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

**BY WALTER BRINKLEY MELVIN:**

(Indicates)

**BY WILLIAM BAUER:**

(Indicates)

**BY CHAIRMAN WATSON:**

And you are, sir?

**BY WALTER BRINKLEY MELVIN:**

Walter Brinkley Melvin.

**BY CHAIRMAN WATSON:**

Okay. And you, sir?

**BY WILLIAM BAUER:**

William Bauer.

**BY CHAIRMAN WATSON:**

All right. Now, Mr. Melvin, you are
represented by counsel; is that correct?

BY WALTER BRINKLEY MELVIN:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:
If I got the numbers right, then, we have four, five -- so we have all 17 represented here. Is that correct? And, of the 17, two are here in person, Mr. Brinkley -- or, excuse me, Mr. Melvin and Mr. Bauer. All right. A couple of things, let me just in opening -- a few things. This Board is considering a challenge based on the question of residency. We do not know and we do not want to know and please do not mention party affiliation, or anything like that. Any information that this Board has received, party affiliation has been redacted. Anything having to do with any elections which may be going, we don't know and we don't want to know. That's not our concern, so please don't mention any of that in any of your comments, if you would. What we're interested in is whether -- the question presented before us is whether these 17 voters are, in fact, residents of Montreat, as that is determined in the North Carolina statute. Let me also say that I think the Board recognizes that there's going to be kind of a natural interest in what goes on there, but that's not the test. You can have -- the test
of whether you are a resident qualified to vote is not whether you have an interest in the results of an election in that area. You may own a business and have business property in one county and live in another. The fact that you're interested in the outcome of an election in one county doesn't establish the qualifications for residency to vote there. So we're going to be looking to see whether you actually -- these 17 actually qualify, if you meet the standards, of residency. And that actually, under North Carolina law, comes down to domicile, as well. So we will be considering those things. In considering that, we're going to -- each case is going to be -- well, it's going to be a case-by-case determination. Each case may be different. And we have the interest and the authority and the discretion to inquire into things, such as taxes, property records, driver's license, any of those kinds of factual elements that would tend to establish where does a person consider their domicile; all right? I -- what I'm about to say next, believe me when I say we're not trying to threaten or scare anyone. But
we want you all, as you move forward, to be fully aware of the -- there are felony penalties for this. So we take this very, very seriously. We understand that, because you may own property somewhere or you have an interest in it, that you may say, "Well, I pay my taxes here. I own property and I should be able to vote." That's not the end of the inquiry. And if you have a concern about being able to establish domicile, testimony will be given under oath. We will be looking at the totality of the circumstances and facts. Please be aware that there -- these have felony implications. Okay? With that being said, we're going to begin to call the cases, each one in turn. No particular order to them, necessarily.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

Not at this time. We'll take them on a case-by-case -- and, if you have a question, if
you'll please raise your hand and wait to be recognized by the chair, I'd appreciate it. We will receive all evidence as to each file. At the conclusion of the evidence, we will close that portion of the hearing. The Board will then move into deliberations as to each file. So because it is a case-by-case basis, the fact that there's facts with regards to each challenge, registrant-varied, we're going to take them one at a time in turn. All right?

FILE NO. 1, WILLIAM H. BAUER

BY CHAIRMAN WATSON:

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

BY WILLIAM BAUER:

I am.

BY CHAIRMAN WATSON:

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

BY WILLIAM BAUER:

I do.

BY CHAIRMAN WATSON:

Okay. Then I'm going to ask you to be sworn,
sir. You will be sworn under oath. Do you wish to swear or affirm?

BY WILLIAM BAUER:
Swear.

BY CHAIRMAN WATSON:
Okay. If you will, sir, come up. Raise your right, place your left hand on the Bible. Do you swear that the statements of information you shall give in this hearing with respect to your identity and qualifications to be registering to vote shall be the truth, the whole truth and nothing but the truth, so help you God?

BY WILLIAM BAUER:
I do.

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

BY WILLIAM BAUER:
I'll stay here, if that's okay.

BY CHAIRMAN WATSON:
That is fine.
EXAMINATION BY CHAIRMAN WATSON:

Q Mr. Bauer, will you state your full name for us, please?
A William Harvey Bauer.

Q All right.
A It's B-a-u-e-r.

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

Q On what basis did you register to vote there?
A We live at 320 Texas Road. My wife and I also have a home in Montreat on -- at 215 Alabama, and she also has a home at 372 West Virginia Terrace, but I'm not on the -- the deed of that home, but she is.

Q Now, are you claiming that that is your residence, your domicile?
A I am, the 320 Texas.

Q Okay. And where are you employed?
A I work for a pharmaceutical company. I have a territory in South Carolina.

Q And what's the name of that?
A Sanofi Pharmaceuticals. It's s-, as in Sam, a-n-o-f-i.

Q And that's located where?
A Well, the company's located in New Jersey.
Q You work out of where?
A The territory is a Columbia territory.
Q You work in Columbia, South Carolina?
A I do.
Q Okay. And you own a house in Columbia, South Carolina?
A We own a house in Columbia. We also own a house at Edisto Beach.
Q And where do you spend most of your time?
A We don't spend more than 50 percent of our time anywhere. I've spent well over 30 days in the 320 Texas Road house, but, as I saw and you can see, on the VRBO information, those homes are listed for rent and we're fortunate to have three places we can stay in Montreat. So we -- we spend time at those other places as well.
Q Well, which one of those homes are you claiming as your domicile for purposes of rooming?
A 320 Texas Road.
Q Do you have that place currently listed for rent?
A We do. But I'm spending the night in it
tonight.

Q Well, have you spent the last 30 nights in it?
A I've not spent the last 30 nights in it.
Q When was the last time you were at that home?
A The last time I was at it was a week ago.
Q And how long were you there then?
A Well, we were staying in the West Virginia house because we're doing work. So I was there four hours.
Q Okay.
A But I was 50 yards from it, so (pause) ---
Q You were 50 yards from which?
A From the -- the houses are close is the only point I was trying to make.
Q Well, in fact, you already have some of those houses booked for rental; don't you?
A We do.
Q And which one is it that you're claiming is your domicile?
A 320 Texas Road.
Q Do you have that one currently booked for rental?
A You'd have to ask my wife. I honestly do not know.
Q Do you know whether it's booked November 26th
through 28th of this year?
A I honestly do not know.
Q Or December 10th through 12th?
A Again, she handles all of that so I really
don't know.
Q And where is she tonight?
A She is in Columbia.
Q Were you in Columbia during the recent rains?
A I was.
Q Did it flood your place?
A The neighborhood that that house is in is --
was devastated.

BY CHAIRMAN WATSON:

Thank you.

BY MR. KELLER:

May I ask ---

BY CHAIRMAN WATSON:

Yes, please.

BY MR. KELLER:

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

BY WILLIAM BAUER:

It was very sad.

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

BY WILLIAM BAUER:

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

BY MR. KELLER:

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

BY WILLIAM BAUER:

It was close.

BY MR. KELLER:

Thank you, Mr. Chairman.

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

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

BY WILLIAM BAUER:

We file state income tax in South Carolina.

BY MR. KELLER:

Okay.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q Do you have children?
A We do. We have one child in school and our intent -- obviously, our intent is always to return when we leave the Montreat gates, but ---

Q Where is -- how old is your child?
A We have a 16-year-old in Utah at a -- at a school out there, and our 13-year-old is in Columbia schools there. And once he -- he finishes, our goal is to, I'd say, retire, but I'm not sure that's going to happen. But ---

Q How old is the one, again, that's in Columbia?
A Thirteen.

Q And he's in Columbia public schools?
A He is.

Q Is he in Columbia public schools because you have notified the State of South Carolina and County of Columbia that you're residents there?
A We have notified them that we have a residence there. But I -- I also have evidence that I've notified them that I have rescinded my voter registration in Columbia.

Q Where do you intend to file your state taxes this year?
A This year? In South Carolina.
Q In South Carolina?
A With our intent always to be returning to Montreat.
Q And do you have a driver's license?
A I do. It's a South Carolina driver's license.
Q How long have you had that license?
A Twenty-plus years.
Q How long have you owned your home in Montreat?
A The 320 Texas Road home, three years. That's a ballpark estimate. The house on Alabama, 18 months. Again, those are ballpark estimates. The house my wife owns that I'm not on the deed, she has been on that since her mother passed away 25 years ago.
Q You -- and so, when did you decide that Montreat was -- you were now going to claim Montreat as your domicile?
A I registered in May of this year.
Q Well, that wasn't my question. We'll get to that. When did you decide that Montreat was going to be your domicile?
A When we bought that home.
Q When was that?
A When we bought the Texas Road home. I mean,
when I fell in love with the place.

Q When did you buy that Texas Road home?

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

Q No, no. Just roughly.

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

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

A Sure.

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

A Correct.

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

A I do.

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

A He is.

Q And you work in Columbia, South Carolina?

A I do.

BY MR. KELLER:

And the tags on your car are?

BY WILLIAM BAUER:
They're South Carolina tags.

BY MR. KELLER:

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

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

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

Q The four percent?

A Correct.

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

A Correct.

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

A They are.

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

A We do.
Q Okay. But you're asking this Board to believe you that Montreat is your domicile for voting purposes. Is that what I'm to understand?
A It is. Because, as I understand it, the -- I've lived there for more than the 30 days and my intent is always to return. My intent, you know, is to be -- for my ashes to be sprinkled there.

BY MR. KELLER:

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q Mr. Bauer, under 163-57, the states where residency is defined for registration and voting, Subpart 3, "A person shall not be
considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this state into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct or other election district their permanent place of abode."

Now, I understand, sir, that one day you hope to retire here and maybe to have your ashes sprinkled here. But it's not your domicile at this time; is it?

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

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

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

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

A And yes, I have been in that home for 30 days
prior to this election.

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

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

Q Well, let me ask you this, sir. Have you
voted in the past?

A Absolutely.

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

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

Q Last election. Where did you vote?

A In Columbia.

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

A You mean prior prior to ---

Q For the last election?

A The election before that?

Q Yes.

A Columbia.

Q Columbia. How long have you voted in Columbia?

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

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

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

(FILE 1, EXHIBIT NO. 1 MARKED)

EXAMINATION RESUMED BY CHAIRMAN WATSON:

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

BY CHAIRMAN WATSON:

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q And that is your North Carolina Voter Registration Application, April 2015, 21st. And, again, any -- any of these that we refer to, if you'd like to take a look, that's fine. I'm not asking you to take our word for it. Now, can you tell us what precipitated you, with all the connections you have in Columbia, South Carolina, suddenly changing your voter registration to Montreat, North Carolina?
A Because we began to -- I mean, obviously, we bought the home. We spent 30 days, plus. It became the place that we considered home. So I felt like, because it's -- it's a place where we own that house, another house, and my wife owns the other one; because it is a place that we consider home or our intended domicile, that -- that we felt like we -- we needed a say in the local elections.

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

A Ever-changing, but ---

Q What does your territory cover now, roughly?

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

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

A Miles-wise?

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

A All day every day.

Q All day every day. Okay. Well, I'm -- I guess I'm sitting here wondering why have you
-- if you're claiming this is your domicile, why haven't you moved here, put your children in school here and commute to work?

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

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

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

Q Do you have a PO box in Montreat?

A We do.

Q 672; is that right?

A That sounds right.

Q Do you have a forwarding order on that PO box
now?

A I do not.

Q Does your wife?

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

Q Do you check that PO box regularly for mail?

A I do.

Q In the fall and winter?

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

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

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

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

A And, again ---

Q You don't know.

A I don't -- and this is a truthful statement. We hadn't paid a -- I haven't paid a bill since we got married. She's the queen of Quicken.
BY MR. KELLER:

Where is she registered to vote?

BY WILLIAM BAUER:

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

BY MS. SMITH:

Is she registered to vote in South Carolina?

BY WILLIAM BAUER:

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

BY MR. KELLER:

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

BY WILLIAM BAUER:

Correct.
EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q You have that listed as your residence there; is that correct?
A It is a residence. I mean, on -- listed as my residence on -- what are you referring to?
Q The tax records there?
A Yeah, correct.
Q Not as a vacation or a second home. You've got that listed as your residence.
A Correct.

BY MR. KELLER:
Taxes are four percent for residences and six for the ones that you lease -- any South Carolina home that you lease out.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q Your property card here for your Montreat home with the Buncombe County Register of Deeds lists your -- for your address it lists your 4707 Carter Hill Drive, Columbia, South Carolina address. Correct?
A Correct. As a mailing address and as a -- as a place of residence.

BY CHAIRMAN WATSON:
I'm going to mark that as Exhibit 2, File 1, which is the Buncombe County property card for
Q Mr. Bauer, I just want to share with you --
I'm going to summarize a couple of opinions
from our North Carolina Supreme Court and one
from our North Carolina Court of Appeals. Our
Supreme Court has said, in the case of Lloyd
v. Babb, that "A person has a domicile for
voting purposes at a given place if he or she,
one, has abandoned the prior home and is
residing elsewhere; and, two, has a present
intention to make that place his home; and,
three, has no intention presently to leave
that place." The Court of Appeals, in
Farnsworth v. Jones, went on to say that "To
establish a change in domicile, a person must
show an actual abandonment of the first
domicile, coupled with an intention not to
return to it; second, the acquisition of a new
domicile by actual residence; and, three, the
intent of making the new residence a permanent
home." You have not abandoned your Columbia
home; have you?
A No.
Q And you, in fact, intend to return to it?
A And when I get there, I intend to return to Montreat.
Q Sir, my question is you intend to return to it?
A Yes.
Q And your son is 13?
A Correct.
Q And you testified earlier that you don't want to uproot him from school. He's doing well. Is it your intention that he will be there until he graduates from high school?
A Assuming his mama doesn't strangle him for not doing his homework. But as ---
Q So probably at least another four, five, six years?
A Four or five years, six years.
Q I don't know how good he is academically, but four, five, six, seven.
A That's a whole nother board hearing.
Q Right. So, sir, you're going to be in Columbia working, children in school for at least five or six more years probably?
A Correct.
Q Is that a fair statement? I'm ---
A Yeah. Absolutely. My job is in Columbia, but ---
Q Are you still trying to maintain before this board -- I wanted you to understand some of the things that we're looking at.
A Sure.
Q And asking you again about intend to abandon or return to Columbia, are you still testifying under oath before this Board that Montreat, North Carolina, is your domicile ---
A So ---
Q --- for voting purposes?
A --- from -- based on what I have -- I've read and how I feel, you know, my intended domicile is at 320 Texas Road. That, when we leave, we leave temporarily, you know, whatever temporary means. You know, I don't intend to abandon any of the properties that we're lucky enough to own. So ---

BY MR. KELLER:

Intended. I didn't notice the "intended" in the Supreme Court ruling nor the lower court ruling. I understand intended. We intended
to retire to Asheville, so we eventually did. But, I mean, we visited. We stayed a long
time when we visited, but we just visited. We
subscribed to the newspaper. Do you get a
newspaper from Montreat?

BY WILLIAM BAUER:
I don't -- I don't read the newspaper.

BY MR. KELLER:
Okay.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q Are you involved in any civic organizations?
A Yes. Both in Columbia and in Montreat.

Q What civic organizations are you involved in in Montreat?
A The President's Council, serving with, you know, various people from ---

Q President's Council on the ---
A For the Mountain Retreat Association, MRA.

Q Okay. Well -- and I don't know what. Roughly
would you say 80 percent of the homes up there
are seasonal homes; is that fair? Some -- a
large percentage of them. We won't put a
number on it. The point being that a lot of
folks on the councils and whatnot are from
other states. Is that -- would that be a fair
statement?
A That's fair.
Q Okay. And what civic organizations are you involved in in Columbia?
A The -- I'm on the board of a little nonprofit. It's the Autism Academy of South Carolina.
Q All right. Is there any documents or evidence you want to present this Board, which we've not given you an opportunity to do? And I apologize that I didn't ask for that earlier. Is there anything else you'd like to present to us?
A That's just verification of the cancellation of the registration in Richland County.
Q Is this a copy that we may hold onto?
A Yes.

BY WILLIAM BAUER:
I emailed that to you, didn't I, a pdf? Yeah.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q Mr. Bauer, you mentioned that your wife handles a lot of the, I guess, home business matters. Have you checked the -- and your wife has changed her registration now. She's not part of the challenge so you're not under oath when I'm looking at her. But do you
check the postings on the rental site? Or are you aware that it's listed in there -- again, you're welcome to take a look. About the owner, it says, "We live less than three hours and come up to stay at our nearby family home." That's on -- well, both your Texas Road and -- what was the other one?

A There's a home on Alabama.

Q Alabama.

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

Q Well ---

A But that's just a guess.

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

A No.

BY CHAIRMAN WATSON:

Mr. Keller, do you have any other questions?

BY MR. KELLER:

No, no questions.
BY CHAIRMAN WATSON:

Madam Secretary, do you have any other questions?

BY MS. SMITH:

No. Thank you.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

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

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

Q And 803 is a South Carolina prefix?

A It is.

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

A It is.

Q Okay.

BY CHAIRMAN WATSON:

I'll mark this Exhibit 3, File 1.

(FILE 1, EXHIBIT NO. 3 MARKED)

BY WILLIAM BAUER:

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q I understand. Do you have a North -- do you have a phone here in ---
A We have phones at both the Texas Road house
and the Alabama house.

Q Land lines?
A They are.

Q Okay. Do you know where the bills to those
are mailed?
A And, again, I'll be completely honest. I
don't. If anything happens to her, then I'm
going to have to hire a bookkeeper.

Q Yes. Do you file estimate income tax, state
income tax?
A So my wife -- I'm going to answer this the
best I can because -- because she and her
sister own a business. So I'm going to guess
-- or I'm going to say yes because I do
believe we started filing quarterly three
years ago.

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

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

Q Do you know if she's paying those in North
Carolina or South Carolina?
A South Carolina. We filed jointly in South
Carolina last year.

Q Do you have a family doctor?

A I do. He's in Columbia.

Q Are you a member of a church?

A (Pause)

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

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

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

BY CHAIRMAN WATSON:

Okay. Any other questions?

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

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

BY WILLIAM BAUER:

No. Thank you.

BY CHAIRMAN WATSON:

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

(FILE 1, WILLIAM H. BAUER, CLOSED)

BY CHAIRMAN WATSON:
We'll move on to the next file.

**BY CHAIRMAN WATSON:**

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

**BY AN UNIDENTIFIED MALE:**

That would be great.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

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

**BY CHAIRMAN WATSON:**

Is there some reason we cannot take the Clarks next?

**BY MR. SCHEU:**

No. I'm perfectly willing to do that.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

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

BY CHAIRMAN WATSON:

Mr. Dean, the gentleman out of Laurinburg?

BY MR. SCHEU:

Yes, sir, it is.

FILE 2, DANIEL DEAN

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Great. Thank you. As I said, my name is William Scheu, S-c-h-e-u. I'm appearing on behalf of Mr. Dean, who is unable to be here, as permitted by the statute. He would like to
submit, and I'll submit for him, an affidavit. I have the original and copies for each member of the Board. (Tenders)

BY MS. SMITH:
Thank you.

BY MR. KELLER:
Thank you.

BY CHAIRMAN WATSON:
And the original is where?

BY MR. SCHEU:
I thought I gave you the original.

BY CHAIRMAN WATSON:
Is there the original here? I'm trying to ---

BY MR. SCHEU:
I think it's in a black little -- this one.

BY CHAIRMAN WATSON:
I can't tell. This one's not smudging so it's not the most hygienic test, but it's the best I've come up with.

BY MR. SCHEU:
This looks more like real ink, if you would like to ---

BY CHAIRMAN WATSON:
I'll tell you what. I think -- hang on one second. We're going to mark the affidavit as
Exhibit 1, F-2, File 2. This is going to be the original, if you'll hand that to the reporter, please. And we have copies that we're going to read, if you'll give us a moment.

(FILE 2, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

All right. And if you'll allow me just a minute, Mr. Scheu, here, before we begin the questions. There's a couple of things I'd like to read into the record. We have the affidavit placed into the record. A couple of things is that attached with the affidavit are a letterhead of Mr. Dean's law firm, Williamson, Dean, Williamson & Sojka, I believe it is, in which it shows that Mr. Dean is now listed of counsel to the firm; a voter registration card showing his home as Chapman Road with a mailing address in Montreat; a driver's license showing that he has updated his driver's license to show his 337 Chapman Home Road in Montreat as his resident; an updated North Carolina property card showing that he has listed as his address for his Montreat Chapman Home Road property -- his
mailing address is PO Box 222 in Montreat; and a canceled or voided check showing that he has updated his bank accounts to list the Chapman Road, Montreat, property as the address on his banking account; and a cover of a recent Time magazine showing that he has updated a magazine subscription to show the mailing address for that magazine as PO Box 222, Montreat; and indicates in his affidavit that he has taken steps to notify other subscriptions, and has given that one as an example. He also, under oath, has sworn in his affidavit that he's taken other steps, such as notifying creditors, insurance companies, providers, etcetera, of an address change. A number of other things which he has stated in his affidavit regarding their move -- what appears to be a very permanent move they're seeking to make to Montreat; that their home in Scotland County is being renovated in anticipation of placing it on the market and that he's terminated registration in Scotland County. I have not read certainly an exhaustive list of everything in the affidavit, but those are the pertinent things.
Mr. Scheu, is there anything in this affidavit that you would like to add?

BY MR. SCHEU:

I would, if it would please the Chair. Under the terms of the statute, I want to make sure that we -- you're satisfied that it complies with the statute. The first six paragraphs are the specific requirements that the affidavit required in Subparagraph D that comply with the statute. No. 7, in which Mr. Dean responds specifically to the challenge of Mr. Standaert, I would like to elaborate so that it's clear on the record. Mr. Dean says that he and his wife owned a home located at Chapman Road for many years. Until last year it was seasonal, used primarily during warmer months. In 2014, in anticipation of his retirement from the practice of law and a permanent move to Montreat, they undertook extensive renovations to that home in order to make it a year-round residence. The residence -- the renovations began in November of 2014 and they were not completed, but they moved in August. On December 31st, 2014, he fully retired from the practice of law. As you've
already indicated and what the law firm letterhead says. The renovations to the Chapman Road home were mostly completed in late June and they moved back into the home where they've gone to visit family and friends. They've returned to Laurinburg to check on the former home, but they view the Montreat home as where they reside. They're not here tonight because they're in Staunton, Virginia. I believe he is grandchildren. Even though they moved back to the Chapman Road home in early July 2015, the renovations were not completed at that time. That's in July -- they began taking steps to effectuate their change. They registered to vote. They changed their address and the North Carolina driver's license. "We changed our mailing address with the County tax department. We changed the address on our checks." As you indicated, they notified various magazines. "We've taken other steps." Then he refers to specific allegations contained in Mr. Standaert's challenge, and part of this relates to the date, which in the earlier case you mentioned the date. The statute says that
you must reside 30 days prior to the election. And that's the critical date. He points out that the property card attached to the challenge is out-of-date and incorrect. The mailing address of 337 Chapman Road has been changed to PO Box 222, Montreat.

BY CHAIRMAN WATSON:
I'm sorry to interrupt. You're referring to the property card in Buncombe County for Chapman Home Road; is that correct?

BY MR. SCHEU:
Yes. That's the -- Item No. 2 of the challenge, property card, 337.

BY CHAIRMAN WATSON:
Okay. Thanks.

BY MR. SCHEU:
He points out that the deed attached to the challenge is inapplicable and it clearly states that it is describing the property located on the south side of Lookout Road, not property located on Chapman Road. Item 3, the property appraisal card for Dunbar Drive, Laurinburg. "This card is correct in that it relates to my former residence in Laurinburg, which my wife and I still own and will
continue to own, until such time" as they sell it, which, as you've already noted, they're in the process of doing. Item 4, the web page for Williamson Dean law firm, this is out of date. "The website for my law firm was designed and placed online several years ago and has not been revised to reflect" his retirement. Item D -- Item 5, the biography of his son -- and this is an incredible inclusion in the challenge. This item is completely out of date, keeping in mind the dates, therefore irrelevant. This is a website posting made in 1997 for his son, almost 18 years ago, "when we were residents of Laurinburg." The list was published as of July 2015. As Mr. Dean says, this use of this very outdated information would be comical, except for the fact that it's being used in an effort to deny him the right to vote. He makes a couple of other statements, but I did want to bring that to your attention. A couple of other things I would like to say, I want to thank you all for your service. This is an important service. I was the supervisor of elections in Duval County in Jacksonville
in a very controversial year in 2004 with the presidential election.

BY CHAIRMAN WATSON:

Are you sure about the number?

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

I won't.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Absolutely.

BY CHAIRMAN WATSON:

You have presented some evidence to support
his change of registration. Now -- and if you
want to proceed down that, fine. If we're
starting to get into some kind of argument or
attack against the whole challenge --
challenger, anything like that, or into the
election, I'm -- I'm going to ask you to stop.

BY MR. SCHEU:
Let me suggest -- and I will stop. I do not
-- I have great respect ---

BY CHAIRMAN WATSON:
I'm going to have to pick the right word, but
you proffer or you suggest.

BY MR. SCHEU:
Okay. What I want to say is the motive for
this? And the reason I say that is, in the
beginning of the challenge -- and I'll refer
you to the second page of the challenge. It
is not the -- Mr. Standaert ---

BY CHAIRMAN WATSON:
I've read the challenge.

BY MR. SCHEU:
--- says, "It is not the intent to
disenfranchise," but then he goes on to say
"We fully acknowledge that most" -- I always
wondered about that first person plural. Why
was that "we," if Mr. Standaert is filing the
challenge? What I want to suggest to you is
that this challenge is part of a strategic
tactical effort by the Moffatt campaign ---
BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

If you have evidence ---

BY MR. SCHEU:

--- motive is not relevant in this case?

BY CHAIRMAN WATSON:

What we're looking at -- I don't know, but this Board is not going to get tangled up in what's going on in Montreat elections and motives on either side of this. What we're looking for is evidence to support or not
whether someone is a resident as determined under North Carolina law and established their domicile here. That's what we're looking for. Okay?

BY MR. SCHEU:

I will respect that and go down the original road.

BY CHAIRMAN WATSON:

Thank you. I do appreciate that so much.

BY MR. SCHEU:

This is important and this is the right to vote and a person's integrity has been challenged. The other thing I would like to move for your consideration is that the challenge is now moot because Mr. and Mrs. Dean have voted. They have approached it forthrightly. They have said that they believe that they are the subject of a challenge. There were inquiries made of the elections office. They were advised to go ahead and vote, without the challenge. Their vote -- their ballot has been put into the -- as I understand it, into the box with all the other ballots. So help me understand how that ---
BY CHAIRMAN WATSON:

Well ---

BY MR. KELLER:

Absentee ballot from early voting.

