure I'm
10 remembering correctly. Okay. Right. I'm
11 remembering this one correctly. Okay. Mr.
12 Keller?

13 BY MR. KELLER:

14 Deny.

15 BY CHAIRMAN WATSON:

16 Ms. Smith?

17 BY MS. SMITH:

18 Sustain.

19 BY CHAIRMAN WATSON:

20 All right. Ms. Smith, as to Mr. King, do you
21 sustain?

22 BY MS. SMITH:

23 Yes.

24 BY CHAIRMAN WATSON:

25 All right. I deny, so that one is two to one,

1 denied.

2 BY MS. SMITH:

3 Okay.

4 (JENNINGS GRAHAM KING, JR., CHALLENGE DENIED)

5 BY CHAIRMAN WATSON:

6 As to Susan King?

7 BY MS. SMITH:

8 Who did we do before Susan?

9 BY CHAIRMAN WATSON:

10 That was

11 BY MS. SMITH:

12 I'm sorry.

13 BY CHAIRMAN WATSON:

14 No, that's all right. That was J. Graham
15 King.

16 BY MS. SMITH:

17 Oh, okay.

18 BY CHAIRMAN WATSON:

19 Do you have the wrong folder or ---

20 BY MS. SMITH:

21 Yeah. I was in the wrong folder.

22 BY CHAIRMAN WATSON:

23 Were you in the wrong folder?

24 BY MS. SMITH:

25 I was in the wrong folder. I was in Susan's

1 folder. I'm sorry.

2 BY CHAIRMAN WATSON:

3 Well, it's all right.

4 BY MS. SMITH:

5 It's past my bedtime.

6 BY CHAIRMAN WATSON:

7 All right. Jennings Graham King, Jr. Do you
8 wish to reconsider your vote or do you --
9 here's the affidavit and the attachments to
10 it.

11 BY MS. SMITH:

12 Deny it.

13 BY TRENA PARKER:

14 Has that been sustained?

15 BY MS. SMITH:

16 Yes. Sustained. I'm sorry.

17 BY CHAIRMAN WATSON:

18 Okay. You're going to maintain your ---

19 BY MS. SMITH:

20 Yes.

21 BY CHAIRMAN WATSON:

22 Very good. Thank you. Okay. Next, Susan
23 King. Mr. Keller?

24 BY MR. KELLER:

25 Deny.

1 BY CHAIRMAN WATSON:

2 All right. Deny the challenge. Ms. Smith,
3 sustain or deny the challenge?

4 BY TRENA PARKER:

5 You all help me out. Sustain or overrule?
6 Which -- what are we doing here? Deny is ---

7 BY MR. KELLER:

8 Deny the challenge. We've got to get all
9 those words ---

10 BY CHAIRMAN WATSON:

11 I'm sorry. Go ahead.

12 BY TRENA PARKER:

13 Just clarifying.

14 BY MS. SMITH:

15 Okay. Say that all again.

16 BY CHAIRMAN WATSON:

17 Are you suggesting sustained or overruled? Is
18 that what ---

19 BY TRENA PARKER:

20 Yes.

21 BY MR. KELLER:

22 Or deny the challenge.

23 BY MR. SCHEU:

24 We'll stipulate that deny means overruled.

25 BY CHAIRMAN WATSON:

1 I think deny ---

2 BY MR. SCHEU:

3 That means the challenge fails, if it's ---

4 BY CHAIRMAN WATSON:

5 Right. Right. I think deny is going to
6 be ---

7 BY MS. SMITH:

8 Well, I made a big mistake on some of these.

9 BY CHAIRMAN WATSON:

10 So as to Susan King, Mr. Keller, you have
11 voted on that one, denied. Ms. Smith?

12 BY MS. SMITH:

13 Smith.

14 BY CHAIRMAN WATSON:

15 And I'll vote deny on Susan King.

16 (SUSAN KING CHALLENGE DENIED)

17 BY CHAIRMAN WATSON:

18 All right. I am taking these in reverse order
19 of how we finished them, just pulling them off
20 the pile. So we are now up to the Melvins.
21 The first -- I'm sorry?

22 BY MR. KELLER:

23 That's okay. Go.

24 BY CHAIRMAN WATSON:

25 Michael Melvin? Michael Melvin?

1 BY MR. KELLER:

2 Deny the challenge.

3 BY CHAIRMAN WATSON:

4 Ms. Smith, Michael Melvin?

5 BY MS. SMITH:

6 Deny.

7 BY CHAIRMAN WATSON:

8 All right. The Chair votes deny on Michael
9 Melvin.

10 (MICHAEL MELVIN CHALLENGE DENIED)

11 BY CHAIRMAN WATSON:

12 Walter Brinkley Melvin? May I see the
13 affidavit on -- no, not the motion. The
14 affidavit. Do you have that affidavit?

