

LUMBERTON, NORTH CAROLINA, THURSDAY, NOVEMBER 21, 2013
ROBESON COUNTY BOARD OF ELECTIONS PROTEST HEARING
- 5:40 P.M. -

CHAIRMAN STONE: I'm going to call this meeting of the Robeson County Board of Elections to order. The purpose of this meeting is to handle some protests that were filed by candidates in the November 5th municipal election.

My board member, Ms. Tiffany, she has a jury trial that just concluded. She will be late. We're going to go ahead and proceed. My board member to my left is---

MR. LOCKLEAR: Daniel Locklear.

CHAIRMAN STONE: ---Daniel Locklear, and I am Steve Stone, Chairman. Mr. Hal Kinlaw is the County--he's our attorney for tonight. He will be pretty much running these proceedings. We have two other attorneys here on the front row.

A lot of you folks back there are going to be like me. You're gonna wonder what in the world is going on. But I'm sure the attorneys know what they're doing, and they know the process and the manner in which they want to proceed.

First off, if you're a person that voted rightfully or wrongfully, you're here to just give some information as to the attorneys as what they want.

We're not here to investigate whether you did something wrong. We're not here to go out and charge you with something. We're just trying to get to the bottom of a very serious situation.

If you voted, if it wrong but it was not through no intentional willful part of your own, don't worry about it. We're not gonna come after you. We're not gonna hunt you down. That's not what we're here for. We're here to get the facts to find out what happened and who did it.

I'd like to ask Mr. McNeill to lead us in a prayer, and I'd like for everybody to be on good decorum.

We have a court reporter. This information is very important, so we have a record of what's going on. Saturday--Tuesday before last, we had a lot of emotion out in the audience, and it was very hard to get this stuff transcribed.

So, please be courteous and let us get this on the record and do it right for once. Mr. McNeill, please.

(Invocation given by Mr. McNeill.)

CHAIRMAN STONE: Mr. Kinlaw.

MR. KINLAW: Thank you, Mr. Chairman. The first thing I need to ask is if you did not receive a subpoena, we'd ask you not to sit on the front two rows. If you've been subpoenaed as a witness, please do come forward and sit on those front two rows. And I'd like the people that were---

Now, if you were asked by an attorney to appear here today as a witness, you also will be requested to sit on the front two rows. Okay, did--everybody, you'll need to--I know it sounds rude, but you will need to--if you're gonna talk, you'll be asked to leave. So if you were asked to come to testify, please sit on the front two rows. And of course, if you were subpoenaed to come, please sit on the front two rows.

Otherwise, I think we got room--all right, thank you. Now, this is a protest hearing that has been filed by two candidates, and it involves the municipal elections at the City of Pembroke that were held during the time period of early voting, which we call One-stop voting, which began on October the 17th and ran through 1:00 o'clock P.M. on November the 2nd.

It also, of course, actually involves Election Day, which was November the 5th, 2013.

The hearing is today, November the 21st. It was scheduled to start at 5:00 o'clock. And the record should show that it is--the Chairman has convened the hearing as soon as possible after 5:00 o'clock. And the location, of course, is 800 North Walnut Street in Lumberton, North Carolina, and this room is considered the Board of Elections Hearing Room.

The members of the Robeson County Board of Elections include the Chairman Steve Stone, Secretary Tiffany Powers, who is not present yet, and Member Daniel Locklear.

It is the policy of this Board to allow a member to appear after the meeting has been called to order. However, issues that are voted on prior to that person coming cannot be addressed by that member. It is a simple rule. It's intended to expedite issues, and it seems to work.

Ms. Powers is gonna get here just as soon as she can. She is an attorney-at-law, and she was in a jury trial.

Now, there are attorneys present, includes attorney for Allen Griffin Dial, Ms. Crystal Graham, and the attorney for Ms. Theresa Locklear, Mr. Grady Hunt. My name is Hal Kinlaw. I will be serving as Board of Elections Attorney.

Prior to this hearing today, the attorneys, Mr. Hunt, Ms. Graham, and myself, communicated in phone conference calls and by email to discuss trying to come up with the witness list, trying to come up with--or making sure that the two attorneys had seen the affidavits that'll be introduced, and other issues.

I believe we've addressed as much as we could address, given the time that we were allowed.

Now, the attempt at this point in time is to set up the issues as trying to identify the issues and have a hearing on the specific issues that have been raised by the protest ballots.

Unfortunately, there was approximately 30 subpoenas that were not issued and not nearly that many were served.

It appears that we don't have 30 witnesses, plus volunteers here. And also, it was agreed that if anybody--if any attorney had a witness who needed to be heard so they could go on to another matter or couldn't be here when the--if this matter's continued over till tomorrow, it was agreed that the attorney could call them out of order, so to speak.

So, the first order of business is to ask the attorneys, and I'll start with you, Ms. Graham, do you have anybody here who can't be here tomorrow or needs to go ahead and be testified or addressed?

MS. GRAHAM: Not that I'm aware of.

MR. KINLAW: All right. Mr. Hunt?

MR. HUNT: Well, we have one young lady that needs to be at a wake tonight, Ms. Kelli Bullard.

MR. KINLAW: All right. Let's call Ms. Bullard to the--if you're gonna use her as a witness, let's call her forward. And while she's coming forward, can you identify the issue that you're raising with her testimony?

MR. HUNT: It's actually Ms. Graham raised an issue with regard to her residency.

MR. KINLAW: So it would appear in their protest?

MR. HUNT: Yes, Sir.

MS. GRAHAM: What was the name, again, Kelli Bullard?

MR. HUNT: Kelli Renee Bullard.

(Witness sworn.)

KELLI RENEE BULLARD, was at this time called as a witness on behalf of Ms. Locklear; having first been duly sworn, testified as follows:

MR. KINLAW: The record should show that Ms. Kelli Renee Bullard is present, and I'm gonna ask her some preliminary questions, and not stepping on the attorneys' toes, we're just trying to get some facts in the record in each case. Please state your name and give your address?

MS. BULLARD: My name is Kelli Bullard. I live at 203 Florence Street,---

MR. KINLAW: And Miss---

MS. BULLARD: ---Pembroke, North Carolina.

MR. KINLAW: And Ms. Bullard, when did you move to 203 Florence Street?

MS. BULLARD: January. That was my residence of all my life, basically. I worked out of town. I came home permanently and have been there all year.

MR. KINLAW: Do you have any evidence of your residence by---

MS. BULLARD: Yes, I do.

MR. KINLAW: ---photo identification, credit card or anything like that?

MS. BULLARD: Yes, Sir, I do.

MR. KINLAW: Okay, would you hand that evidence to the board members for them to consider, and then--Ms. Graham, you have not seen that, correct?

MS. GRAHAM: That's correct.

MR. KINLAW: Mr. Hunt, have you seen it?

MR. HUNT: No.

MR. KINLAW: You haven't? Okay. Mr. Chairman, if you'll pass it back I'll let the attorneys go over it.

CHAIRMAN STONE: We'd like to enter it into the record.

MR. KINLAW: Well, they'll need to do it, yeah. I take it those are not copies of it? Okay. I'm going to ask the attorneys to look at that and ask Mr. Grady Hunt to present to the Board--the evidence.

All right, Mr. Hunt, it's first put in the record that the residency of Ms. Bullard has been raised into question by Mr. Dial's protest. His position is that she is not a

resident of 203 Florence Street; is that correct?

MS. GRAHAM: Yes, Your Honor.

MR. KINLAW: All right. Do you have anything to say to that, Mr. Hunt?

MR. HUNT: Yes, Mr. Kinlaw. I have--and I'd like to introduce it into the record, Ms. Bullard's Lumbee Tribe enrollment card. It reflects her address as 203 Florence Street, Pembroke, North Carolina, 28372. Date of issue is 2/21/2012.

Also, her State of North Carolina driver's license reflects the same address, issued September the 17th, 2013.

There's also, dated August 2nd, 2013, a receipt for plate and sticker. It reflects the same address on an Isuzu station wagon, a Ford truck--two Ford trucks, I guess, three vehicles.

MS. BULLARD: Three vehicles.

MR. HUNT: All of that reflect the same address as 203 Florence Street, Mr. Kinlaw.

MR. KINLAW: Mr. Chairman, that being the case, I would suggest that if you want to let the attorneys argue, the Board should vote on whether or not that's her residence.

It appears that she's complied with the letter of the law, and she has a photo iden--she has more than one identification forms that show that her residence is where she said it was.

CHAIRMAN STONE: Are you contending 203 Florence Street is within the city limits of Pembroke the town limits?

MS. BULLARD: Yes, it's Florence Street, right behind Bo's.

CHAIRMAN STONE: I'll make a motion that the Board---

MS. GRAHAM: Your Honor, can we have permission to ask questions, Your Honor,---

MR. KINLAW: Yeah.

MS. GRAHAM: ---to question the witness?

CHAIRMAN STONE: Yeah, go ahead.

MR. KINLAW: You can ask the witness questions.

(Ms. Tiffany Peguise-Powers, Board Member takes her seat with the Board at 5:53 P.M.)

MS. GRAHAM: Ms. Bullard, how long do you indicate you've lived at 203 Florence Street?

MS. BULLARD: I was raised up there. I worked out of town, but I have been there all of this year. I came home the last of January. And I am now enrolled at RCC, a college student. This is my second semester.

MS. GRAHAM: When did you start school?

MS. BULLARD: This is my second semester.

MS. GRAHAM: So you started in August of this year?

MS. BULLARD: No, that--that's the second semester. This is my second semester. We did April and I did summer.

MS. GRAHAM: Have you been residing in McColl, South Carolina?

MS. BULLARD: No.

MS. GRAHAM: And what about---

MS. BULLARD: I did the best years of--that's what way back in the past.

MS. GRAHAM: And what about in regards--have you been living in the Maxton, North Carolina, area with Campbell Soup Company?

MS. BULLARD: I had an address there. The place burnt down three years ago.

MS. GRAHAM: Nothing---

MS. BULLARD: That's why I had to move back to my mom's.

MS. GRAHAM: ---further, Your Honor. Do you receive any type of benefits from the Department of Social Services?

MS. BULLARD: No, nothing.

MS. GRAHAM: Nothing further.

MR. HUNT: Ms. Bullard, who do you live at 203 Florence Street with?

MS. BULLARD: My mother, Victoria B. Lowery.

MR. HUNT: Nothing further.

CHAIRMAN STONE: Any questions from the Board member?

MR. LOCKLEAR: No, Sir.

CHAIRMAN STONE: I'm prepared to make a motion to accept her as a legitimately registered voter at 203 Florence Street, Pembroke.

MR. LOCKLEAR: Second.

CHAIRMAN STONE: She's provided driver's license, tribal card. She has said she did move away at one point in time, but she did intend to return, and, I mean, September 13th, that's pretty close to renewal driver's license. So I believe she was an eligible voter on November the 5th. I made the motion---

MR. KINLAW: Ms. Powers, I'll just ask you not vote since you weren't here at the beginning of this one.

MR. LOCKLEAR: Seconded.

CHAIRMAN STONE: You second the motion? All in favor say aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Aye. All right. Thank you for coming.

MR. KINLAW: Do you have a list of Exhibits? What --which--where does Ms. Blue--Bullard appear on the witness list that was provided to the attorneys? I apologize, I don't have one so I'm got to have one.

CHAIRMAN STONE: Second page, third-from-bottom. You don't have one I'd like to get you one.

MR. KINLAW: They are not numbered?

MR. HUNT: She appears on my second page at the very bottom.

MR. KINLAW: All right. So we all agree to mark that---

MR. HUNT: I'm sorry, that's the subpoena list.

CHAIRMAN STONE: That's a subpoena list.

MR. HUNT: I apologize.

MS. GRAHAM: Okay, well then, I don't have a different list. All I have is a subpoena list.

CHAIRMAN STONE: I have the subpoena list, second page, third-from-the-bottom.

MR. KINLAW: So, she is not on the subpoena list, so she voluntarily came tonight?

MS. GRAHAM: She is on the subpoena list.

MR. HUNT: She is on the subpoena list. She's on--she's the last name on the second page of the subpoena list.

MR. KINLAW: Do you have a subpoena list?

MS. GRAHAM: Yes, that's all I have.

CHAIRMAN STONE: Yeah.

MR. HUNT: I don't have a witness list.

MS. GRAHAM: I don't have a witness list.

MR. KINLAW: All right. I'm gonna call it--we will call it with the "subpoena list" as opposed to the witness list. I will call it from now on the "subpoena list".

So, when we get--we're gonna have one official--a subpoena list, and mark the people who did testify tonight--for point of order, and everybody should mark Kelli Bullard's name as having testified, and also should indicate, if they want to, we have to have one official one, Mr. Chairman.

Would you want to maintain that, or Ms. Powers, would you like to maintain it?

CHAIRMAN STONE: One official list would be the subpoena list, in my mind.

MR. KINLAW: And the--what I'm saying is that you need to mark Kelli Bullard's name as being testified and the Board's decision on it---

CHAIRMAN STONE: Yeah.

MR. KINLAW: ---on your list.

CHAIRMAN STONE: On my list.

MR. KINLAW: Cause I don't have one to do it so you need to start, then I'll catch up with you when I do get one.

MR. HUNT: Mr. Kinlaw, there's a second on it.

MR. KINLAW: All right? Okay. All right. Mr. Chairman, if you'll mark your--or Ms. Powers, if you'll mark that and I'll mark it, we'll both have two lists.

MR. HUNT: Mr. Kinlaw, Mr. Chairman, I'd introduce those exhibits---

MR. KINLAW: They're--they're--they're---

MR. HUNT: ---into the record.

MR. KINLAW: ---fine, yeah. We--we don't--we did not ask you to bring copies of exhibits. We do need--and the one reason is driver's licenses are confidential information protected under federal and state law.

We are--we have--the Board members who actually looked at it, and that will be enough evidence for tonight. Thank you.

MR. HUNT: Could we ask that she be released, Mr. Chairman?

CHAIRMAN STONE: She is released. I think we've--she's established a---

MR. HUNT: Thank you, Sir.

CHAIRMAN STONE: ---a residency.

MR. KINLAW: I have to ask you, these were supposed to be--will be numbered, but right now, where is her name on the list, the second page?

MS. GRAHAM: The second---

MR. HUNT: The second page, the very bottom, "Kelli Stover Bullard."

MR. KINLAW: Okay. Yes. All right. I'm putting a check beside that and indicating that she had proper ID. All right. Thank you.

Now, I'm gonna ask Ms. Graham--you didn't have any Mr. Hunt--she was the only one that needed to come out of order?

MR. HUNT: Yes. The only other one that asked to be out of order, Mr. Kinlaw, was Mr. Harris.

MR. KINLAW: Okay. Mr. Lemark Harris, come on up. Where is he on this? Yeah, he's on number three on the subpoena list, is he not?

MR. HUNT: He is.

MR. KINLAW: Before we go any further, if I can ask for everybody that has the subpoena list--I'll get it straight in a minute, if they'll start numbering the first person, Harvey Dale Bullard, as number one, and number 'em accordingly down the list? There's nine on the first page. The top of the second page begin with ten, making Kelli Stover actually number seventeen. The top of the next page starts with eighteen.

MR. HUNT: While Mr. Harris appears---

MR. KINLAW: Number 27 is this top of the last page. He appears twice on there.

MR. HUNT: Uh-huh.

MR. KINLAW: We'll straighten that out. Okay, on the record, Mr. Harris appears as number three, as in Lemark Harris, Executive Director of Pembroke Housing Authority. And also the third page, number--is it third page?

MS. GRAHAM: Uh-huh. Yes.

MR. KINLAW: Number twenty-four as a capacity--subpoenaed in his official capacity of Director of the Pembroke Housing Authority.

Now I assume that Mr. Harris' vote is not challenged or challenged or questioned or an issue, but in fact, he, by being the Director of Pembroke Housing Authority, might have information that could be used in this hearing; is that correct?

MR. HUNT: That's correct.

MR. KINLAW: Both of you subpoenaed him; is that correct?

MS. GRAHAM: That is correct, but they all relate to Ms. Theresa Locklear's protest.

MR. KINLAW: All right. So there's a group of names or only one name that is---

MS. GRAHAM: There's a group---

MR. KINLAW: ---in question?

MS. GRAHAM: ---of names.

MR. KINLAW: Okay. Are you both talking--how do you want to do this, Mr. Hunt? Do you want to--do you want to go--bring up the name and then we'll let both attorneys address it or question it?

MS. GRAHAM: And could we make sure that person's not here or if they've been served?

MR. KINLAW: Yeah, we will, but I need the name first.

MR. HUNT: Yeah. I just--I'm trying to find Mr. Harris' subpoena. I got it.

MR. KINLAW: Did you find it? Here it is. You want to look at his and---

MR. HUNT: Just for the--I've got it, Mr. Kinlaw. Just for the record, Mr. Harris did accept service of that subpoena and that's--was faxed earlier today.

MR. KINLAW: He's here. Let's use him.

MR. HUNT: Okay. He's got---

MR. KINLAW: You go ahead. You got a name, to start with. Let's start.

MR. HUNT: Mr. Harris, state your name for the record, if you will, please?

MR. HARRIS: Lemark Harris.

COURT REPORTER: Is he gonna be sworn?

MR. HUNT: Yeah, yeah, I guess.

(Witness affirmed.)

LEMARK HARRIS, was at this time called as a witness on behalf of Ms. Locklear; having first been duly affirmed, testified as follows:

MR. HUNT: State your name again for the record?

MR. HARRIS: Lemark Harris.

MR. HUNT: And Mr. Harris, you're Executive Director of the Pembroke Housing Authority?

MR. HARRIS: Yes.

MR. HUNT: And both myself and Ms. Graham issued a subpoena for you in this matter; is that correct?

MR. HARRIS: Yes.

MR. HUNT: And on the subpoena that I actually issued there are seven names; is that correct?

MR. HARRIS: Yes.

MR. HUNT: Okay. I'll start with Carla Marie Schmale. That's the first name; is that correct?

MR. HARRIS: Yes.

MR. HUNT: Reflects a 733 Roberts Avenue address; is that correct?

MR. HARRIS: Yes.

MR. HUNT: Do you have a 733 Roberts Avenue address in the Housing Authority?

MR. HARRIS: No.

MR. HUNT: You don't have that address in the Housing Authority?

MR. HARRIS: No.

MR. HUNT: Do you have an address similar to 733 Roberts Avenue?

MR. HARRIS: Two--two of 'em.

MR. HUNT: What would those addresses be?

MR. HARRIS: 733 Roberts Avenue, Apartment "A", and 733 Roberts Avenue, Apartment "B".

MR. HUNT: So there's two apartments at 733 Roberts Avenue?

MR. HARRIS: Yes.

MR. HUNT: Do you have a master directory or tenant listing for all your units in the Pembroke Housing Authority?

MR. HARRIS: Yes.

MR. HUNT: Do you have with you, Mr. Harris?

MR. HARRIS: Yes.

MR. HUNT: Does that list reflect all the residents or tenants as far as your records are concerned at those units?

MR. HARRIS: Yes.

MR. HUNT: Okay. At 733-A or 733 Roberts Avenue, Apartment "A", rather than ask you to read out your tenants on that, I'd ask you, does Carla Marie Schmale's name appear as a tenant at 733 Roberts Avenue, Apartment "A"?

MR. HARRIS: No.

MR. HUNT: Does Carla Marie Schmale appear as a tenant at 733 Roberts Avenue, Apartment "B"?

MR. HARRIS: No.

MR. HUNT: The second name on that list---

MR. KINLAW: Hold on one minute.

MR. HUNT: I'm sorry.

MR. KINLAW: Carla Marie Schmale is number six on our subpoena list. And it--is that correct? And it shows 1416 Rennert Road, Lumberton?

CHAIRMAN STONE: She's also on the last page as an alternate address, 733-A Roberts Avenue.

MR. KINLAW: All right. Is Carla Marie Schmale--am I saying that right? Is she here?

UNIDENTIFIED VOICE IN AUDIENCE: No, Sir.

MR. KINLAW: All right.

CHAIRMAN STONE: Scha-male (sic).

MR. KINLAW: Schmale? Okay, sorry. All right, Mr. Hunt.

MS. PEGUISE: So is she here?

MS. GRAHAM: No.

MR. KINLAW: All right. Just on this question, Mr. Chairman, let Ms. Graham ask any questions, and then you can address the issue of proper residency.

MS. GRAHAM: Can you tell me if anyone who lives in 733-A is related to Ms. Schmale?

MR. HARRIS: No, I can't.

MS. GRAHAM: And is it in fact a D. Schmale who lives in 733-A?

MR. HARRIS: What was that?

MS. GRAHAM: The name of the person who resides in 733-A in Roberts Avenue, a D. Schmale?

MR. HARRIS: I don't know that name. You want me to look?

MS. GRAHAM: So you're saying you don't have an individual living in at 733-A by the name of D. Schmale?

MR. HARRIS: That name's not on the list.

MS. GRAHAM: Okay. Are you aware that when the officer went to 733-A Roberts Avenue in Pembroke to serve the subpoena that they in fact spoke to a person who lives there by the name of D. Schmale?

MR. HARRIS: No, I'm not aware of that.

MS. GRAHAM: Okay. Are you familiar that individuals live inside of Strickland Heights--and this is in fact Strickland Heights, is it not?

MR. HARRIS: Yes.

MS. GRAHAM: Who are not on the lease?

MR. HARRIS: Every day.

MS. GRAHAM: And you're indicating you're not familiar with Carla Schmale?

MR. HARRIS: No.

MS. GRAHAM: And that when the officer went there to serve this subpoena on the date in question, you're not familiar with the person he spoke with, a D. Schmale?

MR. HARRIS: No.

MS. GRAHAM: Did you go to 733-A to make any investigation?

MR. HARRIS: No.

MS. GRAHAM: So, in fact, Ms. Carla Marie Schmale could be residing there?

MR. HARRIS: Yes.

MS. GRAHAM: Nothing further, your Honor.

MR. HUNT: I'd ask---

MR. KINLAW: I need to clarify, on the subpoena list, number six indicates One-stop voter; is that correct? And registration date is 10/22? So they voted on the day of the--that they voted? Or had voted--they registered during One-stop? Do you have the list?

MS. BLEDSOE: Yes, we do.

CHAIRMAN STONE: Would you hand us those--a copy of those?

MR. KINLAW: While we're at it, as soon as she hands this out, let's put her under oath for any questions we ask that--well, we got to number them again?

MS. GRAHAM: I hate this already. See what she just handed me.

MR. KINLAW: You have the subpoenas though, don't you?

MS. GRAHAM: Yes.

MR. KINLAW: Ms. Powers doesn't have it.

Okay, Ms. Bledsoe and anybody that has knowledge of this registration that works on the staff, I need them to be sworn if they're gonna testify for--but, you know, to make it simple. And you can stand both together and hold the Bible together if you want, or be affirmed.

COURT REPORTER: Do you want to be affirmed?

CHAIRMAN STONE: All three of you.

MR. LOCKLEAR: I'll bring them the Bible, hold

on.

(Staff employees affirmed.)

TINA BLEDSOE, DINAH JO LOCKLEAR AND NINEVEH CARMONA was at this time called as witnesses; having first been duly affirmed, testified as follows:

MR. KINLAW: All right. This question is for the director. You're under oath for any questions that are asked tonight, everybody that just took the oath that's on the staff. So, for the record, let's go ahead and put your names so she'll know who's speaking.

MS. BLEDSOE: Tina Bledsoe.

MR. KINLAW: Ladies?

MS. LOCKLEAR: Dinah Locklear.

MS. CARMONA: Ninevetch Carmona.

MR. KINLAW: We'll spell that for you later.

COURT REPORTER: I know how to spell it.

MR. KINLAW: Oh, you got it? Great. Now, the question has come up, on number six it shows that the subpoena --on the subpoena list, number six, Carla Schmale, is a One-stop voter during this election in the Town of Pembroke, and it shows that her registration date was 10/22/13.

Does that mean that she registered during One-stop here at the county office?

MS. BLEDSOE: Yes, Sir. On 10/22 2013.

MR. KINLAW: Is there anyone who can testify as to what kind of evidence of--proof of residency she offered to register to vote? Any of the staff members under oath right now?

CHAIRMAN STONE: Could you clarify for me, was that a voter possibly previously registered who came to One-stop and changed address, or was it a total new registration?

MS. BLEDSOE: They registered and voted on 10/22,---

CHAIRMAN STONE: Registered and voted---

MS. BLEDSOE: ---2013.

CHAIRMAN STONE: ---on 10/22.

MR. KINLAW: The subpoena list shows the registration date and then it shows changing address date, so we should be able to use this list to get to the issue. The issue is, what kind of identification did she use on 10/22? Who can answer that question, please? Anybody?

MS. BLEDSOE: I can pull it up on the computer. I don't have that before us.

MR. KINLAW: You cannot answer the question; is that correct?

MS. BLEDSOE: Not without going to a computer, possibly.

MR. KINLAW: And what will you find on the computer?

MS. LOCKLEAR: It should list maybe what type of documentation was presented.

MR. KINLAW: All right, Mr. Chairman, we're unable to proceed on number two on the list, which is six and thirty-two on the list. It's important that it's determined whether or not proper identification was used when the voter registered

at One-stop on 10/22 in accordance with Chapter 163.

The staff has not got the information that we need, so I'm gonna ask that we pursue any questions that Mr. Harris needs to answer on this matter, and otherwise, we'll leave this matter open until the staff can testify as to that question.

CHAIRMAN STONE: All right.

MS. GRAHAM: And in this matter we also have an additional witness of Mr. Dial in regards to Ms. Schmale.

MR. KINLAW: Any witness you want to put on is fine. We're gonna reserve the right to call our witnesses when they know what's going on.

CHAIRMAN STONE: Got it.

MR. HUNT: Mr. Kinlaw, if I may---

MR. KINLAW: Yes, Sir.

MR. HUNT: ---regarding the subpoena, the note on the subpoena, the face of the subpoena, "Spoke with"-- that's "Deputy David Schmale with the Sheriff's Department". I can put an officer on the stand, if I need to, to identify that Mr. Schmale is a officer with the Sheriff's Department, and it clearly reflects that this person stays in Fairmont.

MS. GRAHAM: And, Your Honor, we would object and this would weight as hearsay because whoever he spoke with, this "D. Schmale", one, Mr. Harris can't identify it; two, I'm certain that the officer hear cannot identify him, unless he personally was out there; and three, that person is not here for us to cross-examine.

MR. KINLAW: But you would acknowledge that there's no evidence that the address is this person's legal residence?

MS. GRAHAM: No, we would not because we don't know how they registered to vote.

MR. KINLAW: And that's gonna answer the question, isn't it?

MS. GRAHAM: It may, in fact.

MR. KINLAW: All right. Thank you.

CHAIRMAN STONE: And so---

MR. KINLAW: Do you---

CHAIRMAN STONE: Dinah---

MR. KINLAW: ---have another witness? Let's get the other witness on and go on to another case.

CHAIRMAN STONE: Is it--just a second.

MS. GRAHAM: I have a witness for the Schmale case.

MR. KINLAW: All right. Mr. Harris, I'll just ask you to stand down for a minute. Let's do the Smelly (sic) witness.

CHAIRMAN STONE: Just a second for a point of information.

MR. KINLAW: Schmale, excuse me, I'm sorry.

CHAIRMAN STONE: Ms. Bledsoe can you get a laptop in here where you can pull that up, or you have to do it at your work station?

MS. BLEDSOE: I'll see---

CHAIRMAN STONE: If you can.

MR. KINLAW: While they're doing that---

CHAIRMAN STONE: We'll proceed.

MR. KINLAW: ---let's just do this and get this other witness in cause they may need to go. All right, Mr. Hunt, you have the right to go back and call witnesses afterwards, but rather than have somebody sit here that might not be available tomorrow or whenever we do return to this, I'm gonna ask Ms. Graham to call any live witnesses she may have.

MS. GRAHAM: Your Honor, we'd call Mr. Dial to the stand.

CHAIRMAN STONE: Here you go.
(Witness sworn.)

ALLEN GRIFFIN DIAL, was at this time called as a witness on his behalf; having first been duly sworn, testified as follows:

MS. GRAHAM: Can you please state your name for the court?

MR. DIAL: Allen Griffin Dial.

MS. GRAHAM: And Mr. Dial, at some time recently did you go out to 733-A Roberts Avenue, Pembroke, North Carolina, with the purpose of investigating Ms. Carla Marie Schmale?

MR. DIAL: I did.

MS. GRAHAM: And were you able to locate her at that location?

MR. DIAL: Someone come to the door, and I asked for her. And they responded as far as---

MR. HUNT: Objection to what anybody responded. That person's not here.

MS. GRAHAM: And Your Honor, again, we would have it go to the weight and we understand that it is hearsay, but in light of the matter, we would ask the court to consider it and address it as part of the weight as to hearsay.

CHAIRMAN STONE: We'll hear what he's got to say about how he got up with this person, if that's where he's going.

MS. GRAHAM: Yes, Sir.

MR. DIAL: I went to 733-A because I had the list of the people that Mr. Hunt and them had challenged. And I went through to try to find--they had the addresses and stuff, and I went through and tried to find them at the address.

I went in the--where that they had registered and voted and not the address where they voted from. And I went to 733-A, knocked on the door.

A young man come to the door. I asked for this lady. And she come to the door and talked to me.

MS. GRAHAM: And how long did you have a conversation with Ms. Schmale?

MR. DIAL: Two or three minutes.

MS. GRAHAM: Okay. And did you inquire her of how long she had been residing at---

MR. HUNT: Objection to anything she said. She's--she could have come here if they wanted her here.

MS. GRAHAM: And Your Honor, we would say that it's her vote that's at issue, again, that it's her vote that's being protested, and even though it may be hearsay because

she's not here, she would still be a respondent entitled to be heard, and even if the court considers it to be hearsay, but it can certainly give weight to that matter.

MR. HUNT: And if she wanted to be heard she could have been heard. She could have been here tonight.

CHAIRMAN STONE: That's--that is me.

MR. HUNT: And it's with---

CHAIRMAN STONE: If she wanted to be heard, she could be here. I'm not seeing that.

MR. DIAL: I'd like to say something else.

MS. GRAHAM: And Your Honor, we would just say that in light of the fact that we have people who are residing in public housing, that if they were to come here tonight, that there may be some legitimate fear of the person they're residing with being evicted, to give weight to that as well.

CHAIRMAN STONE: They should follow the rules.

MS. GRAHAM: And that may be true, Your Honor, but that's not the world they live in, especially in this county.

MR. KINLAW: But that's not an acceptable argument, I'm afraid. I don't disagree that that may be a reason they didn't come, but in order to register to vote you have to meet one of these criteria, and all you have to prove, if you reside--if you're on the lease in a Housing Authority is that you're on the lease.

Matter of fact, no one else in the county can prove their residency by lease except the people in the Housing Authority. So I think the law gives them extra opportunity to register to vote, not less.

MS. GRAHAM: And, Your Honor, our question just goes as to Ms. Schmale, where she was at, where she was found, and her statement as to where she resides.

MR. KINLAW: But everything you've offered is hearsay. No one's offered any evidence of an address, and the person who operates the facility where they claim to have resided doesn't know 'em, and their name is not on the lease.

MS. GRAHAM: And he's acknowledged that, in fact, there are people living there who do not live--or whose names are not listed on the lease.

MR. KINLAW: Well I think the question's gonna be answered---

MR. HUNT: Folks come and go.

MR. KINLAW: ---when we look for an identification. If they did not have proof of residency by lease or a photographic ID, a passport or other document when they registered to vote, I think the question becomes moot after that.

Once again, I appreciate the fact Mr. Dial went to try and find 'em, but at that same time, I think the staff's testimony about how the registration occurred is gonna be critical to the decision of the Board in this matter. I'd ask us to recess on this issue until we can actually produce evidence for the Board.

MS. GRAHAM: Your Honor, I would just ask that you hear from Mr. Dial.

CHAIRMAN STONE: I'm--I'm--well I--it appears anything Mr. Dial is gonna say hearsay from someone who came to the door from him. She could have said she was who she said she was, and she could have been somebody else, for all I know.

I'm going to ask Mr. Dial, did she show you any--a proper form of ID?

MR. DIAL: I didn't ask for ID. I asked--I asked for her by name.

CHAIRMAN STONE: And we've got a lot--we've got a lot to go through here tonight. And, you know, I don't--we could sit here and argue about this one for 30 minutes. But it, you know, I would go along with Mr. Kinlaw, if my Board members would agree that we'll just put on hold or recess this decision.

Cause we're gonna be making decisions tomorrow morning as well, and if this person can be located and that person can come up and just provide a valid ID with that address, it could resolve it in a minute.

So, I mean, I'm all for just recessing the decision on that one, since we're gonna be recessed shortly in a little while till tomorrow morning anyway.

If she's located or she comes up on her own, with some good ID, you know, I'm willing to look at that. Ms. Tiffany?

MS. PEGUISE-POWERS: No objection as to recess.

CHAIRMAN STONE: Mr. Daniel?

MR. LOCKLEAR: No objection to recess.

CHAIRMAN STONE: Let's move on to the next one.

MR. KINLAW: For the record will show that the matter of this challenge--this issue of this voter's illegal voting or not is recessed till the Board brings it back up. Mr. Hunt, proceed, please.

MR. HUNT: Thank you. Mr. Harris, the next name on the list is Christine Scott, showing an address of 705 Roberts Avenue in Pembroke?

MR. KINLAW: And that is number seven on the list; is that the right one?

CHAIRMAN STONE: On your list, yes.

MS. GRAHAM: And she's probably on it again as well at a different place.

MR. KINLAW: All right. What other number would she be? I like it when you get two numbers for the price of one.

MS. GRAHAM: No, she does not, she was on it only that one time.

MR. HUNT: That was the only time she was on.

MR. KINLAW: Go ahead, go ahead, Mr. Hunt.

MR. HUNT: Do have an address, Mr. Harris, in the Housing Authority, 705 Roberts Avenue?

MR. HARRIS: Yes.

MR. HUNT: Okay. Again, on your tenant list, does the name "Christina Scott" appear on your tenant list?

MR. HARRIS: No.

MR. HUNT: Nothing further.

MS. GRAHAM: No questions, Your Honor.