BY CHAIRMAN WATSON:

I understand. But let -- if you recall, I think I explained earlier, maybe I didn't -- I believe I explained -- I was talking to the court reporter, just so she'd have an idea of where we're going. We're going to conduct this hearing in two steps. If I did not explain this earlier, I apologize. We will consider all the evidence as to each file. At the conclusion of the evidence, we will come back and we will consider each file for deliberation. Whether -- and the question will be whether the challenge has been sustained or not. Okay? So when you move that it's moot, it will either be a determination after the Board has deliberated as to that file, as to whether it's sustained or not. So we are looking now for evidence, and that is -- that is all we're looking for at this stage. Okay? And if you have some further evidence -- I do appreciate the
affidavit. And, again, as we mentioned earlier, there are things that we are looking in establishing residence and domicile or abandonment of a domicile with the intention not to return, acquisition, renew, intent of making a new and permanent home. You've been giving us evidence along those lines. So those are the kinds of things that we are certainly interested in. Okay? And you've given us a sworn statement there with some exhibits.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

Is there any other evidence for Mr. Daniel Dean?

BY MR. SCHEU:

No, sir. But did I understand you to say that you were going to consider -- because this is a quasi-judicial proceeding. So to protect
the rights of everyone, are you going to consider the mootness of this, as you consider whether or not the challenge is sustained? At some point you have to make a legal determination as to whether or not the whole issue is moot.

BY CHAIRMAN WATSON:

What whole issue are you referring to, sir?

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Well, with all due respect, they -- each of
them, as I understand it, pointed out to the person at the precinct with the office that they were challenged. That person looked at the records and said, "Sir, you're not challenged." As I understand it, they checked with the -- the main office and they said, "Go ahead and vote." I know, not Mr. Dean, but others then -- they said the challenge -- your vote is a regular vote. And so, it's hard to understand, then -- maybe you could help us understand how that ballot is going to be recaptured?

**BY CHAIRMAN WATSON:**

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

**BY MR. KELLER:**

No. That was a very nice affidavit.

**BY CHAIRMAN WATSON:**

No?

(FILE 2, DANIEL DEAN, CLOSED)

FILE 3, ELLEN DEAN
BY CHAIRMAN WATSON:

Ms. Ellen Dean.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

I understand.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

(FILE 3, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

I'm thinking Dean and I mess up. This is the
original, if you will please -- do you have
another copy?

BY MR. SCHEU:
I sure do.

BY CHAIRMAN WATSON:
Or is that a copy?

BY MR. SCHEU:
This is an extra.

BY CHAIRMAN WATSON:
No, you don't have another one in your hand;
do you?

BY MR. SCHEU:
No.

BY CHAIRMAN WATSON:
Thank you, sir. If you'll give us a moment to
consider this.

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
Mr. Scheu?

BY MR. SCHEU:
It's Scheu, it's like a Y.

BY CHAIRMAN WATSON:
Okay. Thank you. I thought you said "Scheu,"
but every time I looked at it I wanted to say
"Scheu (different pronunciation)." Mr. Scheu, I assume you would like both of these affidavits admitted into the record ---

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
--- in their entirety?

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
Okay. So, Madam Court Reporter, place that in those records. They're both affidavits admitted into the record in their entirety. This is -- I'm not going to do through and necessarily point out, other than the -- significantly, I think, the driver's license has been updated to show Chapman Road. The property card in Buncombe County, North Carolina, has been admitted to -- excuse me, has been updated to reflect a Montreat PO box; and a voided check showing the banking account updated, as well as a couple of magazine subscriptions. These are not going to be individually noted as exhibits because they are part of the affidavit. They are attached
with the affidavit, so they'll be considered
as part of that affidavit. And this is --
hold on one second. Jennifer, will you please
pass me the two affidavits?

BY JENNIFER SPARKS:
(Tenders)

BY CHAIRMAN WATSON:
Mr. Scheu, if you'll approach one moment,
please. This -- nothing -- I think it's just
probably a scribner's error. This is the
affidavit of Ms. Ellen Dean. This is the
affidavit of Mr. Daniel Dean. The signatures
-- notaries are correct. Here's what I --
here's what I just noticed is it references
the same, but ---

BY MR. SCHEU:
Could we have -- administratively change this?

BY CHAIRMAN WATSON:
And I don't -- and if you'll -- do you have a
copy?

BY MR. SCHEU:
I don't, unless it's in the challenge.

BY CHAIRMAN WATSON:
Hold on one second. Here you go. (Tenders)
Jennifer, actually, I'm going to rely on your
expertise.

BY JENNIFER SPARKS:
Yes, sir.

BY CHAIRMAN WATSON:
If I may hold that one second?

BY MR. SCHEU:
Yeah. Great.

BY CHAIRMAN WATSON:
What I noted is on the top of the affidavit for both Daniel and Ellen Dean, it's got voter number ---

BY JENNIFER SPARKS:
The same one.

BY CHAIRMAN WATSON:
And so, would this be the correct one for Ms. Ellen Dean?

BY JENNIFER SPARKS:
I can verify that right now.

BY MR. KELLER:
It's on our folders.

BY MR. SCHEU:
Madam Clerk, would you do this; would you mind tell me what the ---

BY CHAIRMAN WATSON:
Yeah. I will gladly show you. This is ---
BY JENNIFER SPARKS:

4133 right there. Yes, that is correct.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

This is hers?

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

It's her -- her signature.

BY CHAIRMAN WATSON:

So you're satisfied with that now?

BY MR. SCHEU:
Yes, sir. Thank you for pointing that out.

BY CHAIRMAN WATSON:
Okay. Where is the other original?

BY JENNIFER SPARKS:
It's right here. I've got it.

BY CHAIRMAN WATSON:
Thank you. Mr. Keller, do you have any questions regarding the challenge of Ellen Dean?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
No.

BY CHAIRMAN WATSON:
Mr. Scheu, again, I'll caution you not to get into motions and argument. Do you have any other evidence?

BY MR. SCHEU:
Just for the record, without belaboring, I would make the same motion on the record on mootness, recognizing that you said that would be considered at a later date.

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

BY MR. SCHEU:

It would be interesting for the public to ---

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

Again, you are asking us to get into something
that's beyond what we are here for tonight.
And we're not going there at this time.

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
With all due respect, sir ---

BY MR. SCHEU:
Yes, sir. I appreciate that.

(FILE 3, ELLEN DEAN, CLOSED)
And I also, just for the record, make my statements briefly about the issue of the motive and that it should be considered. Once again ---

BY CHAIRMAN WATSON:
Let's see. Now you -- you represent Mary Jo Clark?

BY MR. SCHEU:
I do. Yes, sir.

BY CHAIRMAN WATSON:
All right. Then let's take up Mary Jo Clark.

BY MR. SCHEU:
All right. Now, let's see ---

BY CHAIRMAN WATSON:
I'm sorry. Yes, ma'am? Okay. Now -- all right. Ms. Mary Jo Clark.

(FILE 4, MARY JO CLARK)
BY CHAIRMAN WATSON:

Do you have an affidavit for Ms. Clark?

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Yes, sir. William ---

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

She would be appropriate. Yes, sir.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

All right. Let's see. Okay. The affidavit of Mary Jo Clark will be Exhibit 1, File No. 4. The original.
(FILE 4, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

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

BY MS. SMITH:

No, I'm good. Thank you.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Mr. Chairman, she has not provided that. I think what this affidavit is about is that it -- and let me just read you through it. I
mean, there's stuff here that we'll skip over. But what it says is that, in June, her husband and she moved their home to Montreat. "Upon studying the website for the Board and having conversations with their staff, it was my understanding that I should register to vote where I spent the majority of my nights over the month prior to registration. I had spent 22 nights of the past 30 nights in Montreat. Per the instructions, I registered to vote." In other words, she's trying to let you know that she followed the instructions, as she understood them. She then goes into a paragraph about all the things that she did over the summer in Montreat, and that -- in Paragraph 5, it was her understanding that registering to vote on August 17th, following the 30-day rule for residency. So here's a person that feels that she has followed the rules, that she has sought the assistance of the staff, that she's done everything that she was required to do, as the normal -- I mean, these people are not lawyers. They're not sophisticated, in terms of election law. They did what they thought was the right thing to
do. I would point out that the burden of proof is on the challenger and that this affidavit squares the challenge with the proof, and the burden is on the challenger. And she is -- she is anguishing about this. She thought that what she was doing was right. That's what she wanted you to know.

**BY CHAIRMAN WATSON:**

All right.

**BY MR. SCHEU:**

And she didn't have anything else to say.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

I do.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

I think that that's in -- I think the allegations are in the challenge.
BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

I really don't know what she does.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

I do not.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY A MEMBER OF THE AUDIENCE:

No. No.
BY MR. SCHEU:
--- Davidson.

BY CHAIRMAN WATSON:
Where?

BY MR. SCHEU:
Davidson.

BY CHAIRMAN WATSON:
Davidson. I'm sorry. We have a Gastonia. Davidson.

BY MR. SCHEU:
I -- you know, she has said this is going to be there -- this is their home. I think the -- well, I don't want to -- I don't say anything that's not under oath ---

BY CHAIRMAN WATSON:
No. I understand. And I'm not trying to get you to do that. We, again, are looking for ---

BY MR. SCHEU:
Part of -- part of the problem here is that you've got people in transition. The Clarks, husband and wife, are about to retire. He's -- his -- his registration -- I believe he's employed by Davidson College. He's in charge of the union, as I recall. But just like the
Deans, they're in the process of doing what it takes to retire. They view their home in Montreat as where they live, and they're now transitioning here. And that's, what they believe, all that they had to do. This is their home. This is what they -- when they leave Montreat, they intend to come back. And if that's all -- the statute -- and you read it to Mr. Bauer Subsection 3.

BY CHAIRMAN WATSON:

Three.

BY MR. SCHEU:

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

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

I do -- at the risk of ---

BY CHAIRMAN WATSON:

Not anything else ---

BY MR. SCHEU:

--- at the risk of offending the Chair, which
I don't want to do, that's why the motive in
this is so important.
BY CHAIRMAN WATSON:
   Well ---

BY MR. SCHEU:
   And I -- I know your feelings and I don't mean
   to be obstinate, but I do want to put it in
   the record.

BY A MEMBER OF THE AUDIENCE:
   He's a lawyer.

BY MR. SCHEU:
   So that's why this is important.

BY CHAIRMAN WATSON:
   It is -- it is important. And it's important
   and we are taking it very seriously.

BY MR. SCHEU:
   I know you do. I do not have my mootness,
   according to this, because I don't believe
   they voted.

BY CHAIRMAN WATSON:
   Anything else with regards to Ms. Mary Jo
   Clark that you'd like to relate?

BY MR. SCHEU:
   No, sir. Thank you very much.

BY CHAIRMAN WATSON:
   All right. Mr. Keller?

BY MR. KELLER:

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

BY CHAIRMAN WATSON:

We're getting there.

BY MR. SCHEU:

I've got a surprise for you.

BY CHAIRMAN WATSON:

Madam Secretary, anything on this one?

BY MS. SMITH:

No.

BY CHAIRMAN WATSON:

No.

BY MR. SCHEU:

I've got a ---

BY CHAIRMAN WATSON:

Hold, please. All right. I'm going to mark

the voter registration application for Mary Jo

Clark as Exhibit 2. I believe this will be

File 4; is that correct?

(FILE 4, EXHIBIT NO. 2 MARKED)

BY CHAIRMAN WATSON:

I'll note particularly she has stated in her

affidavit that, "In June of 2015, my husband

and I moved up to our home in Montreat." And

she filed a registration application August

12th of 2015, so shortly thereafter. We'll
just say the dates. They may be important.

All right.

BY MS. SMITH:
May I say something?

BY CHAIRMAN WATSON:
Yes, ma'am?

BY MS. SMITH:
And, if it was mentioned, I don't remember.

Is Mary Clark here tonight?

BY MR. SCHEU:
No, ma'am, she's not.

BY MS. SMITH:
Okay. Thank you.

BY CHAIRMAN WATSON:
Are any of the people that you're representing here?

BY MR. SCHEU:
No, sir.

BY CHAIRMAN WATSON:
Okay. So we can -- we're safe to assume that ---

BY MS. SMITH:
We've got you for all of them.

BY CHAIRMAN WATSON:
All right. Again, is there further
discussion? Mr. Keller, anything else for
Mary Jo Clark?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary, anything else on Mary Jo
Clark?

BY MS. SMITH:
No, sir. Thank you.

BY CHAIRMAN WATSON:
All right. No other evidence to put in?

BY MR. SCHEU:
No, sir.

BY CHAIRMAN WATSON:
Okay. Thank you. So we will consider the
evidence for Mary Jo Clark closed.

(FILE 4, MARY JO CLARK, CLOSED)

BY CHAIRMAN WATSON:
We will next take -- I can do Jordan Clark
Brown or William Brown. I don't have a
preference.

BY MR. SCHEU:
I have the same affidavit for each of this.
We don't need to revisit it.

BY CHAIRMAN WATSON:
Well, why don't we do Jordan Clark Brown.
That is -- is that the -- actually, let's
don't. I guess he's the son of William?

BY MR. SCHEU:
He's the son.

BY CHAIRMAN WATSON:
Right. We'll do William Brown. That's the
father.

(FILE 5, WILLIAM BROWN)

BY CHAIRMAN WATSON:
Okay. What do you have for this one?

BY MR. SCHEU:
I have the same affidavit, which you have.
These are copies because you have the
original. This is Mary Jo's affidavit. Mr.
Brown did not submit a separate, but this is
evidence for what they were doing, that same
notion of ---

BY CHAIRMAN WATSON:
So we have no affidavit for ---

BY MR. SCHEU:
From him. But you have it -- the statute does
not require the affidavit ---

BY CHAIRMAN WATSON:
All right. So am I to -- I just want to make
it clear, and correct me.

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

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

Would you like that, Mr. Scheu ---

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

(FILE 5, EXHIBIT NO. 1 MARKED)

BY MR. SCHEU:

She does refer to -- in Paragraph 1, to both her and her husband. And in Paragraph 2 and
in Paragraph 3. The facts are a little bit different, though, so that ---

BY CHAIRMAN WATSON:

They are.

BY MR. SCHEU:

We don't have a separate affidavit for him.

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

It certainly appears to be.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Yes.

BY CHAIRMAN WATSON:

--- instructive because she talks about her pattern of going back to what she terms as her part-time job in Charlotte, where she slept
and how much time she spent. We have nothing like that for Mr. Brown. And, as you said, there's nothing to refute that he is a full-time employee of Davidson College.

**BY MR. SCHEU:**

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

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

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

**BY CHAIRMAN WATSON:**

So we'll mark his voter registration
application Exhibit 2, File 5.

(FILE 5, EXHIBIT NO. 2 MARKED)

BY CHAIRMAN WATSON:
We don't know where he's -- are you -- are we to believe that he is driving from Montreat to Davidson every day?

BY MR. SCHEU:
I -- I can't say.

BY CHAIRMAN WATSON:
You can't tell us that, I know. We don't have any evidence.

BY MR. SCHEU:
Right.

BY MR. KELLER:
The only evidence we've got here is in her testimony.

BY CHAIRMAN WATSON:
Right. Do you know whether he's employed now?

BY MR. SCHEU:
My off-the-record, non-under-oath ---

BY CHAIRMAN WATSON:
Yeah.

BY MR. SCHEU:
--- is that I believe he is employed by Davidson College.
BY CHAIRMAN WATSON:
And her affidavit speaks to her staying in Davidson when she was there. I'm assuming that that is at the 131 Woodland Street ---

BY MR. SCHEU:
Whatever the address is.

BY CHAIRMAN WATSON:
So, do you know, do they still own property in Davidson?

BY MR. SCHEU:
I believe they did. She says that in the affidavit.

BY CHAIRMAN WATSON:
She says -- I recall her saying that she was staying there, but I didn't recall ---

BY MR. SCHEU:
"My husband and I assumed ownership," that's in the middle of the ---

BY CHAIRMAN WATSON:
What paragraph?

BY MR. SCHEU:
"Our second home" -- Paragraph 2 -- "was purchased in the municipality of Davidson, and in recent years, I've also shared ownership with my brothers." I would say the
implication is that they still own the house.

BY CHAIRMAN WATSON:
Yeah, she still owns it in Davidson.

BY MR. SCHEU:
Right. Right.

BY CHAIRMAN WATSON:
Thank you. Just let me hold on to that. I keep having to pass it back and forth.

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

BY MS. SMITH:
It's a long drive to Davidson College every day.

BY MR. SCHEU:
Ma'am?

BY MS. SMITH:
I said it's a long drive to Davidson College
every day then.

**BY MR. SCHEU:**

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

**BY CHAIRMAN WATSON:**

Well, it's just -- it's curious to me, with the importance and gravity of what we're considering that he didn't submit an affidavit. As you said, they cohabitate. They're husband and wife. They're together. And it's -- so, then, we're to assume things about him, based on his wife and what she testified. It's interesting, too, I was looking to see, well, was this a Montreat
notary and if he was in Montreat, but it's not. It's a -- it's interesting this is a Mecklenburg County notary, and it was sworn to on the 23rd of October, which is a Friday, when she ---

**BY MR. SCHEU:**

Did it last -- last Friday.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

During those periods, that's right.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

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

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**
In fairness to the Board, I think what she's referring to then is her pattern during that critical 30-day period. I don't think she's speaking to her pattern ---

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

That's correct, sir. I think this all gets to the burden and whether her factual statements carry over as factual evidence for the Board
to consider in those other two files.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

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

BY MS. SMITH:

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

BY MR. SCHEU:

What she's saying is that when she went in June, she went to the Board of -- she studied the website of the Board of Elections, had conversations with the staff. It was her understanding that she could register to vote, if she spent the majority of her nights over the month prior to registration. "I have spent approximately 22 nights of the past 30 nights." As I said, these are not
sophisticated election people. These -- they thought they were doing the right thing.
That's what she's trying to say.

BY MS. SMITH:
I understand that.

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

BY MR. SCHEU:
You have to consider the burden and whether this affidavit sufficiently sets forth their intention as to their domicile. That's what you have to consider.

BY CHAIRMAN WATSON:
All right. Anything else, then, to submit on William Brown?

BY MR. SCHEU:
No mootness, but I, just for the record, the motive -- and I understand you have, Your Honor ---

(FILE 5, WILLIAM BROWN, CLOSED)

BY CHAIRMAN WATSON:
So this is for the son. So ---
BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

(FILE 6, JORDAN CLARK BROWN)

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

Yes, sir, please.

BY CHAIRMAN WATSON:

That will be Exhibit 1, File No. 6.

(FILE 6, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

I believe he's at Davidson. I'm just
reflecting on that, not stating that as a
matter of fact, but I believe that's the case.
I think there is a -- there's something in the
challenge that reflects that he's at Davidson.  
I would point out that the statute -- and I'm  
referring specifically to 153-57, Subparagraph  
11. It talks about a student, and a student  
intends to make the student's home in the  
community where the student is physically  
present for the purpose of attending school  
while the student's -- while the student is  
attending school, if he has no intent to  
return to the student's former home. But if  
he wants to register in Davidson, he can.  
There's no evidence that he has, so the --  
again, the burden would be on the challenger  
to show that Mr. Clark Brown has evidenced an  
intent to change from where his parents'  
residence is.

BY CHAIRMAN WATSON:

Have you spoken with -- what does he go by?  
How -- is it Jordan ---

BY MR. SCHEU:

I've never met him nor spoken to him.

BY CHAIRMAN WATSON:

Okay. You don't know then. Okay. Do you
know if he lives with his parents?

BY MR. SCHEU:
I have no personal knowledge.

BY CHAIRMAN WATSON:

We don't know about that. We don't have any — any questions, Mr. Keller?

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

Madam Secretary, any questions regarding Jordan Clark Brown?

BY MS. SMITH:

Huh-uh.

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

(FILE 6, JORDAN CLARK BROWN, CLOSED)

BY CHAIRMAN WATSON:

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

BY MR. SCHEU:
The Kings, the McLeans, the Duboses and Ms. Crowder.

BY CHAIRMAN WATSON:
Okay. Let's see.

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

BY CHAIRMAN WATSON:
Well, how many do you have?

BY MR. BEBBER:
Four.

BY CHAIRMAN WATSON:
Four.

BY MR. BEBBER:
If we took Mr. Melvin, he could drive home.

BY CHAIRMAN WATSON:
We can do that and give you a break, if you would like.

BY MR. SCHEU:
That would be fine. And I know he's lawyer will be glad probably to not listen to the rest of them, too.

BY MR. BEBBER:
I'm sure that he wouldn't mind not paying me for the full extent of this hearing. But I have a question, if I may.

**BY CHAIRMAN WATSON:**

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

**BY MR. SCHEU:**

That will be fine with me.

**BY CHAIRMAN WATSON:**

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

**BY MR. BEBBER:**

Correct.

**BY CHAIRMAN WATSON:**

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

**BY MR. KELLER:**

An hour and thirty-five minutes.

**BY CHAIRMAN WATSON:**

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

(BREAK AND OFF THE RECORD AT 7:07 P.M.; RESUMED AT
7:18 P.M.)

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

That's correct.

(FILE 7, WALTER BRINKLEY MELVIN)

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

But ---

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

It is B, like boy, e-b-b-e-r.
Okay. Thank you.

**BY MR. BEBBER:**
Thank you.

**BY CHAIRMAN WATSON:**
And I understand you may have a motion. I'll tell you what. Let's go ahead and just make a file and start, and then you can begin to present what you'd like. You pick one.

**BY MR. KELLER:**
Are you Brinkley?

**BY WALTER BRINKLEY MELVIN:**
Yes.

**BY CHAIRMAN WATSON:**
So, Mr. Walter Brinkley Melvin.

**BY MR. BEBBER:**
And I will clarify that you will not have to put up with me the entire time, Mr. Chair and Board members. I am simply here to get the ball rolling, unless we're fortunate to stop the rolling quickly. But I appreciate all of you hearing us, Mr. Chairman and Board members. Mr. Melvin and I appreciate your seriousness. My mentor, Jones Byrd, sat in that very chair there, I believe, for some time. I understand how much of your time and
energy this often thankless job entails. We appreciate the seriousness with which you're taking this. We also understand the gravity of the situation and, of course, it's a two-way street. Because life, liberty and happiness is a well-known phrase in the United States, it's in the Declaration of Independence, the phrase gives three examples of unalienable rights, which the Declaration says have been given to all human beings by their Creator and for which governments are created to protect. And the second unalienable right ---

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

BY MR. BEBBER:
I do ---

BY CHAIRMAN WATSON:
Okay.

BY MR. BEBBER:
--- Mr. Chair, and what I have here is -- just to clarify the basis for this motion ---

**BY CHAIRMAN WATSON:**

Okay.

**BY MR. BEBBER:**

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

**BY CHAIRMAN WATSON:**

That's all right. Just -- well, let's take them -- you've handed us a few things. The first that I'm holding in my hand now is -- it's not an affidavit. It's not a sworn statement. It's got a stamp date at the top of October 28, 2015. How would you like this
-- it says, "In re: Walter Brinkley Melvin to
John D. Watson, Chair, Buncombe County Board
of elections." How would you like this
identified and what is this?

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

BY CHAIRMAN WATSON:
Okay. Well, now, let me take a moment. I
wanted to identify -- when I saw it wasn't an
affidavit, I wanted to try to get some
clarity. So this would be a motion being
brought -- and I'm asking, so clarify if I get
this wrong, or, members of the Board, again,
also. This would be a motion of Walter
Brinkley Melvin, "Moves the Buncombe County
Board of Elections as follows," and then he
recites September 22nd, Standaert signed voter challenger, however he has a right to vote -- or register to vote.

BY MR. KELLER:
The challenge is to the registering.

BY CHAIRMAN WATSON:
Did not challenge his right to remain registered to vote. Okay. So this is considered a motion and you've asked that this be entered in the record; is that correct?

BY MR. BEBBER:
I have.

BY CHAIRMAN WATSON:
Then that would be plaintiff's -- this would be Exhibit 1; wouldn't it?

BY MR. BEBBER:
Yes, I believe so.

BY CHAIRMAN WATSON:
File 7?
(FILE 7, EXHIBIT NO. 1 MARKED)

BY MR. BEBBER:
And, Mr. Chairman, would it be beyond the veil to ask for a ruling?

BY CHAIRMAN WATSON:
It would not be. Hold on one second.
BY MR. BEBBER:
And I will be more than happy to support this motion.

BY CHAIRMAN WATSON:
Bebber or Beeber?

BY MR. BEBBER:
Bebber.

BY CHAIRMAN WATSON:
Mr. Bebber, were you or your clients present at the preliminary hearing?

BY WALTER BRINKLEY MELVIN:
I was.

BY CHAIRMAN WATSON:
You were?

BY WALTER BRINKLEY MELVIN:
I was. I was the only ---

BY CHAIRMAN WATSON:
Was Mr. Jones Byrd there with you?

BY WALTER BRINKLEY MELVIN:
No.

BY CHAIRMAN WATSON:
But you were there at the preliminary?

BY WALTER BRINKLEY MELVIN:
Yeah, just Bill Scheu and I were there.

BY MR. SCHEU:
They have not been furnished copies of the challenges. Those were furnished afterwards by the office. They had not seen those.

**BY CHAIRMAN WATSON:**

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

**BY MR. KELLER:**

Yes. I'm puzzled.

**BY CHAIRMAN WATSON:**

Do you have a question?

**BY MR. KELLER:**

We are looking at a challenge to register to vote.

**BY CHAIRMAN WATSON:**

Before you -- let me -- let me state for the record the basis of the challenge -- or, excuse me, the motion. The motion is stating that, I believe -- the motion essentially -- correct me if you think I misstate it, that the challenge is, on its face, improper because the Voter Challenge Form says "a challenge to the right of Walter Brinkley Melvin," and it's got marked "to register to vote." Mr. Melvin -- Mr. Melvin states that
"The challenger, Mr. Standaert, did not challenge his right to, quote, 'remain registered to vote,' his right to, quote 'vote' nor his right to, quote, 'cast an absentee ballot,' all of which were options on the challenge form." And, if you would like, we can add the challenge form into the record, as well.

**BY MR. BEBBER:**

Yes, please, along with ---

**BY CHAIRMAN WATSON:**

Okay. Exhibit 2, File 7. Along with?

**BY MR. BEBBER:**

The voter registration and record, please.