15 BY TRENA PARKER:

16 You're not getting out of here with those
17 files. Let's just put it that way.

18 BY JENNIFER SPARKS:

19 We're watching the yellow stickers.

20 BY MR. KELLER:

21 They're handy for that.

22 BY CHAIRMAN WATSON:

23 Mr. Keller, Walter Brinkley Melvin?

24 BY MR. KELLER:

25 Deny.

1 BY MS. SMITH:

2 Deny.

3 BY CHAIRMAN WATSON:

4 The Chair votes -- the Chair denies Walter
5 Brinkley Melvin.

6 (WALTER BRINKLEY MELVIN CHALLENGE DENIED)

7 BY CHAIRMAN WATSON:

8 Next will be Robin Melvin. Mr. Keller, are
9 you prepared on Robin Melvin?

10 BY MR. KELLER:

11 Oh, yeah. Deny.

12 BY CHAIRMAN WATSON:

13 Ms. Smith?

14 BY MS. SMITH:

15 Deny.

16 BY CHAIRMAN WATSON:

17 The Chair denies on Robin Melvin.

18 (ROBIN STACY MELVIN CHALLENGE DENIED)

19 BY CHAIRMAN WATSON:

20 Harriet Watson Melvin.

21 BY MR. KELLER:

22 I've got Harriet. Deny.

23 BY CHAIRMAN WATSON:

24 Ms. Smith?

25 BY MS. SMITH:

1 Deny.

2 BY CHAIRMAN WATSON:

3 The Chair denies. Harriet Watson Melvin is
4 denied.

5 (HARRIET WATSON MELVIN CHALLENGE DENIED)

6 BY CHAIRMAN WATSON:

7 All right. Carolyn Crowder I recused myself
8 on. This vote will only be heard and taken by
9 Mr. Keller and Ms. Smith. As to Carolyn
10 Crowder -- before I call, Mr. Scheu, would you
11 like me to recuse myself from ---

12 BY MR. SCHEU:

13 I'm happy. You can call the vote. I
14 understand that you've recused from the
15 deliberation.

16 BY CHAIRMAN WATSON:

17 All right. Mr. Keller, as to Carolyn Crowder?

18 BY MR. KELLER:

19 Deny.

20 BY CHAIRMAN WATSON:

21 Ms. Smith?

22 BY MS. SMITH:

23 Deny.

24 BY CHAIRMAN WATSON:

25 Have you got the right one? Okay.

1 BY MS. SMITH:

2 Yes.

3 BY MR. SCHEU:

4 What did she say?

5 BY CHAIRMAN WATSON:

6 She said yes, she's got the right one.

7 BY MR. SCHEU:

8 Did she deny -- I'm asking ---

9 BY THE COURT REPORTER:

10 She hasn't voted yet.

11 BY CHAIRMAN WATSON:

12 Your vote?

13 BY MS. SMITH:

14 Deny.

15 (CAROLYN CROWDER CHALLENGE DENIED)

16 BY CHAIRMAN WATSON:

17 Jordan Hill Clark Brown.

18 BY MR. KELLER:

19 Jordan Hill Clark Brown. Sustain.

20 BY CHAIRMAN WATSON:

21 Give me one second. Mr. Scheu, did you submit
22 an affidavit with regards ---

23 BY MR. SCHEU:

24 Yes, sir. It was a copy of Mrs. Brown's
25 affidavit. Jordan ---

1 BY CHAIRMAN WATSON:

2 You mean Mary Jo Clark -- okay. That's --
3 that was my confusion. I have an affidavit,
4 but I saw -- okay. Thank you.

5 BY MR. SCHEU:

6 Yes.

7 BY CHAIRMAN WATSON:

8 Okay. I'm sorry. I will call this vote
9 again. Mr. Keller, as to Jordan Clark Brown,
10 did I hear you vote sustained?

11 BY MR. KELLER:

12 Sustain.

13 BY CHAIRMAN WATSON:

14 All right. Sustain. Thank you. Ms. Smith?

15 BY MS. SMITH:

16 Sustain.

17 BY CHAIRMAN WATSON:

18 And I will vote -- I'll vote sustained. There
19 was no other evidence presented. Thank you.
20 Jordan Clark Brown is sustained.

21 (JORDAN CLARK BROWN CHALLENGE SUSTAINED)

22 BY CHAIRMAN WATSON:

23 The William Brown? Mr. Scheu, do I remember
24 correctly that, as to William Brown, that the
25 same affidavit of his wife ---

1 BY MR. SCHEU:

2 Yes, sir.

3 BY CHAIRMAN WATSON:

4 --- was submitted?

