

BOARD OF ELECTIONS

Linda J. Sutton
CHAIR

Frank M. Dickerson
SECRETARY

Jerry D. Jordan
MEMBER



Robert H. Coffman
Director of Elections

Lamar Joyner
Deputy Director

FORSYTH COUNTY BOARD OF ELECTIONS BOARD MEETING – November 18-19, 2010

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

Staff: Rob Coffman, Director of Elections
Lamar Joyner, Deputy Director
Judy Speas, Senior Office Assistant
Kevin J. McGuckin, Assistant County Attorney

Call to Order

The Chair called the meeting to order at 8:30 AM in the Second Floor Storage Room. Mr. Coffman explained that the purpose of the meeting was to hold the mandatory recount of votes which had been requested by Jeff Polston, Republican nominee for Clerk of Superior Court.

Recount of Clerk of Superior Court Election

Mr. Polston qualified to demand a recount of the votes because he had received a difference within one percent of the total votes cast between himself and Susan Frye, the prevailing candidate. The recount must be conducted under the supervision of the county board of elections. Mr. Coffman stated that all paper ballots would be run through the ballot scanners and the electronic data would be reprocessed. A separate precinct report would be printed after each precinct was processed. The Board agreed to reconvene the following day if the recount was not completed at the end of that day. After conducting the recount during the complete work day, Mr. Dickerson moved to recess the meeting to a time and place certain until 8:00 AM on November 19, 2010. The motion passed unanimously and the meeting was recessed at 5:00 PM. On November 19, 2010, Elections staff completed the recount of ballots within a few hours. The Board reconvened in a meeting and the Chair called the meeting to order at 11:40 AM in the Second Floor meeting room.

Approval of Minutes

The Board reviewed the minutes for November 12, 2010. Ms. Sutton requested any corrections or additions to the minutes. Mr. Dickerson moved to approve the minutes. The motion passed unanimously.

Preliminary Consideration of Protest

The Chair opened discussion of the election protest filed by Jeff Polston regarding possible violations of election law that occurred during the November election. The Board must determine whether the protest complies with election law and whether it establishes probable cause to believe that a violation occurred. The Board must either dismiss the protest or schedule a hearing during the preliminary consideration meeting.

Mr. Dickerson stated that the Board must decide this by reviewing each of the eight statements of Mr. Polston's protest document. If the Board decides that requirements of the protest are not met, the protester may file an amended protest or appeal to the State Board. After discussing each of the separate allegations, Mr. Jordan wanted a hearing to include all of the allegations in the document. Ms. Sutton decided that all of the protest statements were too general to proceed with a hearing. Mr. Dickerson found that two of the allegations should be included in a hearing. This 2-1 majority vote included the items stating that election officials didn't follow proper registration guidelines and neglected protocol on Election Day; and, that election officials allowed illegal ballots to be entered into the voting system. Ms. Sutton asked for a motion on the preliminary consideration of the protest. Mr. Dickerson moved that there was no probable cause to believe that a violation of election law had occurred in six of the statements and that these should be dismissed. Mr. Dickerson also moved that probable cause had been established to believe that a violation of election law had occurred in two of the statements and that these two allegations should be moved to a hearing. Mr. Jordan seconded the motion. The motion passed by a 2-1 majority vote. Mr. McGuckin stated that a written opinion would be filed by Monday morning, November 22nd. This summary would be mailed to the protester, any candidate affected, and election official alleged to have acted improperly.

The Board set the hearing date to be December 1, 2010 at 8:30 AM. The Board would also separately consider any possible written amendments to Mr. Polston's protest allegations.

Certification of Recount

Mr. Coffman presented the Board with ten ballots with questionable markings from the recount. The Board determined the intent of the voter and the ballots were added to the total for the recount vote summary. The recount vote total for Susan Frye was 46,950 votes and the total for Jeff Polston was 46,399. This difference of 551 votes had changed from a difference of 565 votes after the Canvass. This change of 14 votes would now be the official results for the office. Mr. Dickerson moved to certify the results of the recount. Mr. Jordan seconded the motion. The motion passed unanimously.

Other Business

Mr. Coffman explained that the process of determining the winner of the Instant Runoff Voting Court of Appeals Judge office would begin on November 29, 2010. Approximately 70,000 paper ballots must be hand sorted during the week. The State Board had developed a system to count the electronic votes for the office.

Adjournment

Ms. Sutton requested a motion to adjourn the meeting. Mr. Dickerson moved to adjourn. The motion passed unanimously and the meeting was adjourned at 1:20 PM.

Linda J. Sutton, Chair

Frank M. Dickerson, Secretary

Jerry D. Jordan, Member