

BOARD OF ELECTIONS

Linda J. Sutton
Chair

Michael Flatow
Secretary

Jonathan S. Dills
Member



Robert H. Coffman
Director of Elections

Lamar Joyner
Deputy Director

FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING MINUTES – MARCH 13, 2012

Call to Order

A regular meeting of the Forsyth County Board of Elections was held in the Cooper Cardwell Elections Room on March 13, 2012. The meeting convened at 5:30 PM, Chairman Linda Sutton presiding.

Board Members in attendance: Chairman Linda Sutton, Secretary Michael Flatow, Member Jonathan Dills

Board Members not in attendance: none

Staff Members in attendance: Director Robert Coffman, Deputy Director Lamar Joyner, Judy Speas

Others in attendance: Assistant County Attorney Kevin McGuckin, Attorney Michael Robinson

Approval of Minutes

Chairman Sutton greeted the attendees and requested that the Board review the minutes of February 21, 2012. Member Dills moved and Secretary Flatow seconded the motion to approve the minutes of February 21, 2012. Motion carried. Board members discussed the 2012 Primary One-Stop Early Voting Implementation plans that were submitted for State Board approval. The possibility of an alternative Early Voting site was discussed in the WSSU area.

Hearing Preparation

Chairman Sutton introduced discussion of the Challenge to the Candidacies of Ed Hanes, Jr. and S. Wayne Patterson which was submitted by Jimmie L. Bonham, Challenger. All involved are Democratic candidates who have filed to run for the NC House – District 72 seat. A hearing for the Challenge was scheduled for March 15th at 1:30 PM. Chairman Sutton stated that Board members have the right to subpoena individuals and documents for the hearing. Discussion was held in relation to the timeliness of the Primary Election ballot printing with federal law requirements. Board members discussed NCGS 163-127.5, Burden of proof, which states that the candidate, or the challengee, must prove their qualification for office when there is a question of residency or domicile. Mr. McGuckin referred to NCGS 163-127.2 (b), When and how a challenge to a candidate may be made, which states that a challenge must be made in a verified affidavit by a challenger. Member Dills stated that the Board is only obligated to hear evidence from the challengees; however, the challenger may also be given an opportunity to speak. Board members planned to provide an appropriate procedure that would be receptive, fair and equitable. Mr. McGuckin suggested that a subpoena may state that the challengees should bring any and all supporting documents that show domicile as being that address for thirty days prior to filing. Mr. McGuckin agreed to prepare a subpoena statement which would include: challengees should produce any and all documents and other tangible evidence demonstrating current domicile; abandonment of the former domicile; and, the acquisition of the new domicile as required by NCGS

163-127.5. Board members discussed whether to also subpoena the challenger, Mr. Bonham. Mr. McGuckin stated that the Board's primary goal should be to examine the evidence of the challengees.

Member Dills suggested that the hearing procedure include a process where the Board maintains the control of the hearing by questioning the challengees; and then, inquiring of all participants whether any additional examination would be relevant. A unanimous motion should then be achieved by the Board.

Member Dills moved to recess for a short break at 7:45 PM. Motion carried. After Board members reconvened, Member Dills moved that the Director should bring all evidence of the parties' voter registration to prove the challengees' residency at the hearing. Secretary Flatow seconded the motion. Motion carried.

Board members agreed that, in lieu of issuing a subpoena prepared by Mr. McGuckin as discussed earlier, Mr. Coffman should compose a statement to be sent to the parties with the wording: As you know, the Board of Elections will convene a hearing on the challenged domicile of Ed Hanes, Jr. and S. Wayne Patterson, candidates for the NC State House, District 72 seat on Thursday, March 15, 2012 at 1:30 PM. Be advised that all those involved are required to bring forward all evidence, whether testamentary, documentary and/or other tangible evidence relating to the current domicile of the challenged candidates under NCGS 163-127.4. Be further advised that one order of business to be considered at the hearing is whether to issue requested subpoenas. Please come prepared to fulfill your obligations under NCGS 163-127.5.

Approval of Primary Ballot

Mr. Coffman presented the 2012 Primary Election ballot styles to the Board members. Board members discussed the various ballot styles which contain precinct district splits. Also, a constitutional amendment does not appear on ballot styles prepared for seventeen year old voters. Secretary Flatow moved and Member Dills seconded a motion to approve the 2012 Primary Election ballots, excluding those affected by NC House District 72. Motion carried.

Other Business

Board members discussed the accepted procedure for media reporting.

Adjournment

Chairman Sutton moved and Secretary Flatow seconded the motion to adjourn the meeting. Motion carried. The meeting was adjourned at 8:25 PM. The next meeting of the Forsyth County Board of Elections will be held in the Board of Equalization and Review Room on March 15, 2012 at 1:30 PM for the hearing of the Challenge to the Candidacies of Ed Hanes, Jr. and S. Wayne Patterson.

Approved:

Linda J. Sutton, Chair

Date

Michael Flatow, Secretary

Date

Jonathan S. Dills, Member

Date

Attachments on File: none