MR. KINLAW: For the record, it indicates that on the subpoena list that her number was number seven. She voted One-stop. She had registered in 1997; is that correct, Tina?

MS. BLEDSOE: I can't find my list.

MR. KINLAW: Here's the list. You'll need to number 'em sometime, but she's half--she's three-from-the-bottom on the first page.

MS. BLEDSOE: She registered---

MR. KINLAW: On 7/15/97?

MS. BLEDSOE: 7/15/97.

MR. KINLAW: But, "Date changed address", that indicates that at One-stop she changed her address to---

MS. BLEDSOE: Yes.

MR. KINLAW: ---the address that's on the registration; is that correct?

MS. BLEDSOE: Yes, Sir.

MR. KINLAW: Is any form of identification required to change your address when you've already registered to vote?

MS. BLEDSOE: They have to present it. We don't have to copy it.

MR. KINLAW: Okay. So, the presumption is that she presented and this address in some form?

MS. BLEDSOE: Well, if you're already registered, you don't have to show---

MR. KINLAW: She just states her---

MS. BLEDSOE: ---you just state it,---

MR. KINLAW: ---okay.

MS. BLEDSOE: ---you go on the honor system.

MR. KINLAW: Right.

CHAIRMAN STONE: And what---

MS. BLEDSOE: You really---

CHAIRMAN STONE: ---you're saying---

MS. BLEDSOE: ---only---

CHAIRMAN STONE: ---to make it clearly, anyone registered to vote previously---

MS. BLEDSOE: Uh-huh.

CHAIRMAN STONE: ---can show up at One-stop site---

MS. BLEDSOE: Yes, Sir.

CHAIRMAN STONE: ---and just change---

MS. BLEDSOE: Change their address.

CHAIRMAN STONE: ---their address, and they move forward and---

MS. BLEDSOE: And they take---

CHAIRMAN STONE: ---their ballot is cast?

MS. BLEDSOE: Yes, Sir. And they sign the paper stating that they have moved to that address.

CHAIRMAN STONE: And that paper is under oath?

MS. BLEDSOE: That releases us. Yes, Sir.

CHAIRMAN STONE: Okay.

MR. KINLAW: So, Mr. Chairman, I would look at this as a question of residency, since there's been no requirement of proof in the normal registration, if a person changes the

address, evidence of residency.

Ms. Graham, do you have any evidence of this person's residency?

MS. GRAHAM: No, but I have questions for Ms. Bledsoe, you indicated that she changed her address at One-stop?

MR. KINLAW: She changed it on 10/28.

MS. BLEDSOE: Yes, Sir--yes, Ma'am, it appears that way.

MS. GRAHAM: So, she would have changed it on 10/28---

MS. BLEDSOE: Yes, Ma'am.

MS. GRAHAM: ---of this year? On her subpoena, it indicated that she had moved; are you aware of that?

MS. BLEDSOE: Yes, she had a alternate address of 705 Roberts Avenue.

MS. GRAHAM: And the 705 Roberts Avenue, but the officer indicated that she had moved out. I think that's what that says. Is it possible then that Ms. Scott could have moved after she voted?

MS. BLEDSOE: Give me that paper there. Yes, Ma'am, the officer does state that the individual has moved.

MS. GRAHAM: But, on 10/28, she signed a sworn affidavit under oath that she lived at 705 Roberts Avenue; is that correct?

MS. BLEDSOE: That would be correct, yes, Ma'am.

MS. GRAHAM: And as of today, she's not been able to be served to be here?

MS. BLEDSOE: That is correct.

MS. GRAHAM: Nothing further.

MR. HUNT: Ms. Bledsoe, on that subpoena that you're looking at, there's two addresses there; is that correct?

MS. BLEDSOE: Yes, Sir.

MR. HUNT: There's an address in Maxton---

MS. BLEDSOE: Yes.

MR. HUNT: ---and there's an alternate address, 705 Roberts Avenue?

MS. BLEDSOE: Yes, Sir.

MR. HUNT: Doesn't reflect that she was served at either address, does it?

MS. BLEDSOE: No, Sir, it does not specify.

MR. HUNT: It says that she's unable to--was unable to be served with this subpoena; is that correct?

MS. BLEDSOE: That's correct.

MR. HUNT: So, both those addresses were on there, which is same address that's on the registration; is that correct?

MS. BLEDSOE: That's the way it appears to me, yes, Sir.

MR. HUNT: Nothing further.

MS. GRAHAM: Your Honor, in light of that, I would ask that Ms. Christina Scott's sworn statement on 10/28/13 be entered into evidence with her change of address form.

CHAIRMAN STONE: Now, if you're opening that up to be entered into evidence, I mean, it sounds like you're opening up to somebody for a perjury statement.

MS. GRAHAM: No, moving it in that on 10/28--

CHAIRMAN STONE: I mean, they--if they signed under oath.

MS. GRAHAM: No, You Honor, I'm moving it for affidavit purposes that on 10/28, Ms. Christine Scott signed under oath that she was a resident of 705 Roberts Avenue, Pembroke, and at this time it appears that she no longer is, but she was at that time, for that sole purpose.

MR. KINLAW: I'm okay with it being introduced. It comes down to there's evidence--that would be the only evidence that that was where she resided.

The other evidence is that the facility, the authority that operates it doesn't show her being a resident there and she wasn't allowed to be or supposed to be a resident there. Also she didn't have any form of ID when she registered. The Board needs to decide.

CHAIRMAN STONE: None was needed. None was required.

MR. KINLAW: I know. But none--but the Board needs to decide what to do with this---

CHAIRMAN STONE: If you'd like to enter it into the record, to get it on the record, I don't have a problem. If you'll--if we could have somebody---

MS. BLEDSOE: I can print out a copy of it.

CHAIRMAN STONE: Print out a copy of it, please?

MR. KINLAW: I think you're safe in making it, but, you know, that they would have had to sign that to get the address changed.

CHAIRMAN STONE: They would've.

MR. KINLAW: So, you could take notice of that. We'll get it in the record later. But it's--the matter's before the Board as to what to do with their--the question of illegal vote. They're indicating that--Mr. Hunt indicates that she is an illegal vote because she's not on the regis--voter--on the lease and not identified as being there and never been identified as being there.

Ms. Graham is asking you to accept her affidavit as proof that she was a legal voter. The Board needs to decide that. If they want to make a decision on it.

There's not gonna be any more evidence, so, what do you want to do?

CHAIRMAN STONE: Pleasure of the Board--or do I need to do it?

MR. LOCKLEAR: I have a question.

CHAIRMAN STONE: Yes?

MR. LOCKLEAR: Just for my clarification. Mr. Harris testified that she's never been a resident at the 705 Roberts Avenue address; is that correct?

MR. KINLAW: I think that--clarify that. I think---

MS. GRAHAM: I would object.

MR. KINLAW: ---we should clarify that. Mr. Harris

doesn't know--Mr. Harris, do you know if she's ever been a resident?

MR. HARRIS: I was not asked that. I was asked if she's on this list that I have now.

MR. KINLAW: We are now asking, do you know if she was a resident?

CHAIRMAN STONE: To your knowledge, has she ever been evicted, she ever been told she could or could not stay at that residence at 705 Roberts Avenue?

MR. HARRIS: She has been a resident of the Housing Authority in the past.

CHAIRMAN STONE: At that residence, 705 Roberts Avenue?

MR. HARRIS: I can't attest to that. I don't have that record before me.

MS. PEGUISE-POWERS: Do you know when she left Housing Authority permanently?

MR. HARRIS: No, I don't.

CHAIRMAN STONE: Was it recently?

MS. PEGUISE-POWERS: He said he doesn't know.

CHAIRMAN STONE: I mean, all you got to do is give me a 60-day window here.

MS. GRAHAM: And I would object, asked and answered.

CHAIRMAN STONE: It is. Again, I mean, this person was located to come vote, somehow, that got here to vote. Now they're not here to defend their vote. The deputy has tried to serve the subpoena on 'em, and I'm pretty sure the deputy did a great, outstanding job trying to find 'em at Produce Road, Maxton, as well as Roberts Avenue, Pembroke.

"Unable to locate." I could think this could highly be one of those cases where people could, huh, I don't know if you'd go this far, but take advantage of the system, where they could be registered, walk in, and just---

MS. PEGUISE-POWERS: Let's not go that far.

CHAIRMAN STONE: ---claim another residence. And unfortunately---

MS. PEGUISE-POWERS: Let's---

CHAIRMAN STONE: ---unfortunately, too often it probably happens, not that I have absolute proof. But without some--something concrete or some personal appearance, I can't approve this person as being a legitimately transferred voter from a Maxton address to Roberts Avenue, Pembroke.

MR. LOCKLEAR: Is there a motion to---

CHAIRMAN STONE: That was my motion.

MS. GRAHAM: Your Honor, we would ask to introduce the exhibit.

MR. KINLAW: It's been introduced. I just wanted you to look at it before we made it part of the record.

CHAIRMAN STONE: And it'll be in the record.

MS. GRAHAM: And I would ask that you at least review the record---

MR. KINLAW: It's a standard form, except we don't know her signature. But it's obvious---

MS. PEGUISE-POWERS: I'd like to---

MR. KINLAW: ---the same person signed both.

MS. PEGUISE-POWERS: ---review the form, Mr. Kinlaw.

MR. KINLAW: We'll get it to you.

MS. GRAHAM: I'm trying to see which is the new address. Okay, last---

MS. BLEDSOE: That would have been the one on the right.

MR. KINLAW: The change of address is the computerized form.

MS. BLEDSOE: The one on the right is change of address form.

MS. GRAHAM: Okay, the computer form.

MR. KINLAW: Right. Did she signed on that. If she didn't sign under oath---

MS. GRAHAM: Okay, now I see.

CHAIRMAN STONE: Hers is the original registration form, where they signed.

MR. KINLAW: She didn't sign.

CHAIRMAN STONE: Where they produced no ID, just, here I am, there's where I live.

MS. GRAHAM: And see, her mailing address is different than her residence address.

MR. KINLAW: Which is allowed. You need to see it? Why don't you pass that over to them.

MS. GRAHAM: And no letters were mailed.

MS. PEGUISE-POWERS: And we need to mark that, Mr. Kinlaw.

CHAIRMAN STONE: And since it's been entered, I need to see it, too.

MS. PEGUISE-POWERS: And we need to mark it.

MR. KINLAW: Are you gonna do the--she's gonna do the--you'll take care of it? Thank you.

COURT REPORTER: And what's that supposed to be? Have you got the note?

MS. PEGUISE-POWERS: It's the affidavit she signs with her change of registration. Are there other exhibits prior to this one? Okay.

COURT REPORTER: Not been marked.

MR. HUNT: We have--we just---

MR. KINLAW: We didn't label the exhibits in the first one because they were protected under confidentiality of records. So we just looked at 'em and confirmed it. It was a driver's license.

(Hunt's Exhibit "1" is marked for identification.)

MR. HUNT: Ms. Powers, we just ask that the original subpoena be marked as an exhibit also.

MS. PEGUISE-POWERS: Okay.

CHAIRMAN STONE: Now,---

MR. KINLAW: We'll just provide the entire list as one exhibit as the close for that---

MS. PEGUISE-POWERS: Oh, that'll be fine

MR. KINLAW: ---to make it simpler.

CHAIRMAN STONE: Question for Tina. On this name and address form for the One-stop process, these people signed that they stay at a particular residence, but there's no sworn oath to that effect, are they?

MS. BLEDSOE: That's considered an affidavit by the state.

CHAIRMAN STONE: Yes, I mean, it--it--okay.

MS. BLEDSOE: When they sign that that releases us, yes, Sir.

MR. KINLAW: Do you want us to use numbers, letters? The numbers would be better.

MS. PEGUISE-POWERS: She had used the Exhibit Number One.

MR. KINLAW: Okay, you're gonna--both of 'em are gonna be One?

MS. PEGUISE-POWERS: Then we probably need to staple them together so it doesn't get lost.

MR. KINLAW: All right.

MS. PEGUISE-POWERS: So, the--I have a question. She moved from the Charlie Watts Road address and said that she moved to the Pine Street address? Is this the same Christina Scott?

MS. GRAHAM: Actually, I had the same question. What is--is, they don't have a registration form with the new address. The only thing they have is a computer-generated form with the new address.

MS. PEGUISE-POWERS: Which is this one. Okay.

MS. GRAHAM: That was her old, original registration.

MR. KINLAW: Yeah. They don't use those anymore.

MR. HUNT: If it--if I may, to clear up the Charlie--I did the subpoena to clear up the Charlie Watts Road address. If I--I'll pass that to Ms. Graham and enter that in the record. That's a State of North Carolina driver's license check on Ms. Scott, which reflects the Maxton address. And there--that's the reason for the two addresses on the subpoena.

MR. KINLAW: She's gonna mark that Exhibit One, the registration?

MS. PEGUISE-POWERS: Yes, Sir. I have a question for Mr. Harris.

MR. KINLAW: And that'll be the---

CHAIRMAN STONE: Is this d,j...-vu?

MR. KINLAW: ---Board Of---

CHAIRMAN STONE: Did we go through this before---

MR. KINLAW: ---Elections, BOE Exhibit One.

CHAIRMAN STONE: ---this same person?

MR. KINLAW: This one's gonna be Mr. Hunt's Exhibit or--how do you want to call it, for exhibit purposes? Use the attorney's name?

MR. HUNT: Yeah.

MR. KINLAW: We had better. Call this Mr. Hunt's Exhibit One. Would you pass that up, please?

MS. PEGUISE-POWERS: Mr. Harris? The 628-A Lumbee Street, is that also Housing Authority property?

MR. HARRIS: Yes, Ma'am.
MS. PEGUISE-POWERS: Okay.
MS. GRAHAM: And just for the court's purposes, we have them know that, I guess, the exhibit that's being handed up is not an affidavit. It's simply a printout, and the date indicated was that of 2012, and the date indicated on the change of address is 10/28/13.
MR. KINLAW: I think it was submitted to support the reason for using the address on the subpoena.
MR. HUNT: That's correct.
MR. KINLAW: So it's admissible.
COURT REPORTER: Is this Hunt?
MS. PEGUISE-POWERS: That's Hunt Exhibit One.
MS. PEGUISE-POWERS: And does anybody have a stapler?
CHAIRMAN STONE: Stapler?
MS. PEGUISE-POWERS: Thank you. Okay, now back to the motion, Mr. Chairman?
CHAIRMAN STONE: Based upon the fact that Christina Scott's not on the lease, he has no knowledge of her being on the lease, the One-stop change-of-address with no proof that there was a legitimate change, and the person not being able to be located, I mean, it must--must not have been much effort put forth by whoever got her here to vote to locate her or either by the deputy to locate her, it appears she don't want to be found.
That's the way I feel about it. I mean, I make a motion that--I feel she's determined that--that I determined that she was not an allowable voter in the November 5th election.
MS. PEGUISE-POWERS: I second that motion.
MR. LOCKLEAR: I concur.
CHAIRMAN STONE: All in favor? All those in favor say aye?
MR. LOCKLEAR: Aye.
MS. PEGUISE-POWERS: Aye.
CHAIRMAN STONE: Let's move on, Mr. Kinlaw.
MR. KINLAW: So, number seven would be an identifiable vote, and it would be grouped with number two--well, no, it won't be, we're going to finish number two. That's our first identifiable illegal voter.
CHAIRMAN STONE: For reconstruction purposes?
MR. KINLAW: For reconstruction purposes, yes, Sir. We will group those at the end of the hearings. Okay, the next, Mr. Harris, next question, Mr. Harris?
MR. HUNT: On items three and four, Mr. Harris, Tommy Lynn Locklear and Sarah Lois Locklear, both of 'em show a 202 Oxendine Street, Apartment D address; is that correct?
MR. HARRIS: We have that unit.
MR. HUNT: On your tenant list, do you show either Tommy Lynn Locklear or Sarah Lois Locklear at that unit?
MR. HARRIS: No.
MR. KINLAW: I should show, for the record, on our subpoena list that's number four for Tommy Lynn and number

fourteen for Sarah Lois. Go ahead.

MR. HUNT: At this time, Mr. Chairman, Ms. Sarah Lois Locklear is here, and I'd like to call her as a witness. Mr. Kinlaw?

MR. KINLAW: All right, you can stand down.
(Witness sworn.)

SARAH LOIS LOCKLEAR, was at this time called as a witness on behalf of Ms. Locklear; having first been duly sworn, testified as follows:

MR. HUNT: State your name for the record, please?

MS. LOCKLEAR: Sarah Lois Locklear.

MR. HUNT: Ms. Locklear, do you live at 202 Oxendine Street, Apartment D, in Pembroke?

MS. LOCKLEAR: No, Sir.

MR. HUNT: Okay, where do you live?

MS. LOCKLEAR: On Jones Road, Country Estates.

MR. HUNT: Okay. And that's a mobile home park?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: And that's outside of Pembroke?

MS. LOCKLEAR: Yes, Sir,---

MR. HUNT: How long have you---

MS. LOCKLEAR: ---passed the Marathon.

MR. HUNT: ---lived at that address?

MS. LOCKLEAR: Oh, for probably about a year, two years?

MR. HUNT: Okay. Did you, in fact, vote in the town's election?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: Okay. How did you get to the Board of--you voted One-stop; is that correct?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: How did you get here to vote?

MS. LOCKLEAR: Mr. Dial.

MR. HUNT: When you say, "Mr. Dial", you're referring to who?

MS. LOCKLEAR: Allen Dial.

MR. HUNT: Okay. Does Mr. Allen Dial know where you reside?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: So he knows you live at Country Homes Mob--Country Estates Mobile Home Park?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: And he's the one brought you here to vote?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: Did he talk with you any at all on the way down here to vote?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: What did he talk to you about?

MS. LOCKLEAR: About the change-of-address---

MR. HUNT: What did he talk to you about---

MS. LOCKLEAR: ---he said I could use--I could use the address that I had been using from Dial Terrace, 202-D. So

that's the address I had always been using.

MR. HUNT: And Mr. Dial told you you could use that address?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: Do you understand now that you were not supposed to---

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: Nothing further.

MR. KINLAW: Ms. Graham?

MS. GRAHAM: You indicated you changed your address on 10/29/13?

MS. LOCKLEAR: No, Ma'am. No, Ma'am.

MS. GRAHAM: Did you--so you're saying you did not do a change-of-address?

MS. LOCKLEAR: No, no, Ma'am, I did not.

MS. GRAHAM: And you're Sarah Lois Locklear from---

MS. LOCKLEAR: Yes, Ma'am.

MS. GRAHAM: ---Country Estate Mobile Home---

MS. LOCKLEAR: Yes, Ma'am.

MS. GRAHAM: ---Park, Lot 12?

MS. LOCKLEAR: Yes, Ma'am.

MS. GRAHAM: Were you picked up in town and taken to register?

MS. LOCKLEAR: Yes, Sir. (sic)

MS. GRAHAM: So, you were---

MS. LOCKLEAR: I mean, yes, Ma'am.

MS. GRAHAM: ---in the city limits of Pembroke?

MS. LOCKLEAR: Yes, Ma'am, when I was picked up, yes, Ma'am.

MS. GRAHAM: And you were returned to town?

MS. LOCKLEAR: Yes, Ma'am.

MS. GRAHAM: Nothing further, your Honor.

MR. HUNT: If I--if I may, Mr. Kinlaw, as---

MR. KINLAW: Go ahead.

MR. HUNT: ---a--just a couple of--Ms. Locklear, do you know Tommy Lynn Locklear?

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: Who's Tommy Lynn?

MS. LOCKLEAR: He's my friend.

MR. HUNT: Okay. You both live at that same address?

MS. LOCKLEAR: On Jones Road?

MR. HUNT: Yes, Ma'am.

MS. LOCKLEAR: Yes, Sir.

MR. HUNT: And did Mr. Locklear come with you down that same day to vote?

MS. LOCKLEAR: He came with me, but he did not come in.

MR. HUNT: Okay. To your knowledge, did he ever vote?

MS. LOCKLEAR: No, Sir, not as I know of, he didn't.

MR. HUNT: Now, with Mr. Locklear, did he--he doesn't live at 202 Oxendine Street, Apartment D?

MS. LOCKLEAR: No.

MR. HUNT: Nothing further.

MR. KINLAW: Mr. Chairman, I think it's time to make a motion.

CHAIRMAN STONE: Was anything mentioned about changing your address or anything?

MS. LOCKLEAR: No, Sir.

CHAIRMAN STONE: Was anything mentioned to claim your old address?

MS. LOCKLEAR: Mr. Dial just told me to just leave my address the way it was.

CHAIRMAN STONE: Were you offered any incentive or anything of value to do that?

MS. LOCKLEAR: No, Sir, unh-huh.

CHAIRMAN STONE: All right, pleasure of the Board.

MS. LOCKLEAR: No, Sir.

MS. GRAHAM: Your Honor, at this time can we see Ms. Sarah Lois' change-of-address?

CHAIRMAN STONE: She just said she didn't change her address.

MS. LOCKLEAR: That's right.

MS. GRAHAM: I know what she says---

MS. LOCKLEAR: I left---

MS. GRAHAM: ---but---

MS. LOCKLEAR: ---they way it was.

MS. GRAHAM: ---that's not what is reporting on item number 16 on the subpoena list.

MS. LOCKLEAR: Well, Honey, the devil's a lie.

MR. KINLAW: Item 14---

MS. GRAHAM: Item 14?

MS. LOCKLEAR: I have not changed my address. Unh-huh.

MS. GRAHAM: Is that right?

MS. PEGUISE-POWERS: That's the address on it.

MR. KINLAW: Item four for Tommy Lynn and fourteen for Sarah Lois.

MS. PEGUISE-POWERS: Uh-huh.

MR. HUNT: There's a 2009 change-of-address.

MS. GRAHAM: Look and see if we're looking at the same thing, Sarah Lois.

MR. KINLAW: And number 14? You said 16.

MS. GRAHAM: I'm sorry, but the change-of-address.

MR. KINLAW: Yes, there is one, for both of 'em.

MS. GRAHAM: That's what I'm asking.

MS. LOCKLEAR: And when was this?

MR. KINLAW: When you voted.

MS. LOCKLEAR: I didn't--no, Sir. I did not have no change-of-address when I went to vote this time. I sure did not.

CHAIRMAN STONE: Can you verify that, Tina?

MS. BLEDSOE: We're trying to---

CHAIRMAN STONE: Oh, they're trying to?

MS. LOCKLEAR: There was no change-of-address.

CHAIRMAN STONE: She might know.

MR. KINLAW: But it is your testimony that your

address is in the country, not in the city?

MS. LOCKLEAR: Yes, Sir.

MR. KINLAW: That's what you were--I say, "address", your residence, that's where you live?

MS. LOCKLEAR: Yes, Sir.

MR. KINLAW: Now?

MS. LOCKLEAR: Yes, Sir. Uh-huh.

MS. GRAHAM: Ms. Locklear, let me ask you just one follow-up---

MS. LOCKLEAR: You got a question?

MS. GRAHAM: ---question. When Mr. Dial picked you up was it near 202 Oxendine Street?

MS. LOCKLEAR: Right there in front of the Spirit Store.

MS. GRAHAM: Well, I mean, that's right there, about 200 feet from it?

MR. HUNT: I have---

MS. LOCKLEAR: I mean, well--well, I mean, yeah.

MS. GRAHAM: Okay.

MS. LOCKLEAR: I just assume--I mean, yeah.

MR. KINLAW: I think it's time to make a motion, gentlemen, Ma'am.

CHAIRMAN STONE: Irregardless (sic), if you did a change-of-address form when you did come in to vote, if you signed something changing address, did you live at 202 Oxendine Street at that time?

MS. LOCKLEAR: No. Because I had always been using that same address.

CHAIRMAN STONE: Okay, thank you. Thank you so much for clearing it up.

MS. LOCKLEAR: Yeah.

CHAIRMAN STONE: I can appreciate that.

MS. LOCKLEAR: Because of--yeah.

MR. LOCKLEAR: What is the motion?

CHAIRMAN STONE: There ain't none yet. Would you like to make it?

MR. KINLAW: I think he needs to make the motion.

CHAIRMAN STONE: Yeah, proceed.

MR. LOCKLEAR: What would the motion be?

MS. PEGUISE-POWERS: The motion would be that her vote was illegal and---

MR. LOCKLEAR: Okay.

CHAIRMAN STONE: Yeah. Make the motion to remove the vote because it's identified as a voter for reconstruction or---

MR. KINLAW: Mr. Chairman, before we do that, just put in the exhibit the Board of--BOE Exhibit Two and Three will be the--admission of an apartment number for that 202 address that she has been using for many, many years.

MS. LOCKLEAR: Yeah.

MS. PEGUISE-POWERS: A lot number.

MR. KINLAW: Or a lot number, which ever it is.

MS. GRAHAM: It's the same one.

MR. HUNT: Apartment D.

MS. PEGUISE-POWERS: Apartment number?
MS. LOCKLEAR: I had been using that address baby for years.

MR. KINLAW: But you haven't lived there?
MS. LOCKLEAR: No, Sir. Not legally.
MR. KINLAW: Would you pass that to that gentleman? (BOE Exhibit Numbers "2" and "3" are marked for identification.)

MR. KINLAW: So, just for the record---
CHAIRMAN STONE: For the record, we'll accept that into the record that that is your mailing address that you use?
MS. LOCKLEAR: Yeah, this is the mailing address I used to---

CHAIRMAN STONE: But you do not now and never have lived there?
MS. LOCKLEAR: No, Sir.
CHAIRMAN STONE: That's fine.
MS. LOCKLEAR: No, Sir.
CHAIRMAN STONE: Some of us do that from time to time.

MR. KINLAW: Mr. Chairman, I think there needs to be a motion to classify number four, Tommy Lynn Locklear, on the subpoena list, and number fourteen, Sarah Louise (sic) Locklear, as illegal voters, and should be removed from--and they both voted One-stop, so they should be included in the---
CHAIRMAN STONE: Reconstruction.
MR. KINLAW: ---reconstruction group.

MS. PEGUISE-POWERS: If you'll give Madam Court Reporter just a minute. Two is the Board of Elections Change form, and Three is the second part of it, 2009 Change Form and 2013 Change Form. So, mine is Exhibit Three.
COURT REPORTER: Thank you.
MS. PEGUISE-POWERS: She's ready.
CHAIRMAN STONE: Said the motion---
MS. PEGUISE-POWERS: Make it.
CHAIRMAN STONE: Did you make it?
MR. LOCKLEAR: I have not yet.
CHAIRMAN STONE: Okay, well, go ahead.
MR. LOCKLEAR: I'll just make the motion Ms. Sarah Lois Locklear was an illegitimate vote cast.

MR. KINLAW: How about Mr. Tommy Lynn Locklear? Are you gonna do a separate motion or do them together?
MR. LOCKLEAR: I would put 'em in the same one.
CHAIRMAN STONE: As well as Tommy Lynn Locklear, that they be removed and ID'd for reconstruction. I second that motion. Motion made and seconded, all in favor?
MS. PEGUISE-POWERS: Aye.
MR. LOCKLEAR: Aye.
CHAIRMAN STONE: Aye. Motion passed. Thank you for your honesty.

MR. KINLAW: All right, Mr. Harris.
MR. HUNT: Mr. Harris, going down the list, the next name is--I hope I'm pronouncing this right, Najee Blackmon? The address is 733 Roberts Avenue. I'm remembering

what you told me earlier. You don't--you've got an Apartment A and Apartment B; is that correct?

MR. HARRIS: Yes.

MR. HUNT: And I'd ask you if Mr. Blackmon's name appears on the tenant list for either Unit A or Unit B at 733 Roberts Avenue?

MR. HARRIS: No.

MR. KINLAW: Mr. Chairman, Najee Blackmon's indicated by number 12 on the subpoena list. It shows he voted One-stop, registered 4/17/08, and voted One-stop and changed his address on 10/22. Any more questions, Mr. Hunt?

MR. HUNT: Just ask the court to take notice of the subpoena, Mr. Kinlaw.

MR. KINLAW: Okay.

MS. GRAHAM: Are you familiar with Mr. Najee Blackmon?

MR. HARRIS: Does he have an alias?

MS. GRAHAM: Are you familiar with an individual by the name of Quincy?

MR. HARRIS: I think that's one of my former classmates' sons.

MS. GRAHAM: You're not familiar if they're in fact residing in Strickland Heights?

MR. HARRIS: Not any longer.

MS. GRAHAM: And when you mean "not any longer", what--what information do you have in regards to Quincy residing in Strickland Heights?

MR. HARRIS: He does not currently reside there.

MS. GRAHAM: And was he evicted from there?

MR. HARRIS: I don't recall.

MS. GRAHAM: Okay. And was he banned from there and told not to return?

MR. HARRIS: I don't recall.

MS. GRAHAM: So has he resided there in the past?

MR. HARRIS: Yes.

MS. GRAHAM: Do you know for what period of time?

MR. HARRIS: No.

MS. GRAHAM: Are you aware that he did an address change on October 22nd, when he came here to vote, listing the address in Strickland Heights?

MR. HARRIS: No.

MS. GRAHAM: Are you familiar with whom he was residing with at the time he was residing there?

MR. HARRIS: I can't recall.

MS. GRAHAM: Can't recall. Do you know when the last time you had any type of incident report or contact with this individual?

MR. HARRIS: Several months ago. Beyond memory.

MS. GRAHAM: It is possible that he's one of those individuals, although is not listed on the lease, could have been, again, residing within Strickland Heights?

MR. HARRIS: Yes. You could be living there and I wouldn't know it. It happens every day.

MS. GRAHAM: Did you go out to the apartment to

make any inquiry if he was residing in the apartment listed?

MR. HARRIS: No, Ma'am. May I address that question, cause you've asked me that twice?

MS. GRAHAM: So, well once you got the subpoena and got the list of names and knew why you were coming to court, you didn't go out to the apartments to make an investigation about these individuals?

MR. HARRIS: No.

MS. GRAHAM: Okay. That's up to the court.

MR. KINLAW: You may answer further.

MR. HARRIS: You know, the word is, these folks have been intimidated, you know. It's not my place to go out and intimidate 'em any further. And it's not my intent to evict anyone, but they have to comply with the terms of their lease.

So, I'm going to allow the proceedings of this hearing to take its course, and once the matter before this board is settled, then we'll address these issues, because it's obviously a violation of law. And it can be on either side.

MS. GRAHAM: When you say individuals have been "intimidated", who do you believe's been intimidated?

MR. HARRIS: I--I--I've heard that on the street. I mean, I've heard that from everywhere.

MS. GRAHAM: What have you heard, specifically, in --what it relates to these individuals voting with these addresses?

MR. HARRIS: Don't go down there. They'll lock you up.

MS. GRAHAM: Don't go down to the---

MR. HARRIS: Somebody'll---

MS. GRAHAM: ---Board of Elections?

MR. HARRIS: ---get--somebody'll get evicted.

MS. GRAHAM: And that's the explanation for why a lot of people can't be served, can't be located, don't live here, can't be found.

MR. HARRIS: I don't know that.

MS. GRAHAM: But it's made its way back to you?

MR. HARRIS: Yes.

MS. GRAHAM: And that's a valid concern. And after these proceedings take place you plan to do an investigation?

MR. HARRIS: That's my job.

MS. GRAHAM: And one of the outcomes could be that these individuals or the addresses that they used could be evicted?

MR. HARRIS: If they choose not to put the person on the lease and follow their--that's true.

MS. GRAHAM: Okay. But these individuals came, they voted, and they did an address change, they signed an affidavit indicating they were residing there.

MR. HARRIS: I'm so--is that a question?

MS. GRAHAM: Yes.

MR. HARRIS: I don't know. I wasn't here that day, I mean, I--I don't know what they did here.

MS. GRAHAM: But that's the reason why you've been

subpoenaed here.

MR. HARRIS: I don't know what they did here.

MS. GRAHAM: Nothing further, your Honor.

MR. HUNT: Is there any--is there any reason, Mr. Harris, that if Najee Blackmon, there any reason that he couldn't be added to somebody's tenant list if he lives there?

MR. HARRIS: If he has a criminal record he-- possibly.

MR. HUNT: Okay. But if they want to add him to their tenant list, what do they have to do?

MR. HARRIS: Make an application.

MR. HUNT: Is there any repercussions if they add somebody to their tenant list?

MR. HARRIS: No.

MR. HUNT: Nothing further.

MS. GRAHAM: Mr. Harris, let me rephrase that question. If I had add individual to my tenant list and that individual is employed, is his income used to make a determination about my rent?

MR. HARRIS: Yes.

MS. GRAHAM: Nothing further.

CHAIRMAN STONE: You did state that Mr. Blackmon had lived there---

MR. HARRIS: He---

CHAIRMAN STONE: ---that's a past tense.

MR. HARRIS: I--I--he has been a resident of the Housing Authority. I cannot verify that it was that address.

CHAIRMAN STONE: In the last 46 days, has he been a resident of the Housing Authority in that area?

MR. HARRIS: The list does not reflect that.

CHAIRMAN STONE: Thank you.

MS. GRAHAM: Your Honor, just let me redirect Mr. Harris. Even though the list does not reflect that he's on the lease, you wouldn't be surprised to know that one of the individuals here today went to the apartment, knocked on the door, and he answered?

MR. HARRIS: Nope.

MS. GRAHAM: Nothing further.

MS. PEGUISE-POWERS: Is there a witness to that effect?

MR. KINLAW: All right. No more comments or I'm gonna ask you to leave. (Mr. Kinlaw speaking to the audience.) Thank you.

MS. PEGUISE-POWERS: Would you like to call that witness?

MS. GRAHAM: We would at the appropriate time.

CHAIRMAN STONE: Okay, go on---

MR. KINLAW: Any further questions---

CHAIRMAN STONE: Are we through here?

MR. KINLAW: ---for Mr. Harris?

CHAIRMAN STONE: Mr. Harris? For now?

MR. KINLAW: On this issue?

MS. PEGUISE-POWERS: On Mr. Blackmon's issue.

MR. KINLAW: You want to stand down and we'll call

another witness.

MS. GRAHAM: Your Honor, in this matter we'd ask to call---

MR. KINLAW: You need to--

MS. GRAHAM: ---we'd call Ms. Ramona Roberts.

(Witness sworn.)

