

Bladen

Provisional Voters List

Name	PN	Poll Book Number	Preced. Used	Provisional Voting Reason	Birth Date	Voter Reg Number	Voter Court	Reason (if Approved or Partial)	Address	Operator
ARRINGTON, TIMOTHY CHAD	0091183	P80-1	P80	NO RECORD OF REGISTRATION	07/12/1989		NOT APPROVED	NOT REGISTERED	128 WILLARD TATUM RD, NC 28337	SWARD
BALDWIN, EVAN DESHAUN	0091459	P70-2	P70	NO RECORD OF REGISTRATION	04/01/1991		NOT APPROVED	REGISTRATION AFTER DEADLINE	8032 OLD FAYETTEVILLE RD - GARLAND, NC 28441	SWARD
BALDWIN, KEVIN DUQUAIN	0091458	P70-1	P70	NO RECORD OF REGISTRATION	04/01/1991		NOT APPROVED	REGISTRATION AFTER DEADLINE	8032 OLD FAYETTEVILLE RD - GARLAND, NC 28441	SWARD
BALLARD, CARL	009619	P19-2	P15	NO RECORD OF REGISTRATION	10/25/1943		NOT APPROVED	NOT REGISTERED		SWARD
BEAVERS, YVONNE FOWLER	0091120	P75-1	P75	PREVIOUSLY REMOVED	12/05/1956		NOT APPROVED	REMOVED	2745 LISBON RD - COUNCIL, NC 28434	SWARD
BLANCKS, GEORGE	0091124	P75-5	P75	NO RECORD OF REGISTRATION	02/09/1961		NOT APPROVED	NOT REGISTERED	84 DANIEL BLANKS RD - COUNCIL, NC 28434	SWARD
BROWN, KAREN NEW	009676	CYPRESS CREEK 2	P45	PREVIOUSLY REMOVED	11/18/1955	000000025697	NOT APPROVED	REMOVED	2048 NC 210 HWY W - GARLAND, NC 28441	SWARD
CARPENTER, TYRONE L	009920	ABBOTTS-1	P19	NO RECORD OF REGISTRATION	03/23/1993		NOT APPROVED	NOT REGISTERED	1099 WRKHT RD - BLADENBORO, NC 28320	SWARD
CLAYTON-KEA, LINA LAVANA	009747	P55-1	P55	NO RECORD OF REGISTRATION	08/02/1959		NOT APPROVED	REGISTRATION AFTER DEADLINE	301 CALE TUCK RD - CURRIE, NC 28435	SWARD
EVANS, MARK ANTHONY JR	0091123	P75-2	P75	NO RECORD OF REGISTRATION	08/07/1993		NOT APPROVED	NOT REGISTERED	264 QUILL MOORE RD - CLARKTON, NC 28433	SWARD
GRAINGER, SHERRIE ANNE	009518	P19-1	P15	NO RECORD OF REGISTRATION	02/11/1993		NOT APPROVED	REMOVED	166 HESTER MILL RD - BLADENBORO, NC 28320	SWARD
HERRING, JESSICA MARIE	009971	P65-1	P65	NO RECORD OF REGISTRATION	09/18/1989		NOT APPROVED	NOT REGISTERED	10552 NC 210 HWY E - WANSHOE, NC 28447	SWARD
HESTER, CARMEN J	009712	P501-2	P501	NO RECORD OF REGISTRATION	04/07/1992		NOT APPROVED	NOT REGISTERED	501 W KING ST - ELIZABETHTOWN, NC 28337	SWARD
HILL, CAROLYN SUE	0091189	P80-2	P80	NO RECORD OF REGISTRATION	02/26/1951		NOT APPROVED	NOT REGISTERED	120 RED RD - WHITE OAK, NC 28392	SWARD
KINLAW, KERRY ANN	009816	E-TOWN 2-1	P502	NO RECORD OF REGISTRATION	11/05/1975		NOT APPROVED	NOT REGISTERED	845 AIRPORT RD, NC 28337	SWARD
