

**EDGECOMBE COUNTY BOARD OF ELECTIONS
MINUTES FROM MEETING
FEBRUARY 22, 2007**

The Edgecombe County Board of Elections met, and the following persons were present: Gladys Shelton, Chairperson; Samuel Branch, Secretary; Betty Lewis, Member; Mahlon DeLoatch, County Attorney; and Gayle Hudson, Director. Also in attendance were Rev. Roosevelt Higgs, Curmilus Dancy, Laura Ashley Lamm from *The Daily Southerner*, Zach Ahmad from *The Rocky Mount Telegram* and other members of the public.

Ms. Shelton called the meeting to order. The agenda was amended moving Public Comments to follow the Preliminary Hearing.

The minutes of the meetings held on January 16 and 30, 2007 were approved.

DIRECTOR'S REPORT:

Ms Hudson submitted a written report. A copy of that report is attached to these minutes. Mr. Branch stated that he did plan to attend the April NCADE Conference. Ms. Shelton has a conflict and will not attend.

Ms. Lewis made a motion that we transfer \$2000 from the Poll Worker account to the Travel line item. The motion passed unanimously.

The Director stated that two small changes had been made to the Whitakers Agreement and that the agreement had been approved by the Nash County Board of Elections. Ms. Lewis made a motion to approve the updated version of the Whitakers Agreement with Nash County. The motion passed unanimously.

Ms. Lewis made a motion that the Edgecombe County Board of Elections adopt the same procedures as the State Board of Elections concerning issuing subpoenas. The Board will issue subpoenas at the request of the Parties to a hearing, and these subpoenas will be given to the Parties who must have them served. Any charges for serving the subpoenas will be the responsibility of the Party that requested them. The motion passed unanimously.

BOARD MEMBER REPORTS:

There were no reports.

PRELIMINARY HEARING:

Ms. Shelton read from the General Statutes those laws pertaining to challenges and preliminary hearings. She also read rules for the conduct of the preliminary hearing. Ms. Lewis made a motion that those rules be adopted. The motion passed unanimously. A copy of the rules is attached to these minutes.

Ms. Shelton read the qualifications to vote. Mr. Curmilus Dancy has challenged the residency of Rev. Roosevelt Higgs stating that Rev. Higgs does not live in the precinct where he is registered. Mr. Dancy was sworn.

Mr. Dancy said that he was requesting an investigation by the board of elections as to the residency of Roosevelt Higgs. He presented pictures; a certified letter mailed to Mr. Higgs at PO Box 264, Speed marked as refused; a certified letter mailed to Mr. Higgs at Lot 58 Gray Drive, Speed returned as not deliverable; and a certified letter mailed to Mr. Higgs at Lot 58 Gray Drive, Tarboro also marked as undeliverable. He also presented criminal records showing Mr. Higgs' address as Lot 01 on Gray Drive. Other evidence included a newspaper article from *The Daily Southerner*.

Mr. Dancy stated that the tax records show that there is no structure at Lot 58 Gray Drive. He said that the board needed to investigate and prove where Mr. Higgs sleeps. He said he had visited the lot and there was only a path leading to an old school bus and trailers that were boarded up and used for storage. He asked the Board to visit Lot 58 Gray Drive. He also read a list of items he wanted subpoenaed.

Ms. Lewis, Ms. Shelton and Mr. DeLoatch pointed out that it was not up to the Board to investigate, but the burden of proof was on Mr. Dancy to bring evidence to prove his claim that Mr. Higgs did not live on Gray Drive. Ms. Shelton noted that there was no way to tell where most of the pictures were taken.

Mr. Dancy said that Mr. Higgs had stated under oath in the hearing on January 30 that he lived at Lot 58 Gray Drive, Speed, but his registration was at Lot 58 Gray Drive, Tarboro. He wanted to know if Mr. Higgs lived at a Gray Drive in Speed and therefore not in Precinct 4-1. Mr. Branch asked several questions on this issue.