RAMONA ROBERTS,, was at this time called as a witness on behalf of Mr. Dial; having first been duly sworn, testified as follows:

MS. GRAHAM: Can you please state your name for the court?

MS. ROBERTS: Ramona Maynor Roberts.

MS. GRAHAM: And, Ms. Roberts, did you in fact attempt to locate Mr. Najee Blackmon at 733 Roberts Avenue in Pembroke?

MS. ROBERTS: Yes.

MS. GRAHAM: At Strickland Heights?

MS. ROBERTS: Yes.

MS. GRAHAM: And when did you last have contact with him?

MS. ROBERTS: Last night.

MS. GRAHAM: And was it in fact at this apartment?

MS. ROBERTS: Yes.

MS. GRAHAM: And who was there with him?

MS. ROBERTS: Several people. He had--he has a sister and he was actually leaving to--to go pick up his child. And then he was afraid because of the intimidation and asked me to meet him at the Spirit and explain further about the implications of the intimidations that's been going on.

And was afraid for anyone to serve the warrant because of the person's--that he resides at 733-A losing their spot.

MS. GRAHAM: Nothing further, Your Honor.

MR. HUNT: So, Ms.---

MS. ROBERTS: And we also picked him up there when we picked--we took him to--we brought him to vote.

MS. GRAHAM: And that's where you picked him up?

MS. ROBERTS: Yes.

MS. GRAHAM: And that's where you returned him?

MS. ROBERTS: Yes. And that's where he was at last night.

MR. HUNT: So, Ms. Roberts, since you picked him up to vote, you could have picked him up and brought him down here today, where we could have identified Mr. Blackmon, confirmed who he was, and looked at his identification, and made sure that he had the proper credentials to vote, then, couldn't you have?

MS. ROBERTS: I don't think you understood what I just said. Because of the voter intimidation that's been going around Pembroke, he was--would not participate with a--he has had a subpoena served on him. He was even afraid to even---

MR. HUNT: Who---

MS. ROBERTS: ---discuss it---

MR. HUNT: ---who--who served the subpoena on

him?

MS. ROBERTS: I--no one. The subpoena was not served.

MR. HUNT: And have you looked at the subpoena?

MS. ROBERTS: No. Yes, I did. I read it last night.

MR. HUNT: The subpoena reflects that he stays in Fairmont. Wonder who told 'em that?

MS. ROBERTS: That's where his child resides.

MR. HUNT: Nothing further.

MS. ROBERTS: And his sister.

MS. PEGUISE-POWERS: Ms. Roberts, didn't you just testify that he was raising his child?

MS. ROBERTS: He has joint custody. He went last night. He was leaving to go pick up his child. He doesn't have custody as primary, but he was going to pick his child up.

MS. PEGUISE-POWERS: So,---

MS. ROBERTS: Cause we were trying to ask him to do a affidavit, ourselves. But he was even skeptical of that.

MS. PEGUISE-POWERS: Is he someone that you know personally, or you're just met him through this process?

MS. ROBERTS: Through the process of voting, yes. In the last couple months.

MS. PEGUISE-POWERS: Did he show you any ID?

MS. ROBERTS: Yes, he had his ID when he came here to vote, yes, Ma'am.

MS. PEGUISE-POWERS: And what address did it reflect?

MS. ROBERTS: I can't--I can't literally say what address was on there. But his address was legit. Yeah, I mean, it was a Pembroke address. I can't verbatim say what his address was.

CHAIRMAN STONE: Was it---

MS. ROBERTS: Cause I---

CHAIRMAN STONE: ---Chicken Road, Pembroke?

MS. ROBERTS: Excuse me?

CHAIRMAN STONE: Was it Chicken Road, in Pembroke?

MS. ROBERTS: I can't--I--I cannot swear to that. I can't say what his address was on his ID, but I do know he was residing because he has friends that are my children's age that they associate, yes, Ma'am.

CHAIRMAN STONE: Do you know--have you any knowledge about his voter registration record saying Pem--Chicken Road, Pembroke?

MS. ROBERTS: No, I wouldn't know that.

CHAIRMAN STONE: You wouldn't?

MS. ROBERTS: That's privileged.

CHAIRMAN STONE: Just in Pembroke?

MS. ROBERTS: I just know that he was staying out at Strickland Heights on Roberts Avenue Road, the 733.

MS. PEGUISE-POWERS: And you've made contact with him on how many occasions?

MS. ROBERTS: I've seen him--seen him last night, and--of course during the reg--during the voting time, when we

were trying to get people to come vote. I can't count the number of times, but I mean, the outside of the activity, yes, Ma'am.

MS. PEGUISE-POWERS: Okay.

MR. HUNT: Ms. Roberts, you were very active in Mr. Dial's campaign; is that correct?

MS. ROBERTS: That was correct.

MR. HUNT: Okay. And you say you saw this person last night and you tried to get an affidavit?

MS. ROBERTS: That's correct.

MR. HUNT: You didn't get one?

MS. ROBERTS: No, because he was afraid.

MR. HUNT: Afraid of what?

MS. ROBERTS: As I have stated for the third time to you, there has been people threatened, individuals in Pembroke going to their homes, indicating if they vote or if they come down here that they will be evicted, or whoever's house they're living at will be evicted.

And they cannot afford it, I mean, they can't afford to have someone taken out of their residency because of them being there. They may not be living there legit, but they're staying there.

MR. HUNT: Based on the subpoena saying that he resides in Fairmont, do you know where he resides in Fairmont?

MS. ROBERTS: He does not reside in Fairmont. He lives in Pembroke. He has a sister who lives in Fairmont. Yeah, that's who he was traveling with last night when he met me at the Spirit after we left Strickland Heights.

MR. HUNT: Could he have been traveling with her because he lives with her?

MS. ROBERTS: No, he wasn't travel--she came to pick him up to take him to pick up the child, his daughter or son, I don't know which one.

MR. HUNT: That lives in Fairmont?

MS. ROBERTS: I don't know if they live in Fairmont. You mentioned---

MR. HUNT: That's what you said earlier?

MS. ROBERTS: I said his child, his child who does not reside with him full-time.

MR. HUNT: But you said he was raising the child earlier.

MS. ROBERTS: I did not say he was raising the child.

MR. HUNT: Well, your testimony is being recorded, and it had been recorded---

MS. ROBERTS: Okay.

MR. HUNT: ---and that was your testimony.

MS. ROBERTS: I guess you could say he is a participant in--the--in the raising of the child. Maybe not full-time, but he is helping raise his child.

MR. HUNT: Nothing further.

MS. ROBERTS: But it would be irrelevant to his voting.

CHAIRMAN STONE: Do you have any knowledge as to

whether in the past he may have lived in Fairmont with his child and---

MS. ROBERTS: I don't know about his past---

CHAIRMAN STONE: You don't know?

MS. ROBERTS: ---history. No, but I mean, I could say, I can--I can validate for the last six months he has lived in the Pembroke city limits, and is currently staying in Pembroke city limits. Without a question. Maybe not legally at Strickland Heights, but yes, I can attest to that.

CHAIRMAN STONE: And you do not know the reason personally why he would not want to come forward and acknowledge that he lived in Strickland Heights at---

MS. ROBERTS: As this--Mr. Lemark Harris has stated previously, if you have a criminal record, you would not--that would not--that would validate you---

CHAIRMAN STONE: It---

MS. ROBERTS: ---not being there. He has---

CHAIRMAN STONE: Well, what you're saying---

MS. ROBERTS: ---a criminal record.

CHAIRMAN STONE: ---he has a criminal record?

MS. ROBERTS: Yes, Sir.

CHAIRMAN STONE: And you don't know whether that criminal record is a felony or misdemeanor, do you?

MS. ROBERTS: Of course not.

CHAIRMAN STONE: But he does have a criminal record, and he does not want to come forward because of that purpose; is that correct?

MS. ROBERTS: And because of the voter intimidation.

CHAIRMAN STONE: Okay.

MS. ROBERTS: And the person that he's residing at 733 being evicted and jeopardizing their likelihood.

CHAIRMAN STONE: I'm listening.

MR. KINLAW: Any more questions of this witness?

MR. HUNT: No.

MS. GRAHAM: No.

MR. KINLAW: All right, Ma'am, you can stand down.

Thank you.

MS. ROBERTS: Thank you.

MR. KINLAW: Mr. Chairman, I think the evidence has been presented.

MS. GRAHAM: Your Honor, again, Mr. Blackmon executed a change-of-address form, which I believe serves as an affidavit. We would ask to admit that into evidence.

CHAIRMAN STONE: You can enter it into the record as evidence. Do you have that, or you need it?

COURT REPORTER: Please.

CHAIRMAN STONE: Could we get his change-of-address form?

MR. KINLAW: To speed this hearing up, we'll---

MS. PEGUISE-POWERS: Yes.

MR. KINLAW: ---we'll get it in the record.

CHAIRMAN STONE: We'll get it in the record.

It'll--it'll be---

MS. PEGUISE-POWERS: But it does need to be

marked for---

MR. KINLAW: It'll be marked---

MS. PEGUISE-POWERS: ---the Court Reporter's purposes, but---

MR. KINLAW: ---Number---

MS. PEGUISE-POWERS: ---but I would ask is that we go ahead and make copies of these, cause that's gonna be the motion---

MR. KINLAW: It's gonna be---

MS. PEGUISE-POWERS: ---on every one of 'em---

MR. KINLAW: ---resolved when we take a break.

CHAIRMAN STONE: All of our One-stops---

MR. KINLAW: There is quite a few things we can streamline, but right now we're just going through, if it's all right.

CHAIRMAN STONE: ---we're gonna streamline. Okay. Pleasure of the Board?

MR. KINLAW: That'll be marked as Board of Elections Exhibit--can you give it the number?

COURT REPORTER: Four.

MR. KINLAW: Four?

(BOE Exhibit Number "4" is marked for identification.)

MR. KINLAW: Thank you. Mr. Chairman, you need to--the evidence has been offered. You need to make a decision on--on Mr. Blackmon, number 12 on the list.

CHAIRMAN STONE: As to Mr. Blackmon, number 12 on the list, what say you? Anybody?

MR. LOCKLEAR: Are you ready for a motion?

CHAIRMAN STONE: If you--if you're prepared to make one.

MR. LOCKLEAR: I make a motion that it was an illegitimate voter.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: I sec--I--all those in favor say aye.

CHAIRMAN STONE: Aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: He will be removed as a voter, and he will be considered---

MR. KINLAW: Well, it'll be added to the re---

CHAIRMAN STONE: Added---

MR. KINLAW: ---reconstruction list that---

CHAIRMAN STONE: ---add to---

MR. KINLAW: ---identified as---

CHAIRMAN STONE: ---to the reconstruction list.

MR. KINLAW: ---an illegal voter for your findings. Thank you. All right, Mr. Harris, you want to come back up? Any more--you do have some more questions of him?

MR. HUNT: Yes, Sir.

MR. KINLAW: I'm enjoying having him get up and down. All right, go ahead.

MR. HUNT: Mr. Harris, going back to the subpoena, the

next individual's Paul Amos Locklear, and reflecting an address of 716 Roberts Avenue, Apartment A, in Pembroke.

MR. HARRIS: That is a unit.

MR. HUNT: It is a unit. Do you have a Paul Amos Locklear as a tenant in that unit?

MR. KINLAW: Mr. Chairman, while he's looking, that's number 13 on the list.

MR. HARRIS: He's not on the list. That name is not on the list, excuse me.

MR. HUNT: Okay. And when you--is there Marlon Locklear, either at 176--716 Roberts Avenue, Apartment A or B?

MR. HARRIS: You mean Marlon or Malin (sic)?

MR. HUNT: It could be Malin (sic).

MR. HARRIS: Yes, 716-B.

MR. HUNT: Which is the unit next-door?

MR. HARRIS: Yes.

MR. HUNT: Okay. Again, I'd ask---

MR. KINLAW: You can stand down. Are you going to call her as a witness?

CHAIRMAN STONE: Where you getting that "Malin" (sic) Locklear from?

MR. HUNT: I just asked him--I'd--I'd ask to introduce the subpoena into evidence, which reflects that the deputy spoke to Ms. Locklear at 176--"716-B and unable to serve, don't stay at address."

MR. KINLAW: Any questions, Ms. Graham?

MS. GRAHAM: Are you familiar with Paul Amos Locklear?

MR. HARRIS: No.

MS. GRAHAM: And you're not aware if he's ever lived there?

MR. HARRIS: No.

MS. GRAHAM: He's not been evicted?

MR. HARRIS: I--I---

MS. GRAHAM: And at this point you--to your knowledge, he's not been on a banned list and been told not to return?

MR. HARRIS: To my knowledge, no.

MS. GRAHAM: And you didn't go out and make an investigation with Ms. Marilyn Locklear into 716-A Apartment if Mr. Locklear was residing there?

MR. HARRIS: No.

MS. GRAHAM: So, it is possible that when he did an address change on 10/28/13 that he was in fact, residing with Ms. Marilyn Locklear?

MR. HARRIS: Yes.

MS. GRAHAM: Nothing further, Your Honor.

MR. KINLAW: That'll be--the change-of-address'll be BOE Exhibit Five; is that correct? All right.

COURT REPORTER: Yes.

(BOE Exhibit Number "5" is marked for identification.)

MR. KINLAW: Any other witnesses or any other questions? Mr. Chairman, does any Board member have questions?

CHAIRMAN STONE: I--I---

MS. PEGUISE-POWERS: As to the change-of-address, do we know where he changed his address from to this address?

MR. KINLAW: His---

CHAIRMAN STONE: 359 Melissa---

MR. KINLAW: ---original registration date being 11/2/2010. No, we don't have it with us.

MR. HUNT: 359 Melissa Drive.

CHAIRMAN STONE: He changed it from Melissa Drive on 10/28/13.

MR. HUNT: Yeah.

CHAIRMAN STONE: Previous to that---

MR. HUNT: Which is the same---

CHAIRMAN STONE: ---that's where the---

MR. HUNT: ---address he uses as--as his mailing address.

MS. PEGUISE-POWERS: So, what address was he changing?

MR. HUNT: His address in 2010, according to the records, was 359 Melissa Drive in Pembroke.

MS. PEGUISE-POWERS: Okay. And what are---

MR. HUNT: And he reflects, on 10/28, a residence address of 716 Roberts Avenue, Apartment A, but his mailing address is that same 359 Melissa Drive in Pembroke.

MR. KINLAW: You want to offer that as an exhibit?

MR. HUNT: Yes, I will.

MR. KINLAW: That'll be Hunt's Exhibit Number---

COURT REPORTER: Two.

MR. KINLAW: ---Two.

(Hunt Exhibit Number "2" is marked for identification.)

MS. PEGUISE-POWERS: Is the Melissa Drive address outside the city limits of Pembroke?

CHAIRMAN STONE: It is.

MR. HUNT: Yes.

CHAIRMAN STONE: It is.

MS. PEGUISE-POWERS: Oh, okay.

CHAIRMAN STONE: Way out.

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: Mr. Chairman, the decision is with the Board. And that would be Mr. Hunt's exhibit. The registration is BOE. Those are ours.

COURT REPORTER: We don't have that yet.

MR. KINLAW: Okay. It will be. I was just going ahead and on ahead and giving it a number so we---

CHAIRMAN STONE: Okay.

MR. LOCKLEAR: Mr. Chairman, are you ready for a motion?

MS. PEGUISE-POWERS: Yes, Sir.

MR. LOCKLEAR: I make a motion Mr. Paul Amos Locklear was an illegitimate voter.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: All in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: The motion carries. Paul Amos Locklear was not a legitimate voter on the date in question, 10/29/13. And he'll be used for--his vote can be ID'd for reconstruction efforts, if there be any.

MR. KINLAW: Mr. Hunt, any more questions of Mr. Harris?

MR. HUNT: Yes, the next one is Edward McMillan at 736 Roberts Avenue.

MR. KINLAW: That's number eight on the list?

MR. HUNT: Yes.

MS. GRAHAM: He's number 32, I believe.

MR. HARRIS: That is a valid address.

MR. HUNT: 736 Roberts Avenue is a valid address?

MR. HARRIS: Yes.

MR. HUNT: Again, Mr. Harris, is Edward McMillan on the lease as a tenant at that address?

MR. HARRIS: No.

MS. GRAHAM: Is he here?

MS. PEGUISE-POWERS: Yes, he was served. Is Mr. McMillan present?

MR. HUNT: Nothing further.

MS. GRAHAM: Do you know Mr. Edward James McMillan?

MR. HARRIS: Yes.

MS. GRAHAM: And wasn't he in fact, on the lease, residing with his mother in that address up until Monday of this week?

MR. HARRIS: He was not on the lease, but, according to her, he was living there as of last Friday.

MS. GRAHAM: Okay. So, he was, in fact, a resident---

MR. HARRIS: According---

MS. GRAHAM: ---of that apartment?

MR. HARRIS: ---according to her.

MS. GRAHAM: And as of Monday of this week she removed him from that residence?

MR. HARRIS: Monday morning.

MS. PEGUISE-POWERS: I'm ready for a motion.

CHAIRMAN STONE: Is everybody through? She came to you and relinquished him from the lease, from the residency (sic)?

MR. HARRIS: Oh, boy. Not---

CHAIRMAN STONE: Is that---

MR. HARRIS: May I--may I clarify?

CHAIRMAN STONE: Yeah.

MR. HARRIS: On an unrelated issue, not related to his residency,---

CHAIRMAN STONE: Okay.

MR. HARRIS: ---and discussing that one and resolving it, this came up, and she says, he'll go live with his daddy. That was last Thursday. So on Monday, she comes in to clear up the issue, and she confirmed, yes, Edward "Porky", now lives with his dad. I don't know where that is.

CHAIRMAN STONE: But you're telling me that

"Porky"--Edward, his residence being--or him laying his head there at that residence on November 5th would not have affected her issue that you were dealing with Monday? It didn't affect it on November the 5th? But something---

MS. PEGUISE-POWERS: I have a---

CHAIRMAN STONE: ---since then happened and that's why she relinquished him being there?

MR. HARRIS: I'm sorry, Mr. Stone, I didn't follow the question. Would you ask me again, please?

CHAIRMAN STONE: You're saying on a unrelated matter this past Monday, she informed you that he was not going to be living there anymore?

MR. HARRIS: Right.

CHAIRMAN STONE: But it didn't have anything to do with anything that happened November the 5th?

MR. HARRIS: Well,---

CHAIRMAN STONE: I mean--I mean, at November the 5th, he was not creating a problem for her being a tenant?

MR. HARRIS: No,---

CHAIRMAN STONE: Okay.

MR. HARRIS: ---because---

CHAIRMAN STONE: That's---

MR. HARRIS: ---we were not aware of it.

CHAIRMAN STONE: ---all we need to know. That's all I need to know.

MR. HUNT: Just to clarify one point, Mr. Chairman, that you made, and just for me to be clear, he was not a tenant on the lease prior to that; is that correct?

MR. HARRIS: Prior to what, Mr. Hunt?

MR. HUNT: In--in the last 45 days, was he on that lease?

MR. HARRIS: I don't know when he was taken off, but he has been.

MR. HUNT: Okay. But he was not on your list that you read as far as tenants in that unit?

MR. HARRIS: As of the subpoena I got last Tuesday, a week ago, no, he was not on the lease.

MR. HUNT: Okay.

MS. PEGUISE-POWERS: It is---

CHAIRMAN STONE: But he stated, and to his knowledge, he did live there. Nobody's denying that--I mean---

MR. HARRIS: I understand.

CHAIRMAN STONE: ---even him as the proprietor or overseer's not denying that he lived there, even if it was wrongfully then, he lived there. That was what I was trying to---

MR. HUNT: Uh-huh.

CHAIRMAN STONE: ---figure out here. Y'all ready?

MS. PEGUISE-POWERS: I make a motion that Mr. Edward James McMillan was a valid voter on that date.

MR. LOCKLEAR: I'll second that.

CHAIRMAN STONE: Motion made, properly second, all in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Motion passes. Mr. Edward James McMillan was a valid voter on November the 5th, 2013.

MR. KINLAW: For my information, he shows that he registered on 10/21/13.

MS. BLEDSOE: That's correct.

MR. KINLAW: What if--so, I say that it shows "RV on date of change address." What's that mean?

MS. BLEDSOE: Register and vote at One-stop.

MR. KINLAW: Okay. Mr. Chairman, there may---

CHAIRMAN STONE: Same day registration.

MR. KINLAW: I would like to leave that matter open to see if proper identification was provided when he did register to vote in compliance---

CHAIRMAN STONE: All right.

MR. KINLAW: ---since he did--it's obvious he didn't have a--proof of lease with the housing authority.

CHAIRMAN STONE: Well, I mean, he obviously could have shown some---

MS. GRAHAM: Now, I would object, that that was not obvious---

MS. PEGUISE-POWERS: We've made a---

CHAIRMAN STONE: ---utility statement or something to that effect.

MS. PEGUISE-POWERS: ---we've made a ruling---

CHAIRMAN STONE: We've already made a ruling. We're moving on.

MR. KINLAW: All right.

CHAIRMAN STONE: Is there many more for Mr. Harris?

MR. HARRIS: Unh-huh.

MR. KINLAW: Go ahead.

CHAIRMAN STONE: I mean, I'm--I'm just curious if there's a lot more or just a couple?

MR. HARRIS: Unh...

CHAIRMAN STONE: Because if there is "a lot" he's gonna be around a lot, because we're gonna take a break shortly.

MS. PEGUISE-POWERS: When, about 7:30? We're gonna take it about 7:30?

CHAIRMAN STONE: Yeah.

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: Any other questions of Mr. Harris?

MS. GRAHAM: I think he's got one more, right?

MR. HUNT: Mr. Harris, Tina Ann Locklear, are you familiar with that name?

MR. HARRIS: Yes.

MR. HUNT: Okay. And can you identify Ms. Locklear here today?

MR. HARRIS: That young lady right behind you there, my classmate.

MR. HUNT: Okay. Right behind me, this young lady, I'm pointing to right here? (Indicating)

MR. HARRIS: Yes, Sir.

MR. HUNT: Okay. Is she now or was she recently a tenant in the Housing Authority?

MR. HARRIS: She was recently.

MR. HUNT: Okay. How recently?

MR. HARRIS: Verified that last night, early part of September, I think, she moved.

MR. HUNT: And how long had she lived---

MR. HARRIS: Years.

MR. HUNT: Okay. So, she had been there at that unit for years?

MR. HARRIS: Yeah.

MR. HUNT: Nothing further.

MR. KINLAW: She's number 18 on the---

CHAIRMAN STONE: She is.

MR. KINLAW: ---subpoena list?

CHAIRMAN STONE: Do you actually know what date she did move?

MS. BLEDSOE: We have her address changed 10/1/13, at One-stop.

CHAIRMAN STONE: I got that, and I was asking you---

MR. HARRIS: Mr. Stone,---

MS. BLEDSOE: No, excuse me, that would have been prior to One-stop.

CHAIRMAN STONE: Yeah.

MR. KINLAW: Unless it is a typo.

MS. BLEDSOE: Yeah.

MR. HARRIS: It was before the half-way mark of the month, so--that she moved.

CHAIRMAN STONE: Okay.

MR. HUNT: Nothing further.

CHAIRMAN STONE: Nothing?

MR. KINLAW: Any questions?

CHAIRMAN STONE: Ms. Graham?

MS. GRAHAM: When you said the "half-way mark", you mean she moved, like, October the 15th or---

MR. HARRIS: Before September 15th.

MS. GRAHAM: Before September 15th. Do you know where she moved to?

MR. HARRIS: No.

MS. GRAHAM: Okay.

CHAIRMAN STONE: Is she here?

MS. PEGUISE-POWERS: Yes.

MR. HUNT: She is.

CHAIRMAN STONE: She want to talk?

MR. HUNT: Absolutely.

CHAIRMAN STONE: All right.

MR. KINLAW: Any more questions for Mr. Harris?

MS. GRAHAM: Not right now,---

MR. KINLAW: Is that all or do you want---

MS. GRAHAM: ---but we might need to keep him, cause I don't---

MR. KINLAW: How long you gonna keep him?

MS. GRAHAM: Just until she finishes. I think this is the only one left.

CHAIRMAN STONE: Come around, Ms. Locklear.
MR. HARRIS: The night's already gone.
CHAIRMAN STONE: We apologize.
MS. PEGUISE-POWERS: You'll be home by 10:00.
(Witness sworn.)
TINA ANN LOCKLEAR, was at this time called as a witness on behalf of Ms. Locklear; having first been duly sworn; testified as follows:
MR. HUNT: Ms. Locklear, if you would, state your name, please?
MS. LOCKLEAR: Tina Ann Locklear.
MR. HUNT: Ms. Locklear, where do you live?
MS. LOCKLEAR: 402 Union Chapel Road, Pembroke.
MR. HUNT: Okay. Now, you've got some documents with you; is that correct?
MS. LOCKLEAR: Yes.
MR. HUNT: What do you have?
MS. LOCKLEAR: I got a gas bill and the lease, the---
MR. HUNT: The lease for the unit?
MS. LOCKLEAR: Yeah.
MR. HUNT: Okay. And how long have you lived at that address?
MS. LOCKLEAR: October 1st, moved in October 1st.
MR. HUNT: Okay. And you--prior to that, Mr. Harris stated that you were a resident for a number of years at the Housing Authority; is that correct?
MS. LOCKLEAR: Yes.
MR. HUNT: Okay. And, if you would, provide the Board members a copy of your lease and utility bill?
MS. GRAHAM: If we could see it first?
MR. HUNT: Ms. Locklear, do you know Valerie Harris?
MS. LOCKLEAR: Yes.
MR. HUNT: Who's Valerie Harris?
MS. LOCKLEAR: She rents the house to me.
MR. HUNT: Okay.
MS. LOCKLEAR: My landlord.
MR. HUNT: Crystal, I'd just move to introduce-- that's the affidavit I sent you on Ms. Harris.
CHAIRMAN STONE: Hold on, I can't find it.
MS. PEGUISE-POWERS: What are you looking for?
CHAIRMAN STONE: Some affidavit.
MR. HUNT: That--I--I've got the original copy.
CHAIRMAN STONE: Oh, okay.
MR. KINLAW: Mr. Hunt's next number is---
COURT REPORTER: Three.
MR. KINLAW: Three? So it'll be Three, Four, and Five. And there's three documents.
(Hunt Exhibit Numbers "3", "4", and "5" are marked for identification.)
MR. HUNT: And Mr. Kinlaw, that appears to be her original lease, so if we could make a copy of that, maybe?
CHAIRMAN STONE: Ms. Bledsoe, on her change-of-address on 10/1/13, did she change it to 402 Union Chapel Road or to the somewhere-else address that I'm not finding?

MS. BLEDSOE: We've got 402 Union Chapel Road
because I don't have an alternate address to double check.
MS. PEGUISE-POWERS: Is that in the city?
CHAIRMAN STONE: In the City?
MS. PEGUISE-POWERS: Yeah, in the city limits?
CHAIRMAN STONE: Union Chapel Road?
MS. BLEDSOE: Yeah.
CHAIRMAN STONE: And that's where you currently
lived?
MS. LOCKLEAR: Yes.
CHAIRMAN STONE: You currently live 402 Union
Chapel Road,---
MS. LOCKLEAR: Yes.
CHAIRMAN STONE: ---which is in the city limits---
MS. LOCKLEAR: Uh-huh,---
CHAIRMAN STONE: ---of---
MS. PEGUISE-POWERS: Okay, time for a motion.
CHAIRMAN STONE: And it appears you just have not
changed your driver's license to your new address?
MS. LOCKLEAR: No.
MR. HUNT: Mr. Chairman, not to confuse you now,
that's not her driver's license. That's the person that signed
the affidavit, Ms. Valerie Harris.
CHAIRMAN STONE: Oh, okay. You had me confused.
MR. HUNT: I apologize.
CHAIRMAN STONE: Thank goodness for my attorney
right here to my left. And this is your gas bill from Piedmont
Natural Gas?
MS. LOCKLEAR: Yeah.
CHAIRMAN STONE: For service received through
10/28, 10/8 to 10/18. Were you living there on October the
4th?
MS. PEGUISE-POWERS: November 4th?
CHAIRMAN STONE: October the 4th.
MS. LOCKLEAR: Yes.
CHAIRMAN STONE: You were?
MS. LOCKLEAR: Uh-huh.
CHAIRMAN STONE: Okay.
MR. KINLAW: Ms. Powers, what would be the
exhibit of her gas bill?
MS. PEGUISE-POWERS: Her gas bill is gonna be Exhibit
Number Three.
MR. KINLAW: Would you read the address and the
names appearing on that gas bill into the record, please?
MS. PEGUISE-POWERS: Tina Locklear, 402 Union Chapel
Road, Pembroke, North Carolina, 28372.
MR. KINLAW: Thank you.
MS. PEGUISE-POWERS: And the next exhibit is going to
be Exhibit Four in support of the protest, Valerie Harris'
Affidavit.
MR. HUNT: And I--I didn't do that, Mr. Kinlaw, and
don't--Ms. Powers, I didn't read into the record the affidavit,
but it--the affidavit speaks for itself.
MS. PEGUISE-POWERS: Do you need me to read that into

the record?

MR. HUNT: Yes.

MS. PEGUISE-POWERS: "This affiant, first being duly sworn, deposed and says, I am of the age of 18 years, of sound mind and am competent to give this affidavit. I reside at 195 Adnell Drive, Maxton, North Carolina, 28364."

"My parents own the residence located at 402 Union Chapel Road, Pembroke, North Carolina, 28372, and I manage the property for my parents."

"Tina Ann Locklear is currently leasing the property along with her boyfriend, Julius Sanderson." Will his name be coming up in these proceedings?

MR. HUNT: No.

MS. PEGUISE-POWERS: "And they have been leasing the property since October 1st, 2013. Further, the affiant says, not this, the 20th day of November, 2013, Valerie Harris, Affiant." Notarized by Tonya Locklear, Notary Public. And the attached driver's license copy that we'll be returning, do we not?

CHAIRMAN STONE: I'd like to have one.

MR. HUNT: You can leave it attached to it.

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: Strike through the number.

MR. HUNT: Yeah.

MS. PEGUISE-POWERS: Okay.

CHAIRMAN STONE: Is there any evidence to suggest that she don't live in the Town of Pembroke? I make a motion that we certify her as an eligible voter as of 11/5/2013.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: All in favor?

MR. LOCKLEAR: Aye.

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: Aye. Motion carries. Thank you. Sorry for your trouble. Appreciate your coming and defending your right.

MS. LOCKLEAR: Uh-huh.

MR. KINLAW: Mr. Chairman, this being a One-stop voter, it could be included in the reconstruction list.

MS. PEGUISE-POWERS: We need to make a copy of this---

MR. KINLAW: Is that right?

MS. PEGUISE-POWERS: ---before we get---

CHAIRMAN STONE: It could be included?

MS. PEGUISE-POWERS: But, Mr. Kinlaw---

CHAIRMAN STONE: Did we take her---

MS. PEGUISE-POWERS: ---we aren't---

CHAIRMAN STONE: ---vote out? I mean, we--she was an eligible voter.

MS. PEGUISE-POWERS: No one is in protest against her original--I mean, a challenge.

CHAIRMAN STONE: There was?

MS. PEGUISE-POWERS: There was not a challenge.

CHAIRMAN STONE: There was not?

MR. HUNT: There was not, no.

CHAIRMAN STONE: Then no effect, it won't be used for a reconstruction.

MR. HUNT: She's--she's already in---

CHAIRMAN STONE: Yes. She's in the blocks. You're counted.

MS. LOCKLEAR: Okay.

MS. PEGUISE-POWERS: And that is the lease agreement, so we'll have to make a copy because that does appear to be the original.

CHAIRMAN STONE: Yeah.

MS. PEGUISE-POWERS: And then that'll be Exhibit Number Five.

CHAIRMAN STONE: It is---

MS. PEGUISE-POWERS: I feel we ought to give her mileage.

CHAIRMAN STONE: It's 7:29, and we'll take a 15-minute break, 7:44.

(Off the record at 7:29 P.M.)

(On the record at 7:48 P.M.)

CHAIRMAN STONE: We're out of recess. We'll be moving forward. Mr. Kinlaw, proceed. What exhibit is that, Mr. Kinlaw?

MR. KINLAW: That's Number--see, it's--Ms. Carla Marie Schmale is--was gonna be Exhibit Three---

CHAIRMAN STONE: That was Exhibit One, wasn't it?

MS. PEGUISE-POWERS: Uh-huh.

MR. KINLAW: Okay, that'd be--that was Exhibit One.

CHAIRMAN STONE: Yeah.

MR. KINLAW: Actually, if you want to use Exhibit One, I guess it would---

COURT REPORTER: No, Board of Elections,---

MR. KINLAW: ---be One-A. It's--this is a registration.

COURT REPORTER: Is that a subpoena?

MR. KINLAW: No,---

CHAIRMAN STONE: No, no, that's a--that's a registration, same-day registration form.

MR. KINLAW: ---we'll label the subpoenas later.

CHAIRMAN STONE: Yeah.

COURT REPORTER: I mean, you want this put, One-A, then?

CHAIRMAN STONE: One-A.

MR. KINLAW: Do One-A for that. Then we have in sequence anyway,---

CHAIRMAN STONE: And keep it handy.

MR. KINLAW: ---then I'll see what's in the record.

CHAIRMAN STONE: Keep it handy for tomorrow.

COURT REPORTER: Okay.

MR. KINLAW: Mr. Chairman, I'll go ahead and ask Mr. Hunt if he has any affidavits or--you--you're through with your witnesses?

MR. HUNT: I'm--I'm passing up affidavit of---

MR. KINLAW: Okay.

MR. HUNT: ---Ms. Marsha Epps that we protested.

MR. KINLAW: Is she on the list?

MR. HUNT: She is. Ms. Epps would be number 11.

MR. KINLAW: All right.

MR. HUNT: I have a affidavit that Ms. Epps actually executed and her landlord executed, and if I may, it just reflects that she resides at 279 Hiawatha Road, Apartment A, in Pembroke and that she voted One-stop.

She was picked up at the Spirit Store in Pembroke and taken to vote, and was dropped back off at the Spirit Store. And she used her old address in the town limits of Pembroke in order to vote.