LEWIS, JIMULYN GREEN	0091150	P80-3	P80	PREVIOUSLY REMOVED	01/24/1987	000000044407	NOT APPROVED	REMOVED	16664 NC 53 HWY W - FAYETTEVILLE, NC 28312	SWARD
MCKOY, DESREE L	0091122	P75-3	P75	NO RECORD OF REGISTRATION	10/18/1978		NOT APPROVED	NOT REGISTERED	1018 SHEPARD RD - COUNCIL, NC 28434	SWARD
MORGAN, LORIANNE	009575	CYPRESS CREEK-1	P45	NO RECORD OF REGISTRATION	12/21/1977		NOT APPROVED	NOT REGISTERED	15972 US 701 HWY N - GARLAND, NC 28441	SWARD
NORDAN, RHONDA IRENE	009831	P80-4	P80	NO RECORD OF REGISTRATION	05/28/1973		NOT APPROVED	NOT REGISTERED	590 BIG ISLAND RD - WHITE OAK, NC 28399	SWARD
O'QUINN, STEPHEN KELLY	009332	P80-5	P80	NO RECORD OF REGISTRATION	08/24/1971	000000030363	NOT APPROVED	REMOVED	358 RICE RD - WHITE OAK, NC 28399	SWARD
PAIT, BOBBIE SINGLETARY	009387	P82-1	P202	NO RECORD OF REGISTRATION	10/24/1930		NOT APPROVED	PROVISIONAL APPLICATION INCOMPLETE/ILLEGIBLE	11742 NC 242 HWY - BLADENBORO, NC 28320	SWARD
PARRY, BRIAN KEITH	009519	P30-2	P30	NO RECORD OF REGISTRATION	03/02/1971		NOT APPROVED	NOT REGISTERED	62 JONES LN - COUNCIL, NC 28434	SWARD
PATRICK, BARBARA MELVIN	009743	P55-2	P55	NO RECORD OF REGISTRATION	09/13/1952		NOT APPROVED	REGISTRATION AFTER DEADLINE	16404 NC 53 HWY E - KELLY, NC 28448	SWARD
SHIRLEY, BRIAN LEE	009577	CYPRESS CREEK-3	P45	NO RECORD OF REGISTRATION	12/13/1990		NOT APPROVED	NOT REGISTERED	5279 NC 210 HWY W - GARLAND, NC 28441	SWARD
SIMMONS, DAWSON LEE SR	009518	P30-1	P30	NO RECORD OF REGISTRATION	03/06/1943		NOT APPROVED	NOT REGISTERED	49 ED JACOBS RD - BOLTON, NC 28423	SWARD
SKIPPER, DONNA BARNES	0091459	BB-1	P201	PREVIOUSLY REMOVED	08/09/1974		NOT APPROVED	REMOVED	56 BUTTERS LOOP RD - BLADENBORO, NC 28320	SWARD
STEELE, FREDERICA RENEE	009711	P501-1	P501	PREVIOUSLY REMOVED	08/21/1971	000000032469	NOT APPROVED	REMOVED	502 SLINGSBY ST, NC 28337	SWARD
WILLIAMS, SONYA FETESE	009500	P9-2	P301	PREVIOUSLY REMOVED	01/30/1971		NOT APPROVED	REMOVED	1358 WEBB FAULK RD - BLADENBORO, NC 28320	SWARD
YOUNG, ALTON	009460	CARVERS CREEK-2	P30	NO RECORD OF REGISTRATION	02/06/1943		NOT APPROVED	NOT REGISTERED	6527 ELWELL FERRY RD - COUNCIL, NC 28434	SWARD
YOUNG, CAROLYN Y	009351	CARVERS CREEK-1	P30	NO RECORD OF REGISTRATION	06/19/1917		NOT APPROVED	NOT REGISTERED	6527 ELWELL FERRY RD - COUNCIL, NC 28434	SWARD

