MADISON COUNTY BOARD OF ELECTIONS
SPECIAL SESSION
Board of Elections Conference Room
Thursday, July 17, 2014
10:00 A.M.

MINUTES

CALL TO ORDER

Chairman Smathers called the meeting to order at 10:00 a.m. Present for the meeting were Chairman Dyatt Smathers, Secretary Ray Lewis, Member Jerry Wallin, Director Kathy Ray, and State Board of Elections General Counsel Don Wright.

AGENDA

Review protocols used on May 6, 2014

NEW BUSINESS

Chairman Smathers reviewed the allegations emailed to SBOE General Counsel Don Wright by former Chairman Andy Gibson claiming voting machines in Madison County were mishandled and citing significant breakdown in the security and procedural issues during the May 6th Primary Election.

The County Board of Elections requested of Mr. Wright that the State Board of Elections conduct a full investigation of the allegations and to report its findings to the local Board.

Chairman Smathers commented that his personal observations on the day in question were that the director, assistant director, and poll workers who were involved did an outstanding job. He added that several members of the public were present upon the opening of the one-stop machines on Election Day. Only one error was observed regarding the placement of one seal on an iVotronic machine. The error was determined to be human error. Chairman Smathers personally observed the cutting of the security seals on every machine. All Board members were present during the day in question including Secretary Lewis who was not a Board member at the time. Chairman Smathers noted for the record that no objections were raised on Election Day.

General Counsel Don Wright commented that he wanted to publicly thank former Chairman Andy Gibson for his many years of service to the people of Madison County. He added that comments made during the meeting were not personal but reflected a difference of opinion and should be taken within that context.

General Counsel Wright informed those present at the meeting that Former Chairman Gibson sent him an email on Sunday, May 12, 2014 at 10:43 p.m. that contained the allegations. As soon as he read the email the following morning, he informed the appropriate parties, including Director Ray. That same day, Director Ray, prepared with input from the local Board, a factual response to the issue.

Counselor Wright stated that the SBOE takes any allegations seriously and conducts a thorough investigation. Assisting in the investigation of the 2014 Primary allegations was State Board of

Elections County Liaison Kate Cosner, former Alleghany County Board of Elections Director. Her experience with and knowledge of the touchscreen machines (DREs) was used in her review of the allegations and protocols used by Madison County.

Counsel Wright stated that State Board of Elections has reviewed the matter and is completely satisfied. He issued a public statement to that effect and provided a copy for the local newspaper and those present at the meeting. He further stated that it was important to note that a lot of the complaints Mr. Gibson sent out in the email were similar to allegations he sent out November 10, 2010 in an opinion and editorial to the local paper. He noted that since 2010, Mr. Gibson has served on the Board during the 2012 Presidential, the 2011 and 2013 Municipals, and the 2014 Primary election cycles, and was appointed Chairman of the Board of Elections in 2013. A passage of time has occurred since his initial allegations in 2010 and his resignation following the Primary election in 2014. Counselor Wright provided some background information regarding Mr. Gibson's 2010 allegations.

Chairman Smathers and Secretary Lewis complimented and thanked the Director for her hard work, diligence, and competence in carrying out her duties. Member Wallin commented that, contrary to its reputation, Madison County has strived to hold fair elections.

Counselor Wright commented that North Carolina's election system is designed for fair and accurate elections. Raleigh is just a phone call away, with a State Board of Elections that has a political mix. Other states recognize that North Carolina has independent county boards with both parties participating and no one party dominating.

Director Ray complimented the poll workers as being some of the hardest working, most decent, church going, and honest people. She commended Party Chairmen Matthew Wechtel and David Wyatt for their recommendations and the quality of poll workers that are in the field and want to see things done right. She also thanked the Board members for their confidence in her and the State Board for its review and response to the allegations. Director Ray referenced the email she sent to Counselor Don Wright in response to Mr. Gibson's allegations and the protocols used on Election Day that were sent to County Liaison Kate Cosner for review and feedback.

CITIZENS COMMENTS

An allegation of voter fraud was presented to the Board of Elections. Mr. Wright noted that the allegation did not reveal the identity or signature of the complainant.

The Director was thanked for being so open and quick to respond to the public requests for information.

A citizen commented that he was present and observed most of the activities during Primary election day and did not observe anything amiss in any of the processes and was carried out in a very good fashion.

Mr. Smathers extended appreciation for members of the public that are willing to come to the meetings, observe, and be part of the process.

Counselor Wright asked the Chairman's permission to address the allegation of voter fraud and explained the proper processes and cited the General Statutes for challenging voters during elections.

A citizen added to Counselor Wright's information that General Statute § 163.275.7 states that illegally voting in the past is a class I felony.

Counselor Wright pointed out that the citizen submitting the voter fraud allegation is currently a party in an appeal of the State Board of Elections decision in the John Ledford for Sheriff candidacy challenge. The candidacy challenge was denied by unanimous vote of both the County and State Boards of Election.

Mr. Wright rebutted a comment that the voter fraud allegation is a separate matter from the candidacy challenge. He elaborated there is an inherent lack of credibility when serious criminal charges are filed by people unwilling to put their names to it.

Counselor Wright requested the name of the person(s) alleging voter fraud, and the citizen refused to divulge the source. Counselor Wright reminded the citizen that he had made previous allegations of misconduct against former Chairman Andy Gibson which were proven to be untrue and against Chairman Smathers for which he withdrew and apologized for.

Chairman Smathers thanked the participants for the comments. He pointed out that great effort and substantial county funds have been expended in an effort to address the signed allegations of the two concerned citizens during the candidacy challenge. He closed by commenting that the Director and Assistant Direct are just the stuff and that the Board is relieved that it has been vindicated of the allegations made regarding the protocols used on May 6th.

Board members recognized Mr. Wright's effort to be present at the meeting and expressed their appreciation for his participation and input.

ADJOURNMENT

Moved, Seconded (JW, RL) and Carried (3,0) to adjourn at 10:38 A.M.

Kathy Ray

Kathy Ray, Director

Ray Lewis

Ray Lewis, Secretary

Dyatt Smathers

Dyatt Smathers, Chairman