

**EDGECOMBE COUNTY BOARD OF ELECTIONS
MINUTES FROM MEETING
JANUARY 16, 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, Florence Armstrong, Genotre Penny-Boone, Andre Knight, Curmilus Dancy, Lewis Turner, Calvin Sherrod, and Laura Ashley Lamm from *The Daily Southerner*.

Ms. Shelton called the meeting to order. The agenda was adopted.

The minutes of the meeting held on November 20, 2006 were approved.

DIRECTOR'S REPORT:

Ms Hudson submitted a written report. A copy of that report is attached to these minutes. The Board requested that the Director contact ECC concerning poll worker training classes. No decision was made on the vacancy in the office staff. A closed session will be included in a future meeting to discuss the matter further.

The Board asked about the timing concerning the decision to participate in the instant runoff election pilot. If this board agrees but a new board that does not agree takes office in July, would that board be obligated to participate? The Director will inquire about this matter with the State Board.

The Director also gave each board member a summary of new election laws and a summary of new campaign finance laws.

A document on Election Day Notes summarized issues from the November General Election. Ms. Lewis made a motion that this information should be sent to all judges and chief judges with the precincts omitted. The motion passed unanimously.

The Capital Improvements Program request for funding is due on February 2, 2007. The Director did not have any items that cost in excess of \$5000 to include in this portion of the budget process. Mr. Branch requested to meet with the Director to walk through the office to discuss the equipment now in use before we send in the CIP.

The Director informed the Board that 2,692 voter cards have been mailed to the voters on our No-Contact List. This mailing is the beginning of a list maintenance project that is performed each odd numbered year in January and February.

The Director also informed the Board that those records that have exceeded their retention time period have been disposed of as required in the Records Retention and Disposition Schedule.

BOARD MEMBER REPORTS:

There were no reports.

UNFINISHED BUSINESS:

The Court of Appeals issued a stay of the decision of Judge Frank Brown in the Andre Knight residency challenge. Our office has been directed to reinstate Mr. Knight until the appeal is heard.

The Board agreed as advised by the State Board General Council, Don Wright, that the official minutes should reflect the final decision concerning the provisional ballot cast by Andre Knight in the November General Election. The provisional ballot of Andre Knight was counted by the board of elections only because the Board was under a court order to restrain from removing him as a voter, even though the ballot should be invalid based on the board's decision to sustain the challenge to Mr. Knight's registration in Edgecombe County.

We have received preclearance from the U.S. Department of Justice for the revised one-stop plan.

The deadlines to file notices of appeal have expired for Calvin Sherrod and for Priscilla Everette-Oates and Isabelle Baker concerning their protests of the 2005 Princeville Election.

The Board discussed the polling place for Precinct 12-2. Ms. Lewis made a motion that the polling place for Precinct 12-2 be moved to the Rocky Mount Campus of Edgecombe Community College. Mr. Branch asked about the negatives at this location. After discussion Ms. Lewis withdrew her motion. The Director was asked to contact Edgecombe Community College about the curb cut needed near the entrance to the room on the Rocky Mount campus that would be used by voters. The matter will be placed on the agenda again for the next board meeting.

The Board did not discuss the incentive pay for certified personnel because it would be related to the decision concerning the vacancy.

NEW BUSINESS:

The Board conducted the preliminary hearing on the challenge to the voter registration of Roosevelt Higgs by Lewis E. Turner. Ms. Shelton read from the statutes concerning challenges and the preliminary hearing. She explained that only Mr. Turner would be heard during this process. Mr. Turner was placed under oath.

In his presentation, Mr. Turner referenced G.S. 163-85(e) and stated that he had mailed 2 certified letters to Mr. Higgs that were returned undeliverable. One letter was addressed to 58 Gray Drive, Tarboro, and the other to a post office box. Mr. Turner had the returned mail addressed to Gray Drive, but he did not have the other letter with him. The Board asked him to provide that document.

Mr. Turner stated that the tax records for 58 Gray Drive show no structure on the lot, but the record does show a pack house on the lot behind this lot. According to tax records the lot at 58 Gray Drive is owned by Roosevelt Higgs and Anita Gray Higgs. Mr. Turner stated that there was a travel trailer and many cars on the property.

Mr. Turner requested that the Board subpoena records from the following: Edgecombe County Tax Assessor, Edgecombe County Tax Collector, Embarq, the utility company that services the address on Gray Drive, and the Edgecombe County Water and Sewer Department.

Mr. Turner also questioned the status of restored citizenship rights for Mr. Higgs from a previous felony conviction. He presented pictures but was not able to explain at that time which pictures were of the lot at 58 Gray Drive.

After questioning by the Board, Mr. Branch made a motion that the Board should move forward with a full hearing. The motion passed unanimously. Mr. Turner will bring his evidence to the board office on Thursday to be copied for the record.

The hearing will be conducted on January 30, 2007 at 10:00 a.m.

PUBLIC COMMENTS:

Curmilus Dancy asked if the poll worker training at ECC would be available for anyone to take. He also stated that he believed all staff members in the board of elections should be certified and he commented on the vacancy.

Roosevelt Higgs stated that the board of elections has a copy of the record of his restoration of rights. He also commented that Mr. Dancy was given 30 to 60 days to move when the Board ruled on his residency challenge and that Mr. Dancy has not moved back to Precinct 10-1. He said Mr. Dancy should comply with the law.

Florence Armstrong asked for clarification of the new law about challenges and the burden of proof. Ms. Shelton explained that the new law only applied to challenges to candidates.

Andre Knight suggested that the Board consider having diversity on the staff when they filled the vacancy.

There being no further business, the meeting was adjourned.

Respectfully submitted this 22th day of February 2007.

Secretary