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Bladen

COPY

08 NCAC 02 .0111 ELECTION PROTEST FORM

All persons filing election protests with a county board of election shall use the following form:

ELECTION PROTEST

(Use of this form is required by G.S. 163-182.9(c))

This form must be filed with the county board of elections within the timeframes set out in G.S. 163-182.9 (b)(4). Please print or type your answers. Feel free to use and attach additional sheets if needed to fully answer the questions below. You may also attach relevant exhibits and documents. Please number the pages of such additional sheets and attachments.

1. Full name and mailing address of person filing the protest.

Robert Wayne Brooks P.O. Box 157 Council NC 28434

2. Home and business phone number, fax number, and e-mail address.

Work: 910 645-4932 Fax: 910 645-6040 Newmoon@intstar.net

3. Are you either a candidate or registered voter eligible to vote in the protested election. If a candidate, for what office?

I am a candidate for Bladen County Commissioners District 1

4. List the date, location, and exact nature of the election protested. Name all candidates in the election and the number of votes each received. Note the winning candidate(s) elected or nominated.

Primary Election May 8, 2012

5. Does this protest involve an alleged error in vote count or tabulation? If so, please explain in detail.

Yes, absentee ballot witness are in question (relationships) also request for absentee ballots

6. Does this protest involve an irregularity or misconduct not described in number 5 above? If so, please give a detailed description of such misconduct or irregularity and name those who committed such action.

Carol Graham witness 21 absentee ballots; Lola Wooten witness 16, Harara Munn witness 5

7. Please set out all election laws or regulations that you allege were violated in your responses to 5 or 6 above. State how each violation occurred. Please provide the names, addresses, and phone numbers of those who you allege committed such violations.

G.S. 163-230.1 Subchapter VII Absentee Voting Article 20. See attached item #1

8. Please provide the names, addresses, and phone numbers of any witnesses to any misconduct alleged by you in this protest, and specify what each witness listed saw or knows.

See attached sheet item # 2

9. What action do you desire the county board of elections to take in this matter?

Investigate and take legal steps. See attached "Remedy Sought"

10. Do you contend the allegations set out by you are sufficient to have affected or cast doubt upon the results of the protested election? If your answer is yes, please state the factual basis for your opinion.

Yes I suspect illegal assistance for absentee voters

11. Have you read and reviewed the North Carolina law pertaining to election protests as set out in G.S. 163-182.9 through G.S. 163-182.14 and current North Carolina State Board of Elections regulations pertaining to election protests?

Yes

12. How many pages of additional answer are attached to this protest? 3 How many pages of attachments are attached? 10

[Signature] Signature of Protestor

Date/Time Filed with County Board CVD

05-15-12 10:03:53 AM CVD (to be filled out by the county board)

Cynthia Jean Dineen

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections, PO Box 27255, Raleigh, NC 27611-7255, (919) 733-7173.

History Note: Authority G.S. 163-22; 163-182.9;

COPY

05-15-12P03:54 RCVD

STATE OF NORTH CAROLINA)

COUNTY OF BLADEN)

) ELECTION PROTEST

NOW COMES the undersigned protester, Robert W. Brooks,
candidate for Bladen County Commissioner District 1
in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
official protest concerning irregularities surrounding said Primary, which occurred in
Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES:

1. Carol Graham witnessed 21 absentee ballots, Lola Wooten witnessed 16 absentee ballots, and Horace Munn witnessed 5 absentee ballots; All signatures are in question.
2. Cleon Johnson on or about May 3, 2012 at the Elizabeth Library voting polls; stated that "Now he can go pick up his wine that Mike George Cogde promised him for that vote". Mike Cogdell transported him. Ernestine Haire heard this statement.
3. I stopped by Elizabethtown Health Rehabilitation Center to talk with people living there. Tony Jones told me that Lola Wooten came by twice to look for the absentee ballot so she could fill-out the ballot for him. (continued)

STATE OF NORTH CAROLINA)

ELECTION PROTEST

COPY

COUNTY OF BLADEN)

NOW COMES the undersigned protester, Robert W. Brooks,
 candidate for Bladen County Commissioner District 1,
 in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
 official protest concerning irregularities surrounding said Primary, which occurred in
 Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES:

4. Arthur Bullock went to Mildred Haire on or about
the 1st week of early voting to get Miss Mildred
to vote. He told her who they are voting for.
Arthur Bullock got the paper work and Miss Mildred
signed requesting the absentee ballot be sent to her.
Arthur Bullock came back to fill out the absentee
ballot without her family's knowledge and they
stopped him. Ernestine Haire (daughter) was
concerned and feared that her mother
was being manipulated to cast a vote
in favor of Mr. Bullock's preference.
-
5. Lemont Stevens was picked up by Marlin High
"nicknamed Tootsie" who helped him vote
and may have been given something for his
vote. We were also told that Lemont Peterson
was paid for his vote, there are no witnesses

