

# BOARD OF ELECTIONS

**Ken Raymond**  
Chairman

**Stuart Russell**  
Secretary

**Fleming El-Amin**  
Member



**Robert H. Coffman**  
Director of Elections

**Lamar Joyner**  
Deputy Director

## FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING MINUTES – SEPTEMBER 3, 2013

### Meeting Called to Order

An absentee meeting of the Forsyth County Board of Elections was held in the Fourth Floor Meeting Room on September 3, 2013. The meeting convened at 6:00 PM, Chairman Ken Raymond presiding.

Board Members in attendance: Chairman Ken Raymond, Secretary Stuart Russell, Member Fleming El-Amin

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

### Approval of Minutes

The Board members reviewed the minutes of August 27, 2013 and found no errors. Secretary Russell moved and Member El-Amin seconded a motion to approve the Board minutes of August 27, 2013. **Motion carried unanimously.**

### Approval of Absentee Ballots Returned

Mr. Chunn recommended 55 absentee ballots for approval and zero absentee ballots for disapproval in the Winston-Salem Primary Election weekly report. Secretary Russell questioned whether any of the weekly absentee ballots were included in the previously questioned applications that had requested the Parker mailing address. Mr. Chunn agreed that two of the approved absentee ballots were in the group with that mailing address. Secretary Russell stated that the absentee ballot *application* would not be void for the request of the voter and read from NCGS 163-226.3(6), Certain acts declared felonies:

For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian.

Secretary Russell stated that the Board should be concerned to find the actual address of the voters and deliver the ballot to the voters. Since Benjamin Parker does not appear to be a relative or guardian, the act would seem to be a violation of the statute and should possibly be reported to the State Board of Elections. Mr. Coffman questioned whether the act would disenfranchise the vote. Secretary Russell agreed that the voter had done nothing wrong and that perhaps the two ballots should be placed in pending status. Member El-Amin stated in a motion that the Board should make an inquiry from the State Board general counsel; agree to the legal decision regarding the two absentee ballots by Election Day next week; and, respond to the voters. Secretary Russell seconded the motion and the **motion carried unanimously.** Secretary Russell made a motion that the Board members make a decision concerning Benjamin Parker and his possession of the two absentee ballots by Election Day next week. Chairman Raymond suggested that the motion be tabled until

Secretary Russell would be able to attend the meeting. Secretary Russell planned to attend the Election Day meeting by conference call. Mr. Coffman advised that, by procedure, the Board members would recommend the matter to the State Board of Elections and that the State Board would refer it to the District Attorney.

### **Mail Absentee Ballot Issue**

Chairman Raymond said that he had spoken to some of the voters that had requested that absentee ballots be sent to a different mailing address. He read a prepared statement entitled Benjamin Parker/Phil Carter Investigation\*. In conclusion, Chairman Raymond recommended that the Forsyth County Board of Elections refer the matter to the State Board of Elections for further investigation and prosecution. Mr. Coffman also investigated the issue. Several irregularities in their separate investigations were discussed. Member El-Amin spoke of two concerns. The first concern is that in the previous meeting, the Board had passed a motion stating:

Member El-Amin moved and Chairman Raymond seconded a motion that Mr. Coffman should contact the absentee voters to further investigate the issue and report to the Board at the next meeting.

Member El-Amin stated that Mr. Coffman had given a good summation of his investigation. Secondly, quoting from NCGS 163-33.3, Powers and duties of county boards of elections, he read that:

To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the State Board of Elections. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised.

Member El-Amin cautioned that the Board may be jeopardized with the State Board of Elections if they do not respond to matters as a Board, rather than individually. Secretary Russell commented that the statute does not necessarily state that an individual member can not gather information. However, additional guidelines may be helpful. Member El-Amin stated that he would share an interpretation of the statute from Don Wright, State Board of Elections General Counsel, when it is received.

After discussion of the questionable delivery of the returned absentee ballots, Secretary Russell moved and Chairman Raymond seconded a motion to approve the absentee ballots returned with the exception of Charles Robinson and Louise Meredith which we will mark as pending and to handle it consistent with Member El-Amin's prior motion to get back to these two voters. **Motion carried unanimously.**

Chairman Raymond also discussed the issue of two absentee ballots sent to Robert B. Tolliver and Steven B. Tisdale residing at the Detention Center, 201 N. Church Street. Mr. Coffman stated that both voters were awaiting trial but did not have current felony status.

