

BUNCOMBE COUNTY BOARD OF ELECTIONS  
PROPOSED AGENDA for November 28, 2016

1:30 p.m. Preliminary Protest Hearing  
2:00 p.m. Continuation of Canvass

Preliminary Hearing

- I. Presentation of Protest Documents/Trena Parker
- II. Determination of Timeliness and Applicability/Elections Board
- III. Probable Cause Consideration
  - a. Staff research
  
- IV. Board of Elections Action

Continuation of Canvass

- I. Welcome of Visitors
  
- II. Resolution of Same Day Registrations
  
- III. Resolution of Deceased Absentees...per SBOE guidance
  
- IV. Resolution of Unverified New Registrations...per SBOE guidance
  
- V. Tallies of III, IV, and V
  
- VI. Compilation/Summary of Results
  
- VII. Signing of Abstracts, Bond Referendum Certificates, Election Certificates
  
- VIII. Receipt of Nancy Nehls Nelson Recount Request/Scheduling
  
- IX. Next meetings/trainings?

November 28, 2016

Name

Gene Johnson  
Anne Botz  
Mary Standaeut  
Joe STANDAEUT  
Clandette Silver  
Mary Nels Nelson  
Emily Patrick  
Alice Hamey  
John Neer  
JOYL WESTALL  
JAKE QUINN  
Phillip G. Wolfe  
Theresa Lopez  
JUDITH PIGOSI  
RICHARD PIGOSI  
Mike Fagan

Contact

gjb@johnsonlawnc.com  
annbotz@gmail.com  
joesstandaeut@gmail.com  
claudette@silverman.net  
N3CAROLINA@gmail.com  
jneer@robots-stone.com  
928-254-6221  
JQSUNSET@GMAIL.COM  
BCSO  
jtp@pegasus.com  
RPIGOSI@MAC.COM

**BUNCOMBE COUNTY BOARD OF ELECTIONS  
MINUTES OF NOVEMBER 28, 2016  
PRELIMINARY HEARING AND CONTINUED CANVASS MEETING**

THE BUNCOMBE COUNTY BOARD OF ELECTIONS MET ON NOVEMBER 28<sup>TH</sup>, 2016 AT 1:30 P.M. AT THE BOARD OF ELECTIONS OFFICE AT 77 MCDOWELL STREET, ASHEVILLE:

**MEMBERS PRESENT:**

Jay Watson, Chairman  
George Keller, Member  
Lucy Smith, Secretary

**STAFF PRESENT:**

Trena Parker, Director  
Jennifer Sparks  
John Noce  
Neggy Fox  
Wanda Peele

**OTHERS PRESENT:**

Chairman Watson called the meeting to order at 1:30 p.m. He shared with the crowd that this meeting was being held in order to conduct a preliminary hearing regarding three protests received from Candidate for Attorney General, Eldon S. Newton III from Wilson, North Carolina. A court reporter was in attendance.

Transcript of hearing attached.

At approximately 1:50 p.m. Chairman Watson moved that the meeting be adjourned and that the continued canvass begin at 2:00 p.m.

The continued canvass meeting began at 2:00 p.m.

Jennifer Sparks presented 9 same day registrants who failed the mail verification process. She shared that 2 different mailings had been sent. The Board referred to the General Statutes applicable to this situation. GS 163-82.6A(d). Jennifer also shared that we have absentee ballots from 3 individuals who had voted and then died before Election Day. The Board referred to the General Statutes governing votes and ballot and which would be generally applied to the three ballots in question. Member Keller moved that the three ballots be accepted; Lucy Smith seconded the motion. Watson voted against the motion. The ballots remain in the count.

Ms. Sparks then presented 26 ballots of individuals who had registered during the last days of open registration and voted during the early voting time period. They too had failed the mail verification process. Two separate mailings had been returned as undeliverable. The voter registration database immediately moves those registrants to a denied status. Lucy Smith motioned that those ballots not be counted. George Keller seconded with the motion passing unanimously.

Chairman Watson motioned that the board recess until 4:30 to allow time for staff to make the necessary adjustments. The board reconvened at 4:45 at which time an order received from the State Board of Elections was reviewed. Chairman Watson stated the order seem to be provided guidance regarding protests, and Buncombe's protests have been dismissed. The order also seemed to order that all ballots be counted unless a protest or challenge has been filed, or unless it is found that ineligible voters participated in numbers sufficient to change the outcome of the elections. Chairman

Watson shared that it is the county board's obligation to follow North Carolina General Statutes and to count only those ballots authorized by statute, and that the order was unclear as to the definition of unqualified voters or administrative processes. Chairman Watson moved that previous rulings stand. Lucy Smith seconded with George Keller agreeing. The vote was unanimous.

Director Parker shared that Nancy Nehls Nelson had delivered a timely written request for a recount. She also shared that one board member and one staff member would be attending the December UNC-CH School of Government training.

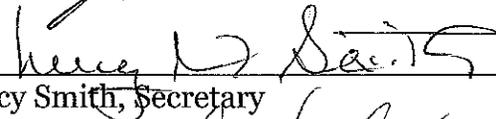
The board voted unanimously to recess in order for staff to compile results.

The board reconvened at 5:30 p.m. All abstracts and certificates were signed. It was determined that Ms. Nelson is entitled to a recount. Reconciliation documents were presented. Six ballots were either jammed or rescanned during the voting process. Therefore, of the 139,958 ballots cast, only 6 ballots prevented a 100% balance. Precinct officials have been contacted and explanations can be provided.

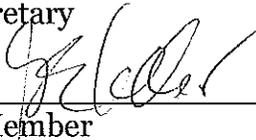
At 6:15 p.m. the board adjourned.



Jay Watson, Chairman



Lucy Smith, Secretary



George Keller, Member