STATE OF NORTH CAROLINA)
)
COUNTY OF BLADEN)

ELECTION PROTEST

COPY

NOW COMES the undersigned protester, _____,
candidate for _____,

in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
official protest concerning irregularities surrounding said Primary, which occurred in
Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES:

6. On May 8, 2012; Debra Ann Monroe
poll runner for Deliah Blanks was vocal
using slandering statements and making false
accusations; encouraging each individual
as they approached the precinct to not vote
for Robert Brooks. Statements included
"He got caught with drugs"; He is a drug dealer"
"Don't vote for him"; He is buying votes
with drug money". Allen Burney witnessed
All these statements.

FROM

(TUE)MAY 15 2012 0:20:51. 0:20:51. 0020000017

Bladen County Board of Elections

05-15-12P03:54 RCVD

Date Filed: 5-15-12

COPY

Time Filed: 05-15-12P03:54 RCVD

Received By: *Cybil B. [Signature]*

Seal-Stamp NORTH CAROLINA, Bladen COUNTY.

I, a Notary Public of the County and State aforesaid, certify that Robert W. Brooks personally appeared before me this day and acknowledged the sworn due execution of this Election Protest Form.

Witness my hand and official stamp or seal, this 14th day of May, 2012.

Sue Jacobs

Print Name: Sue Jacobs


My Commission expires: 9/5/2015

COPY

REMEDY SOUGHT

The protester is seeking all remedies available to him under North Carolina and Federal law, including but not limited to a recount, corrected vote totals, eliminating vote totals from corrupt precincts, and a new election.

This the 14th day May, 2012.

Signature: 
Printed Name: Robert Brooks
Address: PO Box 157
Council N.C. 28434
Telephone: 910 645 4932

COPY

STATE OF NORTH CAROLINA)

COUNTY OF BLADEN)

ELECTION PROTEST

NOW COMES the undersigned protester, Robert W. Brooks
candidate for Bladen County Commissioner District 1
in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
official protest concerning irregularities surrounding said Primary, which occurred in
Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES: Amendment - Addition

On or about the 2nd week of early voting
around April 23, 2012, I was campaigning
and spoke with Miss Quantina Jones. I ask
her for her vote and support. She was ready
to vote that day. I explained to her that
the early voting polls were open at the
library in Elizabethtown and ask her if she
needed transportation, she agreed.
As we arrived at the library polls, Mrs.
Delilah Blanks was present sitting camp
as Lola Wooten shouted loudly that
Quantina Jones had already voted by Absentee
ballot; Suprised by this, Quantina Jones
was not aware of what an absentee
ballot was and did not understand.

(continue
next
page)

COPY

STATE OF NORTH CAROLINA)

COUNTY OF BLADEN)

ELECTION PROTEST)

NOW COMES the undersigned protester, Robert W. Brooks
candidate for Bladen County Commissioner District 1
in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
official protest concerning irregularities surrounding said Primary, which occurred in
Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES: Addition continued

Lola Wooten again, stated that she
had already voted, as she confused
and humiliated her. Quantina Jones
entered the building and was allowed
to vote,

Arthur A. Shaw
Director

05-25-12P12:56 RCVD

COPY

STATE OF NORTH CAROLINA)
)
COUNTY OF BLADEN)

ELECTION PROTEST

NOW COMES the undersigned protester, Robert W. Brooks,
candidate for Bladen County Commissioner District 1
in the May, 8, 2012, Democratic Primary, and voter in said election, and makes an
official protest concerning irregularities surrounding said Primary, which occurred in
Bladen County, North Carolina. In support of this protest, the protester shows as follows:

IRREGULARITIES: Amendment - Correction

5. Lemont Stevens was pick up by Arthur Owen
"nicknamed Tootsie" who helped him vote
and may have been given something for
his vote. We were also told that Lemont
Peterson was paid for his vote; their are
no witnesses'

Arthur Owen
Director

05-25-12P12:55 RCVD

COPY

ELECTION PROTEST

This form must be filed with the county board of elections within the timeframes set out in N.C.G.S. §163-182.9 (b)(4). Please print or type your answers. Feel free to use and attach additional sheets if needed to fully answer the questions below. You may also attach relevant exhibits and documents. Please number the pages of such additional sheets and attachments.