### **List Maintenance Cards not Returned**

Chairman Raymond informed the Board members that he had discovered that no undeliverable cards had been returned from WSSU during this year. However, when contacting the WSSU campus post office, he retrieved 418 undeliverable list maintenance cards. It was explained by the WSSU staff that the cards could not be delivered because the voters were no longer students and that some of the campus box numbers were invalid. A few days later, 166 more undeliverable list maintenance cards were found at the campus post office. Chairman Raymond stated that solving this problem is vital to the process of voter registration. Mr. Coffman explained that a list maintenance mailing is sent after every even-numbered year to voters that have not voted in the last two congressional elections or in four years. This mailing can not be forwarded. If returned undeliverable, a second

confirmation mailing is sent that can be forwarded. If that is returned, the voter registration is eventually removed. Mr. Coffman stated that he had spoken to the WSSU administration and that a specific policy would be implemented for the return of election mail and then communicated to the Board members.

Chairman Raymond also spoke of another problem with the Early Voting same day registrants from WSSU. Identification requirements allow the use of an official document from a school showing a student's name and address. However, some of the WSSU Early Voting documents received were photocopies and were not signed by the Director of Housing. Mr. Coffman stated that dorm directors were also allowed to sign the document as university staff. In the past, the residence of students on campus has been verified by this process. Member El-Amin read from NCGS 163-55, Qualifications to vote, regarding a student's residency status. Chairman Raymond said that state law says that we are not required to accept a document from the housing office. Because of this on-going problem, he moved that we do not accept any housing documents from WSSU for Early Voting. Member El-Amin stated that, before something is considered of this magnitude and until we are clear of what happens at other universities, it is very presumptuous to make a ruling in a way of a motion on any students at this point. Member El-Amin asked that the motion be tabled and that more research be done. Secretary Russell said that the different university processes should be reviewed and moved to table the motion to not accept documents from the housing office of WSSU. Chairman Raymond asked for a vote in favor of tabling the motion. Secretary Russell and Member El-Amin voted aye; Chairman Raymond voted nay.

**Motion carried 2 to 1.**

Mr. Coffman and the Board members reviewed the issue of the list maintenance cards and decided that it should be addressed by the WSSU administration before possibly being referred to the State Board of Elections. A motion was not made to refer the issue to the State Board of Elections.

### **Other Business**

Secretary Russell referred to the prior discussion of the two absentee ballots sent to the different mailing address of Benjamin Parker. He questioned whether a crime had occurred and whether NCGS 163-226.3(6), Certain acts declared felonies, had been violated.

Secretary Russell made a motion that the circumstances surrounding the two ballots for Charles Robinson and Louise Meredith should be referred to the State Board of Elections in order that they investigate whether there has been a violation to NCGS 163-226.3 and NCGS 163-230.2(a). Chairman Raymond seconded the motion. Member El-Amin stated that the county board should not always submit everything to the State Board of Elections. However, he would support the motion with the magnitude of the issue being a potential felony. **Motion carried unanimously.**

Chairman Raymond discussed a large banner supporting the Joines for Mayor campaign that was stretched across a pedestrian walkway at University Parkway. Mr. Coffman explained that it qualified under 'Other types of advertising' in local ordinances.

Mr. Coffman discussed the Board sessions on Election Day including precinct visits and absentee ballot pre-processing. Board members would be issued cell phones. On Election Day, Board members would be responsible to maintain order, decide on issues, tabulate absentee ballots and to be in session when the precincts close.

