

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

11 CVS 16896

11 CVS 16940

MARGARET DICKSON, *et al.*,

Plaintiffs,

v.

ROBERT RUCHO, in his official capacity  
only as the Chairman of the North  
Carolina Senate Redistricting  
Committee, *et al.*,

Defendants.

**AFFIDAVIT OF BOB HALL**

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NORTH CAROLINA STATE CONFERENCE  
OF BRANCHES OF THE NAACP *et al.*,

Plaintiffs,

v.

STATE OF NORTH CAROLINA *et al.*,

Defendants.

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I, Bob Hall, being duly sworn, depose and say:

1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit.
2. I am currently the Executive Director of Democracy North Carolina (Democracy NC). Democracy NC is a nonpartisan organization that combines research, grassroots organizing, and advocacy to increase voter participation and decrease the influence of special-interest money in politics. I helped incorporate the organization in 2001 and joined its staff in 2003 with other staff members of the NC Project of Democracy South.

3. I have worked with nonpartisan, nonprofit organizations in the arena of voter education, political research, and community outreach for more than 25 years. I have conducted more than a dozen trainings for citizen groups about voting registration and election administration, and I have also conducted numerous research projects analyzing voting data and factors influencing voter turnout in North Carolina and other states.

4. I received my Bachelor of Arts degree from Rhodes Colleges with a double major in Mathematics and Religion, and received a Masters degree from Columbia University in Sociology of Religion. I am the recipient of a MacArthur Fellow award (the so-called "genius grant"), the NC Press Association's William Lassiter First Amendment Award, the Advocacy Friend of the Year Award from North Carolina AARP, and the Political Trailblazer Award from the North Carolina conference of the NAACP. My resume is attached as Exhibit A.

5. Prior to my involvement with Democracy South and Democracy NC, I was the founding editor of *Southern Exposure*, the magazine of the Institute for Southern Studies, where I worked for 25 years (1970-1995). While at the Institute, I wrote numerous articles on politics in the South. In 1984, I co-edited a 112-page guidebook called "Elections: A User's Manual" that was designed for grassroots community leaders. I also pioneered the use of computer-assisted reporting in elections and trained mainstream reporters from across the South on methods for tracking and analyzing money in politics. In 1993, I published a report called the "Democracy Index" that documented the influence of voter registration regulations and other election laws and procedures on voter turnout in the 50 states. Largely as a result of that research and an updated "Democracy Index" in 1996, I was asked to provide affidavits and testimony to governmental bodies and consult with a variety of executive and legislative branch officials, at their request, in such states as California, New York, Texas, Arkansas and West Virginia on

voting rights and election regulations.

6. During my years at the Institute for Southern Studies, I also served on numerous non-profit boards and governmental commissions, including the NC General Assembly's Election Laws Review Committee (1993-1994).

7. I was qualified as an expert witness for the State of North Carolina in 2000 in litigation in federal court (*North Carolina Right to Life v. Leake*) regarding the influence of private money on elections, including campaign contributions and independent expenditures. As that litigation progressed, I provided a supplementary affidavit on behalf of the State of North Carolina in 2005.

8. My research and formal complaints with the State Board of Elections have triggered or proven instrumental in the outcome of numerous official investigations, including one involving former Speaker Jim Black (Democrat) and the video-poker industry in 2004-2006 and another involving former Speaker Harold Brubaker (Republican) and the hog industry in 1998.

9. I have also assisted voters and their attorneys with election disputes in cases before county boards of elections (including cases in Hoke, Harnett, and Pasquotank counties); and in 2010 I helped train and provide on-site guidance to students and faculty at the UNC School of Law who were handling calls from North Carolina voters to a national "Election Protection Hotline" organized by the Lawyers' Committee for Civil Rights Under Law.

10. As the executive director of Democracy NC, I oversee and actively participate in our research, grassroots organizing, and advocacy programs. The organization co-led a successful effort to win Same-Day Registration for voters, as well as a landmark package of ethics reforms and two public campaign financing programs that cover 25 judicial and executive

branch offices. In addition, we regularly host candidate forums, produce and distribute voting guides, and conduct voter registration training and events. We also work with the NC Department of Corrections to educate people convicted of felonies about their voting rights after they finish their sentence.

11. Democracy NC is affiliated with voters in every region of the state who are registered voters in North Carolina. Our staff includes five field organizers who help organize multi-racial, grassroots coalitions centered in Charlotte, Fayetteville, Greensboro, Greenville, Wilmington, and Winston-Salem. Our staff, members and the grassroots coalitions are active every year in voter registration, voter education, voter protection, and voter mobilization.

12. Our membership includes citizens with various political affiliations and a range of levels of activity in the electoral process, from ordinary voters and community educators to poll worker officials and civic leaders. Currently, over 10,000 people are affiliated with Democracy NC, having signed up for our listserv or signed one of our petitions. We have more than 2,500 "Democracy Advocates" who have donated to the organization and/or participated in multiple activities and events.

13. Democracy NC and its members intend to continue to promote voter registration and voter education in 2012 and beyond.

14. I believe that the enacted 2011 House, Senate and Congressional Plans pose serious obstacles for Democracy NC to complete our voter education and related initiatives. Both the number of split precincts in the plans as well as the race-based segregation of voters into different districts will diminish the ability of Democracy NC and our members to contact and educate voters as well as to build effective, multi-racial coalitions dedicated to increasing voter participation.

15. The problems created by split precincts came to my attention when a member of Democracy NC's Board of Directors, Gray Newman, showed me his precinct in Mecklenburg County. In the state House map, a district line comes into his precinct to carve out a predominantly African-American apartment complex and place it into a different House District than the predominately white residents in the same neighborhood who live on the three sides of the complex. I looked at other precincts in Mecklenburg County in the House plan and became concerned about the impact of split precincts on people of color and multi-racial communities. I began an analysis of data related to all the split precincts in the three plans. I also interviewed elections officials in more than a dozen counties regarding the effect of split precincts on the election process.