5 BY MR. SCHEU:

6 Yes, sir.

7 BY CHAIRMAN WATSON:

8 He had no independent affidavit?

9 BY MR. SCHEU:

10 No, sir.

11 BY CHAIRMAN WATSON:

12 All right. Mr. Keller?

13 BY MR. KELLER:

14 Sustain.

15 BY MS. SMITH:

16 Sustain.

17 BY CHAIRMAN WATSON:

18 All right. And I vote to -- I sustain as
19 well. I will note that this was -- that the
20 address given by them on their Buncombe County
21 residence card for mailings was the Davidson
22 address. He is, I think -- there's no
23 testimony to contradict it -- it appears he's
24 still a full-time employee with Davidson.
25 William Brown is sustained.

1 (WILLIAM BROWN CHALLENGE SUSTAINED)

2 BY CHAIRMAN WATSON:

3 Mary Jo Clark? Mr. Keller?

4 BY MR. KELLER:

5 Sustain.

6 BY MS. SMITH:

7 Sustain.

8 BY CHAIRMAN WATSON:

9 I am going to deny, but it is sustained on a
10 vote, two to one.

11 (MARY JO CLARK CHALLENGE SUSTAINED)

12 BY CHAIRMAN WATSON:

13 Daniel Dean. All right. Daniel Blue Dean.

14 Mr. Keller?

15 BY MR. KELLER:

16 Deny.

17 BY CHAIRMAN WATSON:

18 Ms. Smith?

19 BY MS. SMITH:

20 Deny.

21 BY CHAIRMAN WATSON:

22 And I deny. Daniel Dean is denied.

23 (DANIEL DEAN CHALLENGE DENIED)

24 BY CHAIRMAN WATSON:

25 Ellen Dean?

1 BY MR. KELLER:

2 Deny.

3 BY CHAIRMAN WATSON:

4 Mr. Keller?

5 BY MR. KELLER:

6 Deny the challenge.

7 BY CHAIRMAN WATSON:

8 Ms. Smith, Ellen Dean?

9 BY MS. SMITH:

10 I'm sorry. I'm ---

11 BY CHAIRMAN WATSON:

12 Take your time.

13 BY MS. SMITH:

14 Deny.

15 BY CHAIRMAN WATSON:

16 I deny. Ellen Dean is denied.

17 (ELLEN DEAN CHALLENGE DENIED)

18 BY CHAIRMAN WATSON:

19 Mr. William Bauer has left us. Okay. Mr.

20 Keller?

21 BY MR. KELLER:

22 Sustained.

23 BY CHAIRMAN WATSON:

24 Ms. Smith?

25 BY MS. SMITH:

1 Sustained.

2 BY CHAIRMAN WATSON:

3 I sustain. Bauer is sustained.

4 (WILLIAM H. BAUER CHALLENGE SUSTAINED)

5 BY CHAIRMAN WATSON:

6 Any further matters for consideration by the
7 Board? Mr. Scheu?

8 BY MR. SCHEU:

9 No, sir. Thank you. It was instructive. I
10 appreciated your deliberations, your patience
11 and your receiving of evidence. Thank you for
12 the service that you provide, and to the
13 staff.

14 BY CHAIRMAN WATSON:

15 Mr. Bebbber, anything?

16 BY MR. BEBBBER:

17 Our thanks to you, the Board, and to the staff
18 and the intrepid reporter.

19 BY CHAIRMAN WATSON:

20 Okay. Mr. Keller, anything further from you
21 for this hearing?

22 BY MR. KELLER:

23 No questions.

24 BY CHAIRMAN WATSON:

25 Ms. Smith, Madam Secretary?

1 BY MS. SMITH:

2 No, sir.

3 BY CHAIRMAN WATSON:

4 Thank you. We are concluded with this hearing
5 at this time. We are off the record.

6 (PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE
7 CONCLUDED AT 12:12 A.M.)

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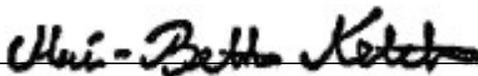
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CERTIFICATE

I, Mai-Beth Ketch, CVR-M, CCR, Court Reporter and Notary Public, do hereby certify that the foregoing 339 pages are an accurate transcript of the Board of Elections hearing taken by me and transcribed under my supervision.

I further certify that I am not financially interested in the outcome of this action, a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel.

This is the 16th day of November, 2015.



MAI-BETH KETCH, CVR-M, CCR

Notary Public No.: 19981410006

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