1. Full name and mailing address of person filing the protest.

Matthew J. Dixon
P.O. Box 3090
Elizabethtown, NC 28337
910.872.0002

Mr. Dixon is represented by counsel for this protest:

Michael L. Weisel, Esq.
William R. Gilkeson, Esq.
Sabra J. Faires, Esq.
Bailey & Dixon, LLP
434 Fayetteville Street, Suite 2500
Raleigh, North Carolina 27601

Telephone: 919.828.0731
Fax: 919.828.6592
Email: mlweisel@bdixon.com
wgilkeson@bdixon.com
sfares@bdixon.com

2. Home and business phone number, fax number, and e-mail address.

See above

3. Are you either a candidate or registered voter eligible to vote in the protested election? If a candidate, for what office?

Yes, I am a registered voter who was eligible to vote in Bladen County in the May 8, 2012, Democratic primary for North Carolina House of Representatives for District 22. I am also a candidate for that office in that primary.

4. List the date, location, and exact nature of the election protested. Name all candidates in the election and the number of votes each received. Note the winning candidate(s) elected or nominated.

Tuesday, May 8, 2012

North Carolina House of Representatives

Democratic primary for N.C. House of Representatives – House District 22

<u>Candidates</u>	<u>Unofficial Election Vote</u>
Matthew J. Dixon	4,798 or 48.36%
William Brisson	5,124 or 51.64%

House District 22 comprises portions of the three counties of Bladen, Johnston, and Sampson.

In the Bladen County portion of District 22, the unofficial vote was as follows:

Matthew J. Dixon	2,285 or 38.93%
William Brisson	3,585 or 61.07%

In the Johnston County portion of District 22, the unofficial vote was as follows:

Matthew J. Dixon	94 or 68.61%
William Brisson	43 or 31.39%

In the Sampson County portion of District 22, the unofficial vote was as follows:

Matthew J. Dixon	2,419 or 61.79%
William Brisson	1,498 or 38.21%

5. Does this protest involve an alleged error in vote count or tabulation? If so, please explain in detail.

No. Regardless of when the protest is filed, the protester does not expect the Bladen County Board of Elections to resolve this protest at the canvass or even during the week of the canvass.

6. Does this protest involve an irregularity or misconduct not described in number 5 above? If so, please give a detailed description of such misconduct or irregularity and name those who committed such action.

Yes. This protest involves two types of election law violations. The first concerns vote buying in violation of N.C.G.S. §163-275(2). The second concerns interference with the proper procedures for absentee voting, potentially in violation of N.C.G.S. §163-226.3(a)(1), (4), (6), and (7) and of N.C.G.S. §163-231(a) and other absentee ballot laws.

BACKGROUND

As a preface to a description of the irregularities of vote buying and absentee ballot violations, the protester will provide a brief background into political practices in Bladen County. This background will help explain why the protester believes the irregularities have occurred in greater volume than the specific incidents cited in the protest – that indeed they have occurred to such an extent that "they taint the results of the entire election and cast doubt on its fairness." N.C.G.S. §163-182.13(a)(4). Because of this, protester believes the voters of House District 22 are entitled to a new election.

Certain sections of Bladen County have historically engaged in a get out the vote (GOTV) effort. These areas include, but are not limited to, East Arcadia, Elizabethtown, and Bladenboro. Specifically, individuals, called "runners", are paid \$10 to \$15 per voter they can bring to the polls. They are expected and encouraged to bring 20 voters to the polls per day, and are normally paid around \$200.00 per day. The majority of this activity occurs during the one-stop, or early voting period.

In these same sections of the County, the runners are also known to become involved in the absentee mail-in ballot system. They insert themselves into this process by delivering the ballots to the voters, and assisting the voters with completing the ballots. Upon information and belief, this has also occurred in nursing and rest homes.