The affidavit from her landlord, Annie Sue Locklear, reflects that she--that Ms. Locklear resides at 37 Hiawatha Road, Pembroke. She owns the rental property located at 279 Hiawatha Road, in Pembroke.

She has leased Apartment Unit 279 Hiawatha Road to Marsha Hunt Epps for more than one year, and that she currently resides, meaning Marsha Epps Hunt (sic), at that address.

CHAIRMAN STONE: And you're contending 279 Hiawatha Road is not within the town?

MR. HUNT: It is not.

MR. KINLAW: This'll be marked, what, exhibit number--it'll be Mr. Hunt Exhibit Number---

COURT REPORTER: Six.

MR. KINLAW: ---Six.

(Hunt Exhibit Numbers "6" and "7" ae marked for identification.)

MS. GRAHAM: And I would ask that the affidavit and the change-of-address on June 22, '13, be admitted as evidence.

MR. KINLAW: That's gonna be BOE Exhibit--where are we now on that?

COURT REPORTER: Six.

MR. KINLAW: Exhibit Six for the Board of Education (sic)--the Board of Elections.

(BOE Exhibit Number "6" is marked for identification.)

MS. GRAHAM: One minute, give me a few minutes to see if I want to also have her subpoena admitted.

MR. KINLAW: It's already in the record.

MS. GRAHAM: Well, it reflects they were unable to serve her at that address.

MR. KINLAW: All right, anything else? That's already part of the record.

MS. GRAHAM: I don't see it. She's not in my stack.

MR. KINLAW: Mr. Chairman, you wanted to address that--this matter? Appears to be evidence---

CHAIRMAN STONE: Any such evidence to suggest why this person could not be located by subpoena or did not respond and appear? I mean,---

MR. KINLAW: That's what the affidavit is for, Mr. Chairman.

MS. PEGUISE-POWERS: Uh-huh.

COURT REPORTER: Is this Number six?

MS. PEGUISE-POWERS: Number Six is Marsha Epps' affidavit.

MS. GRAHAM: This is the only one I subpoenaed here.

CHAIRMAN STONE: Do we really have her voter registration at--that she did?

MS. BLEDSOE: Appears she did a change-of-address for One-stop voting.

MR. KINLAW: That's BOE Exhibit Six.

MS. BLEDSOE: Also used that address 10/28/ at One-stop.

CHAIRMAN STONE: So, it was not a change-of-address, it was a current registration when they just showed up to One-stop, correct?

MS. BLEDSOE: That's what---

CHAIRMAN STONE: No, that was what was printed out stating that's when she--and she signed statement this is where she lived and that was her mailing address.

MR. KINLAW: Yes.

CHAIRMAN STONE: Exhibit BOE-something.

MR. KINLAW: Six.

CHAIRMAN STONE: Six.

MR. KINLAW: Do the attorneys have anything else to say on this matter?

MS. GRAHAM: No.

MR. HUNT: The Affidavit speaks for itself.

CHAIRMAN STONE: You ready to do this?

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: Daniel?

MR. LOCKLEAR: I make a motion that Ms. Marsha Epps was not a legitimate voter.

CHAIRMAN STONE: Motion been made that Ms. Marsha Epps is not a legitimate voter--voter and does not live there. Second. I second it. All in favor? Aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: She doesn't live there and I--she--she will be ID'd for reconstruction.

MR. HUNT: Did you--had--want that to be marked, Ms. Bledsoe?

MS. BLEDSOE: I was just showing you that---

MR. HUNT: Yeah.

MS. BLEDSOE: ---they had did the same thing because of them---

MR. HUNT: Yeah.

MR. KINLAW: I don't need that as an exhibit. That's not germane to that. The next case is---

MR. HUNT: The next one is Jimmy Scott Locklear.

MR. KINLAW: That's Number 10.

MR. HUNT: I would---

MR. KINLAW: 910 Pine Street, Apartment A?

MR. HUNT: ---I would show three things, Mr. Kinlaw, his voter registration card, which actually came back, mailed to that address. The subpoena that reflects that he

couldn't be served at that address.

MS. GRAHAM: What number did we say he was?

MR. KINLAW: He's Number 10 on the--basically the second page.

CHAIRMAN STONE: Did you state the Board of Elections mailing was returned?

MR. HUNT: It was.

CHAIRMAN STONE: Any further?

MR. KINLAW: This will be Hunt's Exhibit Eight and Nine; is that correct, those two?

MR. HUNT: Yes. I think that's right.

MR. KINLAW: It's---

COURT REPORTER: Eight and nine?

MR. HUNT: Eight and nine.

MR. KINLAW: Eight and nine, sorry.

(Hunt Exhibit Numbers "8" and "9" are marked for identification.)

CHAIRMAN STONE: Is he on that One-stop list?

MR. HUNT: Yes.

MR. KINLAW: Yes, number 10, at the top of the second page.

CHAIRMAN STONE: Was that a change-of-address at One-stop? Jimmy Scott Locklear, Jr.?

MS. BLEDSOE: Changed October 1st.

CHAIRMAN STONE: It was changed when?

MS. BLEDSOE: It's dated September the 30th and it was changed in our system October the 1st.

CHAIRMAN STONE: And there was a One-stop visit on 10-24-13?

MS. BLEDSOE: On 10/21, that's the date.

CHAIRMAN STONE: I mean, you got 10/24?

MS. BLEDSOE: 10/21.

CHAIRMAN STONE: 10/21.

MS. PEGUISE-POWERS: And this will be our exhibit, or---

CHAIRMAN STONE: That is our exhibit, this--Mr.--Mr. Locklear's exhibit, and this is as well.

MS. PEGUISE-POWERS: Well, Mr.--Mr. Hunt's exhibit?

CHAIRMAN STONE: Mr. Hunt's exhibit on Mr. Locklear. It appears that Mr. Locklear changed his registration in September and was mailed a card, and came in One-stop voted on the 21st, and his first mailing card was returned undeliverable. He was unable to be located by the sheriff's deputy on two occasions. What's your pleasure?

MS. PEGUISE-POWERS: I make the motion that he's not an eligible voter and should be recorded for reconstruction purposes.

CHAIRMAN STONE: There's a motion made on Jimmy Scott Locklear, Jr., that he does not live there and meet the residency requirements for municipal elections of Pembroke, and that he be ID'd for reconstruction purposes. Is there a second?

MR. LOCKLEAR: Second.

CHAIRMAN STONE: All in favor say aye.

MS. PEGUISE-POWERS: Aye.
MR. LOCKLEAR: Aye.
CHAIRMAN STONE: Aye. Moving along. Next
exhibit. Attached to the last one.
MR. KINLAW: Any other cases for you?
MR. HUNT: The last one I had is Tiffany Deloria
Freeman.
MR. KINLAW: She's present, right?
MS. LOCKLEAR: Yes, she is.

(Witness sworn.)

TIFFANY DELORIA FREEMAN, was at this time called as a witness on behalf of Ms. Locklear; having first been duly affirmed, testified as follows:

MR. KINLAW: She is number 15 on the list. The record shows she voted One-stop, registered 9/25/2013 and changed her address on 10/21/2013. All right, Mr. Hunt?

MR. HUNT: Ms. Freeman, if you would, just state your name for the court, please?

MS. FREEMAN: My name is Tiffany Deloria Freeman.

MR. HUNT: And, Ms. Freeman, you have listed as an address, 505 West 5th Street; is that correct?

MS. FREEMAN: That is correct.

MR. HUNT: And I'm gonna pass around a verification card that was sent to that address that was not deliverable.

MR. KINLAW: This'll be Mr. Hunt Exhibit "10"; is that right?

(Hunt Exhibit Number "10" is marked for identification)?

MR. HUNT: Ms. Freeman, could you tell me who Barbara Locklear is?

MS. FREEMAN: She is my grandmother.

MR. HUNT: Okay. And she--Ms. Barbara Locklear lives at 505 West 5th Street; is that correct?

MS. FREEMAN: Yes, she does.

MR. HUNT: Okay. And you set this as your address; is that correct?

MS. FREEMAN: Well, I didn't just set it as my address. I mean, I done it because it is my address.

MR. HUNT: Okay. Would it surprise you to show when the subpoena was served on your grandmother, Ms. Locklear, that the notes reflect that advised that she didn't know your whereabouts?

MS. FREEMAN: Well, that had to be during the time that I--that she was just a little irritated with me. So, if I'm not staying at my grandmother's house at 505 West 5th Street, I'm staying right next door at 502 Breece Street.

MR. HUNT: But you didn't put 502 Breece Street on here---

MS. FREEMAN: I know, because my permanent is 505.

MR. HUNT: Why wouldn't your grandmother tell 'em then that you lived there?

MS. FREEMAN: Well, because she--I--like I said, it might have been one of those times that she was arguing with me

and I just decided to leave for a few days. Maybe that's the reason why, but my permanent address is 505 West 5th Street, Pembroke.

MR. HUNT: Do you have any kind of identification on you?

MS. FREEMAN: No, I don't.

MR. HUNT: Do you have any kind of bills or anything reflecting 505---

MS. FREEMAN: No, I don't.

MR. HUNT: ---West 5th Street, Pembroke, as your address?

MS. FREEMAN: No, I don't. But I--I mean, the mayor can--can vouch for that.

MR. HUNT: Well, your grandmother could vouch for that, couldn't she?

MS. FREEMAN: Well, I mean, yeah, I'm certain that she could, but when you went there to subpoena me it had to be a time that she was a little irritated with me, and she didn't know what my whereabouts was.

CHAIRMAN STONE: You think maybe that was because a sheriff's deputy showed looking for you?

MS. FREEMAN: I--I--I can't--I can't answer that, you know? But I do know that that's my--that's where my main residence is, at my grandmother's house at 505 West 5th Street.

MR. HUNT: Nothing further.

CHAIRMAN STONE: Crystal?

MS. GRAHAM: And Ms. Freeman, this is your home?

MS. FREEMAN: Yes, it is.

MS. GRAHAM: Okay. How long have you lived there with your grandmother?

MS. FREEMAN: On and off, all my life, but I had been there--my grandmother had a heart attack and a stroke back in--in the beginning of May, somewhere in May, and I've been there with her ever since.

MS. GRAHAM: And that's where you're living now?

MS. FREEMAN: Yes, it is.

MS. GRAHAM: And you've indicated that's your permanent address?

MS. FREEMAN: Yes, it is.

MS. GRAHAM: Okay. Nothing further, Your Honor.

MR. KINLAW: Let me ask regarding the registration date of 9/25/13, you apparently registered before One-stop; is that correct?

MS. FREEMAN: I guess I did.

CHAIRMAN STONE: Who registered you?

MR. KINLAW: Do you know what address you used when you registered the first time?

MS. FREEMAN: Suppose I did 505 West 5th Street is what I--I'm saying I used, yeah.

MR. KINLAW: Hold on a minute. You have that out?

CHAIRMAN STONE: The initial registration.

MS. BLEDSOE: What I'm looking at has 9/25.

MS. FREEMAN: Huh?

MR. KINLAW: Our records indicate on September the

25th.

MS. BLEDSOE: There's one that's been removed.

MR. KINLAW: What did you say?

MS. BLEDSOE: I have one that was also removed back in '92.

MR. KINLAW: Well, but she came in in September the 25th and registered--of this year; is that correct?

MS. BLEDSOE: She completed a registration form. Whether she came in and did it or not, I don't know.

MS. FREEMAN: No, I did not come in here and do it, but I did do a form.

MR. KINLAW: What address did she give on 9/25?

MS. BLEDSOE: 505 West 5th Street as her address and residential number.

MR. KINLAW: Why are we showing that she changed her address on 10/21?

MS. FREEMAN: Good question, because I didn't.

MS. BLEDSOE: Well, I said the one that was removed---

MR. KINLAW: Right.

MS. BLEDSOE: ---for the reason that they have to removed for.

MR. KINLAW: So, your evidence shows that she's consistently---

MS. BLEDSOE: That the one she did in---

MR. KINLAW: ---used 505? 505 is the address she used, she didn't change to that, she registered for that.

MS. BLEDSOE: She registered at that 9/25/2013. She was on our system prior to, but she was removed.

MR. KINLAW: All right.

MS. BLEDSOE: Due to a legitimate reason why she was removed.

MR. KINLAW: Well, I'm gonna strike through she changed her address on 10/21, you're indicating 9/25 is the date she registered the 505.

MS. BLEDSOE: That's only thing that I have for her registering.

MR. KINLAW: Right. On our--the subpoena sheet I'm gonna strike through that, Mr. Chairman.

CHAIRMAN STONE: It's done on mine.

MR. KINLAW: I don't have further questions.

CHAIRMAN STONE: On 9/25/13, it appears you did a registration form and registered to vote or re-registered to vote. Did you do that yourself or did someone assist you in doing it?

MS. FREEMAN: I done it myself.

CHAIRMAN STONE: And where did you do that at?

MS. FREEMAN: I think I done it at Lumbee Drive-in.

CHAIRMAN STONE: Lumbee Drive-in.

MS. FREEMAN: Drive. I'm not absolutely certain where I done it at, but I know that I filled one of the registrations, one of the papers out---

CHAIRMAN STONE: Uh-huh.

MS. FREEMAN: I think it may have been at the

restaurant. I'm not absolutely certain where it was at.

CHAIRMAN STONE: Uh-huh. And was there someone and it--that was asking people to get registered or---

MS. FREEMAN: No, I just walked in and saw the registration papers.

CHAIRMAN STONE: You referred to your grandmother probably a little upset because you may have got mad and left for a couple of days and---

MS. FREEMAN: No,---

CHAIRMAN STONE: ---that may be why she didn't know of your whereabouts? Is that something you have done before in the past? Have you ever left there for days at the time?

MS. FREEMAN: Many-a-times.

CHAIRMAN STONE: Did you ever intend not to go back there?

MS. FREEMAN: No, because I always go back home. You always go back home, you know? You know what I'm saying?

CHAIRMAN STONE: So, it's not unusual for you to be absent from 505 West 5th Street for extended periods of time?

MS. FREEMAN: Maybe two weeks at the most.

CHAIRMAN STONE: And you always intend to go back?

MS. FREEMAN: I always do go back.

CHAIRMAN STONE: Where you going tonight?

MS. FREEMAN: Huh?

CHAIRMAN STONE: Where you going tonight?

MS. FREEMAN: I'm going home.

CHAIRMAN STONE: Where's that?

MS. FREEMAN: 505 West 5th Street.

CHAIRMAN STONE: Okay.

MR. KINLAW: Mr. Chairman, that will be BOE Exhibit Eight? Seven?

COURT REPORTER: Seven.

(BOE Exhibit Number "7" is marked for identification.)

MR. KINLAW: Any other questions?

MS. GRAHAM: Not of this witness. We have another witness, if necessary.

MR. KINLAW: You want her to stand down? Just for now, sit back down where you were and we may call you back. Ms. Graham, calling your other witness?

MS. GRAHAM: I'm going to wait and see if it's necessary with the Board and if they need to hear anything else.

MS. PEGUISE-POWERS: I'll make a motion that her vote was valid.

CHAIRMAN STONE: I second that motion that her vote is valid. All those in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Thank you for coming and protecting your right to vote. Moving along.

MR. KINLAW: Mr. Hunt, that is it?

MR. HUNT: (Nods head in the affirmative.)

MR. KINLAW: Thank you. Ms. Graham, it's with you.

MS. GRAHAM: My first challenges would be the first protests that were filed on behalf of Mr. Allen Dial, which I guess would come up underneath issue one and issue two. We grouped 'em together.

And yes, that would include the apartment's witness as well. This would involve Clyde Elysee Saint-Amand, Lee A. Cooper, Kiont---

MR. KINLAW: Are they numbered?

MS. GRAHAM: They're not on your subpoena list.

MR. KINLAW: All right. Do you have a printed list with those names since you are going to call them?

MS. GRAHAM: Do not. Well, I have the previous list that you guys give me. You want a list?

MR. KINLAW: Well, let's get the witness and we'll take 'em one--with one at a time.

CHAIRMAN STONE: Are all these concerning the same issue?

MS. GRAHAM: They are, Your Honor.

CHAIRMAN STONE: And are we gonna try and group 'em together and just do 'em all at once?

MR. KINLAW: Give me a moment. You're already under oath, isn't she?

MS. CARMONA: Yeah.

CHAIRMAN STONE: She is.

MR. KINLAW: Go ahead and sit down, state your name and position with the Board of Elections, in the record, please.
(Ms. Carmona was previously affirmed.)

MS. CARMONA: Ninevetch Carmona, Deputy Supervisor to---

MR. KINLAW: Okay. And in that capacity, you did work to help people who came to One-stop to vote and/or register and then vote; is that correct?

MS. CARMONA: Yes, Sir.

MR. KINLAW: All right.

CHAIRMAN STONE: Hold it down or take it out.

MR. KINLAW: Mr. Chairman, I'm gonna suggest that Ms. Graham start naming the people and asking her a question that she can answer in order. I just want to make sure that we're able to get in the transcript the name of the person and the alleged address first, so.---

CHAIRMAN STONE: I agree with you.

MR. KINLAW: ---can we do that, Ms. Graham?

MS. GRAHAM: Sure.

MR. KINLAW: Thank you, go ahead.

MS. GRAHAM: Ms. Carmona, you were involved in the register and voting of Clyde Elysee Saint-Amand)?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: On October 31st of this year?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: At One-stop?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Where he registered and voted, all at

the same time?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: As well as Lee A. Cooper?

MS. CARMONA: Yes, Ma'am.

MR. KINLAW: Whoa, whoa, stop. When you--when you call that one out, can we ask her what your question is of her, on that one?

MS. GRAHAM: On each one individually?

MR. KINLAW: Yes.

MS. GRAHAM: Okay. When you assisted Mr. Amand with registering to vote you already previously testified that he presented a lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And it was not a federal HUD lease of any type?

MS. CARMONA: No.

MS. GRAHAM: It was a private lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And it was a private lease that did not, in fact, have his name on it?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And it was actually a lease that was dated for a time period that had not yet occurred, December 15th of 2013?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And Mr. Amand had not other type of identification?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And the only way he was allowed to register was the use of this lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And he, in fact, voted?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And the same regards with Mr. Lee A. Cooper on October 31st, he attempted and did, in fact, register and voted at One-stop?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And he, in fact, did attempt to use the same lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And it, in fact, did not have his name on it?

CHAIRMAN STONE: I think she's not--are you clear of what she means by "his" name on the lease?

MS. CARMONA: On the lease?

CHAIRMAN STONE: Yeah, the lease itself?

MS. CARMONA: The lease itself?

CHAIRMAN STONE: Yeah, as the tenant, not the person leasing to.

MS. CARMONA: Got a name, just the name of his name, just his name.

MS. PEGUISE-POWERS: So, did each one then present their own lease to you on that date?

MS. CARMONA: Yes, Ma'am.

MS. PEGUISE-POWERS: Okay, thank you.

CHAIRMAN STONE: All for the same residence?

MS. CARMONA: Yes, the same residence, 809 West 3rd Street, Pembroke.

CHAIRMAN STONE: I think she was misunderstanding you. There was a name on the lease. Each individual person had a individual lease.

MS. GRAHAM: Okay. And did this lease also as well have a date that had not occurred as of yet?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did, in fact, Mr. Lee A. Cooper not have a valid identification with a current address showing that residence of 809 West 3rd Street?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And he was allowed to participate, register, and vote?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. In the case of Kiont R. Jones, did you, in fact, assist him on October 31st in registering date voting?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did he also have the same and similar lease agreement?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Being dated with the date that it had not yet occurred?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: With the same address?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And did he also not have the required proof of residence being a type of identification that is required with that current address on it?

MS. CARMONA: He had out-of-state ID.

MS. GRAHAM: All right. So, he did not have any type of identification with his current address?

MS. CARMONA: No.

MS. GRAHAM: All right. Or any other type of identification that could be used to register?

MS. CARMONA: Just the lease that he showed me.

MS. GRAHAM: Only the private lease?

MS. CARMONA: Yes, and a out-of-state ID.

MS. GRAHAM: And a out-of-state ID. And he was allowed to vote?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And Quincy Leon Austin, did you assist him on October 31st with registering to vote, and voting?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And did he, in fact, have the same, similar residential private lease agreement?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: That was dated a date that had not yet occurred?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did he also not have any type of current identification with that current 809 West 3rd Street, Pembroke, address on it?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And he was allowed to register and vote that day?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: As was the same case with Tren Lloy-Kimble Harris?

MS. CARMONA: Harrison.

MS. GRAHAM: Oh, I'm sorry, Harrison. Did you assist him with voting on and registering on October 31st?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did he present this same similar lease, residential lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And did he also not have the current valid identification---

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: ---with a current address?

MS. CARMONA: With his out-of-state ID.

MS. GRAHAM: He had a out-of-state ID?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And Vincent A. Franklin, did you assist him on that same day as well?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And did he have the same or similar type of issue with the lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And did he have the same similar type of issue with not having current identification with a valid address as to the current residence?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. As well as Montrae K. Williams? Did you assist him on that day?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And he presented with the same or similar lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And he did not provide any type of current, valid identification with that address on it?

MS. CARMONA: Yes, Ma'am, just out-of-state.

MS. GRAHAM: Okay. And did you assist Kadar K. Sweezer?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did he also present himself with a lease?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And did he also not have current, valid identification with that address listed?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. And he was allowed to vote as well?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: As well as John Manuel Brens?
MS. CARMONA: I didn't help him, but---
MS. GRAHAM: You did assist him?
MS. CARMONA: ---yeah, it was done here at the front office.
MS. GRAHAM: Okay. And do you know who assisted him?
MS. CARMONA: It's just machine 104.
MS. GRAHAM: Okay. And are you aware of how he was able to register to vote?
MS. CARMONA: No, Ma'am. Cause I'm inside of my office in the back.
MS. GRAHAM: Okay. And if he was able to register to vote, would there be proof of what requirement was made available to get---
MS. CARMONA: I---
MS. GRAHAM: ---his registration?
MS. CARMONA: ---I can't answer cause I'm not up here. I was--I'm a--in the back office.
MS. GRAHAM: Okay. Would someone from the Board of Elections have that information available to him?
MS. CARMONA: I don't know if she's not--it's one of the One-stop vote worker.
MS. GRAHAM: Okay,---
CHAIRMAN STONE: She's asking if this---
MS. BLEDSOE: It would have been one of the One-stop workers.
MS. BLEDSOE: They were asked and they did not recall.
CHAIRMAN STONE: ---she's asking at this time can you verify what type of ID was used, to your knowledge, when you came out---
MS. BLEDSOE: I have no proof or anything, but it followed the pattern, they all---
MR. KINLAW: That's not the question. The question is, you don't know or you do know what kind of ID was it?
CHAIRMAN STONE: Do you know what all the people in question were using for ID?
MR. KINLAW: She states she doesn't know.
MS. PEGUISE-POWERS: Well, specifically, she's asking about this guy. And she doesn't know.
CHAIRMAN STONE: Yeah. The one Angie had when you came out to confront the rest. Okay.
MS. GRAHAM: And Ms. Carmona, to your knowledge, as of these date with the first eight individuals, has anyone provided any type of valid information that could be used for registration purposes?
MS. CARMONA: Ahm---
MR. KINLAW: Objection to that.
MS. PEGUISE-POWERS: Exactly. We'll object to---
MR. KINLAW: That's not---
MS. PEGUISE-POWERS: ---hearing.
MR. KINLAW: ---that's not the--I believe that's already been---

MS. PEGUISE-POWERS: We had made the determination---

MR. KINLAW: ---discussed in the challenge hearing, and the Board will take judicial notice of that. If you have new evidence you want to introduce---

MS. GRAHAM: We do.

MR. KINLAW: ---then that's fine.

MS. GRAHAM: That'll be fine, Your Honor. We have no further questions of Ms. Carmona.

MR. KINLAW: Is she---do you have any questions, Mr. Hunt?

MR. HUNT: Yes. Ms. Carmona, as to, I guess, the first eight names--and I want to make sure--this two--the first eight names that were called out were the eight names that you actually registered; is that correct?

MS. CARMONA: Yes, Sir.

MR. HUNT: And you registered each of those individuals; is that correct?

MS. CARMONA: Yes, Sir.

MR. HUNT: And they were allowed to vote?

MS. CARMONA: Yes, Sir.

MR. HUNT: And at some point in time--at what point in time was it determined that there was questions about the registration?

MS. CARMONA: After that I already helped all of them.

MR. HUNT: After you had helped all of 'em?

MS. CARMONA: Yes, Sir, the eight.

MR. HUNT: Okay. And was that after they had already voted?

MS. CARMONA: Yes, Sir.

MR. HUNT: Okay. Now, once--and--and--and you said "after". Was it that same day?

MS. CARMONA: Yes, Sir.

MR. HUNT: So that was October 31st?

MS. CARMONA: Yes, Sir.

MR. HUNT: Now, at that time, did anyone at this board send them any kind of written notification that there was a question about their registration?

MS. CARMONA: Yes, Sir.

MR. HUNT: So, something was mailed to them?

MS. CARMONA: Yes, Sir.

MR. HUNT: When was that mailed?

MS. CARMONA: Normally, we send the new registration, like, two days. We have in two days prior.

MR. HUNT: Okay. Now, that--and that was to verify the registration? What was that mailing for?

MS. CARMONA: To verify if the person who registered and voted the same time that they're saying that that's where they live at.

MR. HUNT: Okay. Now, I guess my specific question is, was there anything mailed to 'em notifying them that there was questions about the document that they used and you accepted to register them to vote?

MS. CARMONA: No, Sir, not the--not that I can recall.

MR. HUNT: Okay. Are you familiar with the statute that requires the Board to mail--to notify them if there is questions about their registration?

MS. CARMONA: I'm--but I'm not sure.

MR. HUNT: Did anyone ever inform you to send them any kind of notification because their registration was in question?

MS. CARMONA: The only thing that I know is, when Ms. Tina went outside and talked to the person who brought them.

MR. HUNT: Okay. Do you know if she provided them individually, anything about the registration, there being concerns about the registration?

MS. CARMONA: She talked to them about the--the lease that they brought with them.

MR. HUNT: Do you have any kind of documentation in the file at all that would show that they were notified?

MS. CARMONA: No, Sir, nothing.

MR. HUNT: Nothing further.

MS. CARMONA: I just---

MR. KINLAW: Any follow-up questions?

MS. GRAHAM: Ms. Carmona, you were present here at our last hearing, when we had our challenge?

MS. CARMONA: (Nods head affirmatively.)

MS. GRAHAM: Can you answer out? Can you answer out? You were present here at our last hearing at our challenge?

MS. CARMONA: Can I rephrase?

MS. GRAHAM: No, you were present, you were here?

MS. CARMONA: Yes, yes, Ma'am.

MS. GRAHAM: Okay. And the eight individuals that we just listed out, they were present as well?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: And they received notice about their vote being challenged?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: All right. And the Board of Elections sent 'em notice, did they not?

MS. CARMONA: The challenge? Yes, Ma'am.

MS. GRAHAM: Okay. And in that challenge, you were present when Ms. Tina Bledsoe testified, were you not?

MS. CARMONA: Say what, again?

MS. GRAHAM: You were here--you were--you were present when Ms. Tina Bledsoe testified?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM:: Okay. And she testified that she went out to the parking lot and spoke to the individuals about their registration?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Okay. Nothing further, Your Honor.

CHAIRMAN STONE: Okay.

MR. KINLAW: For the record, the cases that have

been discussed have already been considered in challenge hearings. They were exhibits in the challenge hearings D1, D2, D3, D4, and D5, D7, D8, and D9.

And the Board will take judicial notice of the findings that you made in that case.

MS. PEGUISE-POWERS: We did.

MR. KINLAW: The Board did not, of course, consider registration at that time cause it wasn't an issue on challenge.

CHAIRMAN STONE: It was a challenge, not a protest, so it wasn't an irregularity, so we did not consider registration issues, only residency. If I understand myself correctly---

MR. KINLAW: Any other questions of our witness?

CHAIRMAN STONE: Yes, if I may?

MR. KINLAW: Yes, Sir.

CHAIRMAN STONE: On the date in question, being, I think, we've made it October 31st, these individuals that were just mentioned to you, was there something unusual about the number of folks that came in to One-stop at once, all of a sudden, at that particular time?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: Did it seem to sort of overwhelm the judges who were running the actual One-stop and you ended up with the overflow;---

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: ---is that correct?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: At some point in time was a red flag raised and you brought it to the attention of Director Bledsoe?

MS. CARMONA: By the time that I had to go out there, someone already told me, like, someone in the hallway was hollering that--to stop everything. And that's when my director was outside, talking to the person.

CHAIRMAN STONE: At any point after those registrations and One-stop votes were cast, did you personally realize that you had made an error?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: And what did you do about that?

MS. CARMONA: I talked to my director, and--I was going to like--I was informed that we could challenge those vote, but I was told that somebody else decided to challenge the vote.

CHAIRMAN STONE: Who informed you to prepare a challenge on those 10 voters that were in question at the time?

MS. CARMONA: My director.

CHAIRMAN STONE: And who else?

MS. CARMONA: And my chairman of the Board.

CHAIRMAN STONE: And were those challenges prepared and ready to be filed before the deadline at 5:00 on Election Day?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: Were some other challenges for

the same voters delivered to the Board of Elections by other parties other than the Board of Elections?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: That's all.

MR. HUNT: If--if I may, Mr. Kinlaw, just to follow up?

MR. KINLAW: Okay.

MR. HUNT: So, Ms. Carmona, a challenge was prepared, if I'm understanding, but a simple letter was not prepared to send out to say, look folks, we've got a problem with your registration, you need to clean it up? That wasn't done; is that correct?

MS. CARMONA: Yes, Sir.

MR. HUNT: Nothing further.

MS. GRAHAM: If--if I could?

CHAIRMAN STONE: One more question. Were you under the impression and the understanding that when they were personally told by your director in the parking lot that their registration was in question that that was information enough to inform them?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: Thank you.

MS. PEGUISE-POWERS: Is that the state law?

MR. KINLAW: I don't know that she would be expected to know that.

CHAIRMAN STONE: Yeah, I--I--I don't even know that. We'll get to that probably.

MS. GRAHAM: Ms. Carmona, you testified that you realized you had made a mistake, made an error. Of these nine names that I've gone over, did you report that error to the State Board of Elections?

MS. CARMONA: Yes.

MS. GRAHAM: And you believe that to be an irregular event that took place?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Nothing further, Your Honor.

MR. KINLAW: I only count eight names that there's been testimony by her question of registration.

MS. GRAHAM: That's the reason why I just asked the question about all nine, did she report all nine.

MR. KINLAW: Did you understand the question, because I'm reading that there more than nine as reported.

CHAIRMAN STONE: What information?

MR. KINLAW: I know there's more than nine was reported. And you're sure you understood the question?

MS. CARMONA: Can you repeat it, please?

MR. KINLAW: Repeat the question?

MS. GRAHAM: When you reported the error, the original names that I read off to you were nine names. Did you report all nine of those names?

MS. CARMONA: The only--the one that I done, yes.

MS. GRAHAM: Okay, so then you're saying out of these nine names you only reported eight?

MS. CARMONA: It was--well, the other one was

reported, but it--I wasn't--I didn't do that one.

MS. GRAHAM: You didn't do the reporting, but you're aware that it's been reported?

MS. CARMONA: Yes, Ma'am.

MS. GRAHAM: Nothing further.

MS. PEGUISE-POWERS: And Ms. Carmona, do you know if these individuals were given an opportunity to appear here today by way of subpoena?

MS. CARMONA: Today, Ma'am?

MS. PEGUISE-POWERS: Yes.

MS. CARMONA: I---

MS. PEGUISE-POWERS: Do you know? Yes or no?

MS. CARMONA: No.

MS. PEGUISE-POWERS: You don't. That's fine if you don't know. Okay, thank you.

MR. KINLAW: Any other questions of this witness?

MS. GRAHAM: No.

CHAIRMAN STONE: I had one and I lost it.

MS. PEGUISE-POWERS: Well, reserve the right to recall her.

MR. KINLAW: I'm right there with you. You can stand down.

Ms. Bledsoe, you were--did you want to say something and testify to anything on this issue?

MS. BLEDSOE: I just wanted to say in reference to the voters being notified that their registration was in question, that a challenge letter was mailed to those voters on November the 6th, and that they would have the opportunity to present any evidence.

MR. KINLAW: But we've already taken judicial notice of a challenge hearings. Note that the record shows that there were ten people notified. One was excluded and the other nine were included in the registration.

MS. PEGUISE-POWERS: And appeared and we---

MR. KINLAW: And we are taking judicial notice of that.

CHAIRMAN STONE: We determined their residency in the residency challenge hearing. And I remember my question.

MR. KINLAW: We have not heard any new evidence on residency.

MS. GRAHAM: But I have another witness.

MR. KINLAW: And that was my next question. Do you have any more witnesses?

MS. GRAHAM: We do.

CHAIRMAN STONE: May I go back to Ms. Carmona and right there would be fine. She's sworn.

You said you realized that the process of registering these voters with a not-authorized form of ID, that you acknowledge you did that.

Is that a normal process in the typical One-stop election process that happens at the Board of Elections, or is this something that was irregular that you took and ID'd it as not acceptable? Is that something that normally happens, or it just happened this--these few times?

MS. CARMONA: It's--it's like, they send like--send people right there in the back--in the back where I'm at.

CHAIRMAN STONE: Are you saying like it was a orchestrated effort to just flood you with people? That's what I was trying to get at. Okay.

MR. KINLAW: I don't even think we need to go there, Mr. Chairman, and I think that---

CHAIRMAN STONE: We're there.

MR. KINLAW: ---the question of---

CHAIRMAN STONE: We can move on now.

MR. KINLAW: ---irregularity is the a Board decision, so it really wouldn't fair to ask her. She did say that she--the only time that she allowed registration--am I correct, the only time you allow registration occurring violation of 163-82.6A(b)(2) was in those instances you just testified to?

MS. CARMONA: Yes, Sir.

CHAIRMAN STONE: She's referring to this day, this day of events.

MR. KINLAW: Okay. Ms. Graham, you have a witness?

MS. GRAHAM: We do. We have Mr. Charles McNeill, the Principal of Riverside Christian Academy.