16. I created a database of all 720 cases where precincts were split by the approved state House, state Senate and Congressional plans and compared the racial make-up of the split sections to one another and to the precinct as a whole, using the definitions of "black voting-age population" and "white voting-age population" in the plans. All the data came from the General Assembly's redistricting website. Some precincts were dividing in more than one plan. Overall, 563 of the state's 2,692 precincts (or VTDs) were divided into more than 1,400 sections by the 720 cases of split precincts in the three plans. More than one fourth (27.2 percent) of state's voting-age population live in these split precincts.

17. I recognize that splitting some precincts is inevitable, but these numbers seemed unusually excessive. By reviewing data for the Congressional, state House and state Senate districts used for the 2010 elections, I realized how excessive these numbers are. Data for those earlier plans showed that 253 precincts were divided into about 550 sections by 278 cases of split precincts. Using the 2000 Census data, 12.1 percent of the voting-age population lived in these

splits precincts. In other words, the new plans were more than twice as extensive as the previous plan in the number of precincts divided, number of sections created by divisions, total number of cases of split precincts in the three plans, and percent of affected population.

18. Listening to the debate in the General Assembly, I understood that proponents of the plans justified some of the splits by saying they were done for permissible partisan reasons to add Democratic or Republican voters to a district to make it more or less favorable to that party's candidates (e.g., the 12<sup>th</sup> Congressional District). Upon investigation, I learned that the legislators and map makers did not have information about the partisan affiliation of voters at the sub-precinct or block level. They did not know how the overall party affiliation would change when they split up a precinct on a block level and moved a section from one political district into another. But they did have the racial make-up at the block level from the Census, and they apparently used the "any part black" racial classification as a surrogate for party affiliation. Lines were drawn to split a precinct and place clusters of black voters in one or another district to achieve partisan goals.

19. My research showed that the tactic or policy of splitting precincts appeared to target black voters in the state. While 27.2 percent of all voting-age adults live in a split precinct, I found that 36.3 percent of the black voting-age population (VAP) lives in one of the 563 split precincts.

20. In contrast, 23.6 percent of the white VAP in North Carolina lives in one of the 563 split precincts. Therefore, black voters are over 50 percent more likely than white voters to live in a split precinct. That statistic indicates the significant degree to which black voters are disproportionately subjected to the consequences of living in a split precinct.

21. In addition to blacks being most heavily affected by split precincts, the district

lines splitting the precincts into sections are drawn in a manner that promotes segregation of voters by race. The racial polarization promoted in the new plans is illustrated by this finding from my research: In 55 percent of the cases where precincts are split, the lines are drawn so that one section of the precinct has a black VAP that is at least 20 percentage points greater than in the other section. The more heavily black section is assigned to one political district and the whiter section is assigned to another district.

22. Racially divided housing patterns are sometimes blamed for racial segregation in other aspects of a community's life. When a community achieves a more racially diverse housing pattern, I would expect public officials to need a very significant, compelling reason to implement a public policy that divides or re-divides the community along racial lines. Imagine if state officials ordered the erection of fences in the neighborhoods that have a relatively diverse racial make-up, but erect hardly any fences in those neighborhoods that are predominately black or predominately white. I suspect many would readily label that as a segregationist policy that purposely promotes racial division. This analogy came to mind from my research that showed that the map drawers rarely used the policy of splitting precincts in heavily black or heavily white precincts, but most frequently used it to create new divisions in precincts with a racially mixed population.

23. A variety of numbers illustrate how the tactic of splitting precincts was targeted against racially diverse precincts: Of the 777 precincts in the state where the VAP is more than 90 percent white, only 26 (or 3.3 percent) are split by any of the three plans; of the 76 precincts where the VAP is over 80 percent black, only 9 (or 11.8 percent) of those precincts are split by the plans. But of the 839 precincts where the VAP is between 15 and 45 percent black, 335 (or 39.9 percent) are split. These 839 precincts comprise 31 percent of the state's 2,692 precincts but

they include 60 percent of the 563 precincts chosen for splitting by one or more of the plans.

24. Apparently these 839 precincts are precisely the places where black-white racial distinctions could most conveniently and productively be used to divide voters with a partisan goal. The party affiliation of white voters in heavily white precincts can not reliably be distinguished at the sub-precinct level, and so they largely escape the race-based splitting policy used by the Republican map makers. But white voters in a racially mixed precinct are prime targets for being separated out through one or more splits. In fact, white adults are six times more likely to live in a split precinct if they reside in a precinct where the VAP is more than 25 percent black than if they live in one that is less than 10 percent black.

25. Democracy NC and its supporters build multi-racial coalitions to promote voter education and political participation across race lines. The race-based splitting of precincts in these plans undermines our ability to develop coalition groups in multiple ways. At a fundamental level, having policy makers erect artificial barriers between races for trivial or self-serving purposes disillusion people and diminishes their trust in government and faith in the electoral process. It undermines our efforts to encourage people to care about their government and believe that the political process is worthy of their time and effort.

26. Democracy NC helps communities petition their elected members of the state legislature and Congress for change. The 2011 redistricting plans will make such efforts more difficult, because people in the communities where we work will have to pick and choose which people in a neighborhood or precinct may or may not be part of that effort.

27. The unnecessary, race-based policy of splitting precincts and other jurisdictions also undermines our ability to organize multi-racial coalitions to hold particular policy makers accountable for their actions that affect the precinct or cluster of precincts – and it allows the



elected policy maker to act like one part of the community (with a certain racial profile) is essentially irrelevant to them.

28. Put another way, the excessive number of splits deprives a community from effective redress of grievances by fragmenting neighborhoods and confusing people about which public official they can hold accountable through the community's organized efforts.

29. Splitting precincts, county lines and municipal jurisdictions also isolates groups from other voters in their community. For example, it will be harder for Democracy NC and its supporters to organize candidate forums in neighborhoods when different segments of the neighborhood vote for different candidates. It also makes it harder, if not impossible, for us to produce and distribute useful voter guides when the variations of ballot choices within a jurisdiction become so numerous.