When the runners become involved with a voter, they provide him or her with a "Sample Ballot". The circles next to certain candidates are already filled in on the sample ballot, thus indicating how the ballot should be completed by the voter, i.e., who they should vote for. The candidates whose names appear next to the filled circles shall hereinafter be referred to as "endorsed candidates".

Most of the sample ballots are produced by the Bladen Improvement Association PAC (hereinafter referred to as P.A.C.), which is a political action committee based in Bladen County. The PAC "endorses" certain candidates, who then contribute financially to the PAC. In April, 2012, William Brisson

donated \$4,000.00 to the PAC, along with other candidates who contributed lesser amounts. Upon information and belief, all candidates who contributed to the PAC in 2012 were included on the sample ballots as candidates for whom the voters should vote. Also upon information and belief, almost all of these candidates won their respective 2012 Democratic Primary election.

Normally in elections, the top of the ticket races, i.e., races for President and Governor, get more votes than down ballot races, such as Council of State, legislative races, and local elections. However, the following shows the total vote totals for a sampling of Bladen County precincts that are not split in the 2012 Democratic Primary:

<u>Race</u>	<u>Bethel</u>	<u>Hollow</u>	<u>Elizabethtown 1</u>	<u>Elizabethtown 2</u>
Governor	391	299	422	215
House 22	460	318	451	233

Compare this to Sampson County, which has a more normal relationship between the two races:

<u>Race</u>	<u>Garland</u>	<u>Lakewood</u>	<u>Kitty Fork</u>	<u>Plainview</u>
Governor	228	472	227	222
House 22	216	463	209	177

VOTE BUYING

During the protestor's post-primary review of the election, it came to his attention that certain runners in Bladen County provided cash, alcohol, and possibly other items in exchange for votes. Such runners include, but are not limited to, some of the John and Jane Does referenced below.

The goal of the runners is to persuade voters to come to the polls and vote for the candidates who are endorsed or supported by the individual or entity who pays the runners. Sometimes the voter will come to the polls and vote as they are directed or told, without any remuneration. These actions appear to conform to acceptable election law practice.

However, at times during the 2012 Democratic Primary in Bladen County, protestor believes, the voter was paid in the form of cash, alcohol, or other compensation, in exchange for being taken to the polls and voting for the

candidates the runner was working for. Alternatively, at other times during said Primary, voters wished to vote for the other candidate or candidates for free, and were paid to vote for the candidate or candidates the runner was working for. Typically, voters were paid cash in amounts ranging from \$10.00 to \$50.00, or were provided beer or other alcoholic beverages in exchange for their votes, although other forms of compensation cannot be ruled out.

Upon information and belief, one individual, identified as Voter 1, was paid cash to vote, in accordance with the foregoing. A second individual, identified as Voter 2, was transported to the polls by a runner, identified as Jane Doe 1, and given cash to vote. A third individual, identified as Voter 3, was overheard by others at the Elizabethtown one-stop, or early voting location, to say that he was going to receive wine in exchange for his vote.

As these violations are very serious and carry felony penalties, witnesses and participants understandably desire confidentiality and immunity. More specific transactional information continues to be uncovered, and will be provided upon receipt. However, the nature of felony penalties coupled with community pressure on potential witnesses underscore the need for an official Board of Elections investigation.

ABSENTEE VOTING VIOLATIONS

In the 2012 Democratic Primary, 9,327 votes were cast in Bladen County, 238 of which were absentee mail-in ballots (hereinafter referred to as absentee ballots). In Sampson County, 13,197 votes were cast, with only 55 absentee ballots. Johnston County had 36,016 votes cast, with only 104 absentee ballots. Cumberland County was comparable to Bladen County in absentee ballots with 247, but with 50,140 votes cast, it had 5 times more total votes. In short, the percentage of absentee ballots in Bladen County is alarmingly high.

The figures showing the number of absentee ballots per precinct are not yet available; however, two county commissioner races provide insight into the number and origin of the ballots. In the county commissioner race for District 1, which includes the East Arcadia area, the PAC endorsed candidate received 112 votes from absentee ballots, the non-endorsed candidate received 14. In the District 2 race, which includes Bladenboro, the PAC endorsed candidate received 73 votes from absentee ballots, the non-endorsed candidate received 2.