MR. HUNT: I--I would object on the record to any evidence regarding residency. The way I read the challenge statute, the issue of residency's been decided by vote of this board, and if there--the only relief available with respect to the issue of residency is an appeal to Superior Court.

You don't get a chance to re-litigate it. That issue's been litigated. So, my position is, if you want to go down that road, Superior Court's available for an appeal on the residency issue.

MS. PEGUISE-POWERS: Amen.

CHAIRMAN STONE: I agree with you, Mr. Hunt. We have already discussed residency, but we're here to discuss irregularities, and although maybe I would have like to have seen him here at a earlier date, if all he's got to offer is residency, it's nothing that---

MS. GRAHAM: But, Your Honor, we would say that what did take place was an irregularity and this witness does have some information about that irregularity, and that at a protest hearing we are able to address residency as we have, and any new information should be considered, because it is such a serious issue that goes to the vote.

CHAIRMAN STONE: This information wasn't available at the challenge hearing?

MR. KINLAW: Well, let's have him testify. The State Board can decide whether they need to hear it or not. Let's have him testify.

MS. GRAHAM: Thank you, Sir.

MR. HUNT: And I just reiterate my objection for the record.

MR. KINLAW: It's of record. You want to call your witness, call him now?

MS. GRAHAM: Yeah, Mr. Charles McNeill.

MR. KINLAW: Stay on point now, don't wander around.

MS. GRAHAM: I've got two, three, simple questions. (Witness affirmed.)

CHARLES McNEILL, was at this time called as a witness on behalf of Mr. Dial; having first been duly affirmed, testified as follows:

MS. GRAHAM: Will you please state your name for the court?

MR. McNEILL: Charles E. McNeill.

MS. GRAHAM: And Mr. McNeill, you are currently the Principal at Riverside Christian Academy?

MR. McNEILL: Yes, uh-huh.

MS. GRAHAM: And you heard the earlier at nine names that we listed out?

MR. McNEILL: Yes, uh-huh.

MS. GRAHAM: Okay. And you're familiar with those individuals?

MR. McNEILL: Yes, uh-huh.

MS. GRAHAM: Let me go one-by-one. Is Clyde E. Saint-Amand ever been a student enrolled at Riverside Christian Academy?

MR. McNEILL: No, unh-huh.

MS. GRAHAM: Has Lee A. Cooper ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, unh-huh.

MS. GRAHAM: Has Kiont R. Johnson (sic) ever been a student enrolled at Riverside Christian Academy?

MR. McNEILL: No, unh-huh.

MS. GRAHAM: Has Tyren Lloy-Kimball Harris (sic) ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, unh-huh.

MS. GRAHAM: Has Lee A. Cooper ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, unh-huh.

MS. GRAHAM: Has Vincent A. Franklin ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, Ma'am.

MS. GRAHAM: Montrae K. Williams ever been a student enrolled at Riverside Christian Academy?

MR. McNEILL: No, Ma'am.

MS. GRAHAM: Has Kadar K. Sweezer ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, Ma'am.

MS. GRAHAM: Has John Manuel Brens Has ever been a student enrolled in Riverside Christian Academy?

MR. McNEILL: No, Ma'am.

MS. GRAHAM: Okay. Quincy Leon Austin, can you tell us when he was a student?

MR. McNEILL: September the 24th of 2013.

MS. GRAHAM: And did there come a time when he was no longer a student?

MR. McNEILL: October the 7th, 2013.

MS. GRAHAM: So essentially, for two weeks he was a

student in a Riverside Christian Academy?

MR. McNEILL: Yes, uh-huh.

MS. GRAHAM: Okay. And John Howard Arn--well, never mind. Okay, we'll leave that out. Nothing further, Your Honor.

MR. HUNT: Mr. McNEILL, do you know if there are students enrolled at any other institution here in the county?

MR. McNEILL: Yes, uh-huh.

MR. HUNT: Where are they enrolled at?

MR. McNEILL: RCC.

MR. HUNT: Nothing further.

MR. McNEILL: May--may I say---

MR. HUNT: Yes, Sir.

MR. McNEILL: ---the eight guys she's got on the list, they--they are prep--prep stars, and they come to our school to use our facility, and they come there, you know, study sometime for the AC and the S.A.T., SAT, you know. And when we dismiss school at 2:30, they come in at 4:00, you know, practice and if the coach wants to take 'em up to, you know, study for the SAT or where they doos (sic)it at home, that's, you know. We had that last year, and we hadn't got it this year, you know.

MR. HUNT: So--so is that something that they regularly do as far as using your facility to prep for the ACT and the SAT?

MR. McNEILL: Well, like I said, I don't know how--you know, they did do it some times I don't know how, you know, how often they do it, you know, cause, like I say, I leave at 3:00 and they come in at 4:00, you know.

They practice with our--our varsity, a basketball, you know, like I said, if we had it last year, you know, some we trying, you know, that's on a probation up to this year, you know, see if there's something, yeah.

MR. HUNT: And--and you are aware that they're students at RCC?

MR. McNEILL: Yes, uh-huh.

CHAIRMAN STONE: You say that you--you did it last year?

MR. McNEILL: Yes.

CHAIRMAN STONE: With these very same students---

MR. McNEILL: No, they had---

CHAIRMAN STONE: ---basketball players---

MR. McNEILL: No, prep--prep of stars they--they, like, fifth-year seniors and they can only do it one, you know, one year. And they go, you know, try to get better, you know, for college--we had two or three to go to--one went to South Carolina State, you know, for a basketball scholarships, and try to get the grades--lot of these kids that think their--their SAT scores is not, you know where it ought to be.

Under ACT they try to better it where they can get a, you know, to the next level, you know.

CHAIRMAN STONE: Okay.

MR. McNEILL: Some makes it and some don't make it, you know.

CHAIRMAN STONE: Is that typically for a certain time frame, or is it for as long as they want to be here---

MR. McNEILL: No, the--the--like I said, it only one year, you know.

CHAIRMAN STONE: So,---

MR. McNEILL: So, like, last year, we--we got two on there was here last year, but they only made, like, De--December they--they went home. And when the--had our eligibility for this year, you know, cause of difference--differentials in the coaches they--they didn't get along.

So they, you know--I see some of the--just be the, you know, last year, you know probation see if it works, you know, just--just trying to help, you know, better kids' education and, you know, the--for the--you know, scholarship, you know.

CHAIRMAN STONE: I understand. Thank you.

MR. McNEILL: Sometimes, you know, some of 'em work, some of 'em, you know, they don't, so.

MR. KINLAW: Any further questions? You can stand down. Anything else, Ms. Graham?

MS. GRAHAM: We'd call Ms. Bledsoe. She can testify from where she's at.

MR. KINLAW: Probably not from the recording. She needs to come over here.

(Tina Bledsoe was previously affirmed.)

MS. GRAHAM: Can you please state your name for the court?

MS. BLEDSOE: Tina Bledsoe.

MS. GRAHAM: Now, Ms. Bledsoe, at our previous challenge hearing involving these remaining nine individuals, you testified that you went out to the parking lot before these individuals left; is that correct?

MS. BLEDSOE: That's correct.

MS. GRAHAM: And you had a conversation with them and their coach?

MS. BLEDSOE: That's correct.

MS. GRAHAM: Now, just a reminder, do you recall how many people actually arrived on the scene on the date in question to attempt to vote?

MS. BLEDSOE: I was told it was 18.

MS. GRAHAM: Okay. And out of those 18, only 10 people actually voted; is that correct?

MS. BLEDSOE: Yes, because once I approached the--the van and was questioning, they left.

MS. GRAHAM: Okay. And essentially, out of those ten, we now have nine being protested here today, and of those nine individuals, did you do a further investigation and follow-up as to their registration?

MS. PEGUISE-POWERS: Excuse me? Is this not re-litigating the issue that we've already taken judicial notice of?

MR. KINLAW: Yes.

MS. PEGUISE-POWERS: So we just---

MR. KINLAW: I---

CHAIRMAN STONE: Beating a dead horse.

MR. KINLAW: ---was sitting here thinking that-- that probably--I haven't heard any new evidence. This witness testified at these hearings. We have transcripts of her testimony. Are you actually gonna ask something new?

MS. GRAHAM: I can.

MR. KINLAW: Well, what is it?

MS. GRAHAM: Ms. Bledsoe, in your mind, would the events that took place on October 31st irregular?

MS. BLEDSOE: Were they irregular, yes.

MS. GRAHAM: And how so?

MS. BLEDSOE: Well, we've never---

MR. HUNT: Objection to her---

MS. BLEDSOE: ---had that situation before.

MR. HUNT: ---testimony as far as what's irregular. That's a Board decision. The Board can hear her testimony that she can testify as to what happened, but that's the Board's decision to determine if it was irregular or not irregular.

MS. GRAHAM: And I'm saying she's a board employee. She knows what's regular. She knows what's irregular.

MR. HUNT: She's not a board member. That's their problem, it's not hers.

MS. GRAHAM: Your Honor, we're not asking her to testify about a finding. We're asking her to testify in her opinion as to what happened that day.

MR. KINLAW: I don't consider that new evidence. Do you have anything else?

MS. GRAHAM: Well, I'd ask the Board to rule on that, cause I don't think we addressed it---

CHAIRMAN STONE: It's not---

MS. GRAHAM: ---at the challenge hearing.

CHAIRMAN STONE: ---new evidence, I mean--I think we quite clearly have hashed it out that we wouldn't allow that to happen in the election if we could help it, and it doesn't happen.

MS. GRAHAM: Then nothing further.

MR. KINLAW: Mr. Chairman, referring to the transcript that you took judicial notice of, at that time we identified these individuals by the letter "D" and the numbers hyphenated to 'em, as I stated before. There was an exhibit in that file.

And it appears that Ms. Graham and Mr. Hunt are--or Ms. Graham is raising a question of irregularity sufficient to make a difference in the outcome of the election for the candidates that D1--or the individuals listed as D1, D2, D3, D4, D5, D7, D8, D9, and she's also raised D10, but offered no evidence to that effect.

Do you want to make an argument as to why the Board should consider this in light of the fact that they've already ruled on the challenge?

MS. GRAHAM: Yes.

MR. KINLAW: Go ahead and make it.

MS. GRAHAM: Pursuant to the statute, we believe

that a violation of the election law or irregularity has occurred. We would believe that it is, in fact, of such a significant number with nine individuals that it would have had an effect on the outcome of the election essentially because we're at a point where there's a tie, and we're breaking a tie.

That had that conduct or had--had the individuals in charge been able to stop it before it took place, they would not have been able to register.

The would not have been able to vote, and we wouldn't be here today, protesting their vote, and it wouldn't of had a out--an effect on the outcome. And we believe there's substantial evidence to show that even from testimony from the Board of Elections that this is irregular.

This is not something that happens, you know, in the voting season. And there's substantial evidence to show that it was a violation of election law and that it substantially serious cast doubts on the results of the election.

CHAIRMAN STONE: Say that last line again?

MS. GRAHAM: There is seriously-cast doubts on the apparent results of the election.

MS. PEGUISE-POWERS: Are you familiar with State versus--well, the state of the relation of J.H. Quinn versus T.D. Lattimore, it does appear in their annotations in Chapter 163.

MS. GRAHAM: No, but if I can get a copy I'll be happy to look over it.

MR. KINLAW: It's an 1887 decision?

MS. PEGUISE-POWERS: It is a--and a Supreme Court law, it's not been overruled. And it says---

MR. KINLAW: But the new statute's been on the books since that one--that rule. Is it cited in that statute, cause I didn't see it?

MS. PEGUISE-POWERS: Yes, Sir.

MR. KINLAW: It is?

MS. PEGUISE-POWERS: If you'll turn to page 93---

MR. KINLAW: I don't have it---

MS. PEGUISE-POWERS: Oh, okay.

MR. KINLAW: ---but if you want to read it in the record.

MS. PEGUISE-POWERS: All right. Lattimore is cited several times---

MR. KINLAW: Right.

MS. PEGUISE-POWERS: ---in 163-82.2, when it speaks to the general principles of registration and I'm going down to irregularities.

But at head note A, "A vote received and deposited by the judges of election is presumed to be a legal vote, although a voter may not have complied with the requirements of the registration law; and it then devolves upon the party contesting to show that it was an illegal vote, and this cannot be shown by showing that the registration law has not been complied with."

"A party offering to vote without registration may be refused this right by the judges for not complying with the

registration law. But, if the party is allowed to vote and his vote is received and deposited, the vote will not afterwards be held to be illegal, if he is otherwise qualified to vote."

"And where a voter has registered, but the registration books show that he had not complied with all the minutiae of the registration law, his vote will not be rejected. If a voter is registered in one township, he has no right to register and vote in another. But if he is allowed to do so, his vote received and counted, and otherwise qualified." But I read the portion that's relevant to this case.

CHAIRMAN STONE: I agree with that 100 percent. When a vote is cast on Election Day and his is a secret ballot, it should not be denied and it shall be counted.

MS. PEGUISE-POWERS: And he's been otherwise qualified, all nine of them under the count---

CHAIRMAN STONE: If he does not qualify and he cast his vote, is--so be it, it's done. And that doesn't necessarily change the results in an election or order a new election.

But there has been an amendment to the General Statute 163-182.12, which doesn't allow an election to be reconstructed when ballots of known voters are lost or for incorrect situations were allowed to vote and the retrievable ballots are--they can't--they are known.

They were One-stop ballots that are being questioned here. Not as to the residency now, but as to the irregularity of the way they were registered to vote. And--and that's to safeguard to One-stop--that is the only safeguard to One-stop, is if it's proved that they shouldn't have voted or they voted inethically (sic) or illegally or by intimidation or whatever, that their ballot could be retrieved.

And the recent amendment--and correct me if I'm wrong, Mr. Kinlaw--in 2009, gives the State Board of Elections the authority to reconstruct an election based upon irregularities, not necessarily call for a new election. So there is a process to resolve it.

MS. GRAHAM: Your Honor, that would be my argument that is a--the Board should do all that it can do to reconstruct the inaccurate election into an accurate election to prevent the possibility of a new election.

CHAIRMAN STONE: The key word is "accurate" there.

MR. HUNT: And our--and our argument, Mr. Chairman, is simply that 163-82.4(e) is the correcting registration forms, and it does say the registration form statute.

If a letter would have been generated similar to the challenge letter, pursuant to this statute saying, you got a bad registration, you better come clean it up, or your vote won't count, I promise you I wouldn't have an argument.

But because if it's so simple to generate that same --a challenge letter it would have been a--been a very simple procedure to document notice given by letter, saying, look, you're not properly registered, come down here and clean it up.

And I'd submit to the Board that once we determined

at the last hearing that that was an issue, that we've got fishing license for every one of them young men, and that clearly complies with the statute as far as what they can bring in to properly register.

CHAIRMAN STONE: That would.

MR. KINLAW: You want to introduce that as entered---

MR. HUNT: I would like to introduce that into evidence. And those are copies and I have all the originals.

MR. KINLAW: We are gonna number them--all of them eleven.

MS. PEGUISE-POWERS: Eleven A, B, C, D. You already made it to---

MR. HUNT: Yeah. You can do 'em---

MR. KINLAW: I'll hand 'em to you and you can tell us what you've done. I think that would be simpler.

MR. HUNT: Yeah.

(Hunt's Exhibit Numbers, "11", "12", "13", "14", "15", "16", "17", "18", and "19" are marked for identification.)

MR. KINLAW: Mr. Chairman, can we take a five-minute break while you digest this debate?

CHAIRMAN STONE: Yeah, that would be fine.

MR. KINLAW: Thank you.

(Off the record at 8:50 P.M.)

(On the record at 8:57 P.M.)

MR. KINLAW: Mr. Chairman, does the Board want to take action on the nine candidates--or nine voters' issue that are raised by Ms. Graham tonight, or do you want to recess and come back and make your decision in the morning?

CHAIRMAN STONE: That's at the pleasure of the Board. I really have no preference whether we finish this one up and then recess or recess and come back tomorrow.

But it's all got to be dealt with either way. And--and in a appropriate time. We did make it quite clear Saturday we were gonna recess at 9:00 and come back on Friday morning at 9:30 to finish it up.

MR. KINLAW: I'd request we go ahead and recess. You can sleep on this issue and we can--it can be the first issue in the morning.

CHAIRMAN STONE: I think there--there's some agreement amongst the Board that they want to clarify a couple of matters of laws themselves, and a little bit of time wouldn't hurt them to be able to clear and fairly make a decision on their own. I'm ready to move forward or one of those would make a motion.

MS. PEGUISE-POWERS: I make a motion to recess.

CHAIRMAN STONE: Do we have a second?

MS. GRAHAM: I second.

MR. LOCKLEAR: Second.

CHAIRMAN STONE: We want to recess till 9:30 in the morning. Will you have time to go over that. I'll let you borrow my book. We'll stand in recess till 9:30 tomorrow morning and we will take this matter up right here where we

begin. Any of those that we already talked to, already dealt with, no need for you to return.

(Testimony concluded tonight. Recessed at 9:00 P.M.)

(On the record at 10:05 A.M.)

LUMBERTON, NORTH CAROLINA, FRIDAY, NOVEMBER 22, 2013

10:05 A.M.

CHAIRMAN STONE: This is the continuation of an originally scheduled meeting to consider protests. We are out of recess and back in session. Mr. Kinlaw?

MR. KINLAW: Thank you, Mr. Chairman. There was two matters that were for the Board to consider that were basically not completed last night. Before we go to new evidence you need to finalize your decision, if possible, on the subpoena list number Six, Ms. Schmale. Smiley (sic).

MS. PEGUISE-POWERS: You were right the first time.

MR. KINLAW: Schmale. Sorry. We would--I think it was--my notes show that it was, basically, tabled until you had a chance to look at the registration document, photo registration documents. She was at One-stop and she voted and registered in the same day.

MR. LOCKLEAR: It's not in that packet either.

MR. KINLAW: Do we have that--I know we had last night. Do we have it handy for you?

CHAIRMAN STONE: I think one of these packets.

MR. LOCKLEAR: I don't have it.

CHAIRMAN STONE: I don't have it.

MR. KINLAW: It was one of the exhibits. I think it's---

CHAIRMAN STONE: The voter registration of Carla Marie Schmale.

MR. KINLAW: ---Number One or Two.

CHAIRMAN STONE: Exhibit One?

COURT REPORTER: Board of Elections or Mr. Hunt?

MR. KINLAW: Yeah, BOE. It would be the---

CHAIRMAN STONE: One-A.

COURT REPORTER: One-A.

CHAIRMAN STONE: One-A.

MR. KINLAW: Okay, thank you. Could you pass that to the Board? One of you would like to put in the issue-- if I recall there are two addresses on the registration line.

Remind you you're still under oath, Ms. Bledsoe, the--is there any notation on the exhibit--would there be a place on the exhibit to note the type of identi--ID that was used to register? Would there be any notations on it typically.

MS. BLEDSOE: Who's it in question to?

MS. PEGUISE-POWERS: Carla Marie Schmale.

CHAIRMAN STONE: The voter registration application does not show anything as to what ID---

MR. KINLAW: I did not see anything to indicate the method of identification. So, we do not have anybody who can testify or would know what was used; is that correct?

MR. LOCKLEAR: Well, she provided a license number.

MS. BLEDSOE: It's a visual. It's a visual.

MR. KINLAW: The thing is, the license number could be one or the other address. That's what I don't know.

MR. LOCKLEAR: That's what I'm saying. If she had the original---

CHAIRMAN STONE: Does anybody know?

MR. HUNT: I--I--I've got a--let's see---

MR. KINLAW: Do you have a driver's license?

MR. HUNT: See if--if that next exhibit is that--

CHAIRMAN STONE: I think that's what we were waiting on last night.

MR. HUNT: Yeah. There's a driver's license.

CHAIRMAN STONE: We never did get that.

MR. HUNT: There's a driver's history that shows the first address is her address on her driver's license.

MR. KINLAW: And that has not been introduced?

CHAIRMAN STONE: No.

MR. KINLAW: So, this will be Hunt's--what is his next number?

CHAIRMAN STONE: That's what we were waiting on last night. We didn't have it and somebody said they had it.

MR. KINLAW: So, this will be Hunt's twenty.

(Hunt's Exhibit Number "20" is marked for identification.)

MS. GRAHAM: Did she have a driver's license or an identification card?

MS. PEGUISE-POWERS: When you did the new change form from 10/22----

MR. LOCKLEAR: She marked "driver's license."

MS. PEGUISE-POWERS: Ms. Bledsoe, do we have a--the date of the registration change form from 10/22?

MS. BLEDSOE: It's not in the packet.

MR. LOCKLEAR: For Schmale?

MS. PEGUISE-POWERS: Yes.

MR. LOCKLEAR: No, it's not in the packet.

CHAIRMAN STONE: And this is an original registration?

MS. BLEDSOE: Yes, Sir. 10/22/13.

CHAIRMAN STONE: Which meant ID would have been provided, Ms. Tina?

MS. BLEDSOE: It has a driver's license number listed and the last four digits of Social Security number.

CHAIRMAN STONE: Well, that would determine which address she was allowed to register at.

MS. BLEDSOE: The voter ID was presented. But it doesn't specify what type of ID it was.

MR. KINLAW: Do the attorneys want to make any more statements before the Board votes?

MR. HUNT: Just--just simply that the first address on the registration and the address on the driver's license are the same address. Our argument would be that's her address. That's what she wrote down first.

She--somebody wrote down--there's a second address on there, but the first address on that registration form is clearly the same address that's on her driver's license, which

is outside the town.

MS. PEGUISE-POWERS: And the second address for application is a P.O. Box, so clearly, that's not a physical address.

CHAIRMAN STONE: I'm inclined to make a motion to --to remove this vote and ID it for reconstruction. Can I make a motion to do so?

MR. LOCKLEAR: Second.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: Motion second, all in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Aye. Carla Marie Schmale has been removed and ID'd for reconstruction.

MR. KINLAW: Thank you, Mr. Chairman. The next matter that needs to be finalized is the argument made by Ms. Graham, opposed by Mr. Hunt, on the nine individuals that were D1 category and during the challenges that you judicial notice of.

If it's all right, I'm gonna let the attorneys make an argument on their position, summarized argument on their position to the Board. The facts having already been presented. Ms. Graham make the first since she's the one who had them removed or considered illegal.

MS. GRAHAM: Your Honor, in this matter I believe the statute is clear that if there's substantial evidence to believe that violation of election law or other irregularity or misconduct did occur, and it was sufficiently serious to cast doubt on the apparent results of the election, then the Board in this matter must do something to correct that.

And we're asking that you find it be an illegal registration allowed to be an illegal vote that should be removed and corrected, the canvass.

In this matters there's been brought up some issues that the Board was to notify these individuals, and didn't. Well, we would say that the challenge, in fact, put these people on notice that their registration was, in fact, an issue and that at hearing they were present, they were represented by an attorney, and they still, in fact, knew that this registration was at issue, that they had up until the day before the canvassing to correct that issue, and that they failed to do so.

It's that same attorney who's arguing, well because you didn't send a notice and you didn't put 'em on notice, that they didn't have an opportunity to correct that the day before canvassing.

Well, it's that same attorney who had an obligation, I believe, to put 'em on notice that if you're gonna fix this, you better fix it the day before canvassing.

And here we are today. It's not been fixed. It's not been correct. I would allege that the time for correction has passed pursuant to the statute, and that it was not corrected. I believe they had judicial notice by the

challenge, by the challenge hearing, by being present, by being represented by an attorney, that their registration was defective.

I believe that that is sufficient enough cause to show that there is, in fact, an irregularity, that the Board members--excuse me--the Board of Elections employees have testified that this was an irregularity, and because of the closeness of this vote, I believe there's enough substantial evidence to show it would have had an--a great effect on the outcome of this election, and it casts serious doubt on this election.

I believe the fact that we had a hearing about residency does not satisfy and remedy because we have not heard a hearing on registration.

MR. HUNT: Mr. Chairman, Board Members, the statute's quite clear. If you look 163-82.4(e), the statute's clear that if there is a questionable registration, there's obligations on the Board of Elections to notify these folks.

And there was no written notice sent out. There's evidence that a letter was sent out about a challenge. A challenge is a challenge. A challenge is not anything to notify them that their registration was in question.

Our position's simple. You sent 'em out--and I said this last night, if this Board would have sent out a letter pursuant to 163-82.4(e), and had said, look, you got a problem with your registration, clean it up. And they happen to come in here and clean it up, absolutely, they--they shouldn't be in here.

But that's not what happened. That's not the facts that we're dealing w. The facts that we're dealing with is they were not notified. There's nothing--nobody's said that a letter was sent out to them saying, look, you got a problem with your registration, come in and clean it up.

That's not what had happened. Quinn versus Lattimore is good law. It's on point. And this situation and we'd say the residency's been established, and without question, the proper thing to do in this situation is to let the votes stand because we've shown if they would have been notified that there is proper documentation now that would have been very proper for them to have registered with. That's in the record.

It would have been an easy cleanup if they'd have been notified. They weren't, and if you're gonna penalize anybody it shouldn't be the voter.

CHAIRMAN STONE: I agree with you--your argument, Mr. Hunt, that there is a process for correcting voter registration forms, if they fail to complete any required item.

And if there was enough information to enable the County Board of Elections to identify and contact the voter, per statute cited, Section E, "The voter shall be notified."

The big question is, to your argument, was that voter notified? The flip side of that we have--Ms. Crystal said they had judicial notice. We have the statements and testimony from Ms. Tina Bledsoe that they were notified in the parking lot that they had used improper ID, which allowed some of the

others to decide not to even go through with the process.

The big question is, we did identify 'em. Did we contact 'em appropriately? I mean, is judicial notice sufficient? They--they did appear at a residence hearing to establish residence.

At that time several of 'em showed some ID, but nothing with that residence that would make them legitimate voters. Can you tell me why they didn't have some that day?

MR. HUNT: Well, I mean, simply, I mean, they were never put on notice about that registration was an issue. When we first knew that registration was an issue, within a couple days we had fishing license for every one of 'em.

And my point is if wed have known it and--in proper time we could have did the same thing we done then.

CHAIRMAN STONE: But would those fishing licenses and the date on 'em been appropriately--appropriate enough to make them legitimate voters on the 31st when they came to vote?

MR. HUNT: That--that's not what the statute says, Mr. Chairman. The statute's clear that they have up until 5:00 P.M. on the day before the county canvass.

So, my position is, October the 31st, you realize you hadn't made a mistake, put a letter in the mail.

And there was--there would have been nothing to prevent then from doing the same process with the fishing license prior to that time.

But if you don't do that, if you don't comply with the statute, and don't put 'em on notice, then they shouldn't be the ones penalized.

CHAIRMAN STONE: And your argument, the only notice that would have been sufficient would have been a letter in the mail to them?

MR. HUNT: Absolutely.

MR. LOCKLEAR: My question's quite different, in that, you know, it states that if the voter fails to complete any required item on the voter registration form, whether it be her contention that nothing on the form was incomplete to require notice, because they did provide address and information. They filled out the form correctly.

MS. BLEDSOE: Normally, it does apply to IQ letters. We send out IQ letters to people that register before the book close and things like that, and they don't complete the registration form. And that give them an opportunity to---

MR. KINLAW: Well, what he's saying is that the form itself was completed.

MR. LOCKLEAR: Yeah.

MR. KINLAW: Not questioning---

CHAIRMAN STONE: It was completed.

MR. KINLAW: ---facts on the form, but the form itself was complete.

CHAIRMAN STONE: With improper ID.

MS. PEGUISE-POWERS: The issue really is that if the Board felt--people at the Board of Elections, our staff, felt that they had registered improperly and been improperly allowed to vote, at that time we should have put them on notice

that they needed to cure this defect, that they needed to do something to come back to register with proper identification. That was not done.

There's nothing--no one has testified that that was done. And there is case law to the effect that if there is a--a public employee that makes a mistake in the favor of the voter, then it's our mistake that we have to own up to. And that's what clearly happened here.

MR. HUNT: And--and--and "E" is clearly a curative statute, Mr. Chairman.

MS. GRAHAM: Makes the argument is is it's curative to the form, not to the actual presenting of ID in the statute that we're arguing about.

MR. HUNT: Well, part of that form is that you've got to have proper ID. I mean, you can't--I mean, I mean, that's just part of what you got to do and--with the form.

And it--and if you don't do it, then obviously you've not complied with the application form.

MS. GRAHAM: Well, they complied with the application form. They didn't comply with the identification part.

CHAIRMAN STONE: And--and--and this--this is all part of the general principles of voter registration section the general statutes, that it--it goes to there and it goes to the--the contents of the application form, 163-82.4.

And the contents of the application form and--states correcting registration forms to enable a person to be able to cast a vote on Election Day and not show up on Election Day and be surprised that--well, I didn't know I forgot to put my birth date year.

And--and that would apply, in my mind, if they would have registered that day and came back another day to vote. But they registered and had already cast their vote.

Further in the section, we--we go to 163-82.6, in-person registration and One-stop voting. We all know that's a whole different ballgame. I mean, that's totally different than general principles of registration.

It--it's a new ball of wax, and the in-person registration and voting at One-stop is a unique animal in itself, and it's very different, and it requires certain types of ID to register and vote at that time.

My opinion is it was not provided, but we--to verify that registration, if we can't verify it, that person's vote shall be counted, unless the Board determines that the applicant was not qualified to vote in accordance with the provisions of the in-person registration and voting at One-stop section.

And to be qualified for that, they have to meet the ID requirements that provide proof of residency as well as proof of their status as a citizen. And--and that's the point. I--I just don't--I don't feel like they meet the in-person registration voting at One-stop qualifications, even if they were residents.

And we do have some ID that was dated some time after

the election. If it would have been dated before Election Day or on the October 31st. And they--they quite clearly knew when they left here that day that--that they did not follow the proper process as far as identification. Just my thoughts.

MS. PEGUISE-POWERS: And even if they knew that they didn't follow proper process, but they registered and they voted, how were they put on notice that they need to cure this? That's the issue?

And we've found them qualified to vote. So, therefore, they registered, they're qualified to vote then, and they voted. And we--we counted up their ballots.

MS. GRAHAM: And our argument, that would be to have an attorney here who was present and participated in the proceedings and knew that their registration was at issue, and it was clear that it was at issue.

MS. PEGUISE-POWERS: And at that point, they came in and they testified. So they satisfied the challenge issue.

MS. GRAHAM: They satisfied the challenge issue as to residency, but not as to registration because we weren't allowed to address it at that time.

MS. PEGUISE-POWERS: And that wasn't brought up. So, now that it's been being addressed, they've now satisfied that with the fishing licenses. So in my mind, both of these things are clear.

CHAIRMAN STONE: If it was that simple, then, why not the other eight or the determined to be residents, pretty much, of the place, why didn't they just simply go get a fishing license, come right back?

MS. PEGUISE-POWERS: No one told 'em to.

CHAIRMAN STONE: They never came back.

MS. PEGUISE-POWERS: No one told 'em to.

CHAIRMAN STONE: They were told the ID they had was not proper ID and they could not do what the other ones had done.

MS. PEGUISE-POWERS: Not being there we don't know why they didn't do what they didn't do, but the other people did what they were supposed to do, and here we are.

CHAIRMAN STONE: Any questions, Mr. Kinlaw?

MR. KINLAW: I'm---

CHAIRMAN STONE: Mr. Locklear?

MR. KINLAW: ---just listening. I'm just listening. I think basically the--the issue's come down to, first, there's not a lot of guidance, other than the general principle that everybody has the right to vote.

The question is, where do they have the right to vote? And that's always what these hearings seem to come down to.

CHAIRMAN STONE: And the process is uniquely different between---

MR. KINLAW: Yes.

CHAIRMAN STONE: ---regular voting and registration and One-stop same-day registration voting. The process is different. The requirements are different. And--and the reason they are is--is so there can be some way to

identify improper registrations---

MR. KINLAW: What bothers me is that, I sit here thinking, if I had been told by staff that I didn't have the proper ID, I'm not sure I would ask 'em, well, what's good ID? And these are first-time voters, so,---

MS. PEGUISE-POWERS: 18-19-year-old kids.

MR. KINLAW: ---and--and--and I had to look it up. I'll be frank with you. It's not something that's just a top-of-my-head as the possible options. And if--if you read the statute as a remedy to cure an error, the right to vote is preserved if a person can establish the residency before canvass.

And a reasonable person would think, well I proved where I live, didn't I establish residency? And here we are, arguing on whether or not to had a piece of paper.

And they did produce the piece of paper after the fact. I don't read anywhere in the statute where it says the date that has to be, but common sense would say it would have to be before 30 days before the election that it was issued.

CHAIRMAN STONE: Correct.

MR. KINLAW: But if I never thought I needed an ID, and I've been living in this house for two years, and you tell me I got to get one, I would go get one then, because it's easy--I--I've never shown my ID. Everybody knows I'm old. I can get discounts wherever I go. So,---

CHAIRMAN STONE: Well, I'm one of those that---

MS. GRAHAM: But at the same time---

CHAIRMAN STONE: ---have to show mine quite frequently. And if it's expired I can't even cash a check.

MS. GRAHAM: But I believe that the Director testified that she went out and she had a discussion and she told 'em what was wrong and she told 'em what they needed to do.

MS. PEGUISE-POWERS: But at that point they had cast their ballots. So, were they put on notice?

MR. KINLAW: She's at a conundrum.

MS. PEGUISE-POWERS: Yeah, I mean, were they put on notice, if you don't go do this, we'll pull the ballot out and not count them.

MR. KINLAW: It's not unreasonable to think that they could have--you know, you could make an argument for 'em that they thought, well, the next time before the next time I voted I got to get my ID.

MS. PEGUISE-POWERS: Uh-huh.

MR. KINLAW: It's communicate--verbal communication is always suspect. But it is an issue that's before the Board. Either it's an illegal irregular activity that could result in a problem in the ballot. They're identifiable ballots. Or residency, fishing license, everything's been established?

CHAIRMAN STONE: I'm not saying that they've committed anything illegal by trying to do it with improper identification. I'm just saying they didn't meet the required identification and documentation at the point in time they presented themselves to vote.

MR. KINLAW: I would be much more inclined to go with that argument in--because it's One-stop, I'm more inclined to go with the--I'm more inclined to go with Ms. Graham's argument because we failed to register.