**BY CHAIRMAN WATSON:**

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

(FILE 7, EXHIBIT NO. 2 MARKED)

**BY CHAIRMAN WATSON:**

And then ---

**BY MR. BEBBER:**

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

**BY CHAIRMAN WATSON:**
Yes, sir, you may.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

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

(FILE 7, EXHIBIT NO. 3 MARKED)

BY CHAIRMAN WATSON:

All right. And 08-19-2011. Yes. Now -- then it goes on, "The challenge is made for the reasons indicated below." I'm reading now from the Voter Challenge Form. "The person is not a resident of the State of North Carolina. The person is not a resident of the county in which the person is registered. The person is not a resident of the precinct in which the person is registered," and "The person is not a resident of the municipality in which the person is registered." Each of those options have been checked on the challenge form. There are other reasons which have not been checked. Those are four which have been. All right. As to the motion, we have a motion to dismiss. Any -- any questions on the motion before I call for a vote on the motion?
BY MR. BEBBER:
And, if not, may I offer some support?

BY CHAIRMAN WATSON:
Yes, sir. Go right ahead, Mr. Bebber.

BY MS. SMITH:
May I ask a question?

BY CHAIRMAN WATSON:
Yes. Please.

BY MS. SMITH:
Okay. Does he still have this business in South Carolina?

BY MR. BEBBER:
He has -- I'll allow him to testify to that.

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

BY MR. BEBBER:
And I would like to add, Mr. Chairman ---
BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

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

BY WALTER BRINKLEY MELVIN:

It's the Scheu -- the Scheu motive.

BY MR. SCHEU:

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

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

Based on ---

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

He should not be permitted to register to vote.

BY CHAIRMAN WATSON:
So whether the motion should be allowed or denied.

**BY MR. BEBBER:**

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

**BY MR. KELLER:**

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

**BY CHAIRMAN WATSON:**

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

**BY MR. KELLER:**

As I understand it, I would say grant the
motion to sustain because he's not -- he's already registered for 36.

BY MR. BEBBER:
Point of clarification. Would that be you would move to sustain the motion?

BY MR. KELLER:
The motion.

BY MR. BEBBER:
Not to sustain the challenge.

BY MR. KELLER:
Well, sustain the motion because ---

BY CHAIRMAN WATSON:
Understand that what he is moving is that the challenge be dismissed, if you believe this challenge as to Mr. Walter Brinkley Melvin be dismissed. He is saying, "Therefore, Walter Brinkley Melvin moves the Board dismiss the challenge on the grounds that the issue is moot, nonjusticiable, as there is no available remedy, as shown by the challenge of the North Carolina voter information record, and that he's entitled to dismissal with prejudice."

BY MR. KELLER:
Now, Mr. Chairman, my question to you is, if it's evident on the face of it that the one
page of the challenge was inappropriately marked, how shall I vote?

BY CHAIRMAN WATSON:
I'm not telling you how to vote. I'm not doing that. I will tell you that ---

BY MR. KELLER:
If I vote to dismiss the challenge and I don't want to -- I don't want to dismiss all the residency problems that this -- his family's ---

BY CHAIRMAN WATSON:
That is what's being asked. What is being asked is he moves to dismiss the challenge.

BY MR. KELLER:
Then I vote no, not to dismiss.

BY MR. BEBBER:
Well, may I clarify that some?

BY CHAIRMAN WATSON:
You may, if you think there's clarification that's needed. I'm not -- I'm reading from the motion itself.

BY MR. BEBBER:
We are only -- Mr. Chairman, we are only dealing with this challenge and we are moving that it is facially inaccurate or invalid.
But -- and you understand that, of course.
But as to what could happen in the future,
that is not what you determine.

BY MR. KELLER:
Well, I'm looking forward to the future five
minutes from now.

BY CHAIRMAN WATSON:
Well, that -- what you were asking is that
this challenge presented be dismissed because
-- on the basis that the form where he has
four options and he picked the one that says
"Register to vote," and you're saying that he
was already -- already registered so,
therefore, that's an improper challenge. Is
that right?

BY MR. BEBBER:
That is correct, because it's a fundamental
tenet of the law that you ask for what you are
seeking.

BY CHAIRMAN WATSON:
Well, the other things that are noted on the
challenge form is that it's made for the
reasons indicated below, and he goes into the
residency questions, which is really what's
been before this Board all night long. And I
asked the question earlier as to whether
anyone was at the preliminary hearing, which
is where the prima facie evidence is
considered just to move it to this hearing for
determination on the substantive issue, I
would say, which -- I mean, I do -- but I do
understand the point you're making.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Oh, believe me. It's not.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Well, I agree with you. It is very serious
business and I -- I will say that I'd like to
move on from this motion. Let's get a vote on
it because, you know, what before us is
serious. So I'm going to ask now -- well,
Madam Secretary, do you have any questions
regarding this motion?
BY MS. SMITH:
Let me ask you this. Okay. If we say, "Okay. We'll dismiss this motion," can we still go back and challenge him?

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

BY MR. BEBBER:
That is absolutely accurate.

BY CHAIRMAN WATSON:
Okay. So it is asking to dismiss the action en toto based on -- yes, Ms. Parker?

BY TREENA PARKER:
I just wanted to point out, in response to Lucy's question, that there is still an opportunity to challenge ballots, both on election day and here for absentee ballots.
during the hours of 12:00 and 5:00. So just
-- if that answers your question.

BY MS. SMITH:
I think what I also was trying to say, can we
still -- are we still going to go challenge
him on his residency. That's what I'm
concerned about.

BY CHAIRMAN WATSON:
If you're talking about the information that
has been presented ---

BY MS. SMITH:
Yeah.

BY CHAIRMAN WATSON:
--- or that this Board has gathered in
preparation of this hearing ---

BY MS. SMITH:
Thank you, Trena.

BY CHAIRMAN WATSON:
--- as I understand this motion, the answer to
your question would be no.

BY MS. SMITH:
That this would be it?

BY MR. BEBBER:
That's correct. I mean, you have the burden
-- the responsibility of making a decision as
to whether this facially invalid challenge, as
I would position it, is, in fact, valid and
can be sustained. I argue it is not and
cannot be sustained. That's your call,
though. And you have the decision to sustain
or not. You don't make the challenge. You
sustain it or not.

BY CHAIRMAN WATSON:
Okay. Any other questions regarding the
motion before the Board? Okay. I'd call for
a vote then. Question, Mr. Keller, sustain or
-- excuse me, to grant or dismiss the motion.

BY MR. KELLER:
Dismiss the motion.

BY CHAIRMAN WATSON:
Ms. -- Madam Secretary, Ms. Smith, Lucy Smith,
grant or dismiss the motion?

BY MS. SMITH:
Dismiss it.

BY CHAIRMAN WATSON:
I vote to dismiss as well. So we're going to
move to the issue of the basis of the
challenge. And let me say to you, I think --
well, for the time that we took on it as well,
I hope you understand and believe that we did
take the motion seriously. We want to understand. But, as I think you may concede, because one box was checked and not another, which probably agree a different box should have been checked, doesn't address the basis of what's underlying this, and really actually on this particular file has given us some concern, at least me. I haven't spoken with the others before the hearing about this, but are you -- there's going to be questions which we'll be asking under oath -- or need under oath. And how would you like to proceed? You're here with your client.

**BY MR. BEBBER:**

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

**BY CHAIRMAN WATSON:**

Who are the others?

**BY MR. BEBBER:**

--- for the other three.
BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

That's perfect.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

Yes. And I have an affidavit, too.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

Swear.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

I do.

BY CHAIRMAN WATSON:
Okay. If you would, please, sir -- and, again, wherever you're most comfortable. You may have a seat there or ---

**BY WALTER BRINKLEY MELVIN:**

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

**BY MR. BEBBER:**

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

**BY WALTER BRINKLEY MELVIN:**

Sorry. I also have an affidavit.

**BY CHAIRMAN WATSON:**

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

**BY WALTER BRINKLEY MELVIN:**

I have my copy. You can have ---

**BY CHAIRMAN WATSON:**

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

**BY MR. BEBBER:**

That's his lawyer's fault.

**BY CHAIRMAN WATSON:**

It's always good to blame it on the lawyers.
Is this -- do you have the original or is that the lawyer's fault, too? Let's see. If you've got the original, I'd like to put the
original in the record, if that's okay. I assume you're going to want this in the record? Okay. All right. So let me ask, Mr. Melvin, are you submitting this affidavit for the record?

BY WALTER BRINKLEY MELVIN:

Yes, I am.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Two.

BY CHAIRMAN WATSON:

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

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

Madam Secretary, do you need additional time to consider the affidavit?
Just a moment.

BY CHAIRMAN WATSON:

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

BY MS. SMITH:

Okay.

EXAMINATION BY CHAIRMAN WATSON:

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

A It is.

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

A That is.

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

A Yes.

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

A Just to show that it was filed electronically.
That's all.

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

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

Q Okay.

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

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

A That's correct.

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

A PO Box 866.

Q Okay. And your property card here has that address. Mr. Melvin, I'll tell you, I have -- coming into this, I've had some concerns, I'll just be real frank with you, about your
registration, and I want to ask you about something. And according to what appears to be -- it's South Carolina voting records. In 2010 -- in June of 2010, you voted in the Republican and Democratic primary in South Carolina, in Chapin. In November of 2010, you voted, again, in South Carolina. But then, November of 2011, you voted in the municipal election here. And then, in January of 2012, you voted in the presidential primary in South Carolina. But in November of 2012, it appears you voted in the general here.

A That's correct.

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

A That's correct.

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

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

Q Well, I'm not trying to mischaracterize it, but you understand when I see a June 2010 and 11-2010 in South Carolina, and then a November 2011 here, and then you voted here and South Carolina in 2012 ---
A That's correct.
Q --- and then back to here in 2014 ---
A That's correct.
Q --- can you explain that?
A I can. The -- the best explanation is that, when you're -- when you are married and you are trying to decide where your future home is going to be, what your domicile is going to be, at the time that this process were going on, we had a son that was out of school and we were -- we were torn back and forth between which is -- which one of these is going to be our permanent address. We made a major investment in our home in Montreat, and at the time we made the major investment in Montreat, we decided, as of the time frame that we are claiming in my affidavit, that we made this our permanent home. And so, if you look at the dates, then what you see is -- you see a reflection of my life. You don't see a reflection of my voting -- you're confusing voting with my life. My voting reflects my life and my life was back and forth between two domiciles. And so, what happened is we made the commitment, moving forward, to move
everything to Montreat, and you see that.  
Because of the -- because of the change that 
we decided, we claim Montreat on our tax 
returns and we claim Montreat on our federal, 
state and every other tax return we do.

Q Do you still have your home in Chapin?
A I still do have my home in Chapin.

Q What's the rate you get there?
A The rate I get there now is six percent. The 
rate I got there at the time that this hearing 
was -- this accusation was done was four 
percent. And I didn't even know that I was 
getting four percent. My mortgage had always 
paid my -- anywhere I have had a mortgage, 
they've paid my tax bill, so I wasn't paying 
attention to what the resident domicile 
address amount was.

Q Well, do you recall when you got that mortgage 
and made representations to the bank that -- 
did you tell them it would be your primary 
residence or did you tell them it was going to 
be a secondary home?
A The -- the mortgage -- excuse me. The 
mortgage was made in 2002.

Q When did you buy your property in Montreat?

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

A He's 22.

Q Is he -- where is he now?

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

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

Bk BY MR. KELLER:

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

BY WALTER BRINKLEY MELVIN:

Well, it was in -- within a window of time.

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q Are you employed now?
A What?
Q Are you employed now?
A I am employed. I am self-employed and I own
11 different companies in two countries and
three states.
Q What do you do?
A I do real estate development. I'm partners in
several corporations that do different things
around the country ---
Q What's the -- I don't mean to interrupt you.
I'm sorry. Go ahead.
A What's the name of my company? Well, I have a
-- I have a large development that I'm doing
in Asheville I've been working on for the last
year and a half. It's under the name of 28801
Properties. You all might know that zip code
because it's Montford. We've been working for
a year and a half with the City of Asheville
on a project that is about a $5 million dollar
project over a two-year period. Took us about
18 months to get everything approved. We're
in the middle of construction of six
condominiums right now. They're about 60
percent done, on Courtland Avenue, 145, 147 --
I mean 141, 145 and 149 Courtland Avenue. We
also ---
Q Let me ask you what that -- my question was
what's the name of the company? Is it 28801
Investments?
A I have 11 companies, sir.
Q Okay.
A Do you want to know all of them or is there
one in particular that you'd like to know?
Q Well, which one are you ---
A 28801 Properties is where I'm spending most of
my time now.
Q And that's here at this ---
A It's domiciled in North Carolina. The address
is PO Box 866. It was set up in June of 2015,
when the final approval was given by the city
and we closed on the property.
Q So you're using your Montreat PO box as
your ---
A I always use the -- the place where I have
administrative help to do all of my
accounting. In South Carolina I have a staff
of people that do my billing, that work with me on legal matters, that work with me on accounting and paying bills. In North Carolina I use my post office box here in Montreat because I'm here most of the time. I'm not there so I can't manage -- I can't manage the mail, no matter where I am, if I'm moving back and forth to all the different locations that I work. If I was a simple person ---

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

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

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

A Yes, sir.

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

A I do.

Q When was the last time you were there; do you
recall?
A I have been probably there, in the last 30 days, three days.
Q And the rest of the time you've been in ---
A In Montreat.
Q Okay.
A Or I have been traveling. I can tell you for a fact that in the month of September, I was gone to Maine for ten days with a couple of friends of ours. We were gone from probably the 15th to the 25th. I travel about 100 days a year on business and pleasure right now.

BY MR. KELLER:
May I ask about his wife?

BY CHAIRMAN WATSON:
Well, let's ---

BY MR. KELLER:
We're going to get to that.

BY CHAIRMAN WATSON:
We'll get there.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q I'm sorry. Mr. Melvin, who of your family members are here?
A I'm representing my whole family.
Q You're the only one. Okay. So we'll get to
that. I'm sorry, I'm probably overlooking it
here in your affidavit. When did you decide
to make Montreat your permanent domicile?
A Probably -- probably within the last year.
Q Can you narrow that down to at least a month
for us?
A No, sir. I can't.
Q You can't?
A No, because it's -- you know, when it comes to
-- I mean, I -- as far as legally, it's been
my domicile for several years. As far as
where I spend my time, I split my time between
several different locations. So I don't know
if that answers your -- well, I spend a
majority of my time in my home in North
Carolina here or I spend my time traveling
from here.
Q When did you get your North Carolina driver's
license?
A 2011.
Q I see you've got the issue date marked
through, and ---
A I have a copy of it not marked through, but I
don't want to put any of that on the public
record that ---
Q Well, I can understand you redacting the license number. That's ---

A Yeah.

Q --- perfectly understandable, but the issue and expiration date ---

A Well, if you look at the -- does it show the expiration on there?

Q No.


Q Where is your car tagged?

A My cars are owned by my business that's based out of South Carolina. They're leased. I have cars that are leased in North Carolina.

Q Where are your cars ---

A I have cars that are owned in North Carolina. I have cars that are leased through my companies. They're owned by Toyota Motor Credit.

Q Where are they tagged is my question.

A They're tagged in South Carolina. It's a South Carolina corporation that owns ---

Q Do you -- do you have any personal car that's not a business car?

A I have one, and it's ---
Q  Tagged where?
A  --- it's tagged in South Carolina. It's my wife's Beetle that we're having title problems with for about six months with South Carolina. It's worth about $5,000 and we leave it up in Montreat and drive it when we have -- when we have guests that are here and we need more than two cars.
Q  And it's tagged in South Carolina?
A  It is. It's being -- it's in the process -- I can go back and tell you that there's -- it's a title issue on that car that we've worked on for about three months. It will be titled in North Carolina within -- within two weeks, but there's a problem with the title VIN number not matching the title. It's a bureaucratic nightmare.

BY CHAIRMAN WATSON:
Go ahead. Do you all have questions? I don't mind.

BY MR. KELLER:
Your car insurance is written for you, when you're driving, out of North Carolina or South Carolina?

BY WALTER BRINKLEY MELVIN:
I have insurance in North Carolina and South Carolina. The -- the company owns the cars and the company has the, you know, liability for these. I have a nursing home that I own in -- outside of Morehead City with 138 employees. We have five different cars that are owned by a corporation there that are -- that I am the owner -- the owner of that corporation. We have cars in Charleston, South Carolina, at a boat company that I'm a partner -- one of three partners on. We have seven cars leased out of that that are owned by the corporation. Some of my partners drive those cars out of that location, and I drive a car out of our corporations based out of South Carolina, as well.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q  Do you have any local banking accounts?
A  I do. I have banking accounts with First Citizens Bank, with BB&T, with Wells Fargo, with TD Bank and Capital Bank. Capital Bank is the lender -- Capital Bank on Hendersonville Road is the lender of the development on 28801 Properties on Courtland Avenue. David Moore is the loan officer and
there's a whole staff of people right off of Hendersonville Road at Capital Bank that I work with.

Q How is your Montreat property insured?
A Montreat property is insured by Jesse Lyle West --

Q No. How? As a primary or a secondary?
A Primary. It's primary. Lyle West at Nationwide.

Q Well, so, if I understood you earlier, your Chapin property is now getting the six percent rate as a ---
A That's correct.

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

Q Is it insured as a second home?
A It is insured.

Q As a second home?
A Yes.

Q So your Montreat is insured ---
A Well, I -- I don't know how it's insured
because insurance is paid for through the mortgage. So I can -- I can validate that, one way or the other.

Q But you -- where is your wife tonight?
A Do you want to know?
Q Yes, I do.
A My -- my mother, who I'm going to testify for, who was here with me all this past month and she also voted on Friday -- Trena Parker met her and shook her hand. I wanted Trena to see her because she was not going to be able to be here. She had to go to a birthday party for my sister. She was with my sister and she fell and hit her head and broke her shoulder Monday night.
Q Your mother or your wife?
A My mother.
Q Okay.
A And she was in the shock trauma center. She was medevacked to the shock trauma center. And my wife has been with her for three days, as I have been. But I drove back here so I could look at you all's face and you all could look at me and you all could know that I'm a person who came to the hearing. I told George
and Lucy, I said, "This is very serious to me," and that I'm coming to this. And I drove several hours in a hurry to get here so that I could be here to represent myself.

Q Well, and I'm glad you did.

A My wife is there.

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

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

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

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

Q No.

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

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

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

Q Okay. But your testimony ---

A And she goes to our home in South Carolina, too. We have a home in South Carolina that we
stay in and we own that we continually will own, and it is part of our ownership and a place that we're going to use. It's not mutually exclusive as to where we live and what we do, but it is a home that we will go stay in and we will continue to stay in. But it's not our domicile and we don't spend the majority of our time there.

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

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

BY MS. SMITH:

You can't do that.

BY WALTER BRINKLEY MELVIN:

Excuse me, Lucy?
BY MS. SMITH:
    But to vote, you've got to be in your
    permanent home 30 days ---

BY CHAIRMAN WATSON:
    Well, to register.

BY WALTER BRINKLEY MELVIN:
    To register.

BY MS. SMITH:
    To register to vote.

BY WALTER BRINKLEY MELVIN:
    Yeah, which we were and we have been and we
    are. That's correct.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q  Mr. Melvin, you testified earlier that, with
    regards to this voting record showing that you
    voted in South Carolina and North Carolina ---
A  You said that I voted in South Carolina.
Q  Are you denying now that you did?
A  I'm looking for my records right now.
Q  Sir, do you know did you vote -- you voted in
    South Carolina?
A  Yes. You mean have I voted in South Carolina?
Q  Yes.
A  Yes, I've voted in South Carolina.
Q  Well, you just seemed to challenge me on that.
Are you saying ---
A I'm looking for my ---
Q --- that you did not vote in South Carolina?
A In this election and the last election and
previous elections, I have voted in South
Carolina.
Q Okay. Do you recall if you voted in South
Carolina in 2010?
A Yes.
Q Do you recall if you voted in 2010 in the
South Carolina Republican and Democratic
primary?
A Five years ago, I did.
Q 2010. That's my question.
A Yes.
Q November of 2010 in the statewide general
election.
A Right.
Q Okay. And then in 2011, in Montreat?
A Yes.
Q Okay. And then in January of 2012, did you
vote in the presidential preference primary in
South Carolina?
A In January of 2012?
Q January 21 of 2012, presidential preference
primary, Chapin Elementary School in Lexington County?

A Yes. Yes, that's correct.

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

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

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

A Yes, that's correct.

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

A Flip-flopping.

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

A That's correct.

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

A Yes. We had a family agreement that we were going to go in one direction and make a commitment in one direction, which we've done.
That's about as good an answer as I can get that's to the core of the truth. And we filed tax returns from here as well.

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

A Just what I said.

Q Okay.

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

BY MR. KELLER:

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

BY WALTER BRINKLEY MELVIN:

Yes.

BY MR. KELLER:

2015?

BY WALTER BRINKLEY MELVIN:

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

BY MR. KELLER:

Lexington?
BY WALTER BRINKLEY MELVIN:

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

EXAMINATION RESUMED BY CHAIRMAN WATSON:

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

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

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

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

Q Well, the concern, I think is -- what has been a concern to this Board is this voting record history of 2010, '11, '12 ---
A Yeah. I -- I understand that. I don't have any -- I have no rebuttal for that. But you don't see the trend line on that going forward, from when I committed to being here as my domicile, going forward, because we are committed here. We're filing tax returns here, federal, state and -- and I think that, if you look at it from a commitment standpoint, I don't think you can go back five years and question somebody's intention five years ago, when they're track record going forward is showing that this is what they're doing. Because what -- what happened is I am admitting a full responsibility for flip-flopping five years ago, and that was -- that was our -- there's no excuse for that, other than that was what was happening, but it wasn't about voting. We weren't flip-flopping about voting. We were flip-flopping about where we were going to call home and what was home. And Montreat is our home and Montreat is where we are (pause) ---

Q Well, I understand and I -- I appreciate you testifying to that under oath and I appreciate you explaining that. Just to be clear, we're
not going back just five years. Again, it was 2010, '11, '12 and '14. We don't have a track record since '14. But we'll -- we'll -- I'm sure we will. And I expect that we ---
A You have one for '15 because I've already voted.
Q --- and I expect that we'll see that trend continue here in Montreat, based on ---
A You will.
Q --- your sworn testimony today.
A You will.
Q So let me ask you, because -- and I hope you can understand why we are going into this, because you've got a lot of ties to South Carolina, business and personal and otherwise. And -- and that's not fatal to you voting here. But what we have to consider is what now are determining and saying is your domicile. And, as I read earlier, our courts have -- they've got some elements they look to, and one is actual abandonment of the first domicile, coupled with an intention not to return to it. Let me state, too, I don't think that the Court's intending -- I mean, people have multiple homes they go to and they
return to them for vacations, or otherwise. We're not talking about shutting the door and
never going back. But we're looking at --
that's one element, and the acquisition of a
new domicile by actual residents and the
intent of making the new residence a permanent
home. So what you're saying is that, as far
as a permanent home, you have abandoned your
domicile in Chapin, South Carolina?

A I have.

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

A I do not.

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

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

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

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

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

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

Q But ---
A  Yes.  Yes.

Q  That's right.  Okay.

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

Q  All right.

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

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

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

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

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

Q  All right.

A  Which is mostly her file.

Q  Okay.

A  So anyway, the point I was going to make is
that the problem that we have is we have a
really nice house in South Carolina.  And our
home in North Carolina in Montreat at 249
Texas Road Spur was a vacation home, not a
permanent home.  And about four or five years
ago, when this was going on, we said, "Okay.
Let's go ahead and move to Montreat." Okay? We did. Well, we moved to Montreat and -- and we started using it, but it has baseboard heat. Okay? I don't know -- you all probably don't know what that means, if you live up here. But if you don't live up here and you're from Columbia where it's hot as all get out and you come up here -- you come up here and use it during the summer and the spring and the fall, everything's cool. But you come up here in the wintertime and you start sitting in here with baseboard heat and you've got $500 to $700 bills and you're cold all day, that's what I was going through. And so, where the squabble got solved is we made a complete renovation in 2011, in that time frame, and gutted our house, added on about 40 percent to the house, and it is a very nice house now. It's the same framework with a little bit more of a porch, and things like that. But there was not one thing in the house that remained, except the fireplace that was built in '36. So that's part of the transition to the Melvins that is a reflection of a commitment.
Q    All right.

BY MR. KELLER:
And that explains why the taxable value jumped from $136,000 to $333,000.

BY WALTER BRINKLEY MELVIN:
That's correct.

BY CHAIRMAN WATSON:
Any other questions, Mr. Keller?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
(Negative nod)

BY CHAIRMAN WATSON:
All right. Mr. Melvin, do you have anything else you would like to offer to the Board or ---

BY WALTER BRINKLEY MELVIN:
Well, I have a lot of -- I have a lot of things that I could offer to rebut every single thing in that -- in the accusation from the challenger. I think there were -- I will say that I felt like 90 percent of it was pure petty ---
BY CHAIRMAN WATSON:

Well, do you have any other ---

BY WALTER BRINKLEY MELVIN:

Yeah, but I want to talk about a couple of them and I want to see whether or not you want anything. I have letters from -- I have letters that -- that clarify things that were printed in the accusation about where my location was. The conference center in Montreat showed in some donor bulletin that showed Chapin, South Carolina. I have a letter from the conference center in which I chastised them for -- I don't even look at the donor list; okay? I give, but I don't look to see what my name does or doesn't say or what level it is or isn't. I was the chairman for several years at the Montreat Conference Center in the early 2000's and have not been on the board since then. And so, what happened is I have been in their database, just like I'm in other databases, based on whenever I was really actively involved. And when -- when you move out of being involved in one database into another database, if you're not paying attention to it or snooping around
looking at it, you don't worry about it
because it doesn't matter to you. And so, I
have a -- I can show you a rebuttal to every
single thing in there, but it doesn't really
solve any problems because most of it's social
media, and that's not dated and time-stamped.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

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

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

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

A --- tax record and the mailing address.

Q You're talking about the Buncombe County tax
card or -- excuse me -- yes, property card?
What you're saying is that the address there
has the PO Box 866?
A: Yeah. That's where I get the mail there.
Q: With the property location of 246 Texas Spur. Is that what you were wanting ---
A: Yes, sir.
Q: Got it. Thank you. Anything else?
A: No. It's just that I have a very complex set of circumstances and it could be hard for you all to not have some ambiguity about me, and I have some ambiguity about it myself. So ---

BY CHAIRMAN WATSON:
Again, we've had more discussion. So, Mr. Keller, any further questions?

BY MR. KELLER:
No further questions.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
No, sir.

BY WALTER BRINKLEY MELVIN:
Would you like any of the corporation documents or any of the information that is relating to my Asheville organization and business? Does that help in anyway or not? If you don't need it, there's no need for me to ---
BY CHAIRMAN WATSON:

I don't ---

BY WALTER BRINKLEY MELVIN:

It's public record.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

I don't.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

Okay.

BY CHAIRMAN WATSON:

All right.

BY MR. BEBBER:

May I add something, Mr. Chairman?

BY CHAIRMAN WATSON:

Yes, sir, Mr. Bebber.