Absentee ballots arrive at the County Board of Elections in a sealed envelope. On the back of the envelope, the voter provides his or her signature, and a witness provides his or her signature and address. The ballots are later removed

from the envelopes and counted, but the envelopes are retained by the Board as a part of their record.

A review of the envelopes yielded striking results. One individual, with a Riegelwood address, who will be identified as Jane Doe 2, witnessed 21 absentee ballots. A second individual, with an Elizabethtown address, identified as Jane Doe 3, witnessed 16 absentee ballots. A third individual, with a Bladenboro address, identified as John Doe 1, witnessed 10 absentee ballots. A fourth individual, with a Council address, identified as John Doe 2, witnessed 7 absentee ballots. Finally, a fifth individual, with a Riegelwood address, identified as John Doe 3, witnessed 5 absentee ballots, with one of those being cast by Jane Doe 2. In all, four people witnessed 54 absentee ballots, or 23% of all absentee ballots cast in Bladen County.

According to a voter, identified as Voter 4 residing in a nursing home, Jane Doe 3 (same as above) appeared at said nursing home and completed his absentee ballot for him. Upon information and belief, Jane Doe 3 is not related to Voter 4. Additional information regarding this occurrence will be provided as it is obtained. It is the protestor's belief that this was not an isolated absentee ballot occurrence.

Further, the method of delivery of the aforementioned absentee ballots is unclear. Without careful examination, it is difficult to determine whether some or all of the Jane and John Does may have impermissibly delivered certain absentee ballots to the Bladen County Board of Elections.

As these violations are very serious, with most carrying felony penalties, witnesses and participants understandably desire confidentiality and immunity. More specific transactional information continues to be uncovered, and will be provided upon receipt. However, the nature of felony penalties coupled with community pressure on potential witnesses underscore the need for an official Board of Elections investigation.

7. Please set out all election laws or regulations that you allege were violated in your responses to 5 or 6 above. State how each violation occurred. Please provide the names, addresses, and phone numbers of those who you allege committed such violations.

With regard to the alleged vote-buying violations, N.C.G.S. §163-275(2).

With regard to the alleged absentee voting violations, all relevant statutes under Article 20 of Chapter 163 of the North Carolina Statutes, including but not limited to, N.C.G.S. §§163-226.3(a)(1), (4), (6), and (7) and 163-231(a).

COPY

The relevant portion of N.C.G.S. §163-275 is as follows:

"§ 163-275. Certain acts declared felonies.

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

- ...
- (2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;
- ..."

The relevant portions of N.C.G.S. §163-226.3 are as follows:

"§ 163-226.3. Certain acts declared felonies.

(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

- (1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance;
- ...
- (4) For any owner, manager, director, employee, or other person, other than the voter's near relative or verifiable legal guardian, to make a written request pursuant to G.S. 163-230.1 or an application on behalf of a registered voter who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a multipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board of Elections.
- ...
- (6) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot

of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian;

(7) Except as provided in subsections (1), (2), (3) and (4) of this section, G.S. 163-231(a), G.S. 163-250(a), and G.S. 163-227.2(e), for any voter to permit another person to assist the voter in marking that voter's absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark that voter's absentee ballot.

(b) The State Board of Elections or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit that affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a)."

The relevant portions of N.C.G.S. §163-231(a) reads as follows:

"§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.

(a) Procedure for Voting Absentee Ballots. - In the presence of a person who is at least 18 years of age, and who is not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter shall:

- (1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction;
- (2) Fold each ballot separately, or cause each of them to be folded in the voter's presence;
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence;
- (4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

The person in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests the person's assistance and the person is otherwise authorized by law to give assistance. The person in whose presence the ballot was marked shall sign the application and certificate as a witness and shall indicate that person's address. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

..."

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8. Please provide the names, addresses, and phone numbers of any witnesses to any misconduct alleged by you in this protest, and specify what each witness listed saw or knows.

Because the violations are very serious, most carrying felony penalties, witnesses and participants will understandably desire confidentiality and immunity. After consultation with counsel for the Bladen County Board of Elections concerning these matters, the petitioner will provide appropriate witness information to proceed with a hearing, if necessary.