30. Based on my experience as a voter and voter education advocate and based on my investigation into the effects of split precincts, I believe that voters living in split precincts will encounter more obstacles to exercising their right to vote than voters who live in whole precincts. For example, voters living in split precincts face an elevated risk of being given the wrong ballot by an elections official.

31. North Carolina has experienced many cases where the problem of voters receiving the wrong ballot in a split precinct resulted in a new election being ordered for the whole district or jurisdiction. These problems do not just occur in the initial election after redistricting, but occur frequently enough to indicate that splitting precincts increases the risk of election problems that undermine the integrity of the election process. For example, in the 2006 general election, poll workers in Mecklenburg County gave voters the wrong ballot in a precinct that was split between two House districts. Some residents who should have received ballots for

House District 104, based on their residency, were instead given ballots for House District 100. An investigation of what the Mecklenburg County Board of Elections termed “irregularities” determined that the poll workers failed to properly mark the “Authorization to Vote” forms to assign 446 voters the proper ballot. The margin of victory in House District 104 was so large that the “irregularities” did not necessitate a new election, but the winner in House District 100 had only a seven-vote margin, and a new election was ordered, covering all 22 precincts in the District. (See Exhibit B: minutes and news release from the Mecklenburg County Board of Elections.)

32. Also in 2006, the State Board of Elections determined that poll officials gave voters the wrong ballots in the Republican primary in a Lenoir County precinct that included part of House District 10 and part of House District 12. Other problems were identified in the “Findings of Fact” section of the State Board of Elections’ Order dated August 7, 2006. The new election ordered for District 10 did not just affect Lenoir County; it involved voters, civic groups, poll workers, and election administration costs in two other counties encompassed by District 10. (See Exhibit C: Order of the State Board of Election, August 7, 2006.)

33. Voters in split precincts also face an elevated risk that their residency will be placed in the wrong political district. This problem is especially aggravated when the political district line does not follow prominent roads. Two elections in Chatham County illustrate the problem of what happens when a political district line zigzags through a precinct in a manner that makes it very difficult to determine which residents in the precinct are eligible to vote in the district and which ones are not. In the 2007 municipal election in the Town of Pittsboro, voters assigned to reside within the city (based on the GIS system used by the Chatham County Board of Elections) were found to live in homes located outside the city but inside the precinct. These

voters were incorrectly allowed to cast ballots in the municipal election in such numbers that a new election was required. (Exhibit D: Order of the State Board of Elections dated January 17, 2008.) Similarly, in a water bond referendum in 2004, Chatham County poll workers at multiple precincts were confused by which residents were located in which Water District and consequently gave voters the wrong ballots in sufficient numbers to require a new referendum. (Exhibit E: Order of the State Board of Elections dated September 3, 2004.)

34. Based on my experience and interviews, I believe election officials make every effort to train poll workers, use the latest technology, and establish procedures to minimize the problems caused by split precincts and ensure that residential properties are assigned to the right political district, and to protect the voters' rights. However, human errors continue to occur and they have a harmful affect on voters and the integrity of elections.

35. Final example: After the November 2011 municipal election, an African-American voter in Richmond County contacted Democracy NC, asking us to investigate what he described as a violation of his voting rights and highly suspicious behavior on the part of elections officials. Through my investigation, I learned that the voter lived in a government-subsidized apartment complex that was the only residential property inside the Town of Hamlet in his precinct. The precinct was split, with most residences in one political district (Rockingham) and a very small part inside another (Hamlet). When the voter went to his polling place on Election Day, he was told he was not on the voter rolls and could not vote in the Hamlet election. Rather than leave or use a provisional ballot, the voter pressed the officials who eventually contacted the Richmond County Board of Elections director. The director immediately realized she had accidentally failed to give the precinct workers the complete voter list and Authorization to Vote forms for the nearly 30 registered voters in that one apartment

complex. (In some previous elections, the relatively new complex was assigned to a different – incorrect – precinct; that error was corrected but contributed to the mistake in 2011.) Upon realizing her mistake, the elections director had the necessary materials rushed to the precinct for the Hamlet voters, and after much delay, the unusually dedicated voter cast his ballot. It was another case of multiple problems created when a precinct is split between two political districts. Even with my explanation of the human error, the voter remained suspicious that something nefarious was going on; he felt strongly that his rights were violated and was distrustful of the election. As it turns out, he was the first voter from the apartment complex to vote that day, so thankfully the ballot problem was corrected and no one was disenfranchised. On the other hand, the final part of my investigation indicated that the voter had another reason to worry because he lived in a split precinct. As it turned out, he was the only person from his apartment complex to vote on Election Day and because state law requires election results to be recorded by precinct, I now know exactly which candidates he voted for in the Hamlet election in 2011. In other words, he suffered another indignity and violation through the loss of his secret ballot.

36. There are scores of precincts in the state House, state Senate and Congressional plans where district lines carve out small portions of a precinct and expose voters to the possible loss of the secrecy of their ballots. My research shows that in 95 of the 563 precincts split by the plans, there are less than 100 voting-age adults in one of the carved out sections; in 59 of the 563 precincts, there are 50 or less adults in one section of a split precinct. Considering the lower numbers of adults who register and who vote, as well as the division of voters in partisan primaries, it is highly likely that the plans will compromise the secrecy of ballots in scores of future elections. In addition to the 95 precincts with less than 100 adults, there are 140 other precincts where one section has 50 or less white adults or it has 50 or less black adults; insofar as

racially polarized voting is evident, voters in these precincts are also highly vulnerable to having the secrecy of their ballots compromised because of the split precincts. These two groups of precincts (95 precincts with 100 or less adults, plus the additional 140 precincts) comprise 41.7 percent of the 563 precincts that are split in the three plans.