But in every instance that's proper, there is a remedy to fix an error that's made by government people.

CHAIRMAN STONE: There is a remedy.

MR. KINLAW: If you've got billed wrong, you get a refund, so forth and so on because the government work for the people, not the other way around. And we're not perfect. So in that respect, I think it comes down to the decision of the Board as to where your philosophy lies. And I would suggest, you know, we've beat this horse as much as we can. Y'all want to vote on it.

MS. GRAHAM: And the last argument I would have to make is that these are nine votes that will seriously cast doubt on the results of election. These are not nine votes that will, no matter what we do, it's not gonna matter. This is nine votes that they are gonna determine this election.

CHAIRMAN STONE: Well, I think, you know, I want everything to be open and all the true numbers to come out in the end, whatever they may be. And that's always been my contention and hopefully we follow that process.

I agree they showed up. They may have had good intentions to register and vote and use the--an ID that, at first, they may have thought was appropriate. They were allowed to use an identification document that was not acceptable under the General Statutes 163-82.6(a)(2).

They didn't meet those guidelines. Under normal standard operating procedure they would not have been allowed to vote, except by a provisional ballot, which at a later time could have been determined to be valid or invalid.

It was an error in judgment, a mistake made by the Board of Elections. But that doesn't discount the fact that that's not a normal procedure. That doesn't normally happen at the Board of Elections.

It was an irregularity, something that happened out of the context of the normal procedure of the Board of Elections. So I say it was irregular, and it could have had an impact on this election in more than one way, in more than one race. Is there a motion?

MR. LOCKLEAR: I ain't ready for a motion. There's a bunch of law here about this stuff.

CHAIRMAN STONE: There is.

MR. LOCKLEAR: I mean, I'm still pounding it out.

MR. KINLAW: You want to---

MR. LOCKLEAR: I got a question. You said you had case law on it.

MS. PEGUISE-POWERS: About the public being-- well,---

MR. LOCKLEAR: The public employee---

MS. PEGUISE-POWERS: Yes, being responsible. And I---

MR. LOCKLEAR: Yeah.

MS. PEGUISE-POWERS: ---I read that yesterday, and that was--I know it was a 2011 statute book, but when this is a 2012. I didn't get to research it further, but there is case laws to that effect. And that's the---

MR. KINLAW: From 1897.

MS. PEGUISE-POWERS: No.

MR. KINLAW: Yeah, it's current and it redundant.

MS. PEGUISE-POWERS: Yeah.

MR. KINLAW: It's resplendent throughout the --cases that if--that's one reason the statute that he was reading was prepared, is that there's a guidance to where, yes, you're required to do A, B, C, but if you don't, what happens.

And eventually, the courts say to fix this. Give 'em some way to correct the error or make it clear or we're gonna correct it. So, the statute's the---

CHAIRMAN STONE: I don't have as much conflict with keeping these voters on the books because at this point they have established some ID or something. But I still have a conflict by not identifying them as possible material for reconstruction of the events of the election.

If they made application using the current ID at this date I think it would work fine during a One-stop process. I think they could actually do a registration form or just show up at the next election, just show up with this hunting license, and they would be allowed to vote.

But they didn't have it when they cast their ballot, and they never presented it, and it--and no if, ands, or buts, it was improper part of the process.

MS. PEGUISE-POWERS: But the question is, if it was improper and we didn't do what we were supposed to do, then we count that as irregular, when they could've cured it so it wouldn't be irregular.

CHAIRMAN STONE: Well, I---

MS. PEGUISE-POWERS: Is that what---

CHAIRMAN STONE: ---I think your argument is if we don't allow it to stand we're doing an injustice to the voter.

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: By the same token, if we do allow it to stand as it is, we may be doing an injustice to a candidate.

MS. PEGUISE-POWERS: Right.

CHAIRMAN STONE: May or may not, I don't know.

But---

MS. PEGUISE-POWERS: But how would you go---

CHAIRMAN STONE: How do you balance the difference,---

MS. PEGUISE-POWERS: ---about a candidate---

CHAIRMAN STONE: ---we don't.

MS. PEGUISE-POWERS: ---when we've already established that this was a resident. If we've done what we're supposed to do, then they would've been able to vote regularly and in accordance with the law.

CHAIRMAN STONE: The---

MS. PEGUISE-POWERS: That's the problem.

CHAIRMAN STONE: ---the residency issue has been dealt with and, you know, residency was established, but, you know, different evidence that may have been heard last night, which didn't pertain to residence, may have affected that.

I mean, I--and I can't help but remember the whole ball of wax.

MR. LOCKLEAR: When we've done the challenges, establish residency, did that qualify them to vote?

MS. PEGUISE-POWERS: Yes.

MR. LOCKLEAR: And that's what we determined?

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: In my mind, that qualified them that they were residents at that residence within that municipality.

MR. LOCKLEAR: Okay.

CHAIRMAN STONE: But they still didn't follow the process to provide proper ID. And if they would've--if we had not of had an irregular circumstance of making an error, then we would not have allowed them to vote a regular ballot on that date. We would've allowed them to vote a provisional ballot.

And they would've had opportunity to come in and establish the ID.

MR. KINLAW: But the truth remains that you have resolved the question of whether they had--they could've registered or not---

MS. PEGUISE-POWERS: Uh-huh.

MR. KINLAW: ---by the fact that you established a residency.

MS. PEGUISE-POWERS: Exactly.

MS. GRAHAM: Well, see---

MR. KINLAW: So, I mean, that's---

MS. GRAHAM: ---we---

MR. KINLAW: --there's the---

CHAIRMAN STONE: And---

MS. GRAHAM: ---argue the opposite thing just because they were a resident doesn't mean they're registered properly. And we didn't have a registration hearing when we had a residency hearing because we were not allowed. And as far as registering, everyone agrees there's no irregularity.

MR. KINLAW: Yes.

MS. GRAHAM: Everyone agrees it has a substantial affect on the results and that casts doubt. That is the word-for-word language of the Statute for a protest whether its irregular that they were allowed to vote. It's irregular that they weren't sent a letter. It is irregular, and it casts serious doubt on the vote.

MR. KINLAW: But I have a question---

MS. GRAHAM: The answer to it is, what do you do about it.

MR. HUNT: But the curative Statute is there for a reason. It's just not--I mean, they put it there for a reason. And I argue that they put it there for the voters benefit. The voter gets the---

MS. PEGUISE-POWERS: Yes.

MR. HUNT: If you're going to get any--if--you've tossed the ball up. The voter's going to get the benefit of the doubt.

MS. GRAHAM: But that's just---

MR. HUNT: And there's no reason at all once you've established residency knowing that they've not been notified pursuant to the Statute, there's no reason in the world that you should penalize them for somebody else not doing what they should've done.

MS. GRAHAM: Well, my argument to that is, residency is a completely different issue than did they can completely register. Register is by the book. It has a A, B, C.

Residency, we can sit here all day and say, well, grandma got mad at me, and she kicked me out for two weeks, but then I came back. There's no Statute that sits down here says, well, we're going to check off A, B, C, and D, and did you have it for your residency.

There is a Statute that says we're going to look through A, B, C, and D and see if you had it to register. It is a specific Statute on point for a limited purposes of what we're addressing.

Whereas, residency is not. It goes from grandma to aunts to uncles, and I moved next door next week. And I only lived there temporarily because my house burned down. It's a fact base. Registration is a Statute base.

MR. HUNT: But there is a curative---

MS. PEGUISE-POWERS: And what that goes to---

MR. HUNT: ---part in the Statute. And it's not been followed. And nobody can argue that.

MS. PEGUISE-POWERS: And that goes back to Lattimore. What may be a good reason for not allowing a person to register is not always a very good reason for rejecting his vote after it has been cast.

CHAIRMAN STONE: I would--I don't think it would be in--even proposing rejecting their voter status or maybe even their vote. But we all know that, you know, this Board is just going to be--the decision is going to be made by people that are probably wiser than I.

And I don't want to just take this out of the picture where it can't be considered for possible reconstruction if they felt the need to be.

When I really feel--I mean, I just feel it weren't properly registered, so--at the time, and they didn't correct it by canvas date.

They were notified immediately. I mean, it was immediate in person notification that their identification forms was irregular, improper, and questionable according to the testimony that had been heard here. And I guess we're waiting on Mr. Locklear's motion.

MR. LOCKLEAR: I've got a question.

MS. PEGUISE-POWERS: Yes, Sir.

MR. LOCKLEAR: You're saying that it is--let's say these nine people is substantial to the outcome of the race?

MS. GRAHAM: Yes.

MR. LOCKLEAR: If I've counted right, we've already--the nine we done yesterday including Ms. Schmale this morning. We essentially rendered them nine moot,---

CHAIRMAN STONE: Now, wait a minute.

MR. LOCKLEAR: ---right?

CHAIRMAN STONE: We have no idea which way the numbers fall on these ballots.

MS. PEGUISE-POWERS: And I'm not keeping count, because that's---

CHAIRMAN STONE: And I'm not keeping count.

MS. PEGUISE-POWERS: ---not my issue.

CHAIRMAN STONE: I don't know---

MS. PEGUISE-POWERS: It's just one person at the time.

CHAIRMAN STONE: ---if they was--I was asked this morning.

MS. PEGUISE-POWERS: They vote however they vote.

CHAIRMAN STONE: I don't know how many we had

MS. PEGUISE-POWERS: It's their facts and circumstances.

CHAIRMAN STONE: I'm not going to retrieve any ballots. I'm not going to try to compare numbers and say it rules anything moot or makes anything---

MR. LOCKLEAR: Well,---

CHAIRMAN STONE: ---insignificant. Because, you know,---

MR. LOCKLEAR: No, I'm not questioning what they--I don't know how they voted either. My point was, we don't even --we're not going to go into it, right, if they've already been challenged and thrown out. We're not digging into their ballots. We're not retrieving those ballots to examine as far as votes.

CHAIRMAN STONE: We're just identifying them for possible consideration by a State Board in a reconstruction effort if they so chose to decide to try to reconstruct this election in a fair and equitable manner.

MR. KINLAW: The unique thing now in the old days before One-stop, could be tracked,--you either--you counted the votes and viewed them in a light most favorable to the person raising the challenge--or raising the protest.

And you didn't know which way they are. Now, you can actually go back and identify One-stop votes. So, there's a possibility that if votes are--if a vote is questioned and the Board accepts that it follows the same process they might go back, direct this Board to pull those ballots out and do a new canvass.

CHAIRMAN STONE: Or they might not.

MR. KINLAW: They might not, but the---

CHAIRMAN STONE: Obviously, there was---

MR. KINLAW: ---the question she--what she's arguing about is irregardless of which way they voted if you look at the vote as an irregular vote, that means that it should not--there's an argument it should not have been

counted. And you subtract it from the winners tally,--
MR. LOCKLEAR: So, they're going to open it up and
look at the actual way they voted and then subtract it?
They're not going---

MR. KINLAW: No.

MR. LOCKLEAR: ---to just touch that whole---

MR. KINLAW: No.

MR. LOCKLEAR: ---you know, just decrease---

MR. KINLAW: No, they're going to make their
decision---

MR. LOCKLEAR: ---the number of voters?

MR. KINLAW: ---first. I don't think the State
Board or this Board really cares how a person voted. It's
whether they could vote or not. But it's a tie race.

So, it's really hard to view that it--but it would
have an impact in the outcome of the election if eleven (11)
votes were taken out unless, of course, they voted five and a
half each,---

MR. LOCKLEAR: My question was---

MR. KINLAW: ---or ten votes or something like
that.

MR. LOCKLEAR: Let's say there is--there's 299 and
299 makes 598. We've got nine people that we've just thrown
away. Do we automatically throw nine off the top, which means
brings us down to 589, or are we going to open up those nine
and examine their vote?

MR. KINLAW: Well,---

MR. LOCKLEAR: Do you see what I'm saying?

MR. KINLAW: Well,---

MR. LOCKLEAR: Because if that's what we're doing
then---

MR. KINLAW: That's your ultimate---

MR. LOCKLEAR: ---it's the same number.

MR. KINLAW: ---your ultimate decision. But your
reporting that these votes in your--in the opinion of the
Board, these voters were not legally cast. I'm not saying they
committed a crime.

What I'm saying is they shouldn't be counted. And
it's up to the State Board whether they want to take them out
or not.

Now, as far as these ballots that's an irregular
vote, it's a broader category, which is on these nine you're
saying the same thing that if you take nine votes out of a tie
race, it should have to make a difference in the outcome of the
election,---

MR. LOCKLEAR: Okay.

MR. KINLAW: ---you don't have to do the math.
It's just--you know, it's just an argument. And it's--you can
say it wouldn't or it would. But, you know, it's not likely
that there would be four-and-a-half votes. So,---

CHAIRMAN STONE: But the--yeah, not likely, but
this is obviously been a scenario that's happened in other
elections before because, I think it's 2009, there had to be an
amendment to 163.182, which has allowed an election to be

reconstructed instead of a total cost of a town, especially small towns, having to carry the burden of paying for a new election that a reconstruction would be much less costly on the taxpayers.

MR. KINLAW: That is the State Board's decision.

CHAIRMAN STONE: That's the State Board's decision. They will make that, not us. We're just here to gather the information and rule on what we believe may or may not have happened.

And I believe there may have been--I will state and stipulate that there was an irregular activity that is not typical to the standard Board of Election registration process during the same day registration voting.

MR. KINLAW: I think it's clear---

CHAIRMAN STONE: Boil down that's the problem,---

MR. KINLAW: ---that's there an irregular---

CHAIRMAN STONE: ---One-stop.

MR. KINLAW: ---there was an irregular event, more than one. There was an irregular event when the registration occurred, irregular event when the staff failed to notify them in writing in accordance with the Curative Statute he argues about.

I think the issue before this Board is, does the fact that the irregular event occurred make a difference in the outcome of the election, or does the fact that the Board attempted to cure the problem by identifying residency to cure the problem.

So, you've got two issues that are poles apart. And either you're satisfied that you--that these people were entitled to vote and that means that it didn't--wouldn't have an impact on the election, or you believe that they weren't entitled to vote and it would have an effect on the election.

I don't think there's anything else really that you could come up with at this stage.

CHAIRMAN STONE: I agree with your statement that there was an irregular process. And that's what we're here to identify. There was an irregular process. We're not here to identify what to do about it, just to identify whether there was an irregular process.

MS. PEGUISE-POWERS: But the issue also is whether or not they were entitled to vote.

MR. KINLAW: Yeah, you've got an irregular process. Everyone probably agrees on that. But you also have to take the next step to cure the irregularity to where it wouldn't have an impact on the election.

It appears that you are split on whether you cured it or whether what you did cured it.

CHAIRMAN STONE: Well, we don't know how they voted.

MR. KINLAW: It doesn't---

CHAIRMAN STONE: So we don't know if it would've had an impact on the election.

MR. KINLAW: ---it doesn't matter how they voted.

CHAIRMAN STONE: But it could have---

MR. KINLAW: It matters whether---

CHAIRMAN STONE: ---in number of ways.

MR. KINLAW: ---it matters whether or not you resolve that resident voter or not.

MS. PEGUISE-POWERS: Exactly.

MR. KINLAW: I mean,---

MS. PEGUISE-POWERS: Based on our--on the challenge hearing establishing that they are residents and then they come with a fishing license on top of that, we've established that they were entitled to vote.

So, therefore, even though there was an irregularity, there wasn't an impact because they were qualified voters. We've qualified them under the Statute.

MR. KINLAW: Yeah, either the cured--the action you took solved the problem or it cured the irregularity or it didn't. I mean, you've got have it one way or the other.

MR. LOCKLEAR: Well, I've got a question for Ms. Bledsoe. You mailed out the cards.

MS. BLEDSOE: I mailed them out within the 48 hours, yes, Sir.

MR. LOCKLEAR: How many--did you mail them out again?

MS. BLEDSOE: (Nods head.)

MR. LOCKLEAR: Were they all accepted?

CHAIRMAN STONE: Any returned?

MS. BLEDSOE: Some of them were returned.

CHAIRMAN STONE: From that particular residence?

MS. BLEDSOE: Some of 'em were returned.

MR. LOCKLEAR: Did you send them again?

MS. BLEDSOE: Well, we can't process uncollectible mail like nine days prior to an election--until after the elections over with. We can't go back and reprocess them, but we can if they're returned then we---

MS. PEGUISE-POWERS: Do you know whether any of these eight were returned from that address? I think that's his question.

MR. LOCKLEAR: My question was if any of them was sent back as undeliverable did they resend them.

CHAIRMAN STONE: They don't do that until after the election process is over if it comes back the first time.

MS. BLEDSOE: That's exactly---

CHAIRMAN STONE: It's called less maintenance.

MS. BLEDSOE: I don't where I was trying to put---

MR. KINLAW: A good question, but we can't answer it.

MR. LOCKLEAR: Well, if we go to page 107 in the Statute book.

MR. KINLAW: Do you want to read it?

MR. LOCKLEAR: "Second notice if first notice is returned as undeliverable. If the postal service determines notice is undeliverable, the County Board shall send a second notice by nonforwardable mail to the same address to which the first was sent."

So my question was, was the second notice sent?

MR. KINLAW: She should be able to answer that.

MS. BLEDSOE: That's the normal process that we do do.

MR. KINLAW: When would the second notices have been sent on One-stop Voting? 90 days? So, it hadn't been sent yet, had it?

MS. BLEDSOE: Well, that's what the State tells us, you know, any unreturned mail is to hold it 90 days prior to election.

MR. KINLAW: What I'm saying is though, if I voted on October 22nd, you wouldn't be mailing the second notice yet.

MS. BLEDSOE: Right.

MR. KINLAW: So, it's not timely to mail it.

MR. LOCKLEAR: You hold it for 90 days. That's got nothing to do whether you sent a second one or not. You would hold the second one for 90 days as well, right? If you---

MS. BLEDSOE: Well, we wouldn't have processed the first one as being returned.

CHAIRMAN STONE: If it doesn't come back, there is no second mailing until we do list maintenance later on in the next year. If the first notice doesn't come back, then you have no reason to send a second mailing, because it's--you're under the assumption that the person received the mail at that address and that they are aware of their voting status.

MR. LOCKLEAR: You just said that you take the assumption that they are on notice. But if it's returned undeliverable, how are they on notice? It wasn't delivered.

CHAIRMAN STONE: I haven't heard anything about it being returned undeliverable.

MR. LOCKLEAR: Well, that was what---

CHAIRMAN STONE: And the whole--I mean, and I mean, it's fact that the letters were sent, not the registration approval, but the letters concerning the residency hearing and a question about their registration status. They did receive that.

They were hand delivered by a Deputy. The Director told them immediately after the voting process. They were told the day before on-site at the residence that there was a question about their status of their vote.

MS. PEGUISE-POWERS: And did they say what they did?

CHAIRMAN STONE: Huh?

MS. PEGUISE-POWERS: Were they told what to do?

CHAIRMAN STONE: They didn't want to discuss it, that they didn't want to come in. I mean, it was like you didn't show proper ID that is the reason for it.

MS. PEGUISE-POWERS: They weren't talked to--eight people weren't talked to at the point, now clearly, they weren't.

CHAIRMAN STONE: Eight people weren't.

MS. PEGUISE-POWERS: Exactly.

CHAIRMAN STONE: But the three of the residents that were there---

MS. PEGUISE-POWERS: Eight people weren't talked

to.

CHAIRMAN STONE: ---who stated that only five lived there in total. But that---

MS. PEGUISE-POWERS: You can't say--you can't paint just over with the same brush---

CHAIRMAN STONE: I agree.

MS. PEGUISE-POWERS: ---based on that conversation.

CHAIRMAN STONE: Which means, which two or three do we take out, we don't know. Which two or three we keep in, we don't know. I mean, it's beyond me to be able to make the decision to do it. And I'm just trying to expedite the process to a finality of a clean, fair, accurate election.

MR. KINLAW: Mr. Chairman, we've got about ten people here if you want to--table, temporarily set aside, whatever the proper word is--your decision, so we can get started on these other witnesses,---

MS. PEGUISE-POWERS: Yes.

MR. KINLAW: ---I believe it would be better.

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: Say it again?

MR. KINLAW: I'd like to ask that you go ahead and set aside your final decision on this matter while we let--call some witnesses and start so they can be going.

CHAIRMAN STONE: On this matter?

MR. LOCKLEAR: Separate matter.

MR. KINLAW: It doesn't---

CHAIRMAN STONE: I mean---

MR. LOCKLEAR: Table this matter and move on.

MR. KINLAW: Go ahead

CHAIRMAN STONE: We've been into it for--a better part of more time than we should've spent on it. I mean, somebody---

MR. KINLAW: Well, if you're not ready to vote, you're not ready to vote, Mr. Chairman. But we do have other evidence to hear on other matters.

CHAIRMAN STONE: But we need to finish this matter. I think we need to proceed. And I mean, at this time, I'd like to make a motion that we identify those voters for reconstruction and forward that to the appropriate people who make a decision on what to do about it. That's my motion.

Do I hear a substitute motion? Do I hear a second?

MR. KINLAW: Sounds like your motion died for lack of a second.

CHAIRMAN STONE: It is dead. I will entertain---

MR. LOCKLEAR: The case law---

MS. PEGUISE-POWERS: About public officials, you'd like to see that?

MR. LOCKLEAR: Just read it.

MS. PEGUISE-POWERS: I didn't identify it in this Statute book. I know it, and I read it yesterday. But I have to have an opportunity to go back and get to that case law.

CHAIRMAN STONE: Explain it.

MS. PEGUISE-POWERS: But---

CHAIRMAN STONE: Explain it.

MS. PEGUISE-POWERS: I did explain it to him, but he wants to see it so he can read it for himself.

MR. LOCKLEAR: No, no, no, you can explain it.

MS. PEGUISE-POWERS: Okay.

MR. LOCKLEAR: I had a lot of--I was processing like three Statutes you was reading. And so I was hearing---

MS. PEGUISE-POWERS: Okay. If a public official makes a mistake, like with the registration,---

MR. LOCKLEAR: Yeah.

MS. PEGUISE-POWERS: ---the onus is on us as the Agency. We have to accept that we made the mistake. And it benefits the voter.

MR. LOCKLEAR: I make a motion that they were registered.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: Repeat that again.

MR. LOCKLEAR: I make a motion that they were per the--per case law they were--it's on us.

MS. PEGUISE-POWERS: Yeah, they were---

CHAIRMAN STONE: That they were properly registered?

MR. LOCKLEAR: Uh-huh.

CHAIRMAN STONE: There's a motion made that they were properly registered and their votes will not be ID'd by us for a possible reconstruction efforts. Is there a second to that motion?

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: All those in favor say Aye.

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: All opposed. Nay. Let the record reflect I'm in opposition.

Moving on, Mr. Kinlaw, next witness.

MR. KINLAW: Ms. Graham, do you have any witnesses left on the subpoena list, please call them.

MS. GRAHAM: We do. I believe we have the case involving Fallon McNeill.

MR. KINLAW: It's number 19 on the list.

(Witness sworn.)

FALLON McNEILL, was at this time called as a witness on behalf of Mr. Dial; having first been duly sworn, testified as follows:

MR. KINLAW: We need the staff we need to have their registration as the exhibit.

MS. BLEDSOE: I passed that out that to you in your packet.

MR. KINLAW: Okay. I wasn't here when you passed out exhibit--the packet, but I don't have it. Well, I just need one to be made part of the exhibit. You do know what I'm asking for. It's the same document we've exhibited in every case so far.

MS. BLEDSOE: There were seven of these made and they were passed out this morning.

CHAIRMAN STONE: Does that--does it contain Fallon McNeill?

MR. KINLAW: Thank you. I had it covered up. What number will that be for BOE?

COURT REPORTER: "Eight".

MR. KINLAW: Number eight? Go ahead and ask your question. She'll mark it. Give her one she can mark, Ms. Tina.

(BOE Exhibit Number "8" is marked for identification.)

MR. KINLAW: Go ahead and ask your questions, Ms. Graham.

MS. GRAHAM: Please state your name.

MS. McNEILL: Fallon Victoria McNeill.

MS. GRAHAM: And, Ms. McNeill, you're currently residing at 3045 Tom M. Road in Rowland, North Carolina?

MS. McNEILL: No, I stay with my parents. That's just my boyfriend's house.

MS. GRAHAM: Do you live there with your boyfriend, Nolan Locklear?

MS. McNEILL: No, I don't. I just go and see him, like, whenever he's home from work.

MS. GRAHAM: You spend the night there?

MS. McNEILL: Sometimes.

MS. GRAHAM: And how often do you spend the night?

MS. McNEILL: About on the weekends, like, three nights, I believe.

MS. GRAHAM: So, for three nights out of the week, you're in Rowland, North Carolina?

MS. McNEILL: Yes.

MS. GRAHAM: Have you held yourself out to others to be living in that residence?

MS. McNEILL: Well, I guess you can define it as, like, an on-off type relationship, nothing official, like, not marriage, just strictly boyfriend, girlfriend, and like a typical relationship for a young female, my age.

And, yeah, I--sometimes, I would tell people that, you know, we might be spending some nights together or just together. But like I said, on and off, and sometimes, that's not always uphill.

Situations change, and I always come home and that's it. My parents--and like I said, I'm student, and I work, and just come home.

MS. GRAHAM: Do you have your belongings at the home of Mr. Nolan Locklear?

MS. McNEILL: No.

MS. GRAHAM: You don't have any clothes there?

MS. McNEILL: Some of them.

MS. GRAHAM: What type of items do you have there?

MS. McNEILL: I just have, like, a toothbrush, a couple of changes of clothes, iPod, a speaker to go with it.

MS. GRAHAM: And when you spend the nights there, you park your vehicle in (sic) his home?

MS. McNEILL: Sometimes. When I stay there, like, on the weekends and stuff. I got to park my car there.

MS. GRAHAM: And how long have you been dating Mr.

Nolan Locklear?

MS. McNEILL: On and off for about five years.

MS. GRAHAM: And when did you begin staying with him?

MS. McNEILL: Is all this relevant? I feel like it's personal a little bit.

MS. GRAHAM: So, when did you begin spending nights---

MS. McNEILL: About---

MS. GRAHAM: ---in his home?

MS. McNEILL: About a year, nine months or so when-- after we started dating. And that was, like, February 14th of 2009.

I have my documents. They're not like--I don't have any bills in my name, but I've got some other bills from my house. And I got my ID card, travel card. I thought I was going to bring my license, but I don't have those.

MR. KINLAW: Can I see the ID travel card. Let the record show her ID/travel card indicates 709 Harry West Lane, Pembroke NC. Is that your parent's home, too?

MS. McNEILL: 709 or 808 Harry West Lane, yes, Sir.

MR. KINLAW: So it's a corner? What's 709?

MS. McNEILL: Well, the 709 is the mailing address there, and 808 would be the 911 address.

MR. KINLAW: Yeah, I've got the same problem. Do you want to pass that to the Board to look at?

Let me ask you a specific question, whenever you do go to your boyfriend's house, is it your intent to return to your parents home?

MS. McNEILL: Always.

MS. GRAHAM: Nothing further, Your Honor.

MR. HUNT: Ms. McNeill, do you have a bedroom at your mama and daddy's house?

MS. McNEILL: Yes, Sir.

MR. HUNT: And when you go back there, you always got a place to stay?

MS. McNEILL: Yes, sir.

MR. HUNT: Is that what you consider home?

MS. McNEILL: Yes, Sir.

MR. HUNT: Nothing further.

MS. McNEILL: I'm going to change it when I get married.

MR. HUNT: Now, you said you had some other documents?

MS. McNEILL: Yes. I have two advertisements and one bill, a medical bill.

MR. HUNT: All that reflect the 709 Harry West Lane address?

MS. McNEILL: And there's dates on it when those-- that bill was issued and it's current this month.

MS. PEGUISE-POWERS: Did you mark those as an exhibit?

MR. KINLAW: I haven't marked them.

CHAIRMAN STONE: It's just ID.

MR. KINLAW: I'm inclined to say because it's personal information that we just verify it.

CHAIRMAN STONE: And it's verified.

MS. STEPHENS: You told me to mark 8. I don't have it.

CHAIRMAN STONE: He was talking--she was talking about the voter registration/application---

MR. KINLAW: Yeah.

CHAIRMAN STONE: ---that's---

MR. KINLAW: Tina's supposed to hand it to you---

CHAIRMAN STONE: ---Tina had---

MR. KINLAW: ---when I tell you the name. That was the mechanics we were going to use.

CHAIRMAN STONE: There we go.

MR. KINLAW: It's early or late.

CHAIRMAN STONE: All right. Let's--we've got a lot to do.

MR. KINLAW: As far as these exhibits,---

MS. PEGUISE-POWERS: We're ready for a motion.

CHAIRMAN STONE: We're ready---

MS. PEGUISE-POWERS: I move that she's a valid voter---

MS. GRAHAM: Your Honor, we have more--another witness we'd like to call.

MS. PEGUISE-POWERS: Oh, I'm sorry.

MR. KINLAW: If you've got a witness that's going to be--get up here and say that she doesn't live where she says she lives, I mean, people say that about me.

MS. McNEILL: He say she said.

MR. KINLAW: I just don't know how much we need to pursue all of this.

MS. PEGUISE-POWERS: But still, they need to be able to put on their evidence, Mr. Kinlaw.

CHAIRMAN STONE: We'll let her proceed with her evidence.

MR. KINLAW: Put it on.

CHAIRMAN STONE: Is there anything further from Ms. McNeill?

MS. GRAHAM: No, Your Honor.

CHAIRMAN STONE: Thank you for coming.

MR. KINLAW: You can stand down.

MS. McNEILL: Thank you.

MR. KINLAW: If you'll just stay in case there is a follow-up question.

MS. GRAHAM: Your Honor, if we call Mr. Larry McNeill to the stand.
(Witness sworn.)

LARRY DEAN McNEILL, was at this time called as a witness on behalf of Mr. Dial; having first been duly sworn, testified as follows:

MS. GRAHAM: Can you, please, state your name for the Court?

MR. McNEILL: Larry Dean McNeill.

MS. GRAHAM: And your address, Mr. McNeill?

MR. McNEILL: 808 Harry West Lane, Pembroke, North Carolina or 709 Harry West Lane, Pembroke, North Carolina.

MS. GRAHAM: You're the father of Fallon McNeill?

MR. McNEILL: Yes, Ma'am.

MS. GRAHAM: I think Ms. McNeill just testified that she resides with her boyfriend at least three nights a week. How many nights a week does she reside at 709 Harry West Lane?

MR. McNEILL: She stays at my home off and on and I get on her about why don't you make a decision from get from over there and quit going over there and staying two and three days and coming back up here, make up your mind. It's not Biblical right. And I don't stand for it, but that's what she does.

MS. GRAHAM: And how many days a week does she spend the night at your house?

MR. McNEILL: I just told you, Ma'am, two or three days.

MS. GRAHAM: So, this past week how many nights was she in your home?

MR. McNEILL: She was at the house--at this house she was there two days, then she came there on the weekend, on Sunday. I think she seen Allen Dial at Hardee's Sunday morning, early Sunday morning getting biscuits.

MS. GRAHAM: So, this past week, she was there essentially three days?

MR. McNEILL: I just said two days and then Sunday.

MS. GRAHAM: Nothing further, Your Honor.

MR. McNEILL: Wow.

MR. HUNT: Nothing further

MR. KINLAW: Nothing.

CHAIRMAN STONE: Mr. McNeill,---

MR. McNEILL: Yes.

CHAIRMAN STONE: ---and this is your daughter,---

MR. McNEILL: Yes, Sir.

CHAIRMAN STONE: ---who's lived there and was raised in that house with you?

MR. McNEILL: Sir, say that again.

CHAIRMAN STONE: She lived there and was raised in that house with you?

MR. McNEILL: Oh, yes, she knows--she's had a lot of whippings.

CHAIRMAN STONE: And have you ever evicted her, told her not to come back there?

MR. McNEILL: Oh, no.

CHAIRMAN STONE: Do you think she's ever gonna fail to return home?

MR. McNEILL: I want her to. She's off and on. I told her that's not right. But she is my daughter. She is---

CHAIRMAN STONE: Is that her home?

MR. McNEILL: Yeah, she's come home.

CHAIRMAN STONE: Nothing further. Thank you, Sir. Thank you.

MS. GRAHAM: You Honor,---

CHAIRMAN STONE: Are we ready?
MS. GRAHAM: ---that will be our showing.
CHAIRMAN STONE: Are we ready?
MS. PEGUISE-POWERS: I move to accept that Fallon
Victoria McNeill was a valid voter for the November 5th town
elections.
CHAIRMAN STONE: I will second that motion that
Valerie McNeill was a valid voter for the November 5th election
because she does have a home at 709 Harry West Lane. All those
in favor say aye?
MS. PEGUISE-POWERS: Aye.
MR. LOCKLEAR: Aye.
CHAIRMAN STONE: Aye. Motion passes. Thank you
for coming.
MR. KINLAW: Okay, Ms. Graham, your next person?
MS. GRAHAM: It'll be number 21, Judith Jones
Revels.
MR. HUNT: We'd object to anything on Ms. Judith
Jones Revels, Mr. Chair. The protest--these people were added
clearly after the protest, as far as the date on the protest
they were an amendment that--don't fall within the proper
guidelines of the protest and we object to both Judith Jones
and Ingle Jones. It's clear that they weren't---
CHAIRMAN STONE: Judith and who?
MR. HUNT: Ingle Jones.
MR. KINLAW: That's number 26---
MR. KINLAW: Revels, I'm sorry.
CHAIRMAN STONE: 21 and 26, right?
MR. HUNT: 21 and 26, clearly we're not timely filed.
CHAIRMAN STONE: Is this a correct--is it--correct
me if I'm wrong, were these the ones that was brought to our
attention this week?
MS. PEGUISE-POWERS: And they're waiting for
addresses from the---
MS. GRAHAM: Actually, let's see, we do have
addresses on them.
CHAIRMAN STONE: Were they filed before 5:00
deadline last week?
MS. GRAHAM: They were not, but we have good cause
for the reason why they were not filed by 5:00 P.M. deadline,
that on the day of the deadline the election list was not
available till after 2:00 P.M. And the deadline was by 5:00
P.M. that day.
CHAIRMAN STONE: And you couldn't find two names
in three hours?
MS. GRAHAM: That is correct, Your Honor.
CHAIRMAN STONE: Is there anything you had to add
to this, Dinah?
MS. DINAH LOCKLEAR: Voter history is what she's
referring to.
CHAIRMAN STONE: Voter history is what she's
talking about. And it's standard procedure for voter history
to take a that normal amount of time? Were we late in having
that voter history available? And it was available by 2:00?