9. What action do you desire the county board of elections to take in this matter?

The protester seeks an investigation by the State Board of Elections, pursuant to N.C.G.S. §163-278, into the irregularities described. Ultimately, he seeks a new election, and any other appropriate remedy.

Given that only the State Board of Elections has the authority to order a new election, the protester asks the county board of elections to conclude, under N.C.G.S. §163-182.10(d)(2)d, as follows: ""There is substantial evidence to believe that a violation of the election law or other irregularity or misconduct did occur, and might have affected the outcome of the election, but the board is unable to finally determine the effect because the election was a multicounty election." If the county board makes this conclusion, it shall order that the protest and the county board's decision be sent to the State Board for action by it."

10. Do you contend the allegations set out by you are sufficient to have affected or cast doubt upon the results of the protested election? If your answer is yes, please state the factual basis for your opinion.

Yes.

The current unofficial difference between the candidates for the Democratic nomination for N.C. House of Representatives is 326 votes. Upon information and belief, the protester contends that substantially more than that number were affected by absentee ballot violations and vote-buying.

The protester contends that a new election is justified under N.C.G.S. §163-182.13(a)(4) because "Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness."

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11. Have you read and reviewed the North Carolina law pertaining to election protests as set out in G.S. 163-182.9 through G.S. 163-182.14 and current North Carolina State Board of Elections regulations pertaining to election protests?

Yes, in conjunction with counsel.

12. How many pages of additional answer are attached to this protest? How many pages of attachments are attached?

None

[Signature Follows]

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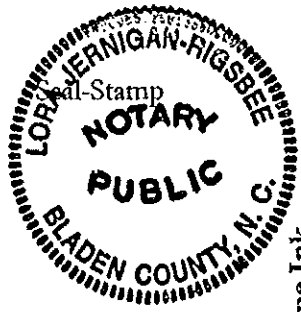
ELECTION PROTESTER

Matthew J. Dixon
Matthew J. Dixon

Bladen County Board of Elections

Date Filed: 5-15-12
05-15-12 10:58 RCVD

Time Filed: _____
Received By: *Cyellia [Signature]*



Use Blue Ink

NORTH CAROLINA, Bladen COUNTY.

I, a Notary Public of the County and State aforesaid, certify that Matthew J. Dixon personally appeared before me this day and acknowledged the sworn due execution of this Election Protest Form.

Witness my hand and official stamp or seal, this 14th day of May, 2012.

Lora Jernigan-Rigsbee

Print Name: Lora Jernigan-Rigsbee

My Commission expires: 8-15-2016

ORIGINAL

NORTH CAROLINA
BLADEN COUNTY

BEFORE THE BOARD OF ELECTIONS
FOR BLADEN COUNTY

IN RE:

COPY

ELECTION PROTEST
MAY 8, 2012 GENERAL ELECTION
NORTH CAROLINA HOUSE OF REPRESENTATIVES
MATTHEW J. DIXON

This matter comes on for hearing before the Bladen County Board of Elections on the Election Protest as set forth in the caption hereof on this the 31st day of May, 2012 at 10:00 A.M.

FINDINGS OF FACT

1. That the May 8, 2012 Democratic Primary has been challenged by Mr. Albert Beatty, Mr. Robert Brooks, and Mr. Matthew Dixon by filling a protest with this office. Mr. Albert Beatty withdrew his protest.
2. That a preliminary hearing was held on the 22nd day of May, 2012 to determine whether the protest showed probable cause that a violation of election law, irregularity, or misconduct had occurred.
3. Present in said preliminary hearing were the Board of Elections Chairman, Vernella "Marie" Robinson, and Board of Elections Members, Guy Childress and Billy Ray Britt.
4. That at the preliminary consideration of the protest, the Board of Elections determined that a hearing should be held as authorized by G.S. 163-182.10 and should be set no later than ten (10) business days from the date of the preliminary consideration.
5. That a hearing on the protests of Mr. Matthew J. Dixon was hereby set for Thursday, May 31, 2012 at the Bladen County Commissioners Meeting Room, Bladen County Courthouse, 106 E. Broad St., Elizabethtown, NC 28337 at 10:00 A.M.
6. That upon calling this matter, the Board of Elections was present in its entirety including the Board of Elections Chairman, Vernella "Marie" Robinson, