MADISON COUNTY BOARD OF ELECTIONS
EMERGENCY SESSION
Board of Elections Conference Room
Friday, March 7, 2014
4:00 P.M.

MINUTES

CALL TO ORDER

Chairman Andy Gibson called the meeting of the Madison County Board of Elections to order at 4:00 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

Candidate Challenge Procedures

NEW BUSINESS

The Board met to establish a hearing date and issue required notices and subpoenas in response to a candidate challenge filed against Madison County Sheriff Candidate C. John Ledford. The Petitioners state that Mr. Ledford does not meet the residency requirement of G.S. § 162.2 that candidates for sheriff must live within the county for one year immediately preceding the election. The petition was filed timely by three (3) registered voters within Madison County.

Chairman Gibson opened the meeting and requested County Attorney Donny Laws inform the Board regarding the petition's contents and the procedures to be established and followed.

Mr. Laws spent some time explaining the process and timelines to be observed. He informed the Board that State Board of Election's General Counsel Don Wright has provided adequate and proper guidance and materials for the Board to review, and there is a strict process to observe. The hearing is a quasi-judicial hearing, and the Board of Elections will be the hearing panel that will render the written decision. The rules of the court apply to the proceedings. Mr. Laws presented the Notice of Petition and Subpoena forms for the Board's approval and use.

The Board has five business days from the filing of the petition to issue the notices to all parties and to set a hearing date. The Board must issue a written decision within 20 business days of the date the petition was filed (March 6, 2014). The absolute dates for setting the hearing and issuing the notice of petition to all parties is Thursday, March 13, 2014; and the date for issuing the written decision is Thursday, April 3, 2014.

The hearing must be noticed properly as a special meeting that is open to the public. The chosen location for the hearing must accommodate all involved parties and members of the public.

Secretary Smathers cited G.S. 163-39 - Limitation on Political Activities.

Moved, Seconded (DS, JW) and Carried (3,0) to hold the hearing in the Madison County Courtroom on March 24-25, 2015 beginning at 9:30 a.m. and issue the Notice of Hearing.

Moved, Seconded (DS, JW) and Carried (3,0) to use the subpoena for the evidentiary hearing.

ADJOURNMENT

Moved, Seconded (DS, JW) and Carried (3,0) to adjourn at 5:10 P.M.

Kathy Ray, Director

Andy Gibson, Chairman

Dyatt Smathers, Secretary