MADISON COUNTY BOARD OF ELECTIONS
SPECIAL SESSION
Board of Elections Conference Room
Monday, November 11, 2013
5:00 P.M.

MINUTES

CALL TO ORDER

Chairman Andy Gibson called the meeting of the Madison County Board of Elections to order at 5:00 P.M. at the Board of Elections Office Conference Room. Board and staff members in attendance were Andy Gibson, Chairman; Dyatt Smathers, Secretary; Jerry Wallin, Member; Shirley Ponder, Deputy Director; and Kathy Ray, Director.

AGENDA

Chairman Gibson stated the purpose of the meeting was to determine the validity of two provisional ballots for the Town of Marshall for this municipal election cycle.

PROVISIONAL BALLOT APPLICATIONS

Deputy Director Shirley Ponder presented the research conducted on the two provisional ballots as follows:

First application: The provisional voter indicated on the provisional envelope that she had registered to vote at the Department of Motor Vehicles (DMV) on May 2, 2013.

Research and Findings: The information was submitted to the State Board of Elections for research. According to the DMV records, her last voter registration was in Buncombe County on January 19, 2012. Additionally, the Board of Elections contacted the local DMV and spoke with Linda Osborne. Ms. Osborne confirmed that according to DMV records, the last voter registration through DMV was on January 19, 2012 in Buncombe County.

The provisional information will serve to transfer her voter registration from Buncombe County to Madison County.

Chairman Gibson provided information regarding provisional ballot voting for the citizens attending the meeting.

Moved, Seconded (DS, JW) and Carried (3,0) to support the Deputy Director's findings that this person is not registered to vote in this county.

Second application: The provisional voter indicated on the provisional envelope that he believes he lives within the Town of Marshall's property boundary and is eligible to vote in the municipal elections.

Research and Findings: The residence in question is not included on the Town of Marshall's registration list due to the ongoing conversation with the Town of Marshall that the residence in question was split away from the town in 2007. The Board of Elections sent street addresses to the town for review prior to the 2013 municipal election, and a voter registration card was sent to the voter that provided information that the residence in question is not on the Town of Marshall's

registration list. Neither was returned to the Board of Elections with a request to add the residence in question to the Board of Elections database and the town's registration list.

The Madison County GIS Department's GIS and Mylar maps show the residence in question to be geographically located within the Town of Marshall property boundary.

Minutes were presented from the canvass meeting for the municipal election of 2011. As per the county's GIS map of the town's property boundary in proximity to the residence in question, the Board of Elections unanimously approved the provisional ballot application and ballot in 2011.

The Town of Marshall's tax collector provided a letter to the Board of Elections on Friday, November 8, 2013 that the residence in question has not been removed from the Town of Marshall's property boundary, and the previous information that it had been split away from the town was incorrect. The town is taking steps to correct the error and inform the property owner accordingly.

G.S. 163.57(1)(a)(b) were referenced as the guidance for determining registration and voting in this particular case.

Chairman Gibson stated that based upon the facts that both street addresses and the original voter ID card were sent out and did not show the residence in question to be within the municipality or city limits, he was going to forward a motion to deny the provisional application and ballot.

Moved, Seconded (AG, DS) and Carried (2, 1) to deny the provisional application and ballot.

Member Jerry Wallin opposed the motion and stated that his decision was based upon the facts that the residence in question was geographically located within the town's property boundary, the same voter's provisional ballot at the residence in question was approved in 2011, and the town admitted it was wrong to provide information that the residence in question had been removed from the municipality.

Moved, Seconded (AG, DS) and Carried (3,0) to go into closed session to discuss personnel.

Moved, Seconded (DS, AG) and Carried (3,0) to adjourn at 5:55 p.m.

Kathy M. Ray

Director

Chairman

Dyatt + Smathers

Secretary