

BOARD OF ELECTIONS

Linda J. Sutton
CHAIR

Frank M. Dickerson
SECRETARY

Jerry D. Jordan
MEMBER



Robert H. Coffman
Director of Elections

Lamar Joyner
Deputy Director

FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING – November 29, 2010

Present: Linda J. Sutton, Chair
Frank M. Dickerson, Secretary
Jerry D. Jordan, Member

Staff: Rob Coffman, Director of Elections
Lamar Joyner, Deputy Director
Judy Speas, Senior Office Assistant
Gloria L. Woods, Assistant County Attorney

Call to Order

The Chair called the meeting to order at 11:17 AM in the Cooper Cardwell Elections Room.

Approval of Minutes

The Board reviewed the minutes for November 18-19, 2010. A few suggested corrections were made to the minutes. Mr. Dickerson moved to approve the minutes. The motion passed unanimously.

Instant Runoff Voting Count

Mr. Coffman explained that the process of determining the winner of the Instant Runoff Voting Court of Appeals Judge office had begun this morning. Several multi-partisan teams had been hired to hand sort and count approximately 70,000 paper ballots. The teams were sorting the ballots into four stacks precinct by precinct in order of importance. One State Democratic Party observer was in attendance. The projected cost for Forsyth County would be approximately \$40,000. Mr. Coffman invited the Board members to view the procedure of vote counting during the week.

Preliminary Consideration of Protest Amendment

Ms. Sutton stated that the Board was meeting to discuss an amendment of the election protest document by Jeff Polston, candidate for Clerk of Superior Court. Further explanation of the allegations may aid in providing a cause for the Board to include the protested violations in a hearing meeting. Ms. Sutton stated that the Board had only received the amendment of the protest document ten minutes before the meeting began. Therefore, since the Board had been unable to review the document, she was uncomfortable in opening a discussion of the amendment at that time.

Ms. Sutton entertained a motion for the Board to go into closed session to discuss the preliminary consideration procedure. Ms. Woods, Assistant County Attorney, stated that the reason for closed session would be based on G.S. 143-138.11 (a) (6) (closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public

officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee). Beaufort Bailey, Forsyth County Commissioner, questioned the Board's authority to include the Assistant County Attorney in the closed session. Mr. Coffman stated that the Board is not restricted from counsel of the county attorney's office. Ms. Sutton made a motion to go into closed session. Mr. Dickerson seconded the motion. The motion passed with Mr. Jordan dissenting. The Board went into closed session at 11:42 AM. The Board returned from closed session at 11:55 AM.

Mr. Dickerson moved to go into open session; Mr. Jordan seconded the motion. The motion passed unanimously. Mr. Dickerson opened the discussion by requesting that Mr. Polston file an amended protest on the required format prescribed by the State Board of Elections. Ms. Sutton agreed, stating that the required format would provide the Board with more specific information and time to review the document. Ms. Sutton stated that the scheduled hearing meeting of December 1, 2010 should be changed to allow time to receive the amended document. The Board must review and determine whether the protest complies with election law and whether it establishes probable cause to believe that a violation occurred. Mr. Polston acknowledged that he would prefer 8–10 days to complete the protest forms. The Board members discussed their schedules to find an agreeable timeline for everyone involved. Mr. Dickerson moved that the scheduled hearing date of December 1, 2010 be postponed; that Mr. Polston should return the amended protest forms by December 8th; and, that the new preliminary consideration meeting date should be December 14, 2010 at 1:00 PM. Mr. Jordan seconded the motion. The motion passed unanimously. Mr. Coffman stated that the office would provide any data or detailed information that Mr. Polston may request to complete the required protest forms.

Adjournment

Ms. Sutton requested a motion to adjourn the meeting. Mr. Jordan moved to adjourn. The motion passed unanimously and the meeting was adjourned at 12:08 PM.

Linda J. Sutton, Chair

Frank M. Dickerson, Secretary

Jerry D. Jordan, Member