### **Adjournment**

Member El-Amin moved and Secretary Russell seconded the motion to adjourn the meeting at 7:15 PM. **Motion carried unanimously.**

Approved:

\_\_\_\_\_  
Ken Raymond, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Stuart Russell, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fleming El-Amin, Member

\_\_\_\_\_  
Date

**Attachments on File:** Benjamin Parker/Phil Carter Investigation\*

## **Benjamin Parker/Phil Carter Investigation**

**By Ken Raymond**

This investigation was prompted by comments made by Benjamin Parker that were published in an article that appeared in the Winston-Salem Journal on Wednesday, August 28<sup>th</sup>. I was also contacted by several citizens that read the same article. They were concerned that the individuals that signed the ballot requests, who were all elderly, didn't know what they were signing or that the absentee ballot request was misrepresented to them

I was concerned that the absentee ballot requests may not be valid accord to G.S. 163-230.2 (a). The individuals that contacted me were concerned that someone was taking advantage of the elderly in that community.

My investigation included a close examination of each of the absentee ballot request forms on Thursday, August 29<sup>th</sup> at the Board of Elections office, that were sent to the home of Benjamin Parker at 1148 E. Fifth St. Apt. D Winston-Salem. It also included conversations with the individuals that requested absentee ballots.

On Monday, September 2<sup>nd</sup>, I spoke face-to-face with several of these individuals including Dorsey Rhodes Jr. of 955 Mount Zion Pl. Apt. D, Mary K. Robinson of 965 Mount Zion Place Apt. C, and Louise Meredith of 955 Mount Zion Place Apt. O. I also tried to speak with Charles Robinson of 965 Mount Zion Pl. Apt. G.

During the morning of Tuesday, September 3<sup>rd</sup>, I spoke with Birdell Cession of 790 N. Highland Avenue Apt. J, Charles Edward Mock of 795 E. 8<sup>th</sup> St. Apt. H. And I attempted to speak with George William Cowan of 795 E. 8<sup>th</sup> St. Apt. N, but no one responded to the door.

All of these individuals are residents of G.W. Holland Homes, which is a community for the elderly.

I told each of them that the FCBE received reports that the absentee ballot requests were misrepresented to them and many people were concerned that someone trying to take advantage of them.

Out of the five individuals I spoke with, two of them said they did not understand the purpose of the absentee ballot request. And Ms. Birdell Cession said that she never signed the absentee ballot request form. However, she did identify the person that spoke with about voting absentee as Phil Carter. Ms. Cession also said that it was Mr. Carter that signed the request form. She also said that she didn't know him personally and he is not related to her neither is he her legal guardian. Ms. Cession also said that she never received her ballot.

Mr. Charles Mock also said that he did not understand the absentee ballot request form. Mr. Mock said that someone came to his door, one day, and asked him if he could get his ballot for him. Mr. Mock said that he didn't know the person that came to his door and couldn't identify him. He added that the person said that he'd simply get the ballot for him. Mr. Mock also said that he didn't remember if he signed the ballot request form. And as of the morning of September 3<sup>rd</sup>, Mr. Mock still has not received his ballot.

As for the others, Louise Meredith, Dorsey Mary Robinson, and Dorsey Rhodes Jr., the each said that they understood the ballot request forms and it was not misrepresented to them.

One of the most troubling things I discovered occurred when I tried to speak to Mr. Charles Robinson. After I asked the current resident of 965 Mount Zion Place Apt. G, if I may speak to Mr. Robinson, the resident told me that no one named "Robinson" lived there. That same person told me that she and her family lived at that location for about a year.

#### **Examination of Ballot Request Forms**

And I did examine the request forms to compare signatures. Before I reveal what I found, first I must say that I am not an expert in analyzing hand-writing samples. Therefore, in my lay opinion, the signatures on the absentee request's from Charles Robinson looks similar to the signatures on the forms of Birdell Cession, Dorsey Rhodes, and Cornell Legrand.

Again, I'm not an expert in examinations of handwriting. So I can't say that these signatures were written by the same person beyond a shadow of any doubt.

#### **Conclusion**

Based upon the statements of Birdell Cession and Charles Mock, I can only conclude that a violation of G.S. 163-230.2 (a) did occur. And the concerns of the citizens that suspected that someone was taking advantage of the elderly in that community were justified.

And another violation occurred in the case of Mr. Charles Robinson's ballot request, in that the address on the request form is not his current address.

Therefore, I recommend that the FCBE refer this matter to the State Board of Elections for further investigation and prosecution.