MS. PEGUISE-POWERS: And she will speak for the record.

MS. DINAH LOCKLEAR: It's--it has to be hand-done, I mean, with a wand. It has to be scanned in individually. And immediately after the election we had two of our employees working on it from beginning to end each day until it was completed.

CHAIRMAN STONE: Did we have it completed and provided before 5:00 o'clock on---

MS. DINAH LOCKLEAR: No, Sir,---.

CHAIRMAN STONE: ---that Tuesday?

MS. DINAH LOCKLEAR: ---it was not completed.

CHAIRMAN STONE: It was done by 2:00? It was available by 2:00 o'clock?

MS. BLEDSOE: The time stamped on what they got was 1:06, but they're saying they didn't get it till after 2:00.

CHAIRMAN STONE: And the deadline was 5:00 o'clock to file a protest?

MS. GRAHAM: And that's correct.

CHAIRMAN STONE: I mean, you have two names here, I mean, the--and you were here at 5:00 o'clock doing last-minute stuff.

MR. HUNT: Mr. Chairman,---

MS. GRAHAM: And Your Honor, we would say that Mr. Dial would like to be heard about it. He was the individual who was here waiting on all morning on the document.

MR. DIAL: I was here at 9:00 o'clock on the morning after those documents went and met with Ms. Graham, at 11:30, had somebody else come here and waited until after 12:00 and then left and went back to Pembroke and got a--Ms. Nine called and said that they were ready.

By the time I left Pembroke and got back here it was after 2:00 o'clock when we received 'em. We were working on the other protests and didn't have time to complete these two with the information that we had got when we noticed 'em.

CHAIRMAN STONE: And it was the voter history that you were using to prepare your protests; is that correct?

MR. DIAL: Yes, Sir.

MS. GRAHAM: That's correct.

CHAIRMAN STONE: And you did use the voter history of course to identify some of the other people?

MS. GRAHAM: Yes.

CHAIRMAN STONE: So you missed these two?

MS. GRAHAM: No, I believe, we---

MR. DIAL: We didn't use the voter's history---

MS. GRAHAM: ---didn't use voter history for those protests---

MR. DIAL: ---to identify the other ones.

MS. GRAHAM: ---cause they were from One-stop, if I'm correct.

MR. HUNT: Mr. Chairman, here's the issue that I have especially with Judith Revels. That person voted One-stop. That was available--that list was available well in advance of that date.

I mean, that list was printed after the One-stop was finished on October the 31st. That list was available. I had that list.

CHAIRMAN STONE: You had that list before Election Day.

MR. HUNT: Absolutely. No question---

CHAIRMAN STONE: So did they.

MR. HUNT: ---about it. Everybody could--had access to that list. And the other list was available in a timely manner. And now if we want to start adding names, I promise you every day since I've been---

CHAIRMAN STONE: Mr. Hunt,---

MR. HUNT: ---in here, I've got new names. So if we're gonna go to adding names, I got you some names.

CHAIRMAN STONE: I--I'm inclined to say you missed your deadline. I don't know what my other Board Members say, but, I mean, you're required to meet a deadline---

MR. HUNT: And so were they.

CHAIRMAN STONE: ---we have to meet a lot of deadlines and there, you know, there's no re-dos. And I don't see it would shed any new light on anything that we hadn't already heard.

MS. GRAHAM: Your Honor, we would say that these issues go to residency for both people using the same address to vote at the--at two different places. And we were not made available until we got the information on Ms. Ingle Jones Revels on--from Election Day from the voter history.

CHAIRMAN STONE: Well, it's a deadline for residency but passed long before the deadline for these protests.

MS. GRAHAM: And we would say, most of all that we heard yesterday were exactly that, residency issues.

MR. HUNT: That were timely filed.

MS. GRAHAM: Filed as protests, Your Honor.

MR. HUNT: And timely filed as protests.

MS. GRAHAM: And again, we've shown good cause for why they were not filed that day and we did not have information from the voter history until 2:00 P.M. that day. Even though we had requested it at 9:00 o'clock that morning.

CHAIRMAN STONE: As respect to Judith Jones Revels as well as Ingle Jones, I find that any challenge or protest to their registration or voting status did not meet the guidelines and therefore will not be considered at this time.

It may be open for another discussion at another venue. A motion made.

MR. LOCKLEAR: Second.

CHAIRMAN STONE: Motion made, properly seconded by Mr. Locklear. All in favor say aye?

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Aye. Mr. Kinlaw?

MR. KINLAW: Right, and Ms. Graham, your next case?

MS. GRAHAM: We have Mr. Johnny Ray Jacobs, number 25.

MR. HUNT: Mr. Chair, for the record, I would object. This is a person that was challenged on residency. The challenge was sustained.

The proper venue, if there is any issues with that, is a appeal to Superior Court, and that statute's abundantly clear, and we'd ask to dismiss any protest which is gonna re-litigate the residency issue on Mr. Jacobs.

MR. KINLAW: That's a good point. What is it you're calling him for?

MS. GRAHAM: We're calling him cause we do have new information that he was, in fact, a homeless person at the time.

CHAIRMAN STONE: Do you have information to state exactly where he lays his head down every night?

MS. GRAHAM: We have him here present and ready to testify, Your Honor.

CHAIRMAN STONE: Well,---

MS. PEGUISE-POWERS: He was not here and present at the last hearing?

CHAIRMAN STONE: He was not---

MS. GRAHAM: He was not.

CHAIRMAN STONE: ---here and present at the last hearing. Residency's already been heard, and I believe the last day is today for a Superior Court challenge on residency. We need to speed along here.

MS. PEGUISE-POWERS: Superior Court is open?

CHAIRMAN STONE: Today's the 10th day.

MS. GRAHAM: And we would---

MR. KINLAW: Homeless people can vote, too, so---

MS. PEGUISE-POWERS: Right.

MS. GRAHAM: We're in the argument that a protest challenge is any type of irregularity, any type of matters can be heard, including that of residency, and that because this is new information that was not available at the last hearing, it can be addressed today, if the Board so chooses.

CHAIRMAN STONE: We have heard the residency. We have made a determination on it, and there is another venue. Two other venues, actually. One of 'em ends today.

MR. LOCKLEAR: So,---

CHAIRMAN STONE: My motion is that the--there's no basis for a protest because this is a residency challenge that was--is pending. The residency's already been determined.

MR. JACOBS: That's not right.

CHAIRMAN STONE: Well, you weren't here.

MR. JACOBS: I didn't have no way down here cause I'm homeless. Got no job, no car. I didn't have no way down here. That's the reason I didn't come. And I was not ordered to come by the law. The law gave me the paper to come, I didn't come. I didn't have no way. That's the reason I didn't come. But I'm here today.

The next time ya'll take these sessions I might not be able to come again. But now I'm debating with--the complaint to be--they got on me is a bunch of false information, it's a bunch of lies.

CHAIRMAN STONE: Well, this tribunal will not be dealing with your issue. Again, it would be up to her as to whether they go forward with it.

MS. GRAHAM: I think the Board---

CHAIRMAN STONE: If we decide.

MS. GRAHAM: ---probably still needs to rule that it's not going to consider the protest and not gonna remove---

MR. LOCKLEAR: I have a suggestion.

MR. KINLAW: It will be in a group that there---

MR. LOCKLEAR: Let me make a suggestion.

MR. KINLAW: ---move into that category--when they make the report?

MR. LOCKLEAR: Swear him in. Make a motion?

MR. KINLAW: Can I ask this question?

MR. LOCKLEAR: Dumb.

MR. KINLAW: Do we know what--what the result of the challenge was? Was his vote counted or not counted?

MS. PEGUISE-POWERS: Sustained, so it wasn't.

MR. HUNT: Sustained.

MR. LOCKLEAR: My point was let him--swear him in. Let him--he ain't got to even speak. You know what I'm saying? But he was given the opportunity to be sworn in as a witness.

MS. PEGUISE-POWERS: Okay.

MR. LOCKLEAR: We didn't deny him---

CHAIRMAN STONE: Okay.

MR. LOCKLEAR: ---his chance to sit in that chair.

CHAIRMAN STONE: I'll withdraw my motion.

MR. KINLAW: Come on back up and we'll put it on the record and it will be in the transcript.

MR. LOCKLEAR: And then we'll just do an immediate motion, you know, do an immediate motion to---

MS. PEGUISE-POWERS: Okay.

MR. LOCKLEAR: He's going to affirm?

CHAIRMAN STONE: Affirm.

(Witness affirmed).

JOHNNY RAY JACOBS, was at this time called as a witness on behalf of Mr. Dial; having first been duly affirmed testified as follows:

MR. KINLAW: Before he starts, do we have--can you hand her as an exhibit the registration paper? And that's gonna be BOE Exhibit Nine.

(BOE Exhibit Number "9" is marked for identification.)

MR. KINLAW: What's the address down on that exhibit.

COURT REPORTER: 203 North Jones Street, Pembroke, his residence address.

MR. KINLAW: All right, Ms. Graham.

MS. GRAHAM: Can you please state your name for the court?

MR. JACOBS: Johnny Ray Jacobs.

MS. GRAHAM: Now, Mr. Jacobs, your address is indicated as 203 North Jones Street, Pembroke; is that correct?

MR. JACOBS: When I voted the first time, yes,

that's my address. But when I voted this time I stayed at 208 Godwin Avenue--Godwin Street with Terry Lambert.

MS. GRAHAM: Okay. Now, when you saying you stayed at 208 Godwin Street with Mr. Terry Lambert, you signed an affidavit to that effect?

MR. JACOBS: I sure did.

MS. GRAHAM: And Mr. Lambert signed an affidavit?

MR. JACOBS: Sure did.

MS. GRAHAM: Now, but you don't actually live in the home with him, do you?

MR. JACOBS: No, I stayed in the van.

MS. GRAHAM: And this van, this is your vehicle?

MR. JACOBS: That's his.

MS. GRAHAM: Okay. And you sleep in that van?

MR. JACOBS: Yes, I--I used to, yeah.

MS. GRAHAM: Okay. And--and in fact, are you a homeless individual?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: Okay. And generally, do you live in the city limits of Pembroke?

MR. JACOBS: I sure do. I got a mailing address in Pembroke.

MS. GRAHAM: And what's your mailing address?

MR. JACOBS: P.O. Box 2661.

MS. GRAHAM: Okay. How long had you been living at 201 (sic) Godwin Street in Pembroke?

MR. JACOBS: Off and on for the last two years.

MS. GRAHAM: Okay. Were you living there on the date when you changed your address with--One-stop.

MR. JACOBS: Yes--yes, Ma'am.

MS. GRAHAM: Okay. And you were living there at least 30 days prior to your voting?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: Okay. And do you con--still continue to live there now?

MR. JACOBS: No, I moved.

MS. GRAHAM: Where'd you move to now?

MR. JACOBS: Back to the 203 Jones Street again.

MS. GRAHAM: And so that's back within the city limits of Pembroke?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: And where are you sleeping now?

MR. JACOBS: In that--in a--in a house.

MS. GRAHAM: Is it a--a general house or is it a abandoned house?

MR. JACOBS: It's an abandoned house.

MS. GRAHAM: Okay. No lights, no water?

MR. JACOBS: Unh-huh.

MS. GRAHAM: Nothing further, Your Honor.

MR. KINLAW: Mr. Hunt?

MR. HUNT: Mr. Jacobs, you say you no longer live at Godwin Avenue?

MR. JACOBS: Right.

MR. HUNT: But you're saying when you came down

here on the 13th you lived at Godwin Avenue?

MR. JACOBS: I sure did.

MR. HUNT: But you didn't make any changes to---

MR. JACOBS: No--no, whoa, whoa. I told--back up. I didn't change that. When I come here to vote, I come right here and voted.

MR. HUNT: Right.

MR. JACOBS: She asked me what's my address and I told her. She couldn't--she said, no, I can't use that address, give me your mailing address. The woman down here that day changed my address to that P.O. Box 2661.

MR. HUNT: Is P.O. Box 2661---

MR. JACOBS: That's my mailing address.

MR. HUNT: Okay. And you're saying 203 North Jones Street was your old address; is that---

MR. JACOBS: That's the old address that I used the first time I ever come down here and voted.

MR. HUNT: Nothing further.

MS. GRAHAM: And Mr. Jacobs, that's the address you're residing at now?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: 203 North Jones Street?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: In Pembroke?

MR. JACOBS: Yes, Ma'am.

MS. GRAHAM: And that's within the city limits of Pembroke?

MR. JACOBS: Yes, Ma'am, right across the railroad track.

MS. GRAHAM: Nothing further.

MR. KINLAW: Now, do you have any type of ID?

MR. JACOBS: Yes, Sir. It's got--it's got a old address on it when I was staying in Lumberton.

MR. KINLAW: Can you hand that up and let the Board look at it?

MR. LOCKLEAR: Did you have a little more hair there Johnnie, than you've got now.

MR. JACOBS: That's me.

CHAIRMAN STONE: Looks like him to me.

MR. HUNT: Did you have a little more hair there, Johnny, than you got now?

MR. JACOBS: No, I was a little bit more heavier.

MR. KINLAW: And would you read that address in the record?

MS. PEGUISE-POWERS: Johnny Ray Jacobs, 516 Butler Road, Lumberton, North Carolina, 28360, issued 4/5/2011.

MR. KINLAW: All right. You can stand down.

CHAIRMAN STONE: Did I withdraw the motion?

MR. LOCKLEAR: Yeah, you withdrew the motion.

CHAIRMAN STONE: I did withdraw my motion? Well, and I--I--back to the point. I'll--I'll redo my motion that this is not the proper forum to make a determination on a residency status. We--we've done that. We heard evidence, obviously, other evidence, more than what we had here.

I don't see any new evidence. Or we could stay here for weeks, people, from every election around, for this. So, I make a motion that we move forward.

There is nothing new here. I mean, we--we ruled on the residency and we've already recalculated the vote accordingly, according to the statute and the process. That part has been done.

MR. KINLAW: So, your motion is to stay with the decision of the challenge.

CHAIRMAN STONE: Right, stay with the decision of the protest, not--I meant the--of the challenge hearing isn't it--this--it didn't meet a timely filing.

MR. KINLAW: You got a second?

MR. LOCKLEAR: Second.

CHAIRMAN STONE: All in favor say aye?

MR. LOCKLEAR: Aye.

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: Aye. Motion passes. Let's move on.

MR. KINLAW: Okay, Ms. Graham, your next case?

MS. GRAHAM: Our next case, I be we're waiting on a witness on--we have Charles Gregory Cummings and we have subpoenaed his son-in-law.

MR. HUNT: I would--I would ask a question about that subpoena, Mr. Chairman. At least I was made aware of that our subpoenas had to be in here by Monday at 1:00 P.M.

And that was certain not on any subpoena list that I had, so I'd ask if subpoenas--if this Board issued subpoenas after Monday at 1:00 P.M.?

CHAIRMAN STONE: The Chairman of this Board did not issue any subpoenas after 1:00.

MS. GRAHAM: We did not. This was a subpoena issued later.

MR. HUNT: By?

MS. GRAHAM: And it was delivered verbally to Mr. Edward Locklear.

MR. HUNT: But who issued the subpoena?

MS. GRAHAM: Mr. Dial signed the subpoena.

MR. HUNT: Nobody has a right to issue a subpoena but this Board.

CHAIRMAN STONE: For this Board's hearings.

MS. GRAHAM: Well, we'd still like a opportunity to get him here. We have a phone number.

MR. HUNT: I'd object to him being here. Again, we had a subpoena list. There was a time limit on it. This Board is the--has the subpoena power, and this subpoena's clearly not a valid subpoena.

CHAIRMAN STONE: Did you know this morning you were gonna need this gentleman here?

MS. GRAHAM: Your Honor, we've been working on him --this morning.

CHAIRMAN STONE: And you're still working on him?

MS. GRAHAM: Yes, Your Honor.

CHAIRMAN STONE: Come on, Crystal.

MS. GRAHAM: Well, at---

CHAIRMAN STONE: I mean, I---

MS. PEGUISE-POWERS:: If he's here by--in time---

CHAIRMAN STONE: I mean, if you can get him here,
we can move on.

MR. KINLAW: Is he---

MR. LOCKLEAR: I'm--that's a different dude--the guy,
sorry.

CHAIRMAN STONE: I mean--I mean, we can move on if
you can get him here before we're through with this particular
issue.

MS. GRAHAM: Mr. Hal, I'd ask that we do the ones--
well no this one--yeah, this one's on the list, yeah, Gregory--
on the list. And that's my last one on the list, I do believe.

MR. KINLAW: Well, let's do it.

MS. GRAHAM: Well, I'm asking that you hold it
open.

MR. KINLAW: We're not going to hold it open.

MS. GRAHAM: And they just indicated that they
would.

MS. PEGUISE-POWERS: Well, do you have someone else
to go besides the person dealing with Mr. Cummings?

MS. GRAHAM: Yes.

MS. PEGUISE-POWERS: Then we could listen to that
person. We can give them an opportunity to get Mr. Cummings
here. If, by the time they finish with this case Mr. Cummings
--or--or their witness is not here, then that ends their
protest.

MR. KINLAW: It's open until you make your
decision.

CHAIRMAN STONE: Right.

MR. HUNT: Based on my review of the list that's
outstanding, they are all re-litigations or residency issues
that this Board's already decided, and I'd just renew my
argument, for the record, that---

MR. KINLAW: And we're gonna give you a chance to
close---

CHAIRMAN STONE: Yeah.

MR. KINLAW: ---on a general summary of that, but
we need to go ahead and proceed. There is time limitations
this morning. We'd like to get through with these people. We
don't want to have to ask 'em to come back again.

So, if you've got a question of this gentleman right
here, Ms. Graham, have him sworn, let's get to it, please.

MR. HUNT: Yeah.

MR. LOCKLEAR: You need a Bible?

MR. KINLAW: And we know what the issues are if
you're going to raise them, we know what the law is, so let's
get to the point.
(Witness sworn).

CHARLES GREGORY CUMMINGS, was at this time called as
a witness on behalf of Mr. Dial; having first been duly sworn,
testified as follows:

MR. KINLAW: All right, Ms. Graham?

MS. GRAHAM: Please state your name for the court?

MR. CUMMINGS: Charles Gregory Cummings.

MS. GRAHAM: And,---

MR. KINLAW: Hold up. Do you have that registration? That's going to be Board of Elections--- (BOE Exhibit Number "10" is marked for identification.)

MR. LOCKLEAR: I think it was provided in that packet.

MR. HUNT: Number 16 on the list.

MR. KINLAW: Mr. Cummings, do you have any form of ID with you?

MR. CUMMINGS: Yes, Sir, I got three sets of driver's license that takes you back to twelve years with my address, 622 Union Chapel Road, Pembroke, North Carolina, 28372.

MR. LOCKLEAR: You got a hunting license?

MR. CUMMINGS: I let them get 'em.

MR. LOCKLEAR: I like that answer.

MR. KINLAW: All right, Ms. Graham, do you have any questions?

MS. GRAHAM: Mr. Cummings, are you aware that when the deputy went out to serve you at 622 Union Chapel Road, he indicated that you had moved?

MR. CUMMINGS: Ma'am, I've not even seen a deputy.

MS. GRAHAM: Okay.

MR. CUMMINGS: Could you tell me what that deputy's name is?

MS. GRAHAM: Charles Jacobs.

MR. CUMMINGS: I have not seen him. I have never---

MS. GRAHAM: That's because you were not at 622 Union Chapel Road, Pembroke?

MR. CUMMINGS: And what time was that, Ma'am?

MS. GRAHAM: It doesn't indicate a time. It was attempted to be served, it appears, after 11/18. When's the last time you spent a night in 622 Union Chapel Road?

MR. CUMMINGS: Last night.

MS. GRAHAM: Okay. And when's the last time you had actual running water and power to that place?

MR. CUMMINGS: Well, right here I have a--Mr. Dial would know knew about this, but I do have a--this is from the Town of Pembroke. I went by and picked it up.

My water is hooked up, and there was a 158 gallons that was used. But it was very minor, and that was during the fact the house is under construction at the present time. As you know, when I came before the Board several years ago---

CHAIRMAN STONE: Let's stick with this issue for the moment.

MR. CUMMINGS: Okay.

CHAIRMAN STONE: For the moment.

MR. KINLAW: So your water's on?

MR. CUMMINGS: Yes, Sir, and it's running.

MS. GRAHAM: When did you have your water turned on?

MR. CUMMINGS: The water was supposed to have been

turned on, Ma'am, about a month-and-a-half ago.

MS. GRAHAM: But when was your water turned on?

MR. CUMMINGS: It's been on all along.

MS. GRAHAM: Are you aware that this started a status on your water bill currently as of 2/21/2013 was inactive?

MR. CUMMINGS: If you look at--all I can tell you is --let me look at that---

MR. KINLAW: Hold, let me mark it. Can we mark this Graham Number--do we know?

MS. PEGUISE-POWERS: For Graham.

MR. KINLAW: Her exhibit.

COURT REPORTER: This is her---

MR. KINLAW: This is the first Graham, Number One? (Graham Exhibit Number "1" is marked for identification).

MS. GRAHAM: Now, you currently have a home at 181 Hazel resident?

MR. CUMMINGS: That's correct, Ma'am.

MS. GRAHAM: Okay. And this is a home in which you spend a substantial amount of time in?

MR. CUMMINGS: I have in the past. Due to the fact I was in the process of a divorce and I had to stay there during that period of time.

MS. GRAHAM: That's your vehicle that in the photograph that's identified there?

MR. CUMMINGS: Yes, it is.

MS. GRAHAM: And your vehicle's generally at this address?

MR. CUMMINGS: Yes, it is.

MS. GRAHAM: Okay. And how many nights a week do you spend at this address?

MR. CUMMINGS: At--on--on Hazel Road?

MS. GRAHAM: Uh-huh.

MR. CUMMINGS: Well here recently, maybe about two, two nights-to-three nights a week in that range.

MS. GRAHAM: So your testimony is is you're residing at 622 Union Chapel Road?

MR. CUMMINGS: That's correct.

MS. GRAHAM: With no water?

MR. CUMMINGS: Huh?

MS. GRAHAM: With no water?

MR. CUMMINGS: With no water?

MS. GRAHAM: Uh-huh.

MR. CUMMINGS: You'll have to excuse me. When I was in Viet Nam I lost some of my hearing.

Yes, there is water there. If you'll go out and look at the meter reading you'll see where it was 100-and-some gallons used.

MS. GRAHAM: And did you also recognize that the water bill was left in your wife's name?

MR. CUMMINGS: Absolutely. She cut it off and I think the day it shows right there--I don't have it in front of me.

MS. GRAHAM: She cut it off in February 2013.
MR. CUMMINGS: That's correct.
MS. GRAHAM: Okay. And has not been reactivated as
of yesterday?
MR. CUMMINGS: That's correct.
MS. GRAHAM: Okay. So as of yesterday, you went
and you reactivated your water bill?
MR. CUMMINGS: Yesterday? No, that was Monday.
MS. GRAHAM: Prior to this hearing---
MR. CUMMINGS: It was Monday or Tuesday when I went
up, because I did not receive a water bill. So I went up and
that's where my water bill was at, because I have--I have a
water bill with the county, and I also have two with the Town
of Pembroke. And this was the third one.
When I was going through the bills, that's when I
noticed that I did not have a water bill for 622 Union Chapel
Road in Pembroke. And I informed them, why not? And let's
just say that--I'd rather leave this staff where it's at--they
just had not cut it on.
MS. GRAHAM: Uh-huh. So you were living in the
home, essentially, since February of this year with no water?
MR. CUMMINGS: No, I've not been living in the home
as of February now.
CHAIRMAN STONE: I'm not seeing any irregularity
or new evidence coming in here.
MS. PEGUISE-POWERS: I need to ask a question.
MR. CUMMINGS: Yes, Ma'am?
MS. PEGUISE-POWERS: Is this an actual exhibit,
the--the photographs?
MS. GRAHAM: No. I didn't ask it to be introduced.
MR. KINLAW: She hasn't labeled it.
MS. PEGUISE-POWERS: Okay. And you haven't asked
anything to be introduced---
MR. KINLAW: Right,---
MS. GRAHAM: Yes, I did ask---
MR. KINLAW: ---that is Number One.
MS. GRAHAM: ---that his---
MS. PEGUISE-POWERS: Okay.
MR. CUMMINGS: That's my County--with the county
water.
MS. PEGUISE-POWERS: Yes, Sir.
MR. KINLAW: And that's her evidence and yours have
not been identified or labeled yet. Is that right?
MS. GRAHAM: Uh-huh.
MS. PEGUISE-POWERS: Okay.
MR. KINLAW: The three he offered?
MS. PEGUISE-POWERS: Now, he offered this, but
not the photographs, so it's the one he offered, right?
MR. KINLAW: All right, we need to label it.
MS. PEGUISE-POWERS: Okay.
CHAIRMAN STONE: Now, are we going to an
irregularity, or are we still on a residence?
MR. KINLAW: We'll get to it. Just label it
Exhibit Hunt.

MS. PEGUISE-POWERS: If he's not represented by--oh, okay.

MR. KINLAW: Well,---

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: ---his position--I suppose.

(Hunt's Exhibit Number "21" is marked for identification.

MR. CUMMINGS: Yeah, I---

MR. KINLAW: He's raised the motion that this is-- shouldn't be considered.

All right. Ms. Graham, do you want to tell us what-- what you're trying to prove here today?

MS. GRAHAM: Our argument is is that Mr. Cummings was irregular in that he was allowed to vote, knowing he was not a resident of the precinct in which he registered to vote at.

MR. KINLAW: Mr. Cummings?

CHAIRMAN STONE: The irregularity would have been us knowing he was not a resident. I mean, we didn't know if he wasn't. And the time for challenging residency is over.

MS. GRAHAM: And this matter, he was registered with an address that he knew himself not to use, such as was everyone we tried yesterday in the protest.

MR. KINLAW: Let me ask the question that matters to me. Mr. Cummings, is it your--was--is that what your--was that where you lived when domestic issues were not a problem?

MR. CUMMINGS: When domestic issues---

MR. KINLAW: The house that you have in town, is that your intent to keep that as your resident?

MR. CUMMINGS: Yes, Sir.

MR. KINLAW: And where they're talking about you staying with the photographs and all that, it's a little old, triangle-shaped cottage out on a river, isn't it?

MR. CUMMINGS: 400 square feet.

MR. KINLAW: Yeah.

MR. CUMMINGS: No air condition---

MR. KINLAW: Your car's bigger than the place.

CHAIRMAN STONE: Well unfortunately, this---

MR. KINLAW: Mr. Chairman, I think there is no new evidence, there's no reason---

CHAIRMAN STONE: ---this is the second time I've visited this registration.

MR. KINLAW: Yes, I think there is no new evidence from the two years ago there's no new evidence.

CHAIRMAN STONE: No.

MR. KINLAW: Certainly not this time. I think--I think you should go ahead and vote on whether to go any further on this one.

MS. GRAHAM: Our argument would be that from two years ago Mr. Cummings continues to be in the same spot to where he was at this home at least two-to-three days a week.

MR. KINLAW: You show me in the statute where there's a timeline on your intent to return home, and I'll read it.

MS. GRAHAM: And our argument---

MR. KINLAW: But you can make this argument against me as much as I'm away from home, working,---

MS. GRAHAM: The argument is is that he's simply keeping this as a--a home that he can use to register to vote, that it's not been worked on,---

MR. KINLAW: Well, as long---

MS. GRAHAM: ---it's not being maintained,---

MR. KINLAW: ---as he's not voting somewhere else, I--and he's--I really don't have a problem with that.

CHAIRMAN STONE: As long as he's not changed his registration? He's never done that, to my knowledge, and he has stated under oath several occasions that he intends to return there, that that's his home place. He owns it. The domestic situation removed him from it.

We've been through that, hashed it out, and it--the time to challenge him would have been before the election, saying he shouldn't be able to vote election coming up. Or, after the election, by the deadline for challenges.

I mean, we did nothing irregular by allowing him to vote. Because he was properly registered there and nobody has proved that he should not be registered there, even though we've been through it before. So, I mean---

MR. CUMMINGS: Mr. Chairman, I'd like to pass these around. These are my taxes on that house at 622 Union Chapel Road, in Robeson County. This is my--my power bill at 622 Union Chapel Road. And I don't want this to go into evidence, but you can look at it. This is from Lumbee Bank, where I just got the loan at 622 Union Chapel Road.

CHAIRMAN STONE: And if he's paying all this just to have a place that he could vote from?

MR. CUMMINGS: Yeah.

CHAIRMAN STONE: That's one heck of a poll tax.

MR. HUNT: I'd like to have a bunch of them.

MS. GRAHAM: And Your Honor,---

CHAIRMAN STONE: We're beating---

MS. GRAHAM: ---the water bill was---

CHAIRMAN STONE: ---a dead horse. This--this is same issue as before. And I make a motion---

MS. PEGUISE-POWERS: We want the property tax and the Duke Energy and the Piedmont Gas, all that entered into evidence.

(Hunt's Exhibit Numbers "22", "23", "24" and "25" are marked for identification.)

MR. CUMMINGS: Yes, Sir. Yes, Ma'am.

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: So, you've got the numbers lined up?

CHAIRMAN STONE: But you don't need to enter it into the evidence. I mean, your residency is not being questioned here. I mean, it's not being decided here.

MR. KINLAW: Mr. Chairman, you want to go ahead and make a motion, so we can go on to the next case?

MS. GRAHAM: Yeah. Mr. Dial would like to be heard in this matter. He's the one filing the protests.

MS. PEGUISE-POWERS: Shh-shh-shh.

(Lots of noise from the audience.)

MR. DIAL: When you referred to this matter had been visited, this is a totally different matter. Two years ago you heard a challenge that said that this gentleman was dislocated because of a court order.

And it's been two years they have settled their differences, him and his wife. And he's still living out at the cabin and haven't moved back in the house, which he has possession of.

MR. CUMMINGS: I did not---

MR. DIAL: You know, you could have two or three different houses.

CHAIRMAN STONE: My--my argument is, yeah, you can have several houses. Where do you intend to vote from, as long as you don't try to vote from two, if you change from one to the other and back and forth, it may establish a pattern.

MR. DIAL: But it's where---

CHAIRMAN STONE: But this is not the venue--this is not the venue for a challenge hearing to be heard on residency.

MR. DIAL: Well, I thought it was where you laid your head and where you slept?

CHAIRMAN STONE: That is if you don't have a residence.

MR. KINLAW: Are you going to vote?

CHAIRMAN STONE: I--I mean, you know, I've made the motion that we're not gonna consider this because it's a residency challenge and it doesn't meet the timely filing.

MR. KINLAW: Did you get a second?

CHAIRMAN STONE: Can I get a second?

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: Motion been made and seconded.

All in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Aye.

MR. CUMMINGS: Mr. Chairman, could you give me just a couple of minutes?

CHAIRMAN STONE: Since you were brought down here this far I'll give you 60 seconds.

MR. CUMMINGS: Okay. Here's the subpoenas that was issued on my son-in-law.

Yesterday, the police officers came out--don't want to do this--not breaking down.

My son-in-law does stay over there at the river. He's a police officer. Yesterday, I was in a funeral. And as this flag--and as this flag was flying in the 21-gun salute took place.

I noticed this mother. Put aside breaking down. With the two sergeants raising their hand. And I went to Viet Nam in '68. I'm a veteran. But I broke down yesterday, cause I had two police officers there.

And Mr. Allen G. Dial--and I don't know why he's

supposed to be issuing these subpoenas--that I have here for my son. These officers did not know how to issue a subpoena--and I looked at it.

I said, this is supposed to be done by the Sheriff's Department. And here they are, recognizing one of their comrades, their--his family and his dad has passed.

His Dad was a Korean War veteran, highly decorated. And what we're getting at is this. How do I tell my son-in-law, Ed Locklear, and this family, and there they're fixing to put the body of their father in the ground, that this gentleman here, this gentleman want me--wanting them to give a subpoena?

No, I didn't. I said, give it to me. I took it and I'm here with it today. (Witness emotional.)

These are the kind that votes. How do you take him and make him--that boy couldn't say nothing where I live at. They go to bed at 9:00 o'clock and get up at 6:00. His wife's a school teacher.

If you want me, A.G., I'm here. You stop me. But this here, you know, if you had lost a mother and father when you, at that moment, you don't--the world around you don't exist. It's what you're putting in the ground.

And this guy is trying to tell these officers to issue it, and he was up there this morning, doing the same thing. In fact, the officer, I--I walked out behind him, had to leave Pembroke to bring the subpoenas; is that correct, Mr. Dial?

CHAIRMAN STONE: Time is up.

MR. CUMMINGS: Yes or no?

MS. PEGUISE-POWERS: That's improper to address Mr. Dial, Mr. Cummings.

CHAIRMAN STONE: Time's up.

MR. CUMMINGS: Yes, Sir.

CHAIRMAN STONE: You're not addressing Mr. Dial. He--you're not challenging him, and I can assure you that this Board did not issue that subpoena. Otherwise you would have got it a week ago--or---

MR. CUMMINGS: Thank you.

CHAIRMAN STONE: ---earlier in the week.

MS. GRAHAM: I would just ask the court to take judicial notice that all the 10 challenges we heard yesterday from the protestor, Ms. Theresa Locklear, were all residence challenges. They were all challenges about where someone resided when they vote.

And at no time was a motion made that they were not timely filed or that they should have been challenges.

CHAIRMAN STONE: But they into irregularities as how some of 'em got to the polls and what they were told, and they came and admitted that they were not residents of X-location, but claimed they were residents of Y-location.

And I'm not gonna rehash--I'm not--they might, I'm not gonna rehash each individual thing.