BY MR. BEBBER:

I would like to add that -- just to remind the
Board who the burden is with here.

BY CHAIRMAN WATSON:

Yes, sir.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Okay.

BY CHAIRMAN WATSON:

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

BY WALTER BRINKLEY MELVIN:

Yeah. Yeah.

BY CHAIRMAN WATSON:

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

(FILE 7, WALTER BRINKLEY MELVIN, CLOSED)

BY WALTER BRINKLEY MELVIN:

I'd like to do my wife.
BY CHAIRMAN WATSON:

Your wife?

BY WALTER BRINKLEY MELVIN:

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

(FILE 8, ROBIN STACY MELVIN)

BY CHAIRMAN WATSON:

Do you have an affidavit for her?

BY WALTER BRINKLEY MELVIN:

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

BY CHAIRMAN WATSON:

This is the original?

BY WALTER BRINKLEY MELVIN:

Yeah. That's the original. And I'll give that back when you're done.

BY CHAIRMAN WATSON:

All right. So this will be Exhibit No. 1, File 8; is it?

BY TRENA PARKER:

Correct.

(FILE 8, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

Mr. Bebber, you're making me nervous over there. What do you need, sir?

BY MR. BEBBER:

I'm sorry to make you nervous. I'll put these
in your hands and get out of the way. These
are the ---

BY CHAIRMAN WATSON:
The same motion?

BY MR. BEBBER:
Similar motions.

BY CHAIRMAN WATSON:
Is there any -- are these -- other than the
movant, I assume that the basis of the motion
is the same; is that correct?

BY MR. BEBBER:
Basis is the same, yes, sir. Slightly
different facts, but -- dates are slightly
different, the name is different. Otherwise,
they're identical.

BY CHAIRMAN WATSON:
You know what? I didn't -- well, now, this
one has your signature at the end. I don't
recall seeing one like that before.

BY MR. BEBBER:
I offered both to the Board before, and that
is up to you, as to which you prefer or will
accept.

BY CHAIRMAN WATSON:
I did not -- I did not see -- if you offered
one with you -- I'm sorry, Mr. Melvin. Just one moment. Back with regards to what I guess would have been ---

BY MS. SMITH:

No. 8?

BY CHAIRMAN WATSON:

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

BY THE COURT REPORTER:

It was Exhibit 1, File 7.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Are you okay with that?

BY MR. BEBBER:

Yes, sir.

BY CHAIRMAN WATSON:

Do you have a need for the other one to be entered?
BY MR. BEBBER:

No, sir. It's the same content.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Yes.

BY CHAIRMAN WATSON:

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

BY MS. SMITH:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Generally the same, yes.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Those all look the same.

BY CHAIRMAN WATSON:

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

BY TRENA PARKER:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

I'm only standing here to help ---

BY CHAIRMAN WATSON:

No, you're fine. You're fine. I want to make
sure we get that in the record as you would
like them, because I just noticed that this
one -- hold on.

BY MR. KELLER:
I think the sticker ---

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

BY MS. SMITH:
Right there. I'm giving you this back.

BY CHAIRMAN WATSON:
Don't give it back.

BY MS. SMITH:
Since it wouldn't ---

BY CHAIRMAN WATSON:
Staple those together, please, Jennifer.
Actually, let me see that.

BY MR. BEBBER:
Thank you. And I'll explain this -- this
was ---

BY CHAIRMAN WATSON:
That's all right. That's a different
situation. Does that look correct? And
that's the one that's got the stamp date on it
for Mr. Walter Brinkley -- that's Mr. Walter Brinkley Melvin's motion, is it not, on the front?

**BY MR. BEBBER:**

That is correct.

**BY CHAIRMAN WATSON:**

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

**BY MR. BEBBER:**

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

**BY CHAIRMAN WATSON:**

All right.

**BY TRENA PARKER:**

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

**BY CHAIRMAN WATSON:**

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

**BY MR. KELLER:**

Move to ---

**BY CHAIRMAN WATSON:**
Mr. Bebber or Mr. Melvin, you're representing that there is nothing, other than the movant who is moving -- nothing in this substantively different from the prior ---

BY MR. BEBBER:
That's correct, Your Honor. The dates of the registration, etcetera, are different, as -- and they are particular to the -- to the register ---

BY CHAIRMAN WATSON:
Right. Okay. Other than that, so ---

BY MR. BEBBER:
That's correct.

BY CHAIRMAN WATSON:
Does the -- any member of the Board have any questions regarding the motion of Robin Melvin motion to dismiss? Mr. Keller?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
No.

BY CHAIRMAN WATSON:
Any discussion on the motion?
BY MR. KELLER:

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

BY CHAIRMAN WATSON:

It is.

BY MR. KELLER:

It is? Okay.

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

Madam Secretary?

BY MS. SMITH:

No.

BY CHAIRMAN WATSON:

All right. The motion is denied.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Yes.

BY MR. BEBBER:
Okay. Thank you.

BY THE COURT REPORTER:

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

BY CHAIRMAN WATSON:

Yes, ma'am. That will be Exhibit 2, File 8.

(FILE 8, EXHIBIT NO. 2 MARKED)

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

BY TRENA PARKER:

It's his.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Did she not send a motion, though, under her
own signature?

BY MR. BEBBER:

You mean an affidavit?

BY CHAIRMAN WATSON:

No, a motion.

BY MR. BEBBER:

No. It would either be me or her.

BY CHAIRMAN WATSON:

Him?

BY MR. BEBBER:

Representative, as per the statute.

BY CHAIRMAN WATSON:

You or him, not her?

BY MR. BEBBER:

Those are our choices tonight.

BY CHAIRMAN WATSON:

I thought for sure I -- okay.

BY MR. BEBBER:

Sorry.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Robin.
BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Okay.

BY CHAIRMAN WATSON:

Are you satisfied?

BY MR. BEBBER:

Absolutely, sir. Thank you.

BY CHAIRMAN WATSON:

Thank you. Thank you for your patience with that.

BY MR. BEBBER:

Thank you.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

BY TRENA PARKER:
We have paper clips.

BY MR. BEBBER:

I have paper clips. That's all right.

(OFF THE RECORD)

BY CHAIRMAN WATSON:

Okay. Did you need one to reference?

BY MR. BEBBER:

Yeah. I'll let you keep the original.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Correct.

BY CHAIRMAN WATSON:

Okay. It has been marked as Exhibit 1, File 8, and -- in which she states -- this is in part. I'm not reading the entire affidavit. But Paragraph No. 2, "My residence address and place of abode is 246 Texas Spur Road in Montreat. I have a home in Chapin, South Carolina, that's a temporary home that I visit from time to time on a temporary basis, always with the intention of returning to my residence for place of abode in Montreat."
I've rescinded voter registration I previously retained" -- "maintained in any other state or county. Attached are copies of a driver's license, 2014 tax return, Buncombe County property record." And she has attached those items. If any of the Board members have questions, while I'm looking through this information, feel free.

BY MR. KELLER:
Okay. So she's either in -- usually in Montreat, or traveling with you, and only now occasionally in Chapin?

BY WALTER BRINKLEY MELVIN:
Right. She spends time in Chapin. She spends time in Montreat, and our domicile is Montreat. You've heard me testify to that.

BY MR. KELLER:
And, I guess occasionally she's without at home?

BY WALTER BRINKLEY MELVIN:
And she's spending a lot of time with her father in the last three months because he's 86 and he is dying from leukemia and at the last few days. So the last -- probably last five months have just been kind of a whirlwind...
with elderly parents in their mid '80's. And so, we're in that cycle of life.

BY MS. SMITH:
Now, your son is in South Carolina; right?

BY WALTER BRINKLEY MELVIN:
No.

BY MR. KELLER:
We haven't gotten to him yet.

BY MS. SMITH:
Okay. Never mind.

BY MR. KELLER:
Lucy keeps wanting to get on to something else.

BY MS. SMITH:
I'm just encouraging.

BY MR. KELLER:
Like "Let's move on."

BY MR. BEBBER:
I can go as fast as you all want me to.

BY MR. KELLER:
Robin's voter record seems less complicated than yours.

BY WALTER BRINKLEY MELVIN:
Yeah, she is.

BY MR. KELLER:
Again, as you noted, she became a voter in Montreat awhile ago.

EXAMINATION BY CHAIRMAN WATSON:

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

A We were there during that time.

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

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

Q Well, yeah, I ---

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

Q Well, I know that she voted 2012 and 2014.

She did vote here. And I note that I don't see her voting in South Carolina since 2010.
A  Right.  That's correct.
Q  You could learn a lot from your wife.

BY MR. KELLER:
A  lot cleaner.

BY WALTER BRINKLEY MELVIN:
It would be a lot easier if she was here for herself.

EXAMINATION RESUMED BY CHAIRMAN WATSON:
Q  The -- I'm sorry. I'm just looking over the tax returns. How often -- when you're traveling -- you've testified that you travel a good bit; is that accurate?
A  That's correct.
Q  Any rough estimate ballpark how many -- how many ---
A  How many days ---
Q  --- days a year, days ---
A  Days a year? 100. Maybe 100. About 100. I have a ranch in Uruguay I spend several weeks during the spring in. I have a business in -- a complete set of businesses in Morehead City that I travel on a route. I have businesses here. I have businesses in -- it's developments. You know, it's a development business so you're -- you're moving your deals
1. My question is you -- did I just understand you to say you travel about 100 days a year?
2. Yes.
3. All right. Of those 100 days, roughly how many of those days is your wife with you, or is she with you? Does she travel with you?
4. I don't know. She travels a good amount with me. She does. In the last probably six months, more than usual.
5. Well, when you're traveling and she is not with you, presumably staying at home alone somewhere, where is she staying alone?
6. Whichever home that she's in. I mean, she -- if she's in Montreat -- if she's in Montreat, she's going to be in -- I'm not trying to be smart. I'm just ---
7. Well, I think you -- you understand what I'm after here. What I'm trying to get to is where is your wife typically residing, when you're not with her? Where does she feel most comfortable and this is home where she is? Where would you expect to call her ---
8. Montreat.
9. So when you're out on the road somewhere and
she's not with you, where would you expect to
most likely find her?

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

BY MS. SMITH:

In January.

BY WALTER BRINKLEY MELVIN:

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

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

I don't have any questions.

BY CHAIRMAN WATSON:

Ms. Lucy?

BY MS. SMITH:

No, sir.

BY WALTER BRINKLEY MELVIN:

She also has a business in Asheville.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q What's her business?

A It's an antique business in Asheville that
she's had for about three and a half, four
Q Do you know the name of that business?
A Well, it's called the Green Beetle Gallery because her Volkswagen is green.
Q The Green Beetle Gallery?
A Uh-huh.

BY MR. KELLER:
And where is it?

BY WALTER BRINKLEY MELVIN:
It's in Asheville, the antique mall. She doesn't actually -- I mean, it's -- you know, it's in that strip.

BY CHAIRMAN WATSON:
All right. Is there anything else you would like to offer on behalf of your wife?

BY WALTER BRINKLEY MELVIN:
No, sir.

BY CHAIRMAN WATSON:
I'm sorry, I didn't ---

BY WALTER BRINKLEY MELVIN:
No, sir.

BY CHAIRMAN WATSON:
Okay. Any other questions of the Board regarding Robin Melvin?

BY MR. KELLER:
No.

BY MS. SMITH:

No.

BY CHAIRMAN WATSON:

Further discussion regarding the evidence on Robin Melvin?

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

Yes, sir, Mr. Bebber.

BY MR. BEBBER:

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

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

Thank you.

BY CHAIRMAN WATSON:

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

(FILE 8, ROBIN STACY MELVIN, CLOSED)

BY CHAIRMAN WATSON:
Michael or Harriet, that's your ---

BY WALTER BRINKLEY MELVIN:
  My mother.

BY CHAIRMAN WATSON:
  All right.

(FILE 9, HARRIET WATSON MELVIN)

BY CHAIRMAN WATSON:
  Now, this is a separate residence than yours in Montreat.

BY WALTER BRINKLEY MELVIN:
  That's right.

BY CHAIRMAN WATSON:
  Yours is at Kentucky Road; is that right?

BY WALTER BRINKLEY MELVIN:
  That's correct.

BY CHAIRMAN WATSON:
  And this is Texas Road Extension.

BY WALTER BRINKLEY MELVIN:
  That's correct.

BY CHAIRMAN WATSON:
  Is she -- do you have an affidavit or anything from her?

BY WALTER BRINKLEY MELVIN:
  I do, but he's going to give you his little routine first.
BY CHAIRMAN WATSON:

Yes, of course. Mr. Bebber ---

BY MR. BEBBER:

Thank you, sir. Respectfully submitted with my signature.

BY CHAIRMAN WATSON:

This will be Exhibit 1, File 9.

(FILE 9, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

No, Mr. Chair.

BY CHAIRMAN WATSON:

Substantively?
BY MR. BEBBER:

Substantively.

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

That is correct. And hope springs eternal.

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

No questions.

BY CHAIRMAN WATSON:

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

BY MR. KELLER:

On that motion, I vote no.

BY CHAIRMAN WATSON:

Motion to dismiss is denied. Is that your vote?

BY MR. KELLER:

That's my vote.
BY CHAIRMAN WATSON:

And Ms. Lucy, Madam Secretary?

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

All right. The motion is denied. All right.

Harriet Watson Melvin ---

BY MR. BEBBER:

So you all are ready for the affidavits?

BY CHAIRMAN WATSON:

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

BY MR. BEBBER:

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

-- see which one is ---

BY MR. KELLER:

It's nice to get the signature in blue because

you can tell if they're copies.

BY CHAIRMAN WATSON:

This is an affidavit of Harriet Watson Melvin.

It will be marked as Exhibit 2, File 9.

(FILE 9, EXHIBIT NO. 2 MARKED)

BY JENNIFER SPARKS:

Do you want to look ---

BY CHAIRMAN WATSON:

Yes, ma'am. Question?
BY JENNIFER SPARKS:
I just thought you was going to hand it to me, but I ---

BY CHAIRMAN WATSON:
That's fine. I -- actually, do you want -- do you want me to get it?

BY MS. SMITH:
Do you need to see it first?

BY CHAIRMAN WATSON:
Go right ahead.

BY MS. SMITH:
You're more important.

BY CHAIRMAN WATSON:
Go right ahead, please. Mr. Melvin, do you want to hold on to one of these for ---

BY WALTER BRINKLEY MELVIN:
Yeah, it doesn't matter. Whichever one you think is the original. I can't tell.

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

EXAMINATION BY CHAIRMAN WATSON:
Q The reference in the affidavit of Harriet Watson Melvin, Paragraph 2 -- actually strike

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

A That's correct.

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

A Yes. That's correct. Yes.

Q Where is that home?

A In Aiken, South Carolina.

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

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

Q Okay. And ---

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

Q By the way, you know, to clarify, too, for the two attorneys that are here and for you, Mr. Melvin, since you're testifying, I want to
make -- when we ask about roughly time or how much you're there, that's not a determinative test. In other words, you can live somewhere else more time, actually, and it not be your domicile. It's just one factor that we look at. So I don't want to create on the record any impression that we're trying to do a time percentage test here. We're not.

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

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

A It's off the website. I mean, I have her -- I have a number and she -- when I went to get the documents to be able to do the affidavit for the hearing today, we've had an accident in the meantime. And so, the only thing I had was the number and so I was able to go on the website and pull up the official record. That is the official record. I am testifying that that is, in fact, her driver's license.
Q Based on the driver's license number which you of your personal knowledge to be her driver's license?

A That's right. It is her driver's license and it has ---

Q And then, also, we have a 2014 tax return of Harriet W. Melvin, giving her home address as being Montreat.

A The reason for it being Montreat versus Lumberton, up until this year, she's always filed her tax return with the Lumberton address. She lived there 50 years. And what happened is, when she sold the house, we did an extension on her tax return, which should be a -- I don't know if there's a copy in there or not. But we did an extension. She filed it in October, just like I do. And she had already claimed as of April her domicile was Montreat and moved everything to Montreat.

Q All right. And you know that of your personal knowledge and observation as well; is that correct?

A That's correct.

Q Okay. This home, Texas Road Extension -- is that right?
A 177 Texas Road Extension, Box 685 is her official mailing address.

Q And you know that property? You've been there.

A I do.

Q And you know ---

A I'm on the deed as well with her, but it's her primary residence.

Q That's your mother and you, of your own knowledge, also know -- know that that's where her domicile is?

A That's correct.

Q The property that she's renting in South Carolina, you said, is a cottage in a retirement center? Is that right?

A That's right. An independent retirement village. And she -- she splits her time between there and here, but she's never claimed that as a domicile. She's never voted in South Carolina and she's never had license in South Carolina. She's never owned property in South Carolina. She's only owned property or voted in North Carolina. I have her voting record for you all to look at. She's never voted until Monday. She met -- actually,
Friday she met Trena when -- when she went to my sister's. And so, ---

Q Well, now, the things that you just testified to about she's never voted in South Carolina, never had a driver's license in South Carolina, never -- I don't remember the whole litany of them, but those things -- and you might, you know, look to your attorney for a nod before you answer because you're under oath. But you are testifying to those things of your own personal knowledge regarding your mom?

A Yes. That I'm -- that I know that for a fact, that she's never ---

Q Had a driver's license in South Carolina?

A Yeah, she never has had one. She's never voted in South Carolina and she's never owned property in South Carolina.

Q Okay. All right. Well, to your knowledge.

A To my knowledge. Well, I have ---

Q I was not trying to pin you down. I just want to -- you know, you're here on your mom's -- okay.

BY CHAIRMAN WATSON:

Any other questions regarding Harriet Watson
Melvin, Mr. Keller?

**BY MR. KELLER:**

No.

**BY WALTER BRINKLEY MELVIN:**

Her car is registered at 177 Texas Road Extension. That's where her house -- for the State of North Carolina, there's a place where you register where your car is located. It is registered at 177. She pays North Carolina State and federal taxes. I don't know of anything else I can add, except her voting record in North Carolina, you cannot find her voting record on the NC Vote, you know, the website where you can go find somebody's voting record. So yesterday I called the -- the election board in Lumberton, North Carolina, which is where she lived her whole life and has already voted. And she -- she has voted there until this election.

**BY MR. BEBBER:**

We'd like to offer that in.

**BY CHAIRMAN WATSON:**

You want this in there?

**BY MR. BEBBER:**

Please.
By Chairman Watson:
And that would be Exhibit 3, File 9.
(FILE 9, EXHIBIT NO. 3 MARKED)

By Chairman Watson:
Can we go off the record briefly?
(OFF THE RECORD)

By Chairman Watson:
All right. As to Harriet Watson Melvin, no further questions or discussion?

By Mr. Keller:
No further questions.

By Chairman Watson:
Ms. Lucy?

By Ms. Smith:
No.

By Chairman Watson:
All right. We will close the file for evidence on that one.
(FILE 9, HARRIET WATSON MELVIN, CLOSED)

By Chairman Watson:
Next is Michael Melvin.
(FILE 10, MICHAEL MELVIN)

By Chairman Watson:
Mr. Melvin, this is your son. Before we start, Mr. Bebber, do you want to -- I know
you have some important papers there.

BY MR. BEBBER:

We would like to submit this. And I would like to point out to Madam Secretary that she has an opportunity to abridge this proceeding somewhat here.

BY CHAIRMAN WATSON:

All right. This is, again, a motion submitted by Attorney Jackson Bebber on behalf of Michael Stacy Melvin. This will be Exhibit 1, File 10, having three pages of attachments, as well.

(FILE 10, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

And, Mr. Bebber, again, assuming -- or asking you, the motion is the same, with the exception of names and dates related to this registrant; is that fair?

BY MR. BEBBER:

That's correct. The motion itself is in the last paragraph.

BY CHAIRMAN WATSON:

The same as before. All right. So, again, the ---

BY MR. BEBBER:
Essentially same motion, same substantive basis as before.

BY CHAIRMAN WATSON:
Any questions or discussions from the Board, Mr. Keller?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
No, sir.

BY CHAIRMAN WATSON:
All right. Mr. Keller, as to the motion, do you affirm or deny?

BY MR. KELLER:
Deny.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
Deny.

BY CHAIRMAN WATSON:
All right. The motion is denied. We'll submit that.

BY MR. BEBBER:
One moment, please, Mr. Chair.
BY CHAIRMAN WATSON:
Yes, sir. Take your time.

BY MR. BEBBER:
Mr. Chair?

BY CHAIRMAN WATSON:
Yes, sir.

BY MR. BEBBER:
I would request that, if anyone has something audible to say, that we put it on the record.

BY CHAIRMAN WATSON:
Are you referring to something up here at the table?

BY MR. BEBBER:
No.

BY A MEMBER OF THE AUDIENCE:
It's my bad. My bad. Sorry.

BY CHAIRMAN WATSON:
Let me, I'll tell you what, make a general instruction, please, to guests to kindly hold your comments. Mr. Bebber, are we still waiting for you all to locate something? I don't mind, if we are, I just ---

BY WALTER BRINKLEY MELVIN:
I've got it. I'm sorry.

BY MR. BEBBER:
Oh, you did have it?

BY WALTER BRINKLEY MELVIN:

I'm sorry. That's my fault.

BY MR. BEBBER:

Okay. We're good then. Sorry.

BY CHAIRMAN WATSON:

All right. Mr. Melvin? Yes, sir, do you have something you'd like to submit?

BY WALTER BRINKLEY MELVIN:

Yes, the affidavit.

BY CHAIRMAN WATSON:

The affidavit? All right. So we're receiving an affidavit on behalf of Michael Stacy Melvin. This will be Exhibit 2, File 10.

BY MR. KELLER:

Okay. Hold one second, please, sir.

BY CHAIRMAN WATSON:

Let me see if we've got the original.

BY MR. KELLER:

I saw what I wanted to see. Perfectly reasonable, if he were still a student. However, where does he work?

BY WALTER BRINKLEY MELVIN:

He works at Triangle Capital in Raleigh, North Carolina. He started working there in July.
He graduated the first part of May, moved -- moved to Montreat. He has had his driver's license and residency in Montreat and continues -- he had his driver's license updated. I was telling Jack. I don't know what there is, but there's something on a driver's license that, when you're over 21, it has a different look and you take it to -- and so, he wanted to have a formal vest. The older looking picture is his current driver's license that he's had. He has a job at Triangle Capital in Raleigh, North Carolina. He also spends a tremendous amount of time in Montreat. He actually has started his first job. He's 22. He complained -- only the challenge showed -- said he's 23. That's incorrect. He's 22. And he is a -- just recently got his first car that he's ever owned. He bought it from Jim Barkley Toyota. He has a North Carolina driver's license that shows Montreat. He bought the car from Toyota Motor Credit. Saved his money for about eight years, made the down payment, financed it, got the college discount, everything, since he graduated from college. And it is titled in
Montreat, North Carolina, at 246 Texas Road.
It is insured at 246 Texas Road Spur, PO Box
866. His pay stub for his company that he
works at shows a physical address of 246 Texas
Road Spur, which I have a copy of to give you
to add to ---

BY CHAIRMAN WATSON:

If you would please hand that up, sir.

BY WALTER BRINKLEY MELVIN:

Yes.

BY MS. SMITH:

Does he have a home in Raleigh?

BY WALTER BRINKLEY MELVIN:

He does not have a home in Raleigh. He stays
with a fellow that has an apartment in
Raleigh. He doesn't own any real estate in
Raleigh. He's 22. He's -- he has voted here.
He will be voting here, if you all allows him
to, and he will continue to vote here. He
voted in Chapel Hill when he was in college
there. I had a son that went to Wake Forest
who voted at Wake Forest. I have another two
that went to Chapel Hill and they voted there.
College kids typically take the path of least
resistance, as you all probably found out in
your summers, UNC Asheville, whatever.
Anyway, he is a -- his domicile is our home
here, and he claims that and titles everything
he has, his insurance policies, everything
that he does. His North Carolina -- his North
Carolina licenses for hunting and fishing and
boating are all in Montreat, as well. This is
his document of the car that he bought with
Toyota Motor Credit. He doesn't live in
Chapel Hill; has not lived in Chapel Hill
since he graduated.

BY MR. KELLER:
No. He lives with a fellow in Chapel Hill.

BY WALTER BRINKLEY MELVIN:
No, he doesn't ---

BY MR. KELLER:
He doesn't rent in Chapel Hill?

BY WALTER BRINKLEY MELVIN:
He doesn't live in Chapel Hill, rent in Chapel
Hill or stay in Chapel Hill.

BY CHAIRMAN WATSON:
He mentioned Raleigh, I think.

BY MR. KELLER:
Oh, Raleigh. I'm sorry.

BY WALTER BRINKLEY MELVIN:
Yeah. Chapel Hill was where he went to college.

BY MR. KELLER:

Sorry.

BY WALTER BRINKLEY MELVIN:

He will file his tax return for 2015 on 246 Texas Road Spur, as well. He just never earned any money until now.

BY MR. KELLER:

We've all been there. When he starts paying rent or when he buys a house in Raleigh ---

BY WALTER BRINKLEY MELVIN:

He'll move to Raleigh.

BY MR. KELLER:

--- he'll move to Raleigh.

BY WALTER BRINKLEY MELVIN:

Yeah. When he has any kind of permanence. He's lived a life of, you know, a person without a -- without a domicile. And our domicile is his domicile.

BY CHAIRMAN WATSON:

If you will excuse me for just a minute.

Madam Reporter, if we could go off the record just briefly.

(OFF THE RECORD)
BY CHAIRMAN WATSON:

Mr. Bebber, just so you'll know, and Mr. Melvin, earlier I -- and, Madam Reporter, back on the record. Thank you. What I am looking for, earlier today I had come across some form that your son -- that Michael had submitted, as I recall, and I'm looking for that form. But on it he had given an address of 3700 Glenwood Avenue, Suite 530, and ---

BY WALTER BRINKLEY MELVIN:

Yes, that's -- that's where he works.

BY CHAIRMAN WATSON:

That's where he works.

BY WALTER BRINKLEY MELVIN:

That's where he works. That's right.

BY CHAIRMAN WATSON:

I lived in Raleigh ---

BY WALTER BRINKLEY MELVIN:

That's where he requested his absentee ballot to be sent to.

BY CHAIRMAN WATSON:

Right. Here we go. It's -- and I apologize. I don't know where the hard copy went, but we pulled it up here online on the website, and
you're welcome to take a look, if you like.

BY WALTER BRINKLEY MELVIN:

No. That's Triangle Capital. That's the address on Glenwood ---

BY CHAIRMAN WATSON:

He's given his absentee mailing address as his work address.

BY WALTER BRINKLEY MELVIN:

That's correct.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q When was the last time he was with you in Montreat staying there?

A Two weeks ago.

Q And how long was he there?

A He -- he was -- I would say that probably in the last 90 days, he's been with us like six times, spent time with us.