Ms. Lewis asked the Director to get the voter registration forms on file in the board of elections office. Ms. Hudson got the records, which showed an original registration date of 1993 with two updates in 1997, and one in 1998.

After much discussion, Ms. Lewis made a motion that the challenge should be dismissed due to a lack of evidence. The motion passed on a 2 to 1 vote with Mr. Branch casting the dissenting vote.

PUBLIC COMMENTS:

Comments were offered by George Cooper of Rocky Mount; Genotre Penny-Boone, Chair of the Edgecombe County Democratic Party; Curmilus Dancy; Andre Knight of Rocky Mount; Roosevelt Higgs; and Florence Armstrong of Tarboro.

CLOSED SESSION:

Ms. Lewis made a motion that we go into closed session to discuss personnel matters. The motion passed unanimously. In closed session the Board noted the late hour and decided to recess until the next day. They immediately went back into open session.

OPEN SESSION:

Ms. Lewis made a motion that we recess until 10:30 a.m. on Friday, February 23, 2007. The motion passed unanimously.

FEBRUARY 23, 2007:

In the absence of Ms. Shelton, Mr. Branch called the recessed meeting to order. Ms. Lewis made a motion that we go into closed session to discuss personnel matters. The motion passed.

CLOSED SESSION:

Ms. Shelton arrived and the meeting in closed session continued. The Board discussed at length the options to fill the vacancy on the staff. These options included a full-time, part-time or contract position.

OPEN SESSION:

It was decided that the Director will contact the Human Resources Officer to discuss the possibility of hiring a contract worker to work approximately two-thirds time including approximately 2 days per week in the off-season and 5 days a week in the busy season. By using a contract worker the Board believes we can offer a higher salary without benefits until such time as it is appropriate to hire a full-time staff member. Partial benefits would be difficult to manage with the seasonal makeup of the position.

UNFINISHED BUSINESS:

The Board discussed the use of Edgecombe Community College as a polling place for Precinct 12-2. Ms. Shelton and Ms. Hudson noted the other locations shown to them including the Alford Building and the newly remodeled Planters Bank Building. The accessibility and space issues were discussed as well as the parking situation. It was decided by consensus that the polling place for Precinct 12-2 would be changed to Edgecombe Community College-Rocky Mount.

The Director explained that the Nash County Board of Elections chose at this time not to volunteer to participate in the instant runoff in the Rocky Mount Election until further information is available. After discussion, the Board decided to table this matter until the next meeting when we expect to have some answers from ES&S and the State Board.

NEW BUSINESS:

The Board discussed the budget in great detail. The Board is required by state law to raise the salary for poll worker assistants to meet the minimum wage requirement. Based on a 16-hour day, the pay for an assistant would be \$98.40, and the Board decided to round that pay to \$100 per day. The Board agreed that chief judges and judges should be raised by \$10 per day as well. The Board requested that the Director get information from surrounding counties about their pay for officials, office staff, board members and directors.

The Director stated that the NC Legislature is considering a bill to have a Presidential Preference Primary in February of next year. This would add at least \$42000 to the

budget. The Board asked Ms. Hudson to discuss the matter with the county manager to determine if he would prefer this amount be added to our budget or submitted as a supplementary budget item.

The Director stated that the budget information provided to the members prior to the meeting did not include \$3000 for the four sample recounts that we must have during the fiscal year. She also asked the Board to consider adding about \$2500 for a judge training after the new judge appointments to swear in the judges and offer training in the fundamentals. The Board agreed that both of these amounts should be added to the budget.

The Director suggested that we contract with Print Elect/ES&S to test the ballots for the Primary in 2008. The trained experts could help us with the large number of ballot styles and potential problems such as the problems we had with the AutoMark testing last year. Also by observing this testing, our staff will be better trained to handle this testing in-house in the future. This would add another \$3000 to the budget.

The next board meeting will be moved up to March 13 at 5:00 p.m. so that the budget can be finalized prior to the March 16 deadline.

There being no further business, the meeting was adjourned.

Respectfully submitted this 13th day of March 2007.

Secretary