MS. GRAHAM: But I'm just wanting the court to take judicial notice that the protest was to residency only. And that was the only issue that was---

MR. HUNT: The protest was to the irregular voting of people that voted in the town's election that shouldn't have. That's what the protest was about.

MR. KINLAW: Well, notwithstanding---

CHAIRMAN STONE: And--and---

MR. KINLAW: ---to whatever you're talking about, I've not seen a single person with more evidence of residency than was offered just then. But the Board has made their decision. Bring your next case up.

CHAIRMAN STONE: We're gonna take five minutes.

(Off the record at 11:40 A.M.)

(On the record at 11:56 A.M.)

CHAIRMAN STONE: After a short recess, we're back in session. For everybody's information, can you tell us about how many more we have to consider.

MS. GRAHAM: All the rest of the remaining are those of Margie Ann Haggins, which is a protest filed on the fact that her hearing was irregular along with Mr. Thomas Haggins which his hearing was irregular.

The reason they're indicating in this hearing was irregular all of them were heard at one time in regards to residency which we have caused some confusion, Michelle Hardin.

And then we have on individual who was not available because she was incarcerated, Crystal Nicole Haggins and as well as Jessie Manuel Locklear and I believe the Board has made its point and has been clear how it feels about these.

MR. KINLAW: I would ask one, the Board to let me have Michelle Hardin to testify just so we will have the evidence in the record in case the State Board finds that she was incarcerated when we had a challenge hearing--you should be given more time.

MR. HUNT: And that was Crystal---

MR. LOCKLEAR: That was Crystal---

MR. HUNT: That was Crystal Haggins.

MS. HAGGINS: I'm here.

MR. KINLAW: Excuse me, I'm sorry, Crystal-- whoever, I apologize, whoever it was. Ma'am, would you come forward.

CHAIRMAN STONE: I would like it all on the record.

MR. KINLAW: If that is all right, Mr. Chairman. Because I am not aware of a ruling on that, so.

MS. PEGUISE-POWERS: Not aware of a ruling on Crystal?

MR. KINLAW: No, I'm not aware of a ruling on if you are unavailable because you were incarcerated, because we could have done a WRIT, and I didn't know she was incarcerated.

MS. PEGUISE-POWERS: Not until that day we didn't know that she was incarcerated.

MR. KINLAW: Right.

MS. PEGUISE-POWERS: So, we weren't put on notice to issue a WRIT.

CHAIRMAN STONE: That's correct. So, we can take the information---

MR. KINLAW: So, you're satisfied with that. I

mean, I'm just--

MS. PEGUISE-POWERS: We can take her information because she's here and---

CHAIRMAN STONE: We could have got her here and didn't.

MR. KINLAW: And the irregularity would be whether or not we--you know--she was--whether or not we could have got her here, I guess. That's the only thing that is unusual.

I don't recall a challenge like that before, so, that's why I'm saying put her on. Let her--put in the record she wasn't here.

(Witness affirmed.)

CRYSTAL NICOLE HAGGINS, was at this time called as a witness on behalf of Mr. Dial; having first been duly affirmed testified as follows:

MR. KINLAW: Ma'am, please sit down. I'm going to ask you some questions. Please state your name and your address.

MS. HAGGINS: Crystal Nicole Haggins.

MR. KINLAW: And give your address.

MS. HAGGINS: 502 Normal Street, but I'm moving across the street at 610 West 5th Street.

MR. KINLAW: So, you live with the Haggin Family that was included in the challenges?

MS. HAGGINS: Yes, Sir.

MR. KINLAW: All right. The day that he hearing was held, you were unable to attend for what reason?

MS. HAGGINS: I was incarcerated.

MR. KINLAW: How long had you been in jail?

MS. HAGGINS: Ten days.

MR. KINLAW: I don't want to ask anymore questions. I just wanted that to be--if they want to raise it as an irregularity, that would be the facts--that she was unavailable to participate in the hearing.

MS. GRAHAM: Ms. Haggins, you just testified that you were moving across the street to 610 West 5th Street?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: Do you have anything to show--to indicate that you were moving across the street?

MS. HAGGINS: I got some fishing license.

COURT REPORTER: I'm sorry, I can't hear you Ma'am. Please speak into that microphone, please.

MS. HAGGINS: Some hunting license. Fishing license.

MS. PEGUISE-POWERS: Did you read it to see what it was?

MS. HAGGINS: It's fishing license. Yeah, it says hunting license, ten (\$10) dollars.

MS. GRAHAM: Ms. Haggins, when you indicated that you were moving across the street, have you begin moving your property across the street?

MS. HAGGINS: Uh-huh.

MS. GRAHAM: What all have you moved?

MS. HAGGINS: My clothes.

MS. GRAHAM: And this is coming from 502 Normal Street?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: Your Honor, we would ask that you admit that as Graham Number Three.

MR. KINLAW: Two.
(Graham's Exhibit Number "2" is marked for identification.)

MS. GRAHAM: And you are currently living at 502 with Mr. Harris when you voted; is that correct.

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: But you used the address of 501 Normal Street?

MS. HAGGINS: That was a mistake. They didn't even ask me my address. They just asked me my name and my birthdate and that automatically popped up in my head.

MS. GRAHAM: And 501 Normal Street was your previous address?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: But you had left address for some time?

MS. HAGGINS: Uh-huh.

MS. GRAHAM: And then you returned back to 502 Normal Street?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: And how long had you lived at 502 Normal Street before you voted?

MS. HAGGINS: Well, I have been there ever since the 8th--the 8th month of this year.

MS. GRAHAM: So, since August?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: And you're still living there.

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: But you made arrangements to move across the street?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: Now, when you were in jail, where were living, what was your address?

MS. HAGGINS: I was in the motel, because me and David had got in a argument and I left for a minute, but I come back and got out of jail.

MS. GRAHAM: And the new address you provided today, do you plan to make that your permanent home?

MS. HAGGINS: Yes, Ma'am.

MS. GRAHAM: Nothing further, Judge.

MR. HUNT: So the address at Normal Street is a temporary address; is that correct, Ms. Haggins?

MS. HAGGINS: Unh-huh.

MR. HUNT: With Davis Harris; that was a temporary place to stay?

MS. HAGGINS: No, I--just where I'm staying at now until we're moving--

MR. HUNT: But you're talking about already moving out of that address; is that correct?

MS. HAGGINS: Yeah.

MR. HUNT: And prior to that you lived out in the county; is that correct?

MS. HAGGINS: Out of the county?

MR. HUNT: Yes.

MS. HAGGINS: I don't know where--

MR. HUNT: Did you ever live at 5366 Highway 710?

MS. HAGGINS: What now?

MR. HUNT: 5366 Highway 710, in Pembroke?

MS. HAGGINS: Yeah.

MR. HUNT: You had that address?

MS. HAGGINS: Yeah, that was--been a while ago though.

MR. HUNT: How long ago?

MS. HAGGINS: About a year or two years.

MR. HUNT: How long did you live out there?

MS. HAGGINS: Not even--about six months.

MR. HUNT: Nothing further.

MS. PEGUISE-POWERS: You're saying that you live at 610 West 5th Street now?

MS. HAGGINS: That's where I'm moving, yes, Ma'am.

CHAIRMAN STONE: Where were you living on November 5th?

MS. HAGGINS: 502 Normal Street, Pembroke, North Carolina.

CHAIRMAN STONE: And since then, you have moved to 610 West 5th Street?

MS. HAGGINS: We're in the process of moving there.

CHAIRMAN STONE: You're in the process of moving. How long had you lived at Normal Street before you decided to move to 5th Street?

MS. HAGGINS: We were staying in 501 Normal Street for about two or three years and then we moved into with David at 502 Normal Street.

CHAIRMAN STONE: You moved in with David for temporary purpose until you got another place to live.

MS. HAGGINS: Yes, Sir, we've been there--I've been there since the 8th month.

MS. PEGUISE-POWERS: Thirty days prior to the election.

CHAIRMAN STONE: And you've provided us with a hunting license. When did you obtain that hunting license?

MS. HAGGINS: Today.

CHAIRMAN STONE: Today? And you've provided us with an application for town water services for the Town of Pembroke?

MS. HAGGINS: Uh-huh.

CHAIRMAN STONE: When did you fill out that application?

MR. LOCKLEAR: It's not in her name.

MS. HAGGINS: It's not in my name.

CHAIRMAN STONE: That's not in your name? That's in your name?

MS. HAGGINS: Yes, Sir.

CHAIRMAN STONE: Okay.
MS. HAGGINS: It has it was filled out--it's---
MS. PEGUISE-POWERS: That was today?
MS. HAGGINS: Uh-huh.
CHAIRMAN STONE: That was today?
MS. HAGGINS: Yes.
MR. KINLAW: So, that's Graham Exhibit Three?
COURT REPORTER: Two.
(Graham Exhibit Number "2" is marked for
identification.)
MR. KINLAW: Two. Okay.
CHAIRMAN STONE: And that's an application for
water services, that's not an actual receipt where it was paid,
is it?
MS. HAGGINS: Not yet.
CHAIRMAN STONE: Is that water turned on yet?
MS. HAGGINS: Not yet because I don't have my money
--I don't get paid until--I gets paid two times a month and
until my next paycheck, I can't do nothing, cause I don't got
nobody to help me but myself and I'm the momma of all these
children.
MR. KINLAW: That's basically--you want to--she's
not under oath or anything. I understand we are trying to
expedite it, but I just wanted to put in the record just in
case it was questioned, because you sustained the challenge and
the evidence that she was incarcerated was not presented.
I didn't hear anything different--still it wasn't--it
was temporary residence where she was staying and she wasn't
planning on going back to her old residence.
CHAIRMAN STONE: We sustained the challenge because
she wasn't here and we were not able to detainer because she
was incarcerated.
MR. KINLAW: But we didn't know that.
CHAIRMAN STONE: And we didn't know that and--
MR. KINLAW: Now we do.
CHAIRMAN STONE: You know, there could have been a
WRIT had it been known, asked for, requested, to produce 'em
possibly, but that wasn't done.
So, we had to act on the--what was before us during
the challenge hearing, and we did.
MR. KINLAW: That's in the record and I just wanted
to get it in the record.
CHAIRMAN STONE: But it's in the record--it's in
the record that she has stated that she is moving to 610 West
5th Street from 502 Normal Street.
MS. HAGGINS: Yes, Sir.
CHAIRMAN STONE: And that you lived at 502 Normal
Street for eight months,---
MS. HAGGINS: Yes, Sir.
CHAIRMAN STONE: ---with some other persons on a
temporary basis waiting until you got a permanent place at 610
West 5th Street; is that correct?
MS. HAGGINS: Yes, Sir.
CHAIRMAN STONE: I understand that fully.

MR. LOCKLEAR: Can we make a motion to elevate it to the State Board to make a determination, or do we have to make a determination?

CHAIRMAN STONE: They're gonna make a determination of these things as part of this record.

MR. LOCKLEAR: Okay.

CHAIRMAN STONE: And--and we just want to try to be clear.

MR. KINLAW: You can make that motion on this one if one--if you want the State to look at the address issue---

MS. GRAHAM: Can I just have a few follow-up questions just---

CHAIRMAN STONE: Yes, you may.

MS. GRAHAM: Now, Ms. Haggins, who else is moving with you across the street?

MR. KINLAW: Well, I'd---

MR. HUNT: Objection, don't get into that. She's trying to back door---

MR. KINLAW: ---object to that. To begin with---

CHAIRMAN STONE: Yeah,---

MR. KINLAW: ---to begin with---

CHAIRMAN STONE: We've already heard this challenge.

MR. KINLAW: ---this whole matter--at the hearing in the challenge, the transcript will show they didn't have a residence of their--they didn't give an address of a residence they planned on moving to. Now they've seemed to resolve that, but that is now. That's not then.

The question is, you've taken judicial notice of the challenge, and the only thing in the challenge that was known to the Board at the time, the new evidence was that she was incarcerated.

CHAIRMAN STONE: That is the new evidence. She was incarcerated. So therefore, on the date of the challenge hearings, I really feel we--we could not make any decision, other than the one we had--or other than the one we made, based upon the information we had before us.

MR. KINLAW: An argument---

CHAIRMAN STONE: And this is not a proper forum---

MR. KINLAW: ---could be made---

CHAIRMAN STONE: ---to change and reverse course.

MR. KINLAW: An argument could be made that the facts was--the correct that you did here, that applied to her also. But once again, new evidence is that she was incarcerated.

CHAIRMAN STONE: And that transcript from both the challenge hearing as well as this protest hearing will all be available to other venues who may have an opportunity to make a decision in this matter.

CHAIRMAN STONE: So I make a motion that we choose not to make a decision on this and move it forward with the rest of the petitions. Does that sound right?

MR. KINLAW: Basically, I think you should just say that you're taking judicial notice of the challenge and that

the fact that you didn't know she was incarcerated is not going to change your mind.

MS. PEGUISE-POWERS: That's not quite it that we---

MR. LOCKLEAR: No.

MR. KINLAW: Then being whatever--

MS. PEGUISE-POWERS: Cause we knew at that time of challenge that she was incarcerated, but the issue was that she didn't opportunity to come and present any evidence.

MR. KINLAW: Right. She has now.

MS. PEGUISE-POWERS: So I think that's--right. I think that's what makes the difference, is that she didn't have opportunity to present evidence.

MR. KINLAW: Well, you can consider the evidence and classify it as irregular, or you can say that you hadn't heard enough evidence to change your mind from what you sustained.

But there is new evidence that she was incarcerated, which of course--and she's offered evidence about residency.

MR. LOCKLEAR: There's new evidence about residency, not new evidence about her being incarcerated, that's your point?

MR. KINLAW: Correct.

MS. PEGUISE-POWERS: Yeah. But at the time, she didn't have the opportunity to come and---

MR. KINLAW: Right.

MS. PEGUISE-POWERS: ---present any evidence.

MR. LOCKLEAR: Uh-huh.

MR. KINLAW: I suppose you could say it's a question of due process.

MS. PEGUISE-POWERS: Uh-huh.

MR. KINLAW: And she was a One-stop voter, so she could be included in reconstruction by the State Board if they so desire.

CHAIRMAN STONE: If they choose to do so.

MS. PEGUISE-POWERS: I think that we should identify her as such for reconstruction purposes.

CHAIRMAN STONE: Okay. Make that motion.

MS. PEGUISE-POWERS: I move that we identify this as irregular for reconstruction purposes.

CHAIRMAN STONE: Due to the fact that there may have been evidence to establish her residency,---

MS. PEGUISE-POWERS: But she was unable---

CHAIRMAN STONE: ---that she was unable to provide due to her incarceration. Does that sound pretty good?

MR. KINLAW: It sounds like what happened.

CHAIRMAN STONE: That motion has been made. That motion's been seconded, and all those in favor say aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Aye.

CHAIRMAN STONE: Aye.

MS. HAGGINS: Does that mean that---

CHAIRMAN STONE: Motion passed.

MR. KINLAW: All right. Any other names that you wanted to present?

MS. GRAHAM: The names I listed out, I believe the
--the Board can handle summarily.

MS. HAGGINS: Do my vote count?

MR. KINLAW: I don't know if it's summarily, but
the Board is going to take---

CHAIRMAN STONE: Yeah. No, I don't know.

MR. KINLAW: ---judicial notice that the challenges
have already been heard on those individuals.

MS. GRAHAM: And Jessie Emanuel.

MR. KINLAW: Unless you have new evidence, such as
the evidence that was just offered---

MS. GRAHAM: Margie---

MR. KINLAW: ---to you---

MS. GRAHAM: ---Margie Ann Haggins, we have new
evidence, but it was evidence that has occurred after the fact
in the new residence. But at the time we did not have an
actual address and now she does.

MR. HUNT: Objection,---

CHAIRMAN STONE: But that was after the fact of
the hearing.

MS. GRAHAM: And that's why I'm asking the court at
this point that would be the information for all of these
individuals. We ask to make a motion on 'em.

MR. KINLAW: So, you're asking---

CHAIRMAN STONE: Improper venue.

MR. KINLAW: ---so you're asking to submit an
address--at the challenge hearing, you're agreeing that they
did not have a residence identified,---

MS. GRAHAM: That's correct.

MR. KINLAW: ---and they were in a temporary---

MS. GRAHAM: And now they do.

MR. KINLAW: ---housing, and now they have a
residence you'd like to offer it?

CHAIRMAN STONE: And they've decided to move into a
residence--that is within the corporate limits?

MS. GRAHAM: That's correct.

CHAIRMAN STONE: Versus before, they didn't know
where they were going?

MS. GRAHAM: That's correct, Your Honor.

MR. KINLAW: So, you just need to accept--let her
put that in---

CHAIRMAN STONE: At the time there was no intent
of the voter--they--they--they didn't have no intent of where
they were going.

MS. GRAHAM: That's correct.

CHAIRMAN STONE: That's what we based our decision
on when we sustained---

MS. HAGGINS: May I---

CHAIRMAN STONE: ---the vote.

MR. KINLAW: No.

CHAIRMAN STONE: No.

MS. HAGGINS: No.

MS. GRAHAM: And we'd just ask the court to use
that and to use our same exhibit as for that address to be

used.

MR. HUNT: And--and--and---

MR. KINLAW: As it was just used for the lady that just testified?

MS. GRAHAM: Yes.

MR. HUNT: My position is, we've done this, you know, and--and--and---

CHAIRMAN STONE: And redone it.

MR. HUNT: ---and redone it. And I'd ask that--that if there's a problem, go to Superior Court. It's available.

MS. GRAHAM: And we're just asking the court to rule.

CHAIRMAN STONE: It--it's my desire not to even rule on it or even reconsider it because, I mean, I don't see any new evidence that---

MR. KINLAW: Well, that's basically---

CHAIRMAN STONE: ---indicates reconsidering it---

MR. KINLAW: ---what you're saying, there's no new evidence, so there's nothing to discuss.

MS. GRAHAM: But that would be a ruling?

CHAIRMAN STONE: Well,--we'll--we'll rule, there's no new evidence to consider a reconsideration of the consideration.

MS. GRAHAM: I think you have to get a motion and a second.

MR. HUNT: You can write that down.

CHAIRMAN STONE: I got a second on that one?

MR. LOCKLEAR: Second.

CHAIRMAN STONE: All in favor?

MR. LOCKLEAR: Aye.

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: Aye.

MR. KINLAW: Well you got me confused, that's a good motion. All right, any other witness or people you want to call forward?

MS. GRAHAM: That's it.

MR. KINLAW: All right. Mr. Chairman, it appears that I would ask both attorneys to make a closing argument, but just because they're attorneys.

But, Mr. Hunt, is there anything you wanted to--new evidence or anything you wanted to bring up at this stage and I'm talking about on the evidentiary matters?

CHAIRMAN STONE: I think we're just ready to hear an argument,

MR. HUNT: Just---

CHAIRMAN STONE: Closing arguments.

MR. KINLAW: Okay. There's two---

CHAIRMAN STONE: Into the record.

MR. KINLAW: ---protests filed. We'll let Ms.--Mr. Hunt go first or Ms. Graham, whoever would like to argue their point.

CHAIRMAN STONE: Got a deck of cards?

MS. BLEDSOE: I do.

CHAIRMAN STONE: Nah. They get to choose among themselves.

MR. HUNT: Ladies first.

CHAIRMAN STONE: Ladies first.

MS. GRAHAM: That's fine with me.

MR. KINLAW: Let Ms. Graham go.

ARGUMENT BY MS. GRAHAM:

MS. GRAHAM: In considering a protest, we must look at all issues of irregularity, regardless if they're residence issues, if they were challenge hearings and how they took place or didn't take place. They still amount to irregularity. And application of the law.

We believe that we've provided substantial evidence in our protest here today that they would have substantially violated the law of North Carolina. We believe that that, in fact, did occur, that it was sufficiently serious to cast doubt on the apparent results of the election, and that the Board has the ability to act today to remove those names, and that's what we'd be asking for.

ARGUMENT BY MR. HUNT:

MR. HUNT: Just briefly, the thing that concerns me most about this whole process, as far as removing names. Yeah, we've identified some that the State Board could remove.

That's not what concerns me. What concerns me is there was uncontroverted evidence yesterday that the candidate, not a stranger, but the candidate, took somebody that he knew down here to vote, talked to them about their address that was already on record was a good address, and they didn't have to worry about changing that.

And that bothers me in that I can't--I've done my best to identify everybody I could identify. But who did I miss? I don't know who I missed. And my guess is, if I caught of half 'em I was lucky.

So, if we want to talk about things that could substantially change this election and my opinion, we've established a pattern of conduct. There's a number that in my opinion this Board's done the right thing by throwing 'em out, by identifying 'em as illegal vote.

My concern is those that we didn't identify. And there's a clear pattern of conduct in my opinion here that would cause it to be irregular and a misconduct, and I think, again, the record will speak for itself on that.

CHAIRMAN STONE: Did--did--am I hearing that you feel that the whole election was irregular and a new election would probably be in order?

MR. HUNT: Well, that's not for me to say.

CHAIRMAN STONE: It sounded like you were---

MR. HUNT: But,---

CHAIRMAN STONE: ---arguing that point.

MR. HUNT: ---my argument is, we just can't get into a argument of identifying and pulling votes at the end of the day, when it's all said and done. I think--it's my argument, that if we've identified a group, I think we've missed a group. And at the end of the day, Mr. Chairman, that may be where this

goes. I don't know.

But I certainly want to be on the record saying that there's, at least clearly in my mind, a pattern of conduct and one that's such that I can't identify all of 'em that might of fell in that pattern of conduct.

CHAIRMAN STONE: Thank you. Any questions?

MS. PEGUISE-POWERS: No questions.

CHAIRMAN STONE: Any motion?

MR. LOCKLEAR: I don't have no questions.

CHAIRMAN STONE: We have to decide on how to rule on these alleged irregularities and whether we think there were some or there weren't.

MR. KINLAW: Mr. Chairman, if I would suggest, you --during this process you have used the word "reconstruction" as to group certain individual's names.

I would suggest that the individuals that you heretofore have said should be included in reconstruction, which is based on the premise that their vote can be identified, or would be voted on by the Board of Elections recommended to the State to consider that as having an impact on the election if they are not, you know, taken into account as being an inappropriate illegal--or what the word we use--ballot.

The ones that were a challenge--or not challenged--but under the protest were raised as questions of irregularity, clearly the irregularity of a large group of them was the actively staff in allowing a person to register without the proper ID and the subsequent proof of residency that occurred.

And that hadn't been voted on, that's the second issue. And the third is the overall conduct of the election, whether or not the irregularity of it is sufficient to raise doubt as to whether it was properly conducted.

In each case, you will make the three options the statute specifies. You recommend that they call for a new election, or reconstruct. You recommend--you make no recommendation or you recommend that it--they not take action. And of course, the State Board does what they feel appropriate. So,---

CHAIRMAN STONE: As they're entitled to.

MR. KINLAW: ---you've got three subjects, I would suggest you got three issues to address, and the first is the reconstruction group. Would you recommend that the Board take into account that the reconstruction group should be removed from the election?

CHAIRMAN STONE: After considering all the evidence as to possible irregularities with the--with a number of voters, and they were identified, and we have noted that we would like to be--them to be considered by the State Board in any reconstruction efforts they may attempt to do pertaining to this election.

I make a motion that those be--all those names be admitted and considered by the State for reconstruction purposes. Does that sound right?

MR. KINLAW: Do you have a second?

CHAIRMAN STONE: Do I have a second?

MR. LOCKLEAR: I got a question.

MR. KINLAW: Yes, Sir.

MR. LOCKLEAR: Can we ask--can we make a motion that the Board has a new election?

CHAIRMAN STONE: Huh?

MR. LOCKLEAR: Can you make a motion to suggest to the Board for a re-election because---

MR. KINLAW: That will be in the third issue---

CHAIRMAN STONE: In the third issue.

MR. KINLAW: ---it would be---

MR. LOCKLEAR: Okay.

MR. KINLAW: ---irregularities sufficient to where you believe--but in the first, if they're going to do reconstruction, do you recommend this group be included, is what his motion is essentially is.

CHAIRMAN STONE: If they're doing re--if they---

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: ---if the State Board decides to do a reconstructive effort of the results of the election, that they consider our findings of fact in these challenges and protests,---

MR. KINLAW: And these names; the list.

CHAIRMAN STONE: ---and these names that were submitted to us today and consider those as voters or not voters. I mean, in one case, as we just recently noted, there was some woman removed, but we would like for them to be considered in a reconstruction, let them decide. They have it on the record.

MS. PEGUISE-POWERS: Second.

CHAIRMAN STONE: Motion seconded, all in favor?

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: Aye.

MR. LOCKLEAR: Aye.

MR. KINLAW: Okay, the second---

CHAIRMAN STONE: Moving on.

MR. KINLAW: ---the second issue would be the ones where you've clearly determined that voter regularity--or that irregularity in the early phases of the vote process, the registration of the voter and the notice process to correct the errors, occurred and subsequently evidenced that the majority of the Board believed that they sought that by or cured that issue be determining residency during the challenge process.

Would you recommend those as not to be considered by the Board as the reason to overturn the election or change the outcome of the election?

CHAIRMAN STONE: Are you talking to them?

MR. KINLAW: Yes, I'm not talking to you. I know you're going against it. The two that voted for it need to make their motion.

MS. PEGUISE-POWERS: That we---

MR. KINLAW: You don't believe it would have an impact on the election because you believe that you've cured the problem---

MS. PEGUISE-POWERS: Yes.

MR. KINLAW: ---by determining residency.

MS. PEGUISE-POWERS: Yes.

MR. KINLAW: Okay, is that your motion?

MS. PEGUISE-POWERS: Yes.

MR. LOCKLEAR: Clarify that one more again for me?

MR. KINLAW: I, for one of a better way of classifying was the young men that play basketball for--and went to RCC, and so forth. You determined that there was irregularities in their registration and that the staff did not register 'em correctly, follow the letter of the law, and did not notify 'em to correct their registration, but you held a hearing and made a determination that they were residents.

So you believe that those irregularities do not make a difference in the outcome of the election.

CHAIRMAN STONE: That they are legitimate eligible voters.

MR. LOCKLEAR: Yeah.

CHAIRMAN STONE: Okay. Is there a second to her motion?

MR. LOCKLEAR: I guess as when--okay. Yes, we did identify them as irregularities.

MR. KINLAW: But you do---

MR. LOCKLEAR: But they was cured.

MR. KINLAW: But it was cured, yeah.

CHAIRMAN STONE: Correct.

MR. LOCKLEAR: Okay, that's what I said earlier, based on case law that---

MR. KINLAW: So you're seconding it?

MR. LOCKLEAR: --based on case law.

MS. PEGUISE-POWERS: Yes.

CHAIRMAN STONE: That motion's been made and properly seconded. All those in favor say aye.

MR. LOCKLEAR: Aye.

MS. PEGUISE-POWERS: Aye.

CHAIRMAN STONE: Those opposed, nay. Nay. Let the record reflect---

MR. KINLAW: The third issue---

CHAIRMAN STONE: ---I opposed it.

MR. KINLAW: ---is the total conduct of the election and the evidence that you've heard involving irregular voting, questions of residency, numerous questions of residency that were not timely filed or otherwise and other evidence that's been offered, is that sufficient for you to recommend that the total election was conducted in such a way that you would recommend or not recommend a new election, or leave it to the State Board, those are your three options.

MS. PEGUISE-POWERS: Leave it to the State Board. That's my motion.

MR. KINLAW: Do you have a second? Then---

MR. LOCKLEAR: I got another motion.

MR. KINLAW: Yeah, well, it died for a lack of a second. Mr. Chairman?

CHAIRMAN STONE: I was thinking that---

MR. KINLAW: Well, you can always bring it back.
MS. GRAHAM: I want to hear his motion.
MR. LOCKLEAR: My motion is hold a new election. I
make a suggestion for a new election.
MR. KINLAW: Based on the total picture of---
MR. LOCKLEAR: Based on---
MR. KINLAW: ---irregularities and all these issues
and the totality of the---
MR. LOCKLEAR: Yes, you take the totality of the
circumstances, all the evidence that's been provided, I think
that there's questions on both sides and, you know, now that
we've cleared up some of these addresses and people and names
and there've been so many of 'em, that there's no way that you
can say that there's not a substantial question as to the
validity of the election, so I would suggest that there be a
new election. That's my motion.
CHAIRMAN STONE: Motion dies for lack of a
properly seconded. Due to the fact that we do acknowledge
there were a lot of irregularities and the election was so
close, and the Town of Pembroke has already spent a lot of
money in this issue, and the cost of a new election would be a
great toll on the town's financial resources and its taxpayers,
I would not vote or make a motion to recommend a new
election, but I would strongly encourage that the State Board
use the process that they have for a reconstruction of a
previously conducted election with the proper numbers to come
out with an accurate count and a determined winner. And that
is my motion.
MS. PEGUISE-POWERS: Isn't that substantially--let
the State Board decide.
MR. KINLAW: I'm sorry, what?
MS. PEGUISE-POWERS: Isn't that substantially to
letting the State Board decide?
CHAIRMAN STONE: Letting them go to the
reconstruction process to decide whether there's a new elec--
MR. KINLAW: He's basically saying, not--before you
let the--well, do not have a new election, but do reconstruct.
MS. PEGUISE-POWERS: And our three options are?
MR. KINLAW: On a motion like that, if it's not
seconded---
MS. PEGUISE-POWERS: But--no. Our three options---
MR. KINLAW: Oh. Your options are to call for a
new--recommend--to call for a new election, not call for a new
election, or make no recommendation, when you're involved with
voter irregularities.
Involving reconstruction, it is now considered
appropriate to ask the State Board to do reconstruction if
they're not gonna call for a new election.
MS. PEGUISE-POWERS: Okay. So, out of the three
options is new election, no new election, or not make a
recommendation,---
MR. KINLAW: Right.
MS. PEGUISE-POWERS: ---and then when you don't make a
recommendation, under that comes the reconstruction?

MR. KINLAW: Yeah, I think the reconstruction is included in the findings of fact that there were irregularities to the degree that--and that some of them could be included in reconstruction. But you technically can't tell 'em to reconstruct.

MS. PEGUISE-POWERS: Okay.

MR. KINLAW: And they're the only ones that jurisdiction---

MS. PEGUISE-POWERS: So we're not making a recommendation for that.

CHAIRMAN STONE: We could ask them to do that before ordering a new election.

MR. KINLAW: They will have to explain---

CHAIRMAN STONE: And that's what I'm asking.

MS. PEGUISE-POWERS: Otherwise---

CHAIRMAN STONE: New election's just---

MR. KINLAW: --they will have to explain why they did what they---

CHAIRMAN STONE: New election's just too cost-prohibitive---

MR. KINLAW: Uh-huh.

CHAIRMAN STONE: ---I mean, you know,---

MR. KINLAW: In lieu of a new election---

MS. PEGUISE-POWERS: Our issue is not that positive because---

CHAIRMAN STONE: When I think we can---

MS. PEGUISE-POWERS: ---because I believe in the value of the vote that, you know, that's---

MR. LOCKLEAR: We all should be.

MS. PEGUISE-POWERS: ---that's essential to the integrity of our country. Cause is not my issue. I think that this should be reviewed because it should be fair in that those who had the right to vote, their vote should count. I--that's what I believe.

CHAIRMAN STONE: And I think if the State considers our recommendations on the reconstruction, they can come up with an accurate number and an accurate process to make sure this election was accurate.

And that's all we're doing is arguing over whether numbers were accurate as to being legitimate or not. And they have more wisdom and experience than I, and that was my motion, to recommend it to them.

MR. LOCKLEAR: Can I make a note for the record?

MS. PEGUISE-POWERS: Yes.

MR. LOCKLEAR: I don't believe that the State Board should have the final determination over all the citizens in the Town of Pembroke, when we could have a new election. I said so that the town---

CHAIRMAN STONE: You're--duly noted.

MR. LOCKLEAR: Threw that in there.

CHAIRMAN STONE: Okay.

MS. PEGUISE-POWERS: And the State Board could make the determination---

MR. LOCKLEAR: Yeah.

MS. PEGUISE-POWERS: ---that there needs to be a new election. That's what--so that leaves a lot of different options, even at this point. Cause I don't want anybody be deprived of their vote.

CHAIRMAN STONE: You are correct. Can I get a second?

MS. PEGUISE-POWERS: I already seconded it three times.

CHAIRMAN STONE: Oh. Motion has been made and proper seconded. All those in favor say aye. Aye.

MS. PEGUISE-POWERS: Aye.

MR. LOCKLEAR: Nay.

CHAIRMAN STONE: Let the record reflect Mr. Locklear is opposed. Mr. Kinlaw, anything---

MR. KINLAW: I'll get it worked out in an email to y'all the facts--if nobody says anything to the Chairman and me.

So, I'll hop on it Monday and there is time for it--we'll notify them until they get my notice, their time for appeal will not be running. I will notify the attorneys.

CHAIRMAN STONE: Their time for appeal--their time to appeal to the State or to Superior Court?

MR. KINLAW: I need 24 hours. They have 24 hours to appeal to the State after you entered the order.

CHAIRMAN STONE: That does not stay there--that does not stay their right to appeal to the residency challenges to Superior Court.

MR. KINLAW: You know, I don't even know what that rule is.

CHAIRMAN STONE: 10 days from the challenge hearing.

MR. KINLAW: Then, they've still got time, and they need to file that here and we will--if they challenge a specific decision of the Board, we'll send the record along with the order. And that order will be signed by you too.

CHAIRMAN STONE: Okay. By 5:15 if you're--if you --if either of y'all choose to follow the Superior Court avenue.

MR. KINLAW: Today at 5:15?

CHAIRMAN STONE: Yeah, that'd be 10 days from last Tuesday's challenge hearing.

MR. KINLAW: You don't count Tuesday, you start counting the next day, is that 10 days?

MS. GRAHAM: Yes.

CHAIRMAN STONE: Tomorrow will be.

MR. KINLAW: Well, they know how to count--their lawyer.

CHAIRMAN STONE: Their lawyer,---

MR. HUNT: Today's 10.

CHAIRMAN STONE: ---they know how to count. They earn their money.

Anything further coming before the Board?

MR. KINLAW: That's it.

CHAIRMAN STONE: We now stand adjourned.

(WHEREFORE, this Protest Hearing adjourned Friday, November 22,
2013, at 12:30 P.M.)

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