Q Weekends?

A Weekends. Sometimes he takes off Friday. He -- he works remote, a lot of what he does. I want to make an interesting point about qualifications of domicile. The chairman and president of his company, which is a Fortune -- is a New York Stock Exchange private equity firm, Triangle Capital. You can look them up.
The fellow who's the president, his dad is Gregory Poole. You might -- if you've ever been to Raleigh, you know Gregory Poole Equipment is the huge Caterpillar dealer. They're the largest one in North Carolina. His father's a huge person in politics up there, too; a very generous man. His son is in his 40's and his name is Ashton Poole. Ashton is the president or the CEO of Triangle Capital, and has been for several years. Ashton lives in Charlotte, North Carolina, as a lot of the people -- there are a 25 employees at Triangle. A lot of them live all over the place and they come in to work and then they go remote and they use their technology. Ashton is a Charlotte voter, but he is the president of his company, and has been.

Q Well, Mr. Melvin, I don't mean to cut you off or be rude, but I don't -- I don't know where Ashton -- what his domicile is or anything. We're just trying to establish Michael's. And I do understand that domicile's are very fact-specific. We noted that at the beginning of this hearing tonight. So it can vary and you
can have interests somewhere else and that not be your domicile. What I'm curious about with your son is does he not pay rent there? Does he not ---

A He does pay rent.

Q --- does he not -- is he on a ---

A I don't know how much rent.

Q --- is he on a lease there?

A I don't know if he is or not. I think his roommate is on the lease, but he may be. I don't know. He's a -- he's out of school. He's on his own.

Q His employment is full-time?

A Yes, sir.

Q And he's been employed with him how long?

A He started in July of this year.

Q This year. And he graduated in May?

A First part of May.

Q Okay. When he graduated in May, packed up his bags there at college ---

A He came to Montreat.

Q And was there until when?

A Yeah, he was there until July. And then he was back every weekend, you know, as soon as whatever training he was going through expired
during that week. Sometimes he was three
days, sometimes it was five.

Q And you testified -- did I understand you
earlier to testify that he will file his tax
returns ---

A He will file his tax returns in PO Box 866,
246 Texas Road Spur, for 2015, which will
match his employment data.

Q I'm sorry. Where is the -- you're welcome to
see any of it.

BY MR. BEBBER:
I just want to clarify that the payment stub,
the check stub from the company was entered
into evidence. I'm not sure that it was.

BY CHAIRMAN WATSON:
Actually, none of these have been yet, so
let's move on and we will.

BY MR. BEBBER:
That bear is going to follow the money ---

BY CHAIRMAN WATSON:
If you will -- let me tell you what I haven't
had. I have a printout from the North
Carolina Wildlife Resources Commission; a copy
of -- I'm not sure what it is. It appears to
be some kind of a financial statement from
Toyota South ---

BY WALTER BRINKLEY MELVIN:

Yeah. It's his -- his truck that he purchased from Jim Barkley that he financed.

BY CHAIRMAN WATSON:

Okay. The affidavit has a copy of his North Carolina driver's license, which shows the Texas Spur Road.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q And you said he lives with you; is that correct?
A Yes.
Q At your home?
A Yes. At 246 Texas Road Spur.
Q I thought you were 424 Kentucky Road?
A No, that's another house that we have in Montreat, but that's not where we live.
Q All right. Because earlier I -- and your mother is at ---
A 177 Texas Road Extension.
Q Okay.
A Which is the only piece of real estate she owns.
Q All right. Earlier I was making that distinction and I think at that time I
referred the Kentucky Road ---

BY A MEMBER OF THE AUDIENCE:

You did.

BY CHAIRMAN WATSON:

I did? I thought so. And I thought you said, yes, that was your home. But let's clarify that now.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q Which home are you claiming is your domicile?
A My only -- my affidavit shows what I claim.
Q Which ---
A 246 Texas -- only 246 Texas Road.
Q Okay. Good. So not Kentucky?
A Kentucky's a 100-year-old log cabin.
Q Okie doke.
A 700 square feet.
Q Thank you. So that's a "no" as to Kentucky.

BY CHAIRMAN WATSON:

All right. Mr. Bebber, what I'm not seeing, and I'm sure it's here, is the -- you were looking for the pay stubs, that they be entered.

BY MR. BEBBER:

Right. They're up there.

BY CHAIRMAN WATSON:
Very good. Thank you. Let's go ahead and get these marked, then, for you. So the affidavit is Exhibit 2, File 10. Is there any particular order you'd like these to come in or be marked?

BY MR. BEBBER:

I don't think so.

(FILE 10, EXHIBIT NO. 2 MARKED)

BY CHAIRMAN WATSON:

Okay. Next, we'll have an earnings statement from ADP, which we will mark as 3, File 10; a printout from the North Carolina Wildlife Resources Commission, which we will mark as Exhibit 4, File 10. You want all of these in; is that correct, Mr. Bebber?

BY MR. BEBBER:

Yes. Yes, please.

BY CHAIRMAN WATSON:

Toyota -- you want the Toyota finance statement in as well?

BY MR. BEBBER:

Yes, please.

BY CHAIRMAN WATSON:

All right. And a statement from Toyota Finance, which will be Exhibit 5, File 10.
(FILE 10, EXHIBIT NOS. 3, 4 AND 5 MARKED)

BY WALTER BRINKLEY MELVIN:

What we don't -- what I didn't bring to you is a copy of his registration of his truck, but that shows the same address and the insurance bill shows the same address. I don't have that, but I figured, if every single thing he owns shows one thing, it's probably a pretty good guess that that's what that one thing is.

BY CHAIRMAN WATSON:

All right. Mr. -- Mr. Melvin, thank you for the things you submitted on him. I will just note that I hope, so that your son doesn't find himself in some situation like this again, but he's really in, as you were talking about earlier you all's transition -- you know, the more his job and his presence in Raleigh becomes permanent, he's going to have to declare something. And he's -- he's 22. He's in a full-time job. He's in Raleigh, he's in Wake County. I was in Raleigh in Wake County when I was 22.

BY MR. BEBBER:

You understand the intent not to stay then, at this point.
BY CHAIRMAN WATSON:

So ---

BY WALTER BRINKLEY MELVIN:

I know of nothing else that I can provide you that ---

BY CHAIRMAN WATSON:

Well, I appreciate what you've provided. Just your -- you know, your son's got to stop straggling here before long, so just ---

BY WALTER BRINKLEY MELVIN:

I understand that.

BY CHAIRMAN WATSON:

Thank you.

BY WALTER BRINKLEY MELVIN:

I've been a straggler.

BY CHAIRMAN WATSON:

Well, anyway. Mr. Bebber, is there something else you would like to add, sir?

BY MR. BEBBER:

I'll just add, rather than anecdotal evidence of the stragglers I had until my wife chased them off from my domicile because I was the only one that got out of college and got a job and grew roots immediately, I would like to say and remind the Board that domicile, once
acquired, is presumed to continue and is never lost until a new one is established. And, again, the burden of proof rests on the person alleging the change in domicile.

BY CHAIRMAN WATSON:

Well, I understand. And, again, as we talked about earlier, this abandonment of the first, coupled with the intention not to return, some of those elements, I -- your son hasn't manifested any intention. It appears, from what you presented, that he's not going to be returning. But -- but the picture is probably, I would suspect, going to change.

BY WALTER BRINKLEY MELVIN:

It will. It will.

BY CHAIRMAN WATSON:

And we all grow up and leave the nest, and that does it. Mr. Keller, anything else regarding Michael Melvin?

BY MR. KELLER:

No further questions.

BY CHAIRMAN WATSON:

Madam Secretary?

BY MS. SMITH:

No, sir.
BY CHAIRMAN WATSON:

Mr. Melvin, anything else you want to submit on behalf of your son?

BY WALTER BRINKLEY MELVIN:

No. Thank you all. Thank you all.

BY CHAIRMAN WATSON:

Mr. Bebber, anything else you want to submit on behalf of Michael Melvin?

BY MR. BEBBER:

On behalf of all the Melvins ---

BY CHAIRMAN WATSON:

Hold on. Only on behalf of Michael Melvin?

BY MR. BEBBER:

On behalf of Michael Melvin, yes, if this is my last chance.

BY CHAIRMAN WATSON:

For Michael?

BY MR. BEBBER:

Yes.

BY CHAIRMAN WATSON:

And then we're going to close that file. But I'll let you speak as to all of them, as well. So as to Michael, what else would you like to submit on this, before we close the file on Michael first?
BY MR. BEBBER:

If I have a chance to speak to all of them later and to also ask the -- for a bit of cross-examination, then I will pass with Michael, if I can speak to all of them generally for one minute.

BY CHAIRMAN WATSON:

Let me try to clarify then. What I'm looking for now, again, as we -- as I stated, on each file, right now we're just collecting any rebuttal evidence to the challenge. Do you have anything else you would like to put into the file for evidence on behalf of Michael Melvin?

BY MR. BEBBER:

Will I have a chance to add any evidence to ---

BY CHAIRMAN WATSON:

Now is your time for evidence. And as far as -- let me ask -- let me -- well ---

BY MR. BEBBER:

I want to ask one question.

BY CHAIRMAN WATSON:

Okay.

BY MR. BEBBER:
And it's the same for all the Melvins, of Mr. Standaert.

**BY CHAIRMAN WATSON:**

Well ---

**BY MR. BEBBER:**

The same question. And, like the other parts of this hearing where we sort of glossed over the motion ---

**BY CHAIRMAN WATSON:**

I'm going to take exception to that, sir.

**BY MR. BEBBER:**

Not glossed over. Moved through it quickly. I'm sorry. I mischaracterized that.

**BY CHAIRMAN WATSON:**

Well, the first one we took quite a bit of time on, and the others were the same, with the exception of name and dates. And so, I don't ---

**BY MR. BEBBER:**

I didn't mean that the way it came out. I meant in the interest of time and out of respect for the Board ---

**BY CHAIRMAN WATSON:**

Yes, sir.

**BY MR. BEBBER:**

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111 McDowell Street, Asheville, NC 28801
828-254-9230
--- I would like to just ask one question of Mr. Standaert that applies to all.

**BY CHAIRMAN WATSON:**

Okay. Do you have ---

**BY MR. BEBBER:**

Let me sit down.

**BY CHAIRMAN WATSON:**

Yes, sir. Mr. Bebber, I'll tell you what I'm looking at here, and if you have a place in the statutes you can reference me to, I'm happy to look. But as I'm reading through the hearing on the challenge, the challenge is -- well, we'll take it back a few steps. A challenge is made. It goes to a preliminary hearing where the Board determines is there sufficient evidence to move to a full hearing. Okay. At the full hearing, then, the Board can accept such evidence as it thinks, you know, necessary or appropriate from the challenged, in this case, registrant. But I don't know that the procedure calls for or requires, necessarily allows, although I think it would probably be at our discretion, as to whether we want to open it up for cross-examinations and other things of that nature.
BY MR. BEBBER:
I think you're correct.

BY CHAIRMAN WATSON:
What's that?

BY MR. BEBBER:
You are correct. You have statutorily the right to subpoena people and ---

BY CHAIRMAN WATSON:
And I will just tell you honestly, I am hesitant, given that for Mr. Scheu there we still have seven more files to go, to start opening this up for cross-examinations and other things.

BY MR. BEBBER:
I understand.

BY CHAIRMAN WATSON:
And I'm not sure that it's going to serve any purpose that's going to be determinative -- again, I want to keep us focused on -- we're trying to look at questions of residency and domicile. That's what's before us. Questions of motive, intent or "Why did you do this or say that?" you know, that -- that's ---

BY MR. BEBBER:
At the risk of beating a dead horse, I will
say that the residency question is intent-based, and you can't have one without the other. And that's my question and that's really what I ---

BY CHAIRMAN WATSON:
I'm sorry. I don't understand your statement there. The residency -- you're talking about where particular registrants ---

BY MR. BEBBER:
Intends to make his or her domicile. Intent is the questions.

BY MR. KELLER:
Are words. And domiciles are places and they're two different things. One is what you say you want to do and the other is what did you do.

BY MR. BEBBER:
It's a conscious act and a conscious decision.

BY MR. KELLER:
Tell me what you ---

BY MR. BEBBER:
And it is just like intent in criminal law.

BY MR. KELLER:
Well, I'm interested in intent, but I'm interested more in where did you plant your
flag.

BY MR. BEBBER:

Different question, to an extent. I understand what you're saying.

BY CHAIRMAN WATSON:

Well -- and I think I understand you, and I don't believe the two are mutually exclusive. Certainly -- certainly a registrant or voter states their intent. What we then are looking for is did they act consistent with their stated intent.

BY MR. BEBBER:

I understand.

BY CHAIRMAN WATSON:

And that's -- and so, I'll tell you. Let's do this. If you're okay, let's move on to Mr. Scheu and get the rest of these files -- the evidence in, and then, if -- if you feel that the question is just burning and really needs to be answered, I'm happy to reconsider that at that time. Is that okay? Is that fair enough?

BY MR. BEBBER:

I understand and I would like to be denied formally on the record the opportunity to
BY MR. SCHEU:

May I clarify something as to -- this is not part of this, but I would just part out, which your records will show, that at the preliminary hearing there was no testimony taken. Mr. Standaert was not cross-examined. All that was done was the files. And I asked about whether he was going to be put under oath. That's when we got into the reading of the oath to see if it was an acknowledgment or a jurat, which it was a jurat, so it was under oath. But there was never -- even if you all cross -- you all have asked very good, very thorough questions tonight. But he's never been asked about it. And so, why is he trolling around the Internet in 1997? I mean, what does that bearing about anything? So all that -- so the preliminary hearing, yes, he was there, but you all took no evidence.

BY CHAIRMAN WATSON:

Well, again -- and let me -- I don't mean to cut you off, but that's not entirely true. The challenge is submitted, a sworn statement under oath. So that was before the Board at
that time. I was not at that hearing, but it
was before the Board and the preliminary --
the statute on the preliminary hearing is --
it's pretty clear. And the bar is not
terribly high. I'll grant you that.

BY MR. SCHEU:

Right.

BY CHAIRMAN WATSON:

But it -- you know, they were sustained to
come here. So we're beyond that issue at this
point.

BY MR. SCHEU:

Sure.

BY CHAIRMAN WATSON:

And I would like to move on to get the
evidence on these closed, and as -- if you are
saying -- I'm not sure ---

BY MR. BEBBER:

We're asking -- I'll clarify. We're asking to
ask him a question or to ask you to ask him a
question. And, if not, just say "No" clearly
for the record.

BY CHAIRMAN WATSON:

Well, why don't we do this? If you would like
to submit the question, I'm -- and -- and is
this question just relevant as to your
clients? And is it a question to solicit
evidence, because right now we are getting
evidence. If this is going to intent or
something and doesn't really have to do with
domicile and the issue that's before us to
establish where are these people qualified to
vote, then I don't find the question relevant.
I don't even know what it is now. But, again,
we've got seven more files to go. Is this a
question that's going to be relevant to the
issue before this Board?

BY MR. BEBBER:

    Well, it goes back to the intent, yes.

BY CHAIRMAN WATSON:

    Intent of -- intent of a registrant or intent
    of the challenger?

BY MR. BEBBER:

    Of a registrant. Of a registrant. Yes,
it's ---

BY CHAIRMAN WATSON:

    What's the question?

BY MR. BEBBER:

    Does Mr. Standaert know the intent of Harriet
    Watson Melvin, Robin Stacy Melvin, Walter
Brinkley Melvin and Michael Stacy Melvin, as to their domicile?

BY CHAIRMAN WATSON:
Okay. So is that the question that you would like to pose to Mr. Standaert?

BY MR. BEBBER:
It was a little rushed, but yes.

BY CHAIRMAN WATSON:
No, no. I understand. I'm not trying to put you on the spot or -- let me simply make this observation. When we get through the end of all of this, if you feel you still need to ask that question, that raises another whole issue of swearing in and whatnot. I think we know the answer to that because your question -- I mean, within the question itself it would imply that he would have to be able to read their minds, which ---

BY MR. BEBBER:
I would beg to differ. I'm not sure that he understands the law enough. And I'm not sure, in fact, that the law is 100 percent clear in this room.

BY CHAIRMAN WATSON:
I will grant you that.
BY MR. BEBBER:

And that's what I'm seeking to clarify, for
the record.

BY CHAIRMAN WATSON:

And I will say this, too. There is probably,
on both sides of this, everything we're seeing
tonight, that -- that not everyone on both
sides, challenger and challenged, is really
clear on what the law is and on what they need
to be doing here. So that's what we are
trying to determine here, and I'd like to move
forward with that process, if we may.

BY MR. BEBBER:

Understood. I agree.

BY CHAIRMAN WATSON:

Okay. Mr. Scheu, are you ready to proceed,
sir?

BY MR. SCHEU:

If you all are ready, I'm ready.

BY CHAIRMAN WATSON:

We're ready.

BY MR. SCHEU:

Thank you.

BY CHAIRMAN WATSON:

Now, Mr. Melvin, are you all leaving?
BY WALTER BRINKLEY MELVIN:

I'm just going to step outside for one second.

BY CHAIRMAN WATSON:

I will -- I'll tell you what. Hold one second because there's kind of a point here -- and I hate Mr. Bauer left us. Mr. Bebber, do you have a statute book?

BY MR. BEBBER:

I do. I have Chapters 159 through 168A.

BY CHAIRMAN WATSON:

163-86, Mr. Scheu, do you have that, as well?

BY MR. SCHEU:

I believe I do, yes, sir.

BY MR. BEBBER:

That's the one I was just looking at.

BY CHAIRMAN WATSON:

We're not going to stop the evidence, but I want both of you to take a look, Mr. Bebber, while I continue with Mr. Scheu here, under Sub-C, you'll see the second paragraph, roughly, is the -- is the -- the oath that the witnesses take. And then below that, "After swearing the challenged registrant, the Board shall examine as to the qualifications." It then says that, "If the registrant insists
he's qualified, the Board shall tender him the following oath," and there is another there.

So that is one which I suspect that Mr. Melvin will need to be familiar with here, before we conclude tonight. Okay? So if you'll take a look at that and you'll maybe have a chance to explain that to your client.

BY MR. BEBBER:
Okay. I'll be happy to do so.

BY MR. SCHEU:
And I'd just submit, too, that under D, the affidavit under D is intended to take the place because the person is not ---

BY CHAIRMAN WATSON:
Is not present.

BY MR. SCHEU:
Right.

BY CHAIRMAN WATSON:
So as to Michael Melvin, you have nothing else. And, as to the Melvins, we are closed with the evidence for him at this time.

BY MR. BEBBER:
Agreed.

BY CHAIRMAN WATSON:
Thank you.
BY MR. BEBBER:

Thank you.

(FILE 10, MICHAEL MELVIN, CLOSED)

BY CHAIRMAN WATSON:

All right. Now, Mr. Scheu, do you represent the remaining, which would be Crowder, Dubose, King and McLeans?

BY MR. SCHEU:

Yes, sir.

(FILE 11, CAROLYN CROWDER)

BY CHAIRMAN WATSON:

All right. As to Carolyn Crowder, we'll take that one up next. And I am going to recuse myself from this one. I have a conflict on this particular file. These two Board members will carry this matter forward.

BY MR. SCHEU:

So are you recusing yourself from any consideration of this file?

BY CHAIRMAN WATSON:

On Carolyn Crowder? Yes, sir.

BY MR. KELLER:

Okay. On the pattern, do you have an affidavit for us?

BY MR. SCHEU:
Yes, sir.

BY MR. KELLER:
Evidence for us?

BY MR. SCHEU:
Before we have the affidavit, I have a motion for you. The first -- it's amazing what you learn when you just watch. I have a motion to dismiss the Crowder challenge on the same basis as the motion was made with respect to all of the Melvins. And that is that the box was checked that she -- he was challenging her right to register to vote. The records of your Board, of which I would ask you to take judicial notice, would reflect that Ms. Crowder has been voting here for some time. I don't know the exact dates, but you could pull that up and it would show it. So the same defect, which goes to the heart of the challenge, that all -- the domicile stuff fails, if the basic challenge is not capable of -- of that challenge. She falls into a different category because she has been here and has -- Mr. Standaert has alleged that she's moved away. That's not true. But that's his allegation. So it's a different
setting than someone going to register to vote. So I'd like to file the motion for the record and ask you all to move on that. If it goes -- I wasn't real clear that you all understood that motion earlier, because it gets to the basic substance of the Complaint. In Court, you can't -- you're subject to a motion to dismiss if you don't state a cause of action. And the basic remedy that he is seeking is based on the allegation that she -- he challenges her right to register; her right to register to vote, not to remain registered to vote. So I'd ask you to rule on that motion.

BY MR. KELLER:
This is Exhibit 1 of ---

BY THE COURT REPORTER:
File 11.

BY MR. KELLER:
--- 11, and that it seeks to challenge her right to vote.

(FILE 11, EXHIBIT NO. 1 MARKED)

BY MR. KELLER:
So she is presently registered in?
Montreat.

BY MR. KELLER:
And she's been presently registered there for awhile.

BY MR. SCHEU:
How long does that reflect?

BY MR. KELLER:
Well, I go back to 2012, at least. Well, we have a situation where the checkmark is in the wrong spot, apparently.

BY MR. SCHEU:
Yes, sir.

BY MR. KELLER:
The question is what shall we do about it? Shall we continue to look at evidence, as we have before, about domicile, or shall we come back and do all of this again?

BY MR. SCHEU:
I'm asking for you to reserve your -- reserve your right to rule on this motion until we're through with the domiciliary evidence. But before you close the file, I think you need to make a decision on the motion here. But I'm happy to have you defer that until we put in this other evidence.
BY MR. KELLER:

Madam Secretary?

BY MS. SMITH:

Yes.

BY MR. KELLER:

Shall we -- shall we cease to talk about Ms. Crowder? Shall we work on her domicile? Shall we pass or throw out this motion?

BY MS. SMITH:

Well, I think we need to decide which one is her domicile, her permanent one, because she's listed the one in Montreat. Then it says here it's filed at the -- Montreat is listed as a rental. Black Mountain is supposed to be her residence? I don't know.

BY MR. KELLER:

Okay. Let's defer to the end of the domicile discussion.

BY MS. SMITH:

Okay.

BY MR. KELLER:

Because clearly my colleague and I both are interested in that.

BY MR. SCHEU:

Yes, sir.
BY MR. KELLER:
I'd like to know where she claims to live these days.

BY MR. SCHEU:
Yes, sir. Here's the original motion. Do you all need a copy, too?

BY MS. SMITH:
Thank you.

BY MR. KELLER:
I know she lives at -- I know she lives in Black Mountain, Montreat, someplace.

BY MR. SCHEU:
You know, it's really -- it's really interesting that you don't have a precinct in Montreat; that you're -- you're registered in Black Mountain. You cannot -- help me on this. There's something about you can't register -- it's Black Mountain.

BY TRENA PARKER:
There is no residential delivery in Montreat, so they have to use Black Mountain, 28711, or a post office box.

BY MR. SCHEU:
So even -- you might theoretically say, "Well, if you live in Black Mountain or Montreat, you
can vote, whether you live in one or the other." It's all the same. After all, it is all Buncombe County.

BY Trena Parker:
But our precincts are split, and so we -- we know who's in and outside of a municipality.

BY Jennifer Sparks:
Zip code -- yeah, zip code lines and township lines ---

BY Trena Parker:
Don't match.

BY Jennifer Sparks:
--- don't -- are not one in the same.

BY Mr. Scheu:
Don't match?

BY Jennifer Sparks:
Yes. No. They're not one in the same.

BY Mr. Scheu:
Okay.

BY Mr. Keller:
One of the continuing challenges for the Board of Elections.

BY Mr. Scheu:
Yes. It ---

BY Mr. Keller:
You should see the effort that goes into trying to decide whether the bedroom's on this side of the house or that side of the house because that's the line.

BY MR. SCHEU:
And whether they have a domicile in the bedroom ---

BY MR. KELLER:
Oh, yeah. Sure. Whether they actually live in the garage.

BY MR. SCHEU:
So we would offer this affidavit into evidence on her behalf.

BY MR. KELLER:
Okay. Have you got one of those under there, Madam Secretary, that ---

BY MS. SMITH:
Stickers?

BY MR. KELLER:
No, no. The affidavit?

BY MS. SMITH:
Yes, I do. Right here.

BY MR. KELLER:
I have -- good. I have stickers. I'll stick one on in a second.
BY MS. SMITH:

Okay.

(FILE 11, EXHIBIT NO. 2 MARKED)

BY MR. KELLER:

She states that she does have another residence on Hattie's Way in Black Mountain, which is the kind of evidence we receive for -- 183 and 183.

BY MR. SCHEU:

I would submit to you that this statutory reference here is 163-57.2, which says "A person shall not be considered to have lost that person's residence, if that person leaves home and goes into another state, county, municipality, precinct or other election district for temporary purposes only, with the intention of returning." Her affidavit clearly addresses that and says that she does have another residence where she is temporarily residing at, but intends to return to her Montreat address. She has friends staying in that Montreat residence, but that clearly falls within the statute. And remember here, we're not talking about a new person registering to vote. We're talking
about someone that has been registered to vote. So you're stripping them of that right. And she clearly meets that burden. I might just say ---

BY MR. KELLER:
So this makes the primary residence presently rental property.

BY MR. SCHEU:
No, it doesn't. It says that it's just being occupied by friends who pay no rent.

BY MR. KELLER:
No rent but pay to cover the expenses. Okay.

BY MR. SCHEU:
And I asked her that specifically, and not -- and her affidavit, which is under oath, says that.

BY MR. KELLER:
The file data on her includes buying a new lot and another place.

BY MR. SCHEU:
Well, the fact that you buy a piece of property has no bearing on it. It's where her -- you've already said once that it's the intent -- the intent is the issue.
I just note that she's -- she's hard to pin down, if you're ---

BY MR. SCHEU:
So are your statutory requirements.

BY MR. KELLER:
Speaking as a non-lawyer, I certainly agree with you, sir. It's got to be your fault, though.

BY MR. SCHEU:
Well, it's just like -- like this past year, my residence is Jacksonville, Florida. I had a temporary job in Atlanta -- Decatur, Georgia, for nine months. I never left my domicile. My domicile was always Jacksonville, even though I resided in Decatur for nine months. And it's the same thing here. She owns her house. She doesn't -- she's not there now, but ---

BY MR. KELLER:
She's living in her other house.

BY MR. SCHEU:
She's living in her other house on a temporary basis. She says that -- you can't substitute your own factual -- she's put the facts here, as she states them.
BY MR. KELLER:

She states them and swears they're facts.

BY MR. SCHEU:

Right. She also attaches to her affidavit a driver's license, which shows Montreat. It shows the bills that she gets all go to her Montreat address. It shows her -- a number of bills. Her bank statement from Chase goes there. The challenge did say that there was -- I just can't imagine the snooping around on this -- the Johnson C. Smith Seminary, of which she's on the board of trustees, had her listed as ---

BY MR. KELLER:

It's seeking information; not snooping around.

BY MR. SCHEU:

You and I can characterize it differently, but there was attached to the challenge a list of the board of trustees and under her name under that challenge, it said "Black Mountain, North Carolina." That has since been corrected and is attached to her -- it's just like -- I forget who it was. I guess it was Mr. Melvin, or it may have been somebody else, that said, you know, these donor lists and these lists of
board of trustees, who in the world pays
attention to them? So she was as surprised as
Mr. Standaert probably was surprised that she
is in Montreat. That's now been corrected and
the record has been corrected. And so, as to
Ms. Crowder, I would submit that the affidavit
clearly states that she falls within 163-57.2
and is a resident of Montreat.

**BY MR. KELLER:**

She's left temporarily.

**BY MR. SCHEU:**

Correct.

**BY MR. KELLER:**

Do I have any other questions? What address
does she plan to use for her tax returns?

**BY MR. SCHEU:**

I have no idea. But since all of -- I would
-- I would infer that, since all of her other
bills go to the house, the tax return is
probably going to go to Montreat. It's
probably going to refer to the Montreat
address. But that's -- that's only a surmise.

**BY MR. KELLER:**

Just for fun, pronounce the name of the street
she lives on?
BY MR. SCHEU:

Kanawha.

BY MR. KELLER:

Kanawha? Madam Secretary, do you have any other questions about domiciliary?

BY MS. SMITH:

Something like that. No. I guess not.

BY MR. KELLER:

She has explained -- her testimony does explain why -- why she's back and forth, in her words, and we take -- we've taken that as her evidence.

BY MR. SCHEU:

Thank you. And remembering the burden of proof.

BY MR. KELLER:

And remembering the burden of proof.

BY MR. SCHEU:

Now, yes, you have a motion?

BY MR. KELLER:

We have a motion to consider.

BY MR. SCHEU:

Having heard all of that.

BY MR. KELLER:

Having heard all of that, the motion -- excuse
me, the complaint was that she has no right to
register to vote.

BY MR. SCHEU:

Yes, sir.

BY MR. KELLER:

Which, unfortunately, is -- she is registered
-- already registered to vote. This is not a
-- this is not a new thing. Shall we dismiss
the motion? I vote for dismissing the motion.

I'll do it differently.

BY MR. SCHEU:

You mean deny the motion?

BY MR. KELLER:

Deny the motion. Okay.

BY MR. SCHEU:

That would be ---

BY MR. KELLER:

Deny the motion so that we can do the job for
which we are hired for this evening, which is
to work out the domicile and the proper
precinct.

BY MR. SCHEU:

I would submit you weren't hired for it. You
were volunteered for it.

BY MR. KELLER:
It's something less than minimum wage, but we do get paid.

BY MS. SMITH:
Something.

BY MR. SCHEU:
So are both -- just for the record, are both of you all voting to deny the ---

BY MR. KELLER:
Are you voting to deny the motion, as we've done before for the same ---

BY MS. SMITH:
Yeah.

BY MR. KELLER:
--- circumstance? The motion to deny has passed.

BY MR. SCHEU:
Thank you. I also would renew the same motion on the mootness that you all have considered on the others; that Ms. Crowder has also voted under the same circumstances, acknowledging that she was challenged, not getting a challenge ballot when voting. I don't see how you all can do that, but I would like to make that motion, for the record. I think that you all have not ruled on that; is that correct?
BY MS. SMITH:

That's correct.

BY MR. SCHEU:

That's a -- but I want to make it for the record, the same one I've made in the other cases.

BY MR. KELLER:

I don't -- read me back the motion.

BY MR. SCHEU:

That because she has already voted, it is now moot as to whether she can be registered to vote.

BY MR. KELLER:

Well, I'm not as bashful as my chairman. I've worked in early voting many times. Every vote so far can be obtained and be gotten back. You just have to write the -- all the words on the top of the ballot for early voting, what precinct, and all these good things. And the wonderful new machines print them for us automatically. Every absentee ballot -- and early voting is an absentee ballot -- can be pulled out of the pile. Every one of them.

BY MR. SCHEU:

If they're an absentee ballot ---
BY MR. KELLER:

So if you haven't voted yet, come at 2:00 o'clock on election day and we there will be opening the ballots. There will be ballots of -- of challenge ballots, of absentee ballots.

BY MR. SCHEU:

Just so I understand, because I don't think that's what happened, and Trena may correct me, because an absentee ballot is different. It goes into a sleeve and you don't vote it in the machine. As I understood it, these ballots were ---

BY TRENA PARKER:

North Carolina law, General Statute 163-227.2, E1, spells out that absentee ballots -- that one-stops are absentee ballots and that all absentee ballots are retrievable.

BY MR. SCHEU:

And early voting is deemed to be an absentee ballot?

BY TRENA PARKER:

Correct.

BY MR. KELLER:

Yes.

BY MR. SCHEU:
Well, I'm grateful for the clarification because no one has clarified that before.

BY MR. KELLER:

Well, perhaps nobody has worked as many hours in early voting as I have.

BY MR. SCHEU:

It's helpful to ---

BY MR. KELLER:

It used to be a pain in the rump ---

BY MR. SCHEU:

It's helpful to ---

BY MR. KELLER:

--- to write -- put all that stuff on the top. But when they print the ballot, they print the magic information on the top, which really helps.

BY MR. SCHEU:

Well, it is helpful to the person voting to know that because these folks didn't have a clue.

BY MR. KELLER:

It actually keeps you from writing on top of their ballot, which some folks objected to.

BY MR. SCHEU:

That's all -- that's all I have.
BY MS. SMITH:

All right. Who else?

BY MR. KELLER:

Who else? Somebody else in the chair.

BY MS. SMITH:

Who's the next one?

BY MR. SCHEU:

We've got King and McLean and Dubose.

BY MR. KELLER:

Who is next on your ---

BY MR. SCHEU:

I'm happy to do whatever you all want to do.

The ---

BY MR. KELLER:

Dubose.

BY MR. SCHEU:

Let's do King.

BY MR. KELLER:

Okay. Let's do King.

BY MR. SCHEU:

I have two kings.

BY MR. KELLER:

Let's retrieve our chair.

BY CHAIRMAN WATSON:
Madam Reporter, if you would just note what time I returned and that I was absent for the prior.

(CHAIRMAN WATSON RETURNS AT 9:47 P.M.)

BY MR. SCHEU:

They did a fine -- they did a fine job.

BY CHAIRMAN WATSON:

Thank you.

BY Trena Parker:

Just for your information, the absentee statutes were clarified for them.

BY MR. KELLER:

Yes.

BY MR. SCHEU:

It really, really was -- it was clarified.

BY CHAIRMAN WATSON:

Well, good. I don't want to know what you all talked about and that's -- that's the whole point of me leaving. Well, let's wait just another minute. Take a break, Madam Reporter.

You are working hard.

(BREAK AND OFF THE RECORD AT 9:49 P.M.; RESUMED AT 9:56 P.M.)

BY CHAIRMAN WATSON:

If you'll note the time, Madam Reporter, and
we are back on the record and back in session.

My understanding, for clarification, the
Crowder matter was concluded; correct?

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
Okay. As far as evidence. Okay. Next, King,
is that -- all right. Mr. Scheu, I can take
Graham or Susan. Do you have a preference?

BY MR. SCHEU:
It doesn't matter. Probably Graham. There's
probably more about his retirement and stuff.

(FILE 12, JENNINGS GRAHAM KING, JR.)

BY CHAIRMAN WATSON:
Okay. Graham King. This is a gentleman in
Chapel Hill; is that correct?

BY MR. SCHEU:
That's ---

BY CHAIRMAN WATSON:
Well, I'm sorry. I'm sorry.

BY MR. SCHEU:
--- he's in Montreat.

BY CHAIRMAN WATSON:
I understand. I am trying to -- is he an
attorney?
BY MR. SCHEU:

He was both a software -- according to the affidavit, both a software person and an attorney.

BY CHAIRMAN WATSON:

All right. Do you have an affidavit to hand up?

BY MR. SCHEU:

I do, sir. I would like to make the same motion for the record, which we had a little bit of discussion about in the previous case, as to the mootness of the matter today, having voted. I understand you're not going to rule on that, but I want to make that for the record.

BY CHAIRMAN WATSON:

Mr. Scheu, let me ask just a point of clarification. Do you -- do you intend to make a motion with regards to each file regarding -- as to a motion to dismiss for mootness? Is that ---

BY MR. SCHEU:

Yes, sir. If you want to take that as a whole, that's fine.

BY CHAIRMAN WATSON:
Why don't we take that as a blanket motion, and that motion is denied.

BY MR. SCHEU:

As long as ---

BY CHAIRMAN WATSON:

It's on the record.

BY MR. SCHEU:

And I guess you probably ought to take the vote to deny it.

BY CHAIRMAN WATSON:

We can -- yes, we can. Do the other -- yes. And I only presumed to say that because I think it's already been considered by the other Board members previously. But so that we are clear for the record -- thank you, Mr. Scheu. No problem at all to clarify that, as to each of the remaining files, which would be Graham King, Susan King, William Dubose, Sally Dubose, Suzanne McLean and -- Lynn Leslie or Leslie Lynn?

BY MR. SCHEU:

Lynn Leslie.

BY CHAIRMAN WATSON:

Lynn Leslie McLean, that there would be a blanket -- or a, I guess, a verbal motion as
to all of those files to dismiss for mootness. Is that -- is it relevant to each one? Have they each voted?

BY MR. SCHEU:
Yes, sir. Yes.

BY CHAIRMAN WATSON:
And that similar motions on prior files represented by Mr. Scheu have been considered by the Board. Any questions from the Board, Mr. Keller, regarding that motion?

BY MR. KELLER:
No. Move to deny.

BY CHAIRMAN WATSON:
Madam Secretary, any questions?

BY MS. SMITH:
No, sir.

BY CHAIRMAN WATSON:
Okay. The motion -- we'll vote, then, Mr. Keller, to sustain or deny the motion?

BY MR. KELLER:
Deny.

BY CHAIRMAN WATSON:
Madam Secretary, sustain or deny the motion?

BY MS. SMITH:
I'm sorry. Deny.
The motion is denied. Thank you, Mr. Scheu.

Will that ---

Yes, sir, that's very helpful.

Thank you.

Here's the original affidavit for Mr. James Graham King and a copy for each of you.

Thank you.

Okay. This is -- thank you very much. All right. This will be Exhibit 1, File 12.

(FILE 12, EXHIBIT NO. 1 MARKED)

This is identified as the affidavit of Jennings Graham King, Jr. If you'll give us just a moment to read it. Thank you.

Yes, sir.

Thank you, Mr. Scheu, and I thank Mr. King for the submission of the affidavit. It's
helpful. The attachments are helpful. I will just note that -- you want the affidavit put in the record?

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

So the affidavit, which is Exhibit 1, File 12, be made part of the record; that attached with the affidavit are a copy of the North Carolina driver's license of Jennings Graham King, Jr., listing as the address 131 John Knox Road, Montreat; a Medicare card which he has submitted in support, I take it, of his statement in his affidavit that he has retired from his employment. In March of 2014 -- he started with Medicare Part B in April of 2014, after his former employment insurance expired. He also has attached what appears to be -- it's an insurance card; is that correct? Am I looking at that correctly?

BY MR. SCHEU:

It looks like it's his ---

BY CHAIRMAN WATSON:

Or the registration card.

BY MR. SCHEU:
Yeah. It's the -- it's the -- it may be the loan. That is the insurance policy showing the policy listing.

**BY CHAIRMAN WATSON:**

For a vehicle, a Subaru vehicle, which lists parked most nights at 131 John Knox Road in Montreat; a Wells Fargo online -- that would be a banking account; is that what he's ---

**BY MR. SCHEU:**

That's showing the street address.

**BY CHAIRMAN WATSON:**

Right, showing ---

**BY MR. KELLER:**

Showing a street address at the bottom.

**BY MR. SCHEU:**

And that's his home permanent address.

**BY CHAIRMAN WATSON:**

And then an information page from his American Express account showing the address of 131 John Knox. There are a number of other things which he has stated with regards to some of the allegations in the challenge. Those will be part of the record per the affidavit.

**BY MR. SCHEU:**

If I could explain the affidavit briefly. I
know you all are very generous with your time, but just to clarify for this statute, Paragraph 1 tracks the statute for what he put in the affidavit.

BY CHAIRMAN WATSON:
You're talking about ---

BY MR. SCHEU:
D -- E -- E60, as to what -- if they're unable to appear in person. Those are the factual statements that are required by that statute.

BY CHAIRMAN WATSON:
You're talking about 163-86-D; is that what you're referencing?

BY MR. SCHEU:
Yes, sir. Yes, sir.

BY CHAIRMAN WATSON:
Okay. And the oath there is what you're saying he has tendered here in the affidavit?

BY MR. SCHEU:
Yes, sir. And they go two, three, four. You've already alluded to that, but I would like to call to your attention just to emphasize that they've become part of the community. They've joined these various health and fitness clubs, racquet clubs, and
they play here. That's where -- the court
here. The -- also, I do think it important,
so that the challenger can hear, because I'm
sure it wasn't anything that we did. I think
it was on the Internet. As for Exhibit 5
attached to the Voter Challenge Form, I did
not receive this purported civic recognition
award. The recognition award in Exhibit 5 is
a hoax and a fraud. It names no entity as a
presenter of the award, other than, quote, "By
Award Committee." The article states that
residents of Chapel Hill can be proud that one
of their own has received this recognition.
Mr. Keller, I was -- we were talking about
Chapel Hill before, quote, "I have never lived
in Chapel Hill since my graduation from the
University over 40 years ago. My townhouse at
1207 Cranebridge Place is in the City of
Durham. It has a Chapel Hill mailing address.
I received an award from the governor in the
'80's, but I've not been notified nor received
this hoax civic recognition award."

BY CHAIRMAN WATSON:

Mr. Scheu, let me ask you. He says he's never
lived in Chapel Hill, but the Buncombe County
property card, which interestingly enough only lists -- I guess that's his wife's name on the property card. But it would be for the 131 John Knox Road, which he's claiming is his residence -- does have, under the owner information, an address. And this was printed on September 22nd of this year so it's not ---

BY MR. SCHEU:

He explains that in his affidavit. He said that it's a Durham place but it has a Chapel Hill address. Similar in the previous case, unrelated to the merits, we were discussing the fact that Montreat does not have -- how did you explain it -- did not have a ---

BY Trena Parker:

Residential delivery.

BY MR. SCHEU:

Residential delivery.

BY Chairman Watson:

It doesn't.

BY MR. SCHEU:

So Black Mountain is the address to which -- is on the voting card.

BY Chairman Watson:

Well, that's ---
BY MR. SCHEU:

And so, the same thing may be true here.

BY CHAIRMAN WATSON:

No. I mean, I understand the situation in Montreat. That's got to do with two different things. One, there is no -- I don't want to get into this whole explanation, but there's no residential delivery. There is PO box delivery and we've seen property cards with a PO box for Montreat. But this says "I live in Durham and this is a Chapel Hill address."

And Durham ain't Montreat. It's a pretty good-size city. I think they've got ---

BY MR. SCHEU:

I would -- yes, and I would submit that this is an attachment from records -- from Buncombe County records. And this -- and it's -- this is his oath, under oath, where he's saying that he lives in Durham.

BY CHAIRMAN WATSON:

I understand. My question -- and I'm simply -- I'm observing here. He says he's never lived in Chapel Hill, but they have given Buncombe County property -- Buncombe County Register of Deeds or the property office their
information with a Chapel Hill address. And
on the Martindale-Hubbell, Martindale profile
he gives the same Chapel Hill address as is
given on the Buncombe County property card.

BY MR. SCHEU:
You know, it's -- I don't know. I can't
speculate.

BY CHAIRMAN WATSON:
Right. And I'm not asking you to. But when I
have an affidavit saying "I don't live in
Chapel Hill," and I'm looking at two different
exhibits here which the information that we
can reasonably expect came from them giving a
Chapel Hill address ---

BY MR. SCHEU:
You know, I don't know that you can speculate
to that because they may have posted an
acquisition or their mortgage, or whatever
the Buncombe County property people got. In
Duval County they get the -- they get the --
the information for the property appraisal
from the recording of the deeds. And a
private company might do that.

BY CHAIRMAN WATSON:
No.
BY JENNIFER SPARKS:
Mr. Chairman?

BY CHAIRMAN WATSON:
Yes?

BY JENNIFER SPARKS:
I looked up the address in GIS and the property card -- that's the current property card, so it has been updated. That's of right now.

BY CHAIRMAN WATSON:
All right. We have an updated property card. And thank you, Jennifer.

BY MR. SCHEU:
They did not tell me that they had done that.

BY CHAIRMAN WATSON:
All right. And ---

BY JENNIFER SPARKS:
I've been checking every one of them as we go.

BY CHAIRMAN WATSON:
--- and here's the thing I hope you can appreciate. We're seeing not just the property card. We're seeing some others where mailing addresses -- everything's giving this -- we had at least three different incidences where this same address is given. When you
see something like that and then you've got someone saying "I've never lived in Chapel Hill," it tends to raise a question.

BY MR. SCHEU:

Sure. But I would submit, for our purposes, neither Chapel Hill nor Durham is Montreat. So the issue is the domicile in Montreat, not whether Chapel Hill or Durham is the other place.

BY CHAIRMAN WATSON:

Well, correct.

BY MR. SCHEU:

We're talking about Montreat, and he says clearly and he sent all of these facts as to why this is his place of abode.

BY CHAIRMAN WATSON:

Well, let me -- yes. And I understand. And I will say that the property card has been updated to show a mailing address in Montreat. Is that correct?

BY TRENA PARKER:

That's correct.

BY CHAIRMAN WATSON:

His driver's license has been updated the 7th of September of this year, which is said
September of this year. Now -- all right. Do you have a question, Mr. Keller?

BY MR. KELLER:
Point of confluence of things, with the issue date on the driver's license of September 17th, 2015, and they decided to make Montreat their permanent residence on September 17th, 2014, and registered on September 17th, 2015, if I ---

BY MR. SCHEU:
Well, you know, when you go to register, you go -- he said he evidenced his intent to do it. So where do you go to register to vote? You go to the Motor Vehicle Department.

BY MR. KELLER:
He did all his bases on one day.

BY MR. SCHEU:
He did what he did, and so that's he said. And remember, it's 30 days before the election. That's what the standard is. There's no evil intent here.

BY MR. KELLER:
No. He combined trips, for which we congratulate him. He saved gas.

BY CHAIRMAN WATSON:
Have you spoken personally with Mr. King?

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
Has he -- do you know Mr. King personally, beyond this?

BY MR. SCHEU:
No.

BY CHAIRMAN WATSON:
Is there any particular reason Mr. King is not here tonight, if he's living in Montreat?

BY MR. SCHEU:
He's unable to be here. I think the reason is irrelevant.

BY MR. KELLER:
That's not required.

BY MR. SCHEU:
It's not required. He doesn't have to be here.

BY MR. KELLER:
And he was represented.

BY CHAIRMAN WATSON:
I understand that. Well, it's interesting, you know, in some of this that folks aren't showing up.
BY MR. SCHEU:

Well, it's the same thing about motive that I was speaking about.

BY CHAIRMAN WATSON:

Anything else you'd like to submit on behalf of Mr. King?

BY MR. SCHEU:

No, sir. Thank you.

BY CHAIRMAN WATSON:

Okay. Any other questions from the Board members? Mr. Keller?

BY MR. KELLER:

No more questions.

BY MS. SMITH:

No, sir.

BY CHAIRMAN WATSON:

All right. No other evidence will be received regarding Mr. Graham King. We'll close that file as to evidence.

(FILE 12, JENNINGS GRAHAM KING, JR., CLOSED)

(FILE 13, SUSAN VAN DORSTEN KING)

BY CHAIRMAN WATSON:

I think next will be Ms. Susan King.

BY MR. SCHEU:

Yes, sir. And I have the affidavit ---
BY CHAIRMAN WATSON:

Thank you, sir.

BY MR. SCHEU:

--- and three copies.

BY MS. SMITH:

Thank you.

BY CHAIRMAN WATSON:

This will be affidavit of Susan Van Dorsten King?

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

Which will be marked as Exhibit 1, File 13.

(FILE 13, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

And that affidavit will be admitted into evidence. You do wish that to be moved into evidence?

BY MR. SCHEU:

Yes, sir.

BY CHAIRMAN WATSON:

In its entirety. All right, sir. If you all have questions, tell me.

BY MR. KELLER:

I don't have any questions. I appreciate good
affidavits. I'd prefer to have an affidavit that answers the questions, but we have to ask them.

BY MR. SCHEU:
And I don't have anything to add. There are some slight differences from Mr. King's, but you see what those are. And I want you to take your time. That goes in the record.

BY CHAIRMAN WATSON:
Anything else, then? Mr. Keller, I think you've already answered "No."

BY MR. KELLER:
I don't have any questions.

BY CHAIRMAN WATSON:
Madam Secretary? Lucy?

BY MS. SMITH:
No, thank you.

BY CHAIRMAN WATSON:
Do you have any questions?

BY MS. SMITH:
No, sir.

BY CHAIRMAN WATSON:
Mr. Scheu, I understood you to say that you do not have anything else you wish to present on this?
BY MR. SCHEU:

That's correct.

BY CHAIRMAN WATSON:

Okay. All right. Is there just the one exhibit for her, just the affidavit?

BY MR. SCHEU:

That was for Susan?

BY CHAIRMAN WATSON:

Yes, sir.

BY MR. SCHEU:

I thought there were -- there were a couple of exhibits ---

BY CHAIRMAN WATSON:

Well, there were the attachments to the affidavit. Was there any other exhibits?

BY MR. SCHEU:

No, sir.

BY CHAIRMAN WATSON:

Okay. All right. Then nothing else will be presented on Susan King. We've closed that one as to any further evidence.

(FILE 13, SUSAN VAN DORSTEN KING, CLOSED)

BY CHAIRMAN WATSON:

Next we have the McLeans and Dubose. Do you have a preference?
BY MR. SCHEU:

No, sir. Whatever your preference is.

BY CHAIRMAN WATSON:

Well, I've got the Dubose laying on top. How about we just do it that way?

BY MR. SCHEU:

Great. William first?

BY CHAIRMAN WATSON:

That's fine. Yes, sir.

(FILE 14, WILLIAM THOMPSON DUBOSE)

BY MR. SCHEU:

Here's the first one. Here's the original affidavit.

BY CHAIRMAN WATSON:

I'm assume you want this entered into the record?

BY MR. SCHEU:

Yes, sir, please.

BY MS. SMITH:

Thank you.

BY CHAIRMAN WATSON:

All right. The affidavit of William Thompson Dubose will be marked Exhibit 1, File 14.

(FILE 14, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:
Is there anything else you have to present on behalf of Mr. Dubose?

BY MR. SCHEU:

Just to point out a couple of things. The reference to the out-of-date records, I think that probably refers to the patrons list and the Firefly, which pre-date ---

BY CHAIRMAN WATSON:

I'm sorry. I missed you. The reference to the what?

BY MR. SCHEU:

In Paragraph 4?

BY CHAIRMAN WATSON:

Yes, sir.

BY MR. SCHEU:

It says "The records submitted as evidence by Mr. Standaert are out-of-date, as I registered as a Montreat resident voter September" -- and what he's saying is that the records, as they relate to the contributions to the Firefly and residents fund community, any fund -- that those are out-of-date. That those were the prior year. I think that's all that that refers to. I think that the Duboses epitomize a lot of what -- because of their residence.
These are people who are in their late 80's. They have had a home in Montreat for years and years. They spend the bulk of their time here. This is where they view their abode. But they are in Davidson. They say that they're in Davidson. They don't work there. They're each retired. It's been -- he's 80-something years old. And this is -- this is part of my -- it really does get to "Well, what is the person intending as their domicile?" And they can get -- the statute doesn't -- it says that they can go back and forth. All they have to say is that they intend to return to this residence. And this is a particular example. Their son is now the president of the MRA. They spend -- they view this as their home and spend their quality-of-life time that they have here. And that is -- that is -- to them it's a simple matter. Paragraph 1 does pick up the statutory requirement, and I'd submit, with the burden, this is -- that they -- that Mr. Dubose has satisfied the legal burden.

BY CHAIRMAN WATSON:

Thank you, Mr. Scheu. It's very unfortunate
that they didn't -- they're not here tonight
because there are a number of questions I
would ask them. I'm afraid you're not going
to be able to answer them, but I'll put the
questions to you.

BY MR. SCHEU:
Sure.

BY CHAIRMAN WATSON:
It's -- and I -- it states that he registered
as a Montreat resident voter in September of
2015. He actually registered in August, but
that's -- I mean, you know, that's ---

BY MR. SCHEU:
He's ---

BY CHAIRMAN WATSON:
--- that's not determinative. I'm not going
to nitpick on that. But the point of
clarification in his affidavit is wrong. But
what's curious to me is that he's claiming
that Montreat is his abode. This is where
they consider home. This is where they --
this is their domicile. But on their
application, the mailing address they give is
Davidson. Send the mail to Davidson.

BY MR. SCHEU:
I haven't seen the application.

BY CHAIRMAN WATSON:

And you're welcome to take a look at it.

BY MR. SCHEU:

Sure.

BY CHAIRMAN WATSON:

And the mailing address which they've given for their voter profile is Davidson. The mailing address that they've given for their Buncombe County property card is the same address in Davidson. And I would really like to ask them about their driver's license, their tax returns, where is their physician that they see. I'm sure they've probably got one, a number of things which we've considered for everyone else tonight. It's easy to say, "I love Montreat. That's my home." But where have you really established those day-to-day elements of your life. And I'm seeing here that they're saying, "We want to vote in Montreat, but send everything to Davidson."

That -- it's a shame that they aren't here tonight. It really is. Do you know; are they in Davidson?

BY MR. SCHEU:
I do not know. They may very well be.

BY CHAIRMAN WATSON:

Okay. What I'm looking at, just so you're aware, is the voter history pulled from --

Jennifer, where is this ---

BY JENNIFER SPARKS:

State Board of Elections website.

BY CHAIRMAN WATSON:

State Board of Elections website, voter history, going back to 1998. And from '98 to 2002, they voted in Mecklenburg, which is where Davidson is. From 2003 to 2009, they voted in Buncombe, which I assume -- I don't know, but I would assume that would be Montreat. They were claiming Montreat at that time. In 2010 to 2014, they're back in Mecklenburg. I mean, this voting history stretches back a ways and I -- you know, but it's, again, similar to some we've seen earlier. You know, one county, another county, back to another county. And even the information which they have given this elections office says, you know, "Send the information to Davidson." And -- Mr. Keller, do you have any questions?
BY MR. KELLER:

Well, without them here, there are just so many questions about this particular fellow. I'm old enough that we now have our stable of doctors. I talked to a new one today. Hallelujah. He can fix things. But where are they? Are they in Davidson or are they in Montreat or Asheville or Black Mountain?

BY CHAIRMAN WATSON:

You're referring to his doctors?

BY MR. KELLER:

I'm suggesting that I would be surprised at somebody at their age to say they camp out in Montreat, as much as they love it, when they probably are finding it's easier to live close to their doctors.

BY MR. SCHEU:

I think they -- if I recall the Montreat parade a few years ago, I remember the Dubose family celebrating their 50th or 75th anniversary. You're right about their love of Montreat.

BY MR. KELLER:

They could be at 65 now.

BY MR. SCHEU:
Yeah. And so this is one of the -- this is one of the most beloved couples in Montreat, and it's -- it's just sad that the situation in Montreat has become this way.

**BY CHAIRMAN WATSON:**

Well -- and, Ms. Scheu, let me speak to something you just said. Actually, you know, I don't -- I don't want any of these hearings to take on a personal tone.

**BY MR. SCHEU:**

I know.

**BY CHAIRMAN WATSON:**

And I'm sure the Duboses are fine folks. And I actually know a number of folks in Montreat and have been to many of those Fourth of July parades. They're wonderful. They're fun. They're a Norman Rockwell kind of event that you can't find hardly anywhere else that I've ever seen. And so, I can appreciate that someone who has some history there, has a home there, for whatever reasons -- and we addressed this earlier, they have a vested interest in Montreat.

**BY MR. SCHEU:**

Yeah.
BY CHAIRMAN WATSON:

This year or years past, there was some activity in Buncombe. They said, "Well, we want to vote in Montreat." Well, what we are having to consider tonight -- today before us is "Where is your domicile?" And, you know -- and I asked earlier about one of your -- one of the folks you're representing here, where were they, because this is very serious. You're standing there arguing on their behalf how serious it is. And it's just very curious that you're saying, "This is really, really serious and they're residents of Montreat," and they're not here. If it was that serious and they're living there, I would think they would be here tonight. They don't have to be. I understand. They're not going to get penalized because they aren't. But we have a lot of questions which we can't answer. And when we're looking at information which they have provided before tonight, before the hearing, when they registered, when they bought property, when they told the county agency the property -- the Register of Deeds office, the tax office or the elections office...
where to send their important mail, they said
to send it to Davidson. That's trouble.

BY MR. SCHEU:
That's what your records say.

BY CHAIRMAN WATSON:
That's what the record says.

BY MR. SCHEU:
The affidavit says that this is where they
reside and have their place of abode. And you
all have to weigh the evidence. There's no
question about that. But I would, again,
point out that we have -- the burden of proof
is on the challenger, and that's important for
you.

BY CHAIRMAN WATSON:
Anything else that you want to add?

BY MR. SCHEU:
No, sir.

BY CHAIRMAN WATSON:
Anything else that you want to add on behalf
of Mr. Dubose?

BY MR. SCHEU:
No, sir.

BY CHAIRMAN WATSON:
Frankly, I'm frustrated with this one because
I feel like there's so much that we would like to know, but I think we simply are not going to be able to know it. We don't have information. They didn't send you with the information, and -- Mr. Keller, anything further?

BY MR. KELLER:

No further questions.

BY CHAIRMAN WATSON:

Madam Secretary, anything further?

BY MS. SMITH:

No.

BY CHAIRMAN WATSON:

If there's nothing on Mr. William Dubose, we will then close that file as to any further evidence, and we will move on to Sally Dubose.

(FILE 14, WILLIAM THOMPSON DUBOSE, CLOSED)
(FILE 15, SALLY TAYLOR DUBOSE)

BY MR. SCHEU:

Yes, sir. And here's the affidavit for her. And we could probably have the same conversation.

BY CHAIRMAN WATSON:

So Exhibit 1, File 15.

(FILE 15, EXHIBIT NO. 1 MARKED)
BY CHAIRMAN WATSON:

Thank you. 15. Affidavit of Sally Taylor Dubose. Mr. Scheu, do you have -- do you have any -- did you say you've spoken with them?

BY MR. SCHEU:

No, sir.

BY CHAIRMAN WATSON:

Okay. Well -- and Ms. Dubose is 89 and Mr. Dubose was 87; does that sound ---

BY MR. SCHEU:

It was somewhere in that area. Yeah.

BY CHAIRMAN WATSON:

Again, Mr. Scheu, I'm referencing here the voting history for Ms. Dubose. It shows a little different. Going back to 1998, has voted in Mecklenburg County every year but 2009, when she voted in Buncombe. And then in 2010 and 2014, back to Mecklenburg. Now, I do not mean to imply there's some hard-and-fast rule that, once you vote in Mecklenburg, you always have to vote in Mecklenburg. But, of course, what I'm noting, though, is that there is a very consistent history of voting there, with the exception of one year. Again, we have no information to answer these questions.
They're 89 years old and someone decided -- strike that. I don't mean to be facetious. Not somebody decided. But that at 89, with that voting history, is now saying, "Wait a minute. Montreat's my home. I'm voting in Montreat."

BY MR. SCHEU:

That's what they're saying under oath and that's what they say that their residence and place of abode is.

BY CHAIRMAN WATSON:

And her -- and, again, I'd just note she states that they became registered voters in September of 2015. It was actually August of 2015, and curiously enough, hers is one day different than her husband's. I think his was August 29th and hers is August 30th. But, again, on her voter registration application which she filed with the Buncombe County Board of Elections -- or elections office, she has given her mailing address as Davidson, not a PO box for Montreat. In Davidson. So "Send my information to Davidson." Her property address card has the same Davidson address. Jennifer, can you look up the property address
BY JENNIFER SPARKS:

Uh-huh.

BY CHAIRMAN WATSON:

Thank you.

BY MR. SCHEU:

She's good.

BY CHAIRMAN WATSON:

We love our staff.

BY JENNIFER SPARKS:

It's just right there under all their information.

BY CHAIRMAN WATSON:

I got it. Got it, got it. Thank you. They still -- I mean, I'm hoping to see an update there. I'm not. And, you know, it's -- it's just kind of -- it's, frankly, compelling to me, on their Voter Registration Application, if -- if you're making the changes that they're saying under oath they're making that "this is now our home. This is where we want to spend our" -- "this is our domicile," that important mail would be directed to that place. And I -- I'm not asking you to -- I know you can't.
BY MR. SCHEU:

I don't know why on the registration address
-- why that would have been accepted.

BY CHAIRMAN WATSON:

What do you mean, would have been accepted?

BY MR. SCHEU:

I mean, in trying to answer that. Did you
say that, on the Voter Registration
Application ---

BY CHAIRMAN WATSON:

Yes, sir.

BY TRENA PARKER:

There's a place for both residential address,
which is what we have to have in order to put
them in the correct precinct with the right
ballot; and then, of course, there's a mailing
address.

BY MR. SCHEU:

So that may answer the question. So there may
be a residence address.

BY CHAIRMAN WATSON:

Well, the residence address is the Alabama
Terrace.

BY TRENA PARKER:

Correct.
BY MR. SCHEU:

Okay.

BY CHAIRMAN WATSON:

But the mailing address, we would expect to see a PO box in Montreat, if this affidavit truly is what they're intending to do.

BY MR. SCHEU:

Well, you know, you don't -- with all due respect, that's speculation, but that -- you don't know why they did that. But ---

BY CHAIRMAN WATSON:

Well, you don't. But -- you know, and I go back to -- to establish a change in domicile, you show an actual abandonment of the first domicile, coupled with an intention not to return. Acquisition of a new domicile by actual residence and the intent of making the new residence their permanent home. Well, I'll grant you two of the three, but not the first one. I don't show any -- we have nothing that shows abandonment with no intention of returning.

BY MR. SCHEU:

Well, with all due respect, I think you're confusing abandonment of the physical place
with abandonment of the domicile.

BY CHAIRMAN WATSON:

No. This is actually to establish a change in domicile, and what I'm seeing is the information they're giving us is "We want to vote here, but we're going to keep pretty close ties in Davidson." Go ahead, Mr. Scheu.

BY MR. SCHEU:

I'm sure the Supreme Court did not mean that I have to sell my house in Davidson to establish my voting residence in Montreat. That's not what abandonment means.

BY CHAIRMAN WATSON:

That's right. And I addressed that actually earlier with one of the witnesses. I said that it's not "Forever and ever, amen, I ain't going back to that property." That -- "We have houses elsewhere." I agree.

BY MR. SCHEU:

Right. That's the only point I want to make. It's really -- they did abandon, according to the affidavit -- in their minds, they abandoned their domicile and place of abode in Davidson for Montreat.

BY MR. KELLER:
They've lived happily in Davidson for years. They are members of the Davidson community. They go to Montreat every chance they can because they love it. It's clear from the testimony that many people tonight that Montreat must be even a nicer place than I thought, and I thought it was really nice. So people want to love -- love Montreat and want to live there, even when it has -- it's really close to being physically impossible to do so.

BY MR. SCHEU:

Well, you have a ---

BY MR. KELLER:

I think that's that the picture that comes across, just taking the whole thing in one bundle.

BY MR. SCHEU:

And you do have the change of circumstance where their son, Richard, has become the president of the ---

BY MR. KELLER:

Right. So you've got a ---

BY MR. SCHEU:

That changes the dynamics, as far as their desire.
BY MR. KELLER:
Oh, yes. Yes.

BY MR. SCHEU:
I've got nothing further.

BY CHAIRMAN WATSON:
Okay. Thank you, Mr. Scheu. I appreciate that. Anything further on Ms. Sally Dubose, Mr. Keller?

BY MR. KELLER:
No.

BY CHAIRMAN WATSON:
Madam Secretary?

BY MS. SMITH:
No, sir.

BY CHAIRMAN WATSON:
All right. We'll close on Sally Dubose.

(FILE 15, SALLY TAYLOR DUBOSE, CLOSED)

BY MS. SMITH:
If we -- can I say something?

BY CHAIRMAN WATSON:
Yes, ma'am.

BY MS. SMITH:
I've been quiet. If we do get together again and go through all these names, I wish we could encourage the people to come. I mean,
this is important. I agree with them. I mean, there are questions we all would like to ask, and, I mean, if it was me, I would be here. And I think this is something we need to encourage, if we get together again and have a good time.

BY CHAIRMAN WATSON:

Mr. Scheu, we're getting to the end, sir.

BY MR. SCHEU:

We are. Thank you for your patience.

BY CHAIRMAN WATSON:

We have Suzanne McLean and Leslie Lynn McLean -- no, Lynn -- it's Lynn Leslie actually.

BY MR. SCHEU:

I think it's Lynn Leslie.

BY CHAIRMAN WATSON:

Do you have a preference in which you would like to take, sir?

BY MR. SCHEU:

Let's take the husband, Lynn Leslie.

(FILE 16, LYNN LESLIE MCLEAN)

BY CHAIRMAN WATSON:

Okay.

BY MR. SCHEU:

And I have the affidavit.
BY CHAIRMAN WATSON:

All right.

BY MR. SCHEU:

Unfortunately, I was in Atlanta today when this was delivered to me. There's only one copy of the driver's license on the original. The other two affidavits don't have that.

BY MS. SMITH:

Thank you.

BY CHAIRMAN WATSON:

That's -- so we will mark this Plaintiff's Exhibit 1, File 16, affidavit of Lynn Leslie McLean.

(FILE 16, EXHIBIT NO. 1 MARKED)

BY Trena Parker:

I think I might better tell you at this point that both of those registrations have been denied.

BY CHAIRMAN WATSON:

Yes. That's right. Point of clarification. Both of these registrations were denied because -- well ---

BY Trena Parker:

Well, they gave us an address that they thought was, I believe, on Salem Road, which,
in actuality, the address point is Kentucky.  
Correct me if I'm going to wrong direction.

BY MR. SCHEU:
They changed that. That's changed.

BY TRENA PARKER:
Well, I'm just ---

BY CHAIRMAN WATSON:
Please, keep your comments just a moment. Go ahead.

BY TRENA PARKER:
I'm just telling you what happened with the registration. Okay? Do you have it pulled up?

BY JENNIFER SPARKS:
I don't. My computer's dead.

BY CHAIRMAN WATSON:
The long and short of it is that the mailings that were sent to them ---

BY TRENA PARKER:
We have tried to mail to them two different times and it has come back "Undeliverable."

BY MR. SCHEU:
And where did you mail them?

BY CHAIRMAN WATSON:
To the address they gave, which was ---
BY JENNIFER SPARKS:
    My computer died. I can't see the registrations.

BY MR. KELLER:
    That means we've been here too long.

BY MR. SCHEU:
    The problem is when Kentucky Road was -- that part of Kentucky Road was changed to Salem Drive.

BY TRENA PARKER:
    Yes, and that seems to be the issue.

BY MR. SCHEU:
    So they're in Montreat. But we've already noted that there's no mail delivery to the property address in Montreat anyway.

BY CHAIRMAN WATSON:
    Well, we understand. And here's -- I'll tell you what. Let's just get into it then because, on their Voter Registration Application, which was August 12th of this year, they didn't give a mailing address. They only gave the 534 Salem Drive, Montreat. And so that is all that we had to work with on that. Now, again, it's a shame that they didn't come because there's -- there are a
BY JENNIFER SPARKS:

If this helps with the denial of the registration as well, the -- and I say "they," because I can't remember exactly which one, if it was Mr. McLean or Mrs. McLean, showed up to the Asheville Mall to vote. And the folks there pulled up the name and the registration showed "Denied," and they stated that they did live in Montreat. So I actually instructed them to vote provisionally, and that the reason that the registration was denied was because they provided no mailing address and that we had attempted to contact them twice by mail, with the address they provided, and it come back undeliverable. And they stated there that they had no PO box and that was their mailing. I have not seen the provisional envelope that came back in to see what they actually did fill out, so I can't attest to if they did eventually provide any information. But that's the conversation that I had on the phone with that voting site.
That was yesterday.

BY CHAIRMAN WATSON:

And it's your understanding that the -- one of them claims -- or both stated "We have no PO box in Montreat"?

BY JENNIFER SPARKS:

That is correct, because that ---

BY MR. SCHEU:

Which may be true because many people don't get -- I don't know how the mail gets delivered, if you don't have a PO box.

BY JENNIFER SPARKS:

Right. It doesn't. And that's -- and that's what we were trying to -- you know, when that circumstance happens and they're registration's denied and they do show back up, we try to explain to them "Please provide us with a valid mailing," and that's what we were telling them, too. And they said that they did not have a PO box.

BY CHAIRMAN WATSON:

Well, and, again, it's a shame they're not here because I find it hard to believe that anybody who's been out in Montreat very long doesn't know you've got to have a PO box, if
you want to get mail. I mean, it's just ---

BY MR. SCHEU:

So how will you all handle the provisional ballot? Will they be able to show up and -- I mean, I don't know how you -- how do you do that up here?

BY JENNIFER SPARKS:

The provisional ballots will come before the Board.

BY MR. SCHEU:

So -- and that's shortly after -- either on or after election day?

BY JENNIFER SPARKS:

Seven days.

BY MR. SCHEU:

Seven days. So, Mr. Chairman, could I suggest we just do the domicile through the affidavits, put that into their file. And if they wanted to come to ---

BY CHAIRMAN WATSON:

Well, they -- I'm sorry. Go ahead. I didn't mean to cut you off.

BY MR. SCHEU:

--- if they wanted to come when you all consider the provisional ballot, that would be
an opportunity to do that.

BY CHAIRMAN WATSON:

Let me -- you've got about three questions in there. So first, the affidavit is admitted into the record. At least -- right now we're just on Lynn Leslie's. His affidavit is admitted into the record. You said can we just consider the domicile on the affidavit. The affidavit is in there. There are -- and I want to note them for you. You know, we have concerns. One is that, again, on their property card -- are you dead over there?

BY JENNIFER SPARKS:

I'm alive in that aspect.

BY CHAIRMAN WATSON:

Let's just see if that's been updated. That the property card, they've given -- they've given the Gastonia, North Carolina, address. There appears to still be, as of today -- now we've checked -- the North Carolina real estate, Angie's List, various online sites regarding their -- their business there, Les McLean Development Company. That still seems to be active in Gastonia for both, as I recall. But we'll look at ---
BY CHAIRMAN WATSON:

That's true.

BY CHAIRMAN WATSON:

--- we'll look at Ms. McLean in a minute.

BY JENNIFER SPARKS:

I will -- I will tell you, if this helps, their voter registration is still active in Gaston County because, since they were denied here, until they're an active voter in Buncombe County, their registration in Gaston will remain active.

BY CHAIRMAN WATSON:

Okay. Can you just double-check the property card and see if there's been any update there?

BY JENNIFER SPARKS:

I sure will. Yes, sir.

BY CHAIRMAN WATSON:

Mr. Scheu, we've got at least some evidence and indications that they are still actively engaged in business in Gastonia; that on their property card here they've given Gastonia as the address; that they say they have no Montreat PO box, which, if this is your domicile, this is where you are going to continually return and claim -- you know,
would you not want to get mail, where they
directed their important mail be sent; where
is their driver's license.

BY MR. SCHEU:
The driver's license is addressed.

BY CHAIRMAN WATSON:
Is it on the affidavit?

BY MR. SCHEU:
It's on the affidavit.

BY MR. KELLER:
Yeah, we've got that one.

BY MR. SCHEU:
Is this the one you only have the one of?

BY MR. SCHEU:
Correct.

BY CHAIRMAN WATSON:
Okay. Is that -- hold on one second. That is
still Gastonia. Thank you.

BY MR. SCHEU:
That it right there in your left hand?

BY CHAIRMAN WATSON:
No, sir. That's -- I'm sure it's here. I've
just shuffled so many papers. There it is.
Thank you. Well, he registered in August.
This driver's license was issued last
Thursday.

**BY MR. SCHEU:**

Correct.

**BY CHAIRMAN WATSON:**

Do you know whether he's still full-time employed with his business or continuing in his business?

**BY MR. SCHEU:**

I do not, sir. I'd submit that the -- and understanding the reasons for your question, but still the resident -- the address of your business and where he conducts his business as a real estate developer is really immaterial.

**BY CHAIRMAN WATSON:**

Well, I understand. And -- and you are correct. It is not determinative. But it is another factor and it is -- if that is his business -- the business that he operates and he's still in full-time employment of that, it's hard to believe that he is commuting every day from Montreat to Gastonia or that Gastonia is the summer home or winter home or vacation home. I mean, no offense to anybody from Gastonia, but I ain't never heard anybody buying a vacation home in Gastonia. So, you
know, your affidavit is duly noted. Any other questions, Mr. Keller?

BY MR. KELLER:

You might want to have a conversation with them about how there's plenty of time to register and actually take the actions to become permanent domiciled folks at Montreat before the primary that comes up in March.

BY CHAIRMAN WATSON:

Mr. Scheu -- go ahead, George. I'm sorry. I thought you were done.

BY MR. KELLER:

I mean, it's not like the world ends, if you can't vote in Montreat in this particular one. They've got the next one. But they have some -- they have things to do that they're not documented here. Not just to talk about, but they have things to do and we don't have the documentation of that.

BY MR. SCHEU:

That depends on how much substance forms the intent, and that's a matter of judgment that you all have to ---

BY MR. KELLER:

That's -- that's tough; isn't it?
BY MR. SCHEU:
--- you all have to evaluate that.

BY MR. KELLER:
Yeah.

BY CHAIRMAN WATSON:
Did you show us the voting history?

BY JENNIFER SPARKS:
It's all -- it's all Gaston County because they're still active in Gaston County.

BY CHAIRMAN WATSON:
But has there been an active voting history?

BY JENNIFER SPARKS:
Yes.

BY MR. SCHEU:
Would you mind stating for the record what you're looking at?

BY CHAIRMAN WATSON:
Yes, sir. I'm glad to. That is the voting history for Lynn Leslie McLean, and it is showing -- it's dating back to '96?

BY JENNIFER SPARKS:
Uh-huh.

BY CHAIRMAN WATSON:
And shows a pretty steady, I would say most years, voting all in Mecklenburg County.
BY JENNIFER SPARKS:

Gaston.

BY CHAIRMAN WATSON:

I'm sorry, Gaston. Thank you. Up to and including ---

BY JENNIFER SPARKS:

The general election of 2014.

BY CHAIRMAN WATSON:


BY MR. SCHEU:

And I, again, would just submit that, as of how, that -- I couldn't understand that you are giving it some credence, but it's not determinative ---

BY CHAIRMAN WATSON:

It is not determinative. And, again, I will state, as I've stated before, we are not looking at any one element. We're trying to look at the totality of everything. And -- and this is not the intention of this Board to tell someone "You can't vote here." I mean, that's not what we're doing. That's not -- we have had challenge hearings before and this Board has split in their votes before. And there have been some sustained and some not.
And so I think we've got a pretty good record of trying to weigh everything and be very judicious in our deliberations and determinations and conclusions. But it -- it -- well, let me move on from that. Is there anything else that you can offer on behalf of ---

BY MR. SCHEU:

No, sir.

(FILE 16, LYNN LESLIE MCLEAN, CLOSED)

BY CHAIRMAN WATSON:

Okay. Last one.

BY MR. SCHEU:

Thank you for your patience.

BY CHAIRMAN WATSON:

Thank you. Susan -- Suzanne, I guess, McLean.

BY MR. SCHEU:

Suzanne. Yes, sir.

(FILE 17, SUZANNE BUTLER MCLEAN)

BY CHAIRMAN WATSON:

All right. What do you have for her, Mr. Scheu?

BY MR. SCHEU:

I've got an affidavit ---

BY CHAIRMAN WATSON:
Thank you.

BY MR. SCHEU:

--- similar to -- there's a driver's license attached and, I apologize, there's only one. I think we'd say the same things that we said before, although there's one difference on this one. She -- Mr. Standaert attached in the challenge a paper presumably promulgated by the Gastonia Presbyterian Church, church choir. Where that came from, I don't know.

BY CHAIRMAN WATSON:

Mr. Scheu, if you'll hold that thought one second. Madam Reporter, we'll accept into evidence into the record what will be marked as Exhibit 1, File 17, affidavit of Suzanne Butler McLean.

(FILE 17, EXHIBIT NO. 1 MARKED)

BY CHAIRMAN WATSON:

Sorry, Mr. Scheu. Go right ahead.

BY MR. SCHEU:

Well, I was just going to say that pretty much the affidavit is the same, except I've got to say that she, in fact, retired, resigned from the church choir and from the handbell choir in November of 2014. So just to make that
clear. But it was astonishing that the
records of the church choir, the Presbyterian
church, or whatever it was, in Gastonia were
the result of activities of the challenger.

BY CHAIRMAN WATSON:

Well, I will -- I will tell you that one of
the things that the State Board, I believe,
has considered in some of its hearings in the
past has been questions regarding membership
or activity in civic groups, and activity and
memberships in church. And so -- where a
family picture is kept. I mean, there are a
number of very fact-specific questions that,
you know, this Board will consider, that the
State Board, I believe, has considered. So I
make that comment simply to point out you look
to see "Where is this person really living
day-to-day life?"

BY MR. SCHEU:

Oh, I think that's -- you're absolutely right
and I'm not surprised that that's considered.
What surprises me is that someone has no
better time in their life than to look at the
Internet for all this stuff that -- and it
just goes to the motive. And it's just
astonishing.

BY CHAIRMAN WATSON:

Okay. Well, again, the property card is Gastonia. We have no -- we have no Montreat address. Again, this -- it was either Mr. or Mrs. McLean, when they appeared to vote, said, "We don't have a PO box in Montreat," which is notable. We -- again, if you'll reference what I'm looking at here, it is voting history for Suzanne McLean. It goes back to 1992. It's a pretty solid voting history. By that I mean consistent each year, from '92 to the general election in November of 2014, all in Gaston County. So, again, it's curious that at -- well, I was going to say at this age, which is 67, and I ain't getting too far behind that. So I'm not going to say that's old. But, you know, you begin to make some of these kind of ---

BY MR. SCHEU:

Some of us have already passed that, for sure.

BY MR. KELLER:

For sure.

BY CHAIRMAN WATSON:

Okay.
BY MR. SCHEU:
I guess what we ought to say for the record, too, is that this was denied earlier. I don't think you said that, if it was, in fact.

BY CHAIRMAN WATSON:
I'm sorry, what was denied?

BY MR. SCHEU:
The registration, because that one said ---

BY CHAIRMAN WATSON:
Yes. This one also is one that -- it was both of the McLean registrations, I think. Is that right?

BY JENNIFER SPARKS:
Yes.

BY CHAIRMAN WATSON:
Is there any clarification regarding that? They came back -- they couldn't be -- essentially, they couldn't be processed because they were returned. Am I -- I know I misstated that.

BY TRENA PARKER:
We have to attempt to contact them two different times. That's federal and state law.

BY CHAIRMAN WATSON:
And they, again -- they've not given us a Montreat address. They've given a street address and the property records show the Gaston address. So this one is unique, in that it actually has been denied. I do note -- I'm sorry. Hand me that one more time.

BY TRENA PARKER:

I need 16, as well.

BY CHAIRMAN WATSON:

Is this ---

BY MR. SCHEU:

That should be attached.

BY CHAIRMAN WATSON:

--- an attachment to it? Okay. Yes. All right. And so, with Exhibit 1 of File 17 is attached a printout from the North Carolina DMV, which evidences a driver's license to Suzanne Butler McLean issued October 22nd of this year. I'll get a stapler and try to fix that. Do you have anything else to offer on behalf of Mrs. McLean, Mr. Scheu?

BY MS. SMITH:

No, sir, except to express my thanks to you all. It's been a long night. You all have been very patient with all of us. And I do
respect the fact that you all are going to do your job and we appreciate it. It's a hard job. We thank you for that. I did learn that you're not volunteers, though.

BY CHAIRMAN WATSON:

Yeah. George -- Mr. Keller, do you have any other questions regarding evidence on Mrs. McLean, Suzanne McLean?

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

Okay. Madam Secretary?

BY MS. SMITH:

No, sir.

BY CHAIRMAN WATSON:

All right. As to Mrs. Suzanne McLean, the evidence will be closed on that.

(FILE 17, SUZANNE BUTLER MCLEAN, CLOSED)

BY CHAIRMAN WATSON:

If there is no further evidence on any of these files, then the portion of the hearing related to evidence will be closed and we would then move to deliberations. Yes, sir?

BY MR. SCHEU:

May I point out something?
BY CHAIRMAN WATSON:

Yes, sir.

BY MR. SCHEU:

There was an indication that you might -- I thought you said that you might consider, at the close of all the evidence, rather than ---

BY CHAIRMAN WATSON:

To ask the question of ---

BY MR. SCHEU:

They asked the question, and we would ask you to do that on our behalf, too, if you so determine.

BY CHAIRMAN WATSON:

Mr. Bebber, that was your question, if I'm -- I'm going to restate it, as I understand it, and correct me. Essentially what you were asking -- or what you would like to ask of the challenger is whether -- I think we could probably make it a global question as to any of the 17 challenges as to whether he knows their intent. Is that fairly stated?

BY MR. BEBBER:

That is correct. I'm happy to be inclusive and not limit it to the Melvins.

BY CHAIRMAN WATSON:
Well -- and the only reason I say that as to him is because, Mr. Scheu, it's my understanding that that is a question you were ---

BY MR. SCHEU:

I would also request that that question be asked.

BY CHAIRMAN WATSON:

Okay. That is in the Board's discretion as to whether we want to pose that or -- do I have any discussion from the Board on that?

BY MR. KELLER:

No. I have no -- I have no idea that by discussing it here until midnight we could arrive at the right answer.

BY MS. SMITH:

I think it's a good question.

BY MR. KELLER:

Oh, it's a great question. But arriving at the right answer.

BY CHAIRMAN WATSON:

I'm looking for a "yes" or "no" from the members. Do we ---

BY MR. KELLER:

No, I don't want to do that.
BY MS. SMITH:

Sustained.

BY CHAIRMAN WATSON:

We need either a "yes" or "no" as to the question. Let me -- I'm getting a sense that it's "no." Let me, Mr. Bebber and Mr. Scheu, state that I do appreciate, I think, that the question -- the purpose of the question, which is -- I don't want to put words in your mouth. I'll let you explain for yourself. But as to the intent, I don't know that the challenge has to -- the challenge does have -- it doesn't have to know the intent of the parties that bring the challenge, under the statute. He can look at the statute. He can look at the evidence, which -- whether it's good evidence or not, weak evidence, strong evidence. He can look at it, compile the evidence, as he did, and bring it in the form a challenge, which is a sworn statement, which he did. And then it's considered for a preliminary hearing, which this Board did, and they were sustained. And it's come to this full hearing. So ---

BY Mr. BEBBER:
I agree with that certainly and I defer to your -- I mean, it's your call, obviously. I would just think that, if I brought this many challenges, I would expect to make some public appearance or statement to defend my challenges and to make my point more fully. And, because I bear the burden of proof, I would want to make it as clear as I could, and we would like to hear what he has to say on that. But ---

BY CHAIRMAN WATSON:

Well, let me -- I will, again -- and, Mr. Keller, Ms. Smith, if there are any questions that this Board has for the challenger, then we're certainly open to ask those. And I will entertain -- the Chair will entertain those.

BY MR. BEBBER:

May I ask, Is this unique? And I'm sorry to drag this out. Is this a unique number? Is the volume here unique, in your experience?

BY CHAIRMAN WATSON:

Is what a unique number? The 17?

BY MR. BEBBER:

Yes.

BY CHAIRMAN WATSON:
Oh, no. We've had much bigger challenges.

BY MR. SCHEU:

Of one person?

BY CHAIRMAN WATSON:

Yes.

BY MR. KELLER:

Yes.

BY CHAIRMAN WATSON:

So this is not -- do you have any questions for the challenger?

BY MR. KELLER:

No.

BY CHAIRMAN WATSON:

Ms. Smith?

BY MS. SMITH:

No.

BY CHAIRMAN WATSON:

All right. We are going to, at least for now, close this part of the hearing as to testimony. Madam Reporter, note this as closed, as to the testimony and evidence on the 17 challenges and go off the record for a moment.

(TESTIMONY AND EVIDENCE REGARDING THE 17 CHALLENGES CLOSED)
(OFF THE RECORD)

BY CHAIRMAN WATSON:

Mr. Melvin, this is -- if you'll please, sir, step up to the table here and state your full name.

BY WALTER BRINKLEY MELVIN:

Walter Brinkley Melvin.

BY CHAIRMAN WATSON:

All right.

EXAMINATION RESUMED BY CHAIRMAN WATSON:

Q Mr. Melvin, I'm going to read to you here the oath here from 163-86 of the statutes. It's my understanding you have reviewed this oath with your attorney?

A I have.

Q And you are ready to take this oath?

A Yes, I am.

Q All right. Mr. Melvin, you do solemnly swear that you are a citizen of the United States; that you are at least 18 years of age or will become 18 by the date of the next general election; that you have or will have resided in this state in the precinct for which registered for 30 days, by the date of the next primary or election; that you are not
disqualified from voting by the Constitution or the laws of this state; that your name is?
A    Walter Brinkley Melvin.
Q    And that, in such name, you are duly registered as a voter of 36.1 precinct.
A    36.1 precinct.
Q    And that you are the person you represent yourself to be, so help you God?
A    So help me God.

BY CHAIRMAN WATSON:

Thank you. There are no other challenged registrants here to take the oath, so as to the remaining 16 we will have to consider them on affidavits, if presented, and also on the totality of any other evidence which has been presented to the Board and all the facts. We will take each one up for deliberation, then, in no particular order. As to -- hold this one second. Ms. Parker, with regards to the McLean, the two that have their registration, what is the actual status of it at this point? What's the proper designation of ---

BY TRENA PARKER:

It is a provisional ballot. Both voters have voted -- prospective voters have voted a
provisional ballot.

**BY CHAIRMAN WATSON:**

So they both have voted provisionally?

**BY TRENA PARKER:**

Correct, today.

**BY CHAIRMAN WATSON:**

All right. The registration, though, has been ---

**BY JENNIFER SPARKS:**

Denied.

**BY CHAIRMAN WATSON:**

--- denied. All right.

**BY TRENA PARKER:**

And all provisional ballots are to be ruled upon before canvass.

**BY CHAIRMAN WATSON:**

All right. So, as I see it, we have a few different things going on there. One is that they have voted provisionally. Registration has been denied. But then we still have the question before this Board tonight and from the deliberations tonight as to whether they presented sufficient evidence to this Board to support their claim of domicile and their intent to be permanent here in a residence in Asheville.
Montreat. Now, as to each member of the Board, I'm going to ask you to consider all of the evidence that was presented before you to make your determination. I'd like you to maybe record your determination in your folder, or something, and then I'm going to call for a vote.

BY MS. SMITH:

This was on McLean?

BY CHAIRMAN WATSON:

And this one -- the first one we'll take up is Lynn Leslie McLean. As to each of these two, I think we will need -- we will make some specific findings of fact as to each one. I would like, though, to reserve the opportunity to -- upon review of the transcript, anything that I may have overlooked, just trying to remember that we can pull from the transcript to make as a finding of fact, based on the evidence presented. I will do my best to recall from each one, as we've gone through them. As to Leslie Lynn McLean -- bear with me one moment, please. All right. As to Leslie Lynn McLean, findings of fact that a challenge was filed October 7th, 2015. Is
that the stamp date of when this was received?

BY TRENEN PARKER:

Yes. It's October 7th.

BY CHAIRMAN WATSON:

October 7th, 2015; that a challenge was filed to the registration of Lynn Leslie McLean by Mr. Joseph Patrick Standaert; that attached with that challenge was a Buncombe County property card; that that property card showed an address given for the Standaert's -- excuse me, for the McLeans of 2916 Grampian, G-r-a-m-i-a-n, Drive, Gastonia, North Carolina, 28054, and that is a property card for properties which they own at 534 Kentucky Road in Montreat, North Carolina; that also attached was information which appears to be a property card from Gaston County, North Carolina, showing property there at the same address of 2916 Grampian Drive, Gastonia, North Carolina.

There were other attachments to the challenge, which was denoted as being part of the challenge form, one of which is a listing for real estate agents in North Carolina website. I'd point out it appears to be a Les McLean Development Company being the company of Lynn

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L. McLean, Jr., in Gastonia, North Carolina; that on the voter registration form of Mr. McLean, that it did not list a Montreat mailing address. They only list a residential address; that within the evidence portion of the hearings tonight that the Board heard from staff of the elections office that both Mr. Leslie Lynn McLean and Suzanne McLean presented themselves at Asheville Mall to vote on August 27th, yesterday ---

BY TRENA PARKER:

October.

BY CHAIRMAN WATSON:

I'm sorry. October 27th; that they were denied -- or, excuse me, that the office was contacted because their registrations had been returned ---

BY JENNIFER SPARKS:

Denied.

BY CHAIRMAN WATSON:

--- and denied because the mailings had been returned; that a conversation over the phone that one of the McLeans -- it was unclear if it was Mr. or Mrs. McLean -- indicated that they do not have a Montreat post office box;
that an affidavit was submitted, which was Plaintiff's Exhibit 1, F-16; that attached to that is a printout of a North Carolina driver's license for Lynn Leslie McLean, Jr., which was issued October 22nd of this year; that Lynn Leslie McLean was not present for the hearing; that he was represented by Mr. Scheu -- what is your first name, again, sir?

BY MR. SCHEU:

William B.

BY CHAIRMAN WATSON:

William B. Scheu, who presented affidavits on behalf of Mr. McLean; that Mr. McLean presented no other evidence to the Board, other than his affidavit and the attached DMV printout. The Board also considered printouts found on the web and the Internet, which would tend to show that the McLeans are still active in real estate in Gastonia with a business there. Let's go off the record briefly.

(OFF THE RECORD)

BY CHAIRMAN WATSON:

That Mr. Lynn Leslie McLean, in his affidavit, has stated "I have" -- in Paragraph 3, "I have rescinded any voter registration that I
previously maintained in any other state or
county"; that a check of the voter
registration site, the State Board of
Elections site, indicates that he is, in fact,
still a registered voter in Gaston County.

BY MR. SCHEU:
May I just say something? I know you're in
deliberations, but just to ---

BY CHAIRMAN WATSON:
Do we need to go off the record or do you ---

BY MR. SCHEU:
Off the record is fine.

BY CHAIRMAN WATSON:
Unless you want it on.

BY MR. SCHEU:
No. Off the record is fine.

(OFF THE RECORD)

BY CHAIRMAN WATSON:
That the North Carolina Voter Registration
Application which was submitted by Mr. Lynn
Leslie McLean, Paragraph 7 states -- previous
voter registration paragraph -- "This
information will be used to cancel your
previous voter registration in another county
or state"; his application here to Buncombe
County has been denied due to inadequate mailing and non-sufficient mailing address provided by the registrant.

BY MR. SCHEU:
And, consequently, that rescission has not been effectuated.

BY CHAIRMAN WATSON:
I'm satisfied with my findings of fact, as I've stated them. Any other findings of fact? Anything further, then, as to Lynn Leslie McLean?

BY THE BOARD:
(No response)

BY CHAIRMAN WATSON:
All right. I'll call for a vote as to Mr. McLean, whether to sustain the challenge or deny it. And understand that, by sustaining the challenge, then his registration, I think, would be -- what status would that move him into?

BY JENNIFER SPARKS:
Well, you can't -- once a voter has been denied, you can't reinstate that status for any reason. So upon consideration of the provisional -- whatever happens with that
provisional, the registration process will then begin again.

**BY CHAIRMAN WATSON:**

Well, you're talking about on the vote. The actual -- right?

**BY JENNIFER SPARKS:**

Yes.

**BY CHAIRMAN WATSON:**

But as to what -- off the record.

**(OFF THE RECORD)**

**BY CHAIRMAN WATSON:**

The question is whether the challenge be sustained or denied.

**BY MR. KELLER:**

Sustained.

**BY CHAIRMAN WATSON:**

Is that your vote?

**BY MR. KELLER:**

That's my vote.

**BY CHAIRMAN WATSON:**

Okay. Thank you. Ms. Smith?

**BY MS. SMITH:**

Sustained.

**BY CHAIRMAN WATSON:**

All right. I will vote sustained on that one.
So the challenge of Mr. Lynn Leslie McLean is sustained. We'll conclude then, as a matter of law, that the matter was properly before the Buncombe County Board of Elections. It was properly noticed and served upon all parties. The challenger was present at the hearing. The challenged registrant, Mr. Lynn Leslie, was not present but was represented by Mr. William B. Scheu, S-h-u ---

BY MR. SCHEU:

S-c-h-e-u.

BY CHAIRMAN WATSON:

S-c-h-e-u. I am so sorry, sir.

BY MR. SCHEU:

I'm used to it.

BY CHAIRMAN WATSON:

Based on the foregoing findings of fact, that this Board concludes as a matter of law that Mr. Lynn Leslie McLean has not, to the satisfaction of this Board, established that Montreat is his domicile and, therefore, the challenge to his registration is sustained.

(LYNN LESLIE MCLEAN CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:

Next, we will consider Suzanne McLean.
BY TRENA PARKER:

Mr. Chairman?

BY CHAIRMAN WATSON:

Yes.

BY TRENA PARKER:

I'm going to be bold here.

BY CHAIRMAN WATSON:

Well, you go right ahead. Let's go off the record a moment.

(OFF THE RECORD)

BY CHAIRMAN WATSON:

All right. Having completed Lynn Leslie McLean's and going through a finding of fact and conclusion law, that the remaining cases that Mr. Bebber, on behalf of his clients, being the Melvins, and Mr. Scheu on behalf of his clients ---

BY MR. SCHEU:

I don't have clients.

BY CHAIRMAN WATSON:

--- excuse me, the challenged registrants, being all but Mr. Bauer, and those that are represented by Mr. Bebber, that the counsel and representative are in agreement that we will make specific findings of fact as to each
challenged registrant at a later date, pulling from the record and from the evidence that's already been presented tonight, as well as conclusions of law. So we will now call for the vote as to each file from the Board. So next we'll take up Suzanne McLean. As to Suzanne McLean, is the Board ready to proceed? Ms. Smith, do you vote to sustain or deny the challenge?

**BY MR. KELLER:**
Sustain.

**BY CHAIRMAN WATSON:**
All right. Mr. Keller is to sustain. Ms. Smith?

**BY MS. SMITH:**
Sustain.

**BY CHAIRMAN WATSON:**
All right. Sustain. Okay.

(SUZANNE BUTLER MCLEAN CHALLENGE SUSTAINED)

**BY CHAIRMAN WATSON:**
We will next move to ---

**BY MR. SCHEU:**
Did you vote to sustain?

**BY CHAIRMAN WATSON:**
Yes, sir.
BY MR. SCHEU:

Thank you.

BY CHAIRMAN WATSON:

Yes, sir. Sally Dubose. All right. As to Sally Dubose, is the Board ready to vote or to ---

BY MR. KELLER:

I'm ready. Sustained.

BY CHAIRMAN WATSON:

Ms. Smith?

BY MS. SMITH:

Sustain.

BY MR. SCHEU:

Did she say sustain?

BY MS. SMITH:

Sustain.

BY CHAIRMAN WATSON:

I will sustain. I will note, Mr. Scheu, you had asked for -- if there was any reason. All indications from the registrant, when they register, is they are still saying to send information to Davidson. It seems that they still have their property cards listed Davidson. It seems that they are still keeping very close ties to Davidson, even
asking that their ballots be sent to Davidson.

(SALLY TAYLOR DUBOSE CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:

William Dubose?

BY MR. KELLER:

Sustained.

BY CHAIRMAN WATSON:

Ms. Smith? Take your time.

BY MS. SMITH:

I sustain.

BY CHAIRMAN WATSON:

And I will sustain on this one for roughly the same reason as stated earlier as with regards to Ms. Sally Dubose.

(WILLIAM THOMPSON DUBOSE CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:

J. Graham King?

BY MR. KELLER:

Deny.

BY CHAIRMAN WATSON:

May I see that affidavit for Mr. King, please? Is that the one you only had the one copy of?

BY MS. SMITH:

No. I've got one right here.

BY MR. SCHEU:
No, that was McLean.

BY CHAIRMAN WATSON:

Let's see.

BY TRENA PARKER:

There's two. There's Jennings and then there's Susan King.

BY CHAIRMAN WATSON:

I'm recalling some stuff that I don't see in my file. I just want to make sure I'm remembering correctly. Okay. Right. I'm remembering this one correctly. Okay. Mr. Keller?

BY MR. KELLER:

Deny.

BY CHAIRMAN WATSON:

Ms. Smith?

BY MS. SMITH:

Sustain.

BY CHAIRMAN WATSON:

All right. Ms. Smith, as to Mr. King, do you sustain?

BY MS. SMITH:

Yes.

BY CHAIRMAN WATSON:

All right. I deny, so that one is two to one,
denied.

BY MS. SMITH:
Okay.

(JENNINGS GRAHAM KING, JR., CHALLENGE DENIED)

BY CHAIRMAN WATSON:
As to Susan King?

BY MS. SMITH:
Who did we do before Susan?

BY CHAIRMAN WATSON:
That was

BY MS. SMITH:
I'm sorry.

BY CHAIRMAN WATSON:
No, that's all right. That was J. Graham
King.

BY MS. SMITH:
Oh, okay.

BY CHAIRMAN WATSON:
Do you have the wrong folder or ---

BY MS. SMITH:
Yeah. I was in the wrong folder.

BY CHAIRMAN WATSON:
Were you in the wrong folder?

BY MS. SMITH:
I was in the wrong folder. I was in Susan's
folder. I'm sorry.

BY CHAIRMAN WATSON:

Well, it's all right.

BY MS. SMITH:

It's past my bedtime.

BY CHAIRMAN WATSON:

All right. Jennings Graham King, Jr. Do you wish to reconsider your vote or do you -- here's the affidavit and the attachments to it.

BY MS. SMITH:

Deny it.

BY TRENA PARKER:

Has that been sustained?

BY MS. SMITH:

Yes. Sustained. I'm sorry.

BY CHAIRMAN WATSON:

Okay. You're going to maintain your ---

BY MS. SMITH:

Yes.

BY CHAIRMAN WATSON:

Very good. Thank you. Okay. Next, Susan King. Mr. Keller?

BY MR. KELLER:

Deny.
BY CHAIRMAN WATSON:

All right. Deny the challenge. Ms. Smith, sustain or deny the challenge?

BY Trena Parker:

You all help me out. Sustain or overrule? Which -- what are we doing here? Deny is ---

BY MR. KELLER:

Deny the challenge. We've got to get all those words ---

BY CHAIRMAN WATSON:

I'm sorry. Go ahead.

BY Trena Parker:

Just clarifying.

BY MS. SMITH:

Okay. Say that all again.

BY CHAIRMAN WATSON:

Are you suggesting sustained or overruled? Is that what ---

BY Trena Parker:

Yes.

BY MR. KELLER:

Or deny the challenge.

BY MR. SCHEU:

We'll stipulate that deny means overruled.

BY CHAIRMAN WATSON:
I think deny ---

BY MR. SCHEU:

That means the challenge fails, if it's ---

BY CHAIRMAN WATSON:

Right. Right. I think deny is going to be ---

BY MS. SMITH:

Well, I made a big mistake on some of these.

BY CHAIRMAN WATSON:

So as to Susan King, Mr. Keller, you have voted on that one, denied. Ms. Smith?

BY MS. SMITH:

Smith.

BY CHAIRMAN WATSON:

And I'll vote deny on Susan King.

(SUSAN KING CHALLENGE DENIED)

BY CHAIRMAN WATSON:

All right. I am taking these in reverse order of how we finished them, just pulling them off the pile. So we are now up to the Melvins.

The first -- I'm sorry?

BY MR. KELLER:

That's okay. Go.

BY CHAIRMAN WATSON:

Michael Melvin? Michael Melvin?
BY MR. KELLER:
Deny the challenge.

BY CHAIRMAN WATSON:
Ms. Smith, Michael Melvin?

BY MS. SMITH:
Deny.

BY CHAIRMAN WATSON:
All right. The Chair votes deny on Michael Melvin.

(MICHAEL MELVIN CHALLENGE DENIED)

BY CHAIRMAN WATSON:
Walter Brinkley Melvin? May I see the affidavit on -- no, not the motion. The affidavit. Do you have that affidavit?

BY TRENA PARKER:
You're not getting out of here with those files. Let's just put it that way.

BY JENNIFER SPARKS:
We're watching the yellow stickers.

BY MR. KELLER:
They're handy for that.

BY CHAIRMAN WATSON:
Mr. Keller, Walter Brinkley Melvin?

BY MR. KELLER:
Deny.
BY MS. SMITH:
    Deny.

BY CHAIRMAN WATSON:
    The Chair votes -- the Chair denies Walter
    Brinkley Melvin.

(WALTER BRINKLEY MELVIN CHALLENGE DENIED)

BY CHAIRMAN WATSON:
    Next will be Robin Melvin. Mr. Keller, are
    you prepared on Robin Melvin?

BY MR. KELLER:
    Oh, yeah. Deny.

BY CHAIRMAN WATSON:
    Ms. Smith?

BY MS. SMITH:
    Deny.

BY CHAIRMAN WATSON:
    The Chair denies on Robin Melvin.

(ROBIN STACY MELVIN CHALLENGE DENIED)

BY CHAIRMAN WATSON:
    Harriet Watson Melvin.

BY MR. KELLER:
    I've got Harriet. Deny.

BY CHAIRMAN WATSON:
    Ms. Smith?

BY MS. SMITH:
Deny.

**BY CHAIRMAN WATSON:**

The Chair denies. Harriet Watson Melvin is denied.

(HARRIET WATSON MELVIN CHALLENGE DENIED)

**BY CHAIRMAN WATSON:**

All right. Carolyn Crowder I recused myself on. This vote will only be heard and taken by Mr. Keller and Ms. Smith. As to Carolyn Crowder -- before I call, Mr. Scheu, would you like me to recuse myself from ---

**BY MR. SCHEU:**

I'm happy. You can call the vote. I understand that you've recused from the deliberation.

**BY CHAIRMAN WATSON:**

All right. Mr. Keller, as to Carolyn Crowder?

**BY MR. KELLER:**

Deny.

**BY CHAIRMAN WATSON:**

Ms. Smith?

**BY MS. SMITH:**

Deny.

**BY CHAIRMAN WATSON:**

Have you got the right one? Okay.
BY MS. SMITH:

Yes.

BY MR. SCHEU:

What did she say?

BY CHAIRMAN WATSON:

She said yes, she's got the right one.

BY MR. SCHEU:

Did she deny -- I'm asking ---

BY THE COURT REPORTER:

She hasn't voted yet.

BY CHAIRMAN WATSON:

Your vote?

BY MS. SMITH:

Deny.

(CAROLYN CROWDER CHALLENGE DENIED)

BY CHAIRMAN WATSON:

Jordan Hill Clark Brown.

BY MR. KELLER:

Jordan Hill Clark Brown. Sustain.

BY CHAIRMAN WATSON:

Give me one second. Mr. Scheu, did you submit an affidavit with regards ---

BY MR. SCHEU:

Yes, sir. It was a copy of Mrs. Brown's affidavit. Jordan ---
BY CHAIRMAN WATSON:

You mean Mary Jo Clark -- okay. That's -- that was my confusion. I have an affidavit, but I saw -- okay. Thank you.

BY MR. SCHEU:

Yes.

BY CHAIRMAN WATSON:

Okay. I'm sorry. I will call this vote again. Mr. Keller, as to Jordan Clark Brown, did I hear you vote sustained?

BY MR. KELLER:

Sustain.

BY CHAIRMAN WATSON:

All right. Sustain. Thank you. Ms. Smith?

BY MS. SMITH:

Sustain.

BY CHAIRMAN WATSON:

And I will vote -- I'll vote sustained. There was no other evidence presented. Thank you. Jordan Clark Brown is sustained.

(JORDAN CLARK BROWN CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:

The William Brown? Mr. Scheu, do I remember correctly that, as to William Brown, that the same affidavit of his wife ---
BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
--- was submitted?

BY MR. SCHEU:
Yes, sir.

BY CHAIRMAN WATSON:
He had no independent affidavit?

BY MR. SCHEU:
No, sir.

BY CHAIRMAN WATSON:
All right. Mr. Keller?

BY MR. KELLER:
Sustain.

BY MS. SMITH:
Sustain.

BY CHAIRMAN WATSON:
All right. And I vote to -- I sustain as well. I will note that this was -- that the address given by them on their Buncombe County residence card for mailings was the Davidson address. He is, I think -- there's no testimony to contradict it -- it appears he's still a full-time employee with Davidson. William Brown is sustained.
(WILLIAM BROWN CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:
Mary Jo Clark? Mr. Keller?

BY MR. KELLER:
Sustain.

BY MS. SMITH:
Sustain.

BY CHAIRMAN WATSON:
I am going to deny, but it is sustained on a vote, two to one.

(MARY JO CLARK CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:
Daniel Dean. All right. Daniel Blue Dean.
Mr. Keller?

BY MR. KELLER:
Deny.

BY CHAIRMAN WATSON:
Ms. Smith?

BY MS. SMITH:
Deny.

BY CHAIRMAN WATSON:
And I deny. Daniel Dean is denied.

(DANIEL DEAN CHALLENGE DENIED)

BY CHAIRMAN WATSON:
Ellen Dean?
BY MR. KELLER:
Deny.

BY CHAIRMAN WATSON:
Mr. Keller?

BY MR. KELLER:
Deny the challenge.

BY CHAIRMAN WATSON:
Ms. Smith, Ellen Dean?

BY MS. SMITH:
I'm sorry. I'm ---

BY CHAIRMAN WATSON:
Take your time.

BY MS. SMITH:
Deny.

BY CHAIRMAN WATSON:
I deny. Ellen Dean is denied.

(ELLEN DEAN CHALLENGE DENIED)

BY CHAIRMAN WATSON:
Mr. William Bauer has left us. Okay. Mr. Keller?

BY MR. KELLER:
Sustained.

BY CHAIRMAN WATSON:
Ms. Smith?

BY MS. SMITH:
Sustained.

BY CHAIRMAN WATSON:
I sustain. Bauer is sustained.

(WILLIAM H. BAUER CHALLENGE SUSTAINED)

BY CHAIRMAN WATSON:
Any further matters for consideration by the Board? Mr. Scheu?

BY MR. SCHEU:
No, sir. Thank you. It was instructive. I appreciated your deliberations, your patience and your receiving of evidence. Thank you for the service that you provide, and to the staff.

BY CHAIRMAN WATSON:
Mr. Bebber, anything?

BY MR. BEBBER:
Our thanks to you, the Board, and to the staff and the intrepid reporter.

BY CHAIRMAN WATSON:
Okay. Mr. Keller, anything further from you for this hearing?

BY MR. KELLER:
No questions.

BY CHAIRMAN WATSON:
Ms. Smith, Madam Secretary?
BY MS. SMITH:

No, sir.

BY CHAIRMAN WATSON:

Thank you. We are concluded with this hearing at this time. We are off the record.

(PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE CONCLUDED AT 12:12 A.M.)
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.: 1998410006

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