37. The Hamlet voter who called Democracy NC illustrates how voters living in split precincts face an elevated risk of being confused by, and distrustful of, the election process. This can happen in many ways, including the suspicion that arises when voters are given a ballot with different choices than the one they expected based on conversations with their neighbors, party officials, volunteers outside the poll, and others.

38. The disillusion, confusion, and distrust created by plans with an excessive number of precinct splits are all disincentives that push voters away from the political process and lead to increased voter apathy. They undermine people's belief in the integrity of the electoral process. This makes it harder for Democracy NC and its members to motivate voters to register and vote in elections – and to believe in the integrity of the results.

39. From Democracy NC's many years of experience with non-partisan civic engagement activities, I expect that the confusion, distrust, disillusion and other problems created by these plans will result in voters attempting to vote but not having their vote counted. The plans therefore will create two classes of citizens across North Carolina, two classes exercising their rights under different systems: One class will face abnormal risks of administrative "irregularities," voter confusion and barriers to their voting and First Amendment rights, while the other class will continue to experience the normal administration of the law and the election process. One class is significantly handicapped in the exercise of their rights, and they are disproportionately people of color. Plans that create disenfranchisement and deny equal

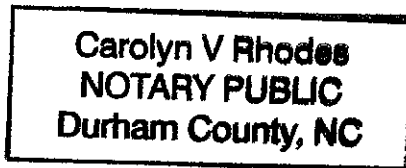
protection of rights are extremely detrimental to Democracy NC's mission of encouraging full participation by all people in our democracy.

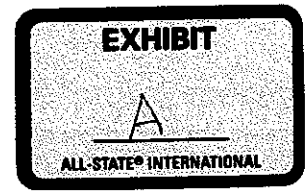
This, the 6 day of January, 2012.

Bob Hall  
Bob Hall

I, Carolyn V. Rhodes, a Notary Public of the County and State aforesaid, hereby certify that Bob Hall personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct. Witness my hand and official seal this the 6 day of Jan., 2012.  
(SEAL) Carolyn V. Rhodes  
Notary Public

My Commission expires: 04 / 20 / 2013.





Abbreviated Resume For  
**BOB HALL**

**ADDRESS:** 5706 Old Stony Way, Durham, NC 27705

**PHONE:** 919-489-1931

**HIGHER EDUCATION**

RHODES COLLEGE:      B.A. in MATHEMATICS, 1966  
                                 B.A. in RELIGION, 1966

COLUMBIA UNIVERSITY: M.A. in SOCIOLOGY of RELIGION, 1970

**WORK EXPERIENCE**

- 1970-1995      The Institute for Southern Studies – various positions: founding editor of  
                                 *Southern Exposure*, research director and executive director
- 1995-present      Democracy North Carolina and its predecessor, the N.C. Project of  
                                 Democracy South – positions: research director, co-director, executive director

**PUBLICATIONS**

***Books and Reports***

*Elections: A User's Manual*, by Marc Miller, Bob Hall, et al. Published by Institute for Southern Studies (1984)

*Environmental Politics: Lessons from the Grassroots*, by Bob Hall. Published by Institute for Southern Studies (1989)

*The Green Index: A State-by-State Guide to the Nation's Environment Health*, by Bob Hall and Mary Lee Kerr. Published by Island Press (1991)

*Democracy Index* by Bob Hall. Published by Institute for Southern Studies (1993)

*Democracy Index* by Bob Hall. Published by Institute for Southern Studies (1996)

***Articles***

*When Free Speech and Free Elections Collide: A North Carolina Case Study*, First Amendment Law Review, Winter 2004 (Chapel Hill: UNC School of Law)

*Numerous national and regional magazine articles and op-ed columns in newspapers*

**AWARDS**

- MacArthur Fellowship
- NC Press Association's William Lassiter First Amendment Award
- Advocacy Friend of the Year Award from North Carolina AARP
- Political Trailblazer Award from the North Carolina conference of the NAACP

MINUTES

The Mecklenburg County Board of Elections met in emergency session on Tuesday, November 14, 2006. Ms. Georgia Jacquez Lewis, Chairperson, called the meeting to order at 10:20AM. Also in attendance were Ms. Carol H. Williams, Mr. Michael A. Kolb, Mr. Michael Dickerson, Director of Elections, Ms. Jo Winkler, Deputy Director of Elections, Mr. Daniel Binford and Mr. Marvin Bethune, County Attorney.

Mr. Dickerson explained that irregularities were found during the audit. Precinct 106, voting at McClintock Middle School on Rama Road in Charlotte, NC is a split Precinct between NC State House 100 (Ballot Style 51) and NC State House 104 (Ballot Style 22); all other contests are the same on both ballot styles. The irregularity found on the Election Day results tape for Precinct 106 contains 552 votes cast on the voting panels on Election Day with 551 activations for Ballot Style 51 and 1 activation for Ballot Style 22. Of the 552 votes cast, 105 votes were cast on the correct ballot style and 446 votes were cast on the incorrect ballot style. The 105 voters, who voted the proper ballot style are identified in the pollbook.

The Authorizations to vote forms were not marked with the voter's "Ballot Style". Ballot Style training was provided to all Precinct Officials during their seminar with a hands-on training on the voting panels, and in their Precinct Officials Training Manual.

Election Day Voting Machine total results were 142 for Black and 380 for Jordan. Absentee and One-Stop had 97 votes for ballot style 51 and 224 votes for ballot style 22. State House 100 involves 22 precincts in Mecklenburg County, with a total of 3 split precincts. The other 2 split precincts, 66 and 217 did have the Authorizations to vote form marked with the proper ballot styles and show no discrepancies. The other Precincts involved in State House 100 contain no other district splits.

Mr. Bethune, County Attorney, suggested that the Board send all the information to the State Board and let them advise our Board how to proceed.

Mr. Kolb made a motion to send the information to the State Board and let them decide how we should proceed. The motion was seconded by Ms. Williams and passed unanimously.

Ms. Lewis adjourned the meeting at 10:35AM.

Respectfully submitted,

*Carol H. Williams*

Carol H. Williams

Secretary

Approval date: 11/16/2007



November 7, 2006 General Election

Precinct 106

McClintock Middle School  
Rama Rd, Charlotte

Split Precinct  
NC State House 100 and NC State House 104

**Precinct Demographics**

For the Split 100 portion of 106:

179 Dem

187 Rep

119 Una

485 Total

For the Split 104 portion of 106:

416 Dem

698 Rep

313 Una

1349 Total

552 Ballots cast on the voting panels on election day with 551 activations for Ballot Style 51 and 1 activation for Ballot Style 22.

105 ballots cast on the correct ballot style for the voters and 446 ballots cast on the incorrect ballot style for the voters.

The 105 voters, who voted the proper ballot style are identified in the pollbook

The Authorizations were not marked with the voter's "Ballot Style".

Ballot Style training was provided to all Precinct Officials, during their seminar, with a hands-on the voting panels and in their Precinct Officials Training Manual.

Election Day Voting Machine total results were 142 for Black and 380 for Jordan.

Absentee and One-Stop had 97 ballots for ballot style 51 and 224 ballots for ballot style 22.

State House 100 involves 22 precincts in Mecklenburg County, with a total of 3 split precincts. The other 2 precincts, 66 and 217 did have the authorizations marked with the proper ballot styles.

The Precinct involved contains no other district splits.

## THE VOTING PROCESS

### Authorization Slip Instructions:

Official or Assistant shall state whether voter is duly registered and mark the Authorization slip with the following information:

Official's or Assistant's initials.

Voter's party affiliation (Primary election only).

<b>VOTER AUTHORIZATION</b> MECKLENBURG COUNTY		NO 516		OFFICIAL USE ONLY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Inside Outside Compartments (all marked)</td> <td style="text-align: center;">Party (all marked)</td> <td style="text-align: center;">Initials</td> </tr> </table>		Inside Outside Compartments (all marked)	Party (all marked)	Initials
		Inside Outside Compartments (all marked)	Party (all marked)	Initials				
DATE <u>11/7/04</u> Precinct # <u>300</u> If you have moved out of this precinct more than Thirty (30) days ago, it is a VIOLATION OF N.C. LAW to list your previous address and vote here. You may vote by use of a special procedure. For information, ask the CHIEF JUDGE.								
I Now Live at <u>100 N Main ST, Charlotte 28213</u> <small>Current Address</small>								
Print Name - <u>Jane C. Doe</u>								
Voter Signature - <u>Jane Doe</u>								

For an Unaffiliated voter, mark 'Party' box with a ('D' or 'R') to indicate in which party primary they chose to vote (Primary election only).

<b>VOTER AUTHORIZATION</b> MECKLENBURG COUNTY		NO 516		OFFICIAL USE ONLY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Inside Outside Compartments (all marked)</td> <td style="text-align: center;">R</td> <td style="text-align: center;">Initials</td> </tr> </table>		Inside Outside Compartments (all marked)	R	Initials
		Inside Outside Compartments (all marked)	R	Initials				
DATE <u>11/7/04</u> Precinct # <u>300</u>								

For a Split-Precinct Voter: mark box with split (Inside/Outside, etc...)

<b>VOTER AUTHORIZATION</b> MECKLENBURG COUNTY		NO 516		OFFICIAL USE ONLY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Inside Outside Compartments (all marked)</td> <td style="text-align: center;">R</td> <td style="text-align: center;">Initials</td> </tr> </table>		Inside Outside Compartments (all marked)	R	Initials
		Inside Outside Compartments (all marked)	R	Initials				
DATE <u>11/7/04</u> Precinct # <u>300</u>								

# The Voting Process

pages 30-54

\*Ballot Style Activation for all voters is printed on the voter's Pollbook record directly below the Voting box

0000170000 11/11/2000  
ABRAM, KRISTEN MONIQUE  
1836 NORTHBROOK DR  
CHARLOTTE NC 28216  
Gender F Race B Age 24  
Maid 1836 NORTHBROOK DR

0000170000  
ABRAM, KRISTEN MONIQUE  
1836 NORTHBROOK DR  
CHARLOTTE NC 28216  
Gender F Race B Age 24

AUTH

UNA

STYLE-15

# The Voting Process

pages 30-54

\*Ballot Style Activation goes on Authorization slip

<b>VOTER AUTHORIZATION</b> MECKLENBURG COUNTY		<b>NO</b> 516		<b>OFFICIAL USE ONLY</b>									
DATE <u>11/7/04</u>		Precinct # <u>300</u>		<table border="1"> <tr> <td>Init</td> <td>Auth</td> <td>Trans</td> <td>Recd</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Init	Auth	Trans	Recd				
Init	Auth	Trans	Recd										
<p>If you have moved out of this precinct more than thirty (30) days ago, it is a VIOLATION OF N.C. LAW to get your previous address and vote here. You may vote by use of a special procedure. For information, visit the OREGON JUDGE.</p>													
I Now Live at <u>100 N Main ST, Charlotte 28213</u>													
Print Name - <u>Jane C. Doe</u>													
Voter Signature - <u>Jane Doe</u>													



Mecklenburg County  
Board of Elections

# NEWS RELEASE

November 14, 2006

## **FOR IMMEDIATE RELEASE**

### **BOARD OF ELECTIONS REFERS PRECINCT ERROR TO N.C. STATE BOARD OF ELECTIONS**

Charlotte, NC - The Mecklenburg County Board of Elections has referred a ballot error in Precinct 106 to the North Carolina State Board of Elections.

The error involves votes cast for N.C. State House districts 100 and 104 at McClintock Middle School on Rama Road in Charlotte. Four hundred forty-six voters in Precinct 106 who should have voted in the Paula McSwain/Ruth Samuelson race (district 104) incorrectly voted in the Jim Black/Hal Jordan race (district 100).

The precinct is split between the two districts. Depending on where a voter is registered, a voter at McClintock Middle School should have received a ballot with their appropriate district race. The 446 voters cast ballots with the wrong N.C. House district.

The Board of Elections and elections office staff are investigating how the error occurred. Across 195 precincts countywide, there are more than 2,000 precinct officials on Election Day. Precinct officials are trained to:

- 1) Mark the voter authorization form with "split district," and indicate on the form which ballot style the voter is to cast.
- 2) Activate the voting machine with the appropriate ballot style.

In district 100, unofficial results show Jim Black with 5,304 votes to Hal Jordan's 5,297, a seven-vote difference. In district 104, unofficial results show Ruth Samuelson with 14,625 votes to Paula McSwain's 7,186, so the error will not affect that outcome.

The error does not affect any other races on the ballot - only N.C. House 100 and N.C. House 104 in Precinct 106.

Michael Dickerson, director of elections in Mecklenburg County, will notify the N.C. State Board of Elections today, November 14, and request direction. The Mecklenburg County Board of Elections is scheduled to certify the election on Friday, November 17.

Visit [www.meckboe.org](http://www.meckboe.org) or call 704-336-2133 for more information on the 2006 general election.

# # #

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STATE OF NORTH CAROLINA  
WAKE COUNTY

IN RE: REPUBLICAN PRIMARY, HOUSE OF  
REPRESENTATIVES - 10<sup>th</sup> DISTRICT

**ORDER**

THIS MATTER was heard by the State Board of Elections ("State Board") on August 7, 2006 in Kinston, North Carolina. All five Board members were present. Republican House District 10 candidate Willie Ray Starling was present and represented by Attorney Michael Crowell. Republican House District 10 candidate Stephen A. LaRoque was present and represented by Attorneys Roger Knight and Eddie Green. After reviewing the transcript of the Lenoir County hearing in this matter, evidence presented, arguments of counsel, and other information of record supplied by the parties or by staff of the Lenoir County Board of Elections, the State Board finds and concludes as follows:

**FINDINGS OF FACT**

1. Candidate Stephen A. LaRoque filed an election protest with the Lenoir County Board of Elections ("Lenoir Board") alleging eligible voters in the Primary held on May 3, 2006 in Lenoir County were not given the proper ballots to allow them to vote in that race, that ineligible voters were given ballots in Lenoir County that allowed them to improperly vote in that race, and that unaffiliated voters who requested to vote in the Primary in Lenoir County were given unaffiliated ballots to vote, contrary to their desires to vote in the Republican Primary.
2. Although House District 10 includes parts of Wayne and Greene Counties in addition to Lenoir County, no allegations of irregularities have been made as to the conduct of the Republican House District 10 Primary in those counties.
3. The Lenoir Board held the election protest hearing in this matter on May 22, 2006 and recommended a new election on May 23, 2006.
4. On July 13, 2006, the State Board held a hearing on the protest but found that the transcript of the Lenoir Board's hearing and the evidence developed by the Lenoir Board was insufficient to allow the State Board to resolve this matter. The State Board then ordered a de novo evidentiary hearing to be held in Kinston on August 7, 2006.
5. The official canvass of the House District 10 Republican Primary by the Lenoir Board showed that Candidate Willie Ray Starling received 913 votes and Candidate Stephen LaRoque received 902 votes.
6. Eight Lenoir County precincts lie fully within the 10<sup>th</sup> House District and 9 precincts lie partially within the 10<sup>th</sup> House District. In the remaining five Lenoir

County precincts and the nine split precincts above, there were also eligible voters for the 12<sup>th</sup> House District.

7. The voting machines used by Lenoir County in the Primary were iVotronic DRE touch screen voting systems. The procedure to vote was that once the voter was found eligible to vote by the precinct workers manning the registration books an authorization to vote form was filled out for the voter and the voter was directed to take that form to a machine operator. The Lenoir County Board of Elections called these authorizations "qualified to vote forms (QTV's)." The machine operator would note the voter's information on the QTV and bring up on the DRE touch screen the proper ballot for the voter to vote. The machine worker would then return the QTV to the precinct workers at the registration table where they would be kept in numerical order.
8. Fifteen 10<sup>th</sup> House District eligible voters testified before this Board that they were unable to vote in the House District 10 Republican Primary. Their testimony showed several instances of unaffiliated voters requesting a Republican Primary ballot in order to vote in the House District 10 Republican Primary, but being given an unaffiliated ballot, that only contained non-partisan judicial races and a school bond referendum. A husband and wife were registered in Kinston Precinct #4 but were improperly directed to Kinston Precinct #6 to vote. Neither voted because of the confusion and neither were offered a provisional ballot. One unaffiliated voter was intimidated from voting by election officials who insisted that an unaffiliated voter could not request to vote in the Republican Primary. Four voters, Jimmy Bynum, Jeffery Bray, Eleanor Mallard, and Evelyn Herring testified that they were not allowed to vote the requested Republican Primary ballot and were allowed by the precinct officials to vote provisional ballots, which were subsequently not approved by the Lenoir Board. All fifteen of these voters testified it was their intent to vote for Candidate LaRoque.
9. Kinston #4 Precinct Election Assistant, C.M. Swann Jr., testified about confusion by precinct workers in his precinct in incorrectly marking QTV's for voters. Mr. Swann also testified that one of the DRE machines in his precinct had calibration problems. These problems occurred early in the morning and were corrected, but not before some voters cast ballots.
10. Two audits of votes cast in the Primary were performed by the Lenoir Board. Lenoir County showed serious discrepancies in certain precincts between the number of ballots cast and the number of QTV's that would have authorized those ballots to be cast. A total of 35 more votes were cast in the House District 10 Republican Primary in the above precincts than QTV's would have appeared to allow.
11. The same audits showed that in three precincts there were fewer votes cast than the number of QTV's would have allowed. There were five more QTV's issued

authorizing a vote in the House District 10 Republican Primary than actual votes cast.

12. These discrepancies indicate that ineligible voters voted in the Republican House District 10 Republican Primary and that eligible voters for the House District 10 Primary were not allowed to vote in the primary in numbers sufficient to have affected the outcome of the election.
13. Four unaffiliated voters testified that they had voted provisional ballots in the May 2 State House District 10 Republican Primary as a result of their not being given the Republican Primary ballot for which they were eligible to vote. The Board examined the QTV forms and provisional ballots of these voters and unanimously ruled that the vote total for Candidate LaRoque be increased by three votes in the Kinston #4 Precinct and one vote in the Mosely Hall Precinct.
14. The addition of the four votes for candidate LaRoque created new vote totals for candidate Willie Ray Starling of 913 votes and candidate Stephen LaRoque of 906 votes.
16. Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in this election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals. Eligible voters sufficient in number to change the outcome of this election were improperly prevented from voting. These and other irregularities affected a sufficient number of votes to change the outcome of this election.

#### CONCLUSION OF LAW

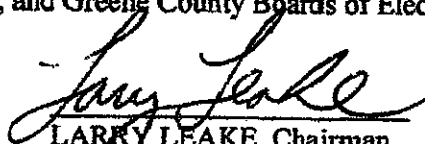
A new State House District 10 Republican Primary should be ordered in this matter pursuant to GS §163-182.13 because the irregularities found affected a sufficient number of voters to change the outcome of this election.

#### ORDER

It is therefore ORDERED, ADJUDGED and DECREED, that:

1. A new State House District 10 Republican Primary shall be held.
2. The date and administrative matters pertaining to this new election shall be determined by the Executive Director of the State Board of Elections after consultation with the Lenoir, Wayne, and Greene County Boards of Elections.

This the 7 day of August, 2006.

  
LARRY LEAKE, Chairman  
State Board of Elections

STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE STATE BOARD  
OF ELECTIONS

IN RE: PITTSBORO MUNICIPAL  
ELECTION, 2007

ORDER

THIS MATTER was heard by the State Board of Elections on December 19, 2007 in Raleigh, North Carolina. All five board members were present. Protester Tim Keim and Town Board candidate Michele Berger were present and represented by Attorney Jeffrey Starkweather. Appellant and town board candidate Hugh Harrington was present and represented by Attorney William Peaslee. Appellant Joyce Cotten was not present, but was also represented by Attorney Peaslee. Appellant Mary Nettles was present and represented by Attorney Karlene Scott Turrentine. After reviewing the protest, the appeals filed by the above-stated appellants, the transcript of the Chatham County hearing on this matter, including attached exhibits, arguments of counsel, and other information of record supplied by the parties or staff of the Chatham County Board of Elections, the state Board finds and concludes as follows:

#### FINDINGS OF FACT

1. Tim Keim filed an amended election protest with the Chatham County Board of Elections alleging ineligible voters were allowed to improperly vote during both early voting and on election day. He also alleged that eligible voters were not given municipal ballots election day and denied the right to vote in the municipal election. He also alleged that two voters were allowed to leave the voting enclosure and return and cast provisional ballots and that the Chatham County Board of Elections improperly allowed those votes to be counted in violation of 8 NCAC 10B.0104 (e). Keim further alleged two voters who no longer live within the municipal limits improperly and fraudulently cast votes on election day knowing that they were no longer eligible to vote. Finally, Keim alleged misconduct by candidates and their supporters on election day at the voting place.
2. The Pittsboro Town Council Election was held November 4, 2007 with the voters being able to vote at large for up to three candidates to fill the three seats. The voting results as found by the County Board were:

Gene Brooks.....	520 votes
Clinton Bryan.....	500 votes
Hugh Harrington.....	481 votes
Michele Berger.....	475 votes
Jim Hinkley.....	389 votes
Gary Dean Simpson...	358 votes



3. The Chatham County Board of Elections held a hearing on the protest on December 6, 2007 and concluded that seventeen (17) voters received ballots with the wrong ballot style on election day that were not retrievable. The County Board also concluded that seven (7) voters who received the wrong ballot style voted absentee ballots during one-stop voting, but that those ballots were retrievable. They also concluded that the two provisional ballots of election day voters who left the voting enclosure and returned to cast those provisional ballots should not have been counted. The County Board concluded that once the retrievable ballots cited above were counted, the three (3) vote margin between candidates Harrington and Berger had increased to a six (6) vote margin and concluded that this was substantial evidence to believe that a violation of the election law or other irregularity or misconduct did occur and that it was sufficiently serious to cast doubt on the apparent results of the election.
4. The County Board, by a 2-1 vote, found that illegal campaigning had occurred within the 50-foot buffer, as alleged in the complaint, but the State Board found this issue to be minor and irrelevant to the issue of a new election, and did not address same.
5. Appeals of the County Board's Findings of Fact and Conclusions of Law were filed by Hugh Harrington, Mary Nettles and Joyce Cotten.
6. Chatham County Board of Elections Director Dawn Stumpf stated before this Board that her office discovered prior to the municipal elections that several roads that had been believed to be entirely within the municipality were, in fact, outside the municipality. She further stated that she was unable to change the registration records prior to election day and she notified the Chief Judge to be on the lookout on election day for people who lived on those roads and to ask the voters whether they lived within the municipality.
7. Furthermore, she stated voters were allowed to come in on election day and change their address from outside the municipality to an address within the municipality and receive a municipal ballot without having to cast their ballot provisionally. Two of those voters who changed their address at the voting place on election day were ineligible voters and were allowed to improperly vote.
8. Additionally, Stumpf stated that voters who were listed on the registration records as not residing within the municipality but who claimed on election day to be Pittsboro residents were allowed to point to a parcel they claimed was their residence on a map at the polling place and allowed to vote a municipal ballot if the parcel they pointed to was within the town municipal town limits represented on the map. They were not required to vote provisionally.

### **CONCLUSION OF LAW**


A new Pittsboro municipal election between town board candidates Michele Berger and Hugh Harrington should be ordered in this matter pursuant to N.C.G.S. §163-182.13 as ineligible voters were allowed to vote in this election, and eligible voters were improperly prevented from voting, and these voters were sufficient in number that they might have changed the outcome of the election.

## ORDER

It is therefore ORDERED, ADJUDGED and DECREED:

1. A new Pittsboro municipal election between town board candidates Michele Berger and Hugh Harrington be held.
2. The date and administrative matters pertaining to this new election shall be determined by the Executive Director of the State Board of Elections after consultation with the Chatham County Board of Election.

This the 17 day of January, 2008

  
Larry Leake, Chairman  
State Board of Elections



STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN THE MATTER OF THE  
JULY 20, 2004, NORTHWEST  
CHATHAM COUNTY WATER  
DISTRICT BOND ELECTION

**ORDER FOR NEW ELECTION**

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS on September 3, 2004, on the presentation of an August 16, 2004, Finding of Facts and Recommendation by the Chatham County Board of Elections finding that sufficient irregularities occurred in the July 20, 2004, Northwest Chatham Water District Bond election to cast doubt on the apparent results of the election. The Chatham County Board of Elections forwarded the order to this Board for consideration of a recommended new election. Representing the Chatham County Board of Elections before this Board was Chairperson Audrey Poe, Secretary Craig Bray and Dawn Stumpf, Director. Also, some Chatham County voters were in attendance, with two addressing this Board in favor of a new election.

Based upon the review of the Chatham County Board of Elections August 16, 2004, findings of fact and recommendation, this Board finds as follows:

**FINDINGS OF FACT**

1. This matter came on for hearing before the Chatham County Board of Elections on August 9, 2004, pursuant to N.C.G.S. 163-182.10, upon a protest filed by William E. Perry. The protest alleged irregularities in the conduct of the water bond election in Northwest Chatham Water District. Irregularities alleged include the lack of availability of ballots for the water bond issue for the District when the polls opened in at least two precincts.
2. The Chatham County Board of Commissioners created three Water Districts and directed that a bond issue to finance the construction of a water distribution system for each water district be placed on the July 20, 2004 ballot. The Northwest Chatham Water District includes all territory in Albright, Hadley and Hickory Mountain Townships. Only those registered voters within the district were eligible to vote on the bond referendum for their respective districts.
3. The township lines and precinct lines are not coterminous, and this resulted in some precincts having voters from more than one of the water districts. In some cases, the polling places for some of the residents of the Northwest Chatham Water District were located outside the water district boundaries.
4. In preparation for the election, the staff of the Board of Elections for Chatham

County, failed to realize that the polling place for some voters of Hadley Township was located at Central Community College Campus in Pittsboro, North Carolina which is not physically located in the Northwest District. Consequently, it did not distribute ballots in advance of opening of the polls for the water bond referendum. Sometime before noon on election day at least one voter asked for a ballot for the water bond, and this led to discovery of the error by the Chatham County Board of Elections. Immediate steps to attempt to remedy this situation were taken as soon as it was discovered and ballots were hand delivered to this polling place by Chatham County elections officials sometime before noon on July 20, 2004.

5. The Chatham County elections staff also failed to realize that the polling place for some voters eligible to vote on the water bond issue was located in Bonlee, North Carolina which was not within the territorial limits of the Northwest Chatham Water District. Consequently, did not distribute ballots in advance of the opening of the polls for the water bond referendum to this polling place. This error was remedied as soon as it was discovered by hand delivery of said ballots to this precinct sometime before noon on primary election day.
6. The Chatham County Board of Elections canvassed the results of the water bond election on July 27, 2004. The canvass resulted in a vote of 459 votes for the water bond, and 547 votes against the water bond.
7. It is not known and the records of the County Board of Elections do not reflect how many persons voted prior to the time that water bond ballots were delivered to the Bonlee and West Pittsboro Precincts. At Bonlee Precinct, a total of 22 voters from Northwest Chatham Water District voted, but of these only 3 votes were cast on the water bond question. At West Pittsboro Precinct, a total of 37 voters from Northwest Chatham Water District voted, but of these, only 15 votes were cast on the water bond question. At Goldston Precinct, a total of 46 voters from Northwest Chatham Water District voted, but there were no votes cast on the water bond question. At West Siler City Precinct, a total of 2 voters from Northwest Chatham Water District voted, but of these no votes were cast on the water bond question. In addition to those qualified voters not receiving ballots on the water bond issue as indicated above, the Chatham Board of Elections found that at least (5) qualified voters from Northwest Chatham Water District appeared at the assigned polling place, but did not receive a ballot on the water bond issue.
8. Based on above, this Board finds that there were at least 94 qualified voters from the Northwest Chatham Water District who appeared and voted at their respective precincts, but did not receive a Northwest Chatham Water District bond ballot, and consequently were not afforded the opportunity to vote, on the water bond issue for said district. Given that this water bond issue failed by 88 votes, the result of the water bond referendum could have been different, but for the failure of at least 94 eligible voters to receive a ballot on that issue.


### CONCLUSIONS OF LAW

1. Irregularities occurred in the July 20, 2004, Northwest Chatham Water District bond contest to the extent that eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting. Also the actions set out above taint the election results and have cast doubt upon the fairness of the election.
2. Under the provisions of G.S. 163-182.13, a new election should be ordered for the Northwest Chatham Water District bond contest as recommended by the Chatham County Board of Elections.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by a unanimous vote of the five members of this Board that:

1. A new election for the Northwest Chatham Water District Bond shall be held on November 2, 2004, in those precincts where eligible voters reside. Mail-in and one-stop absentee voting as to this new election shall be provided as required by law.
2. The staff of the State Board of Elections shall offer such assistance as may be necessary to the Chatham County Board of Election, including, but not limited to, making sure voter's residences are properly noted as being in or outside the water bond district for purposes of knowing those who are entitled to vote in the bond election when they appear at their precincts on election day.

This the 3rd day of September, 2004.

  
Larry Leake, Chairman  
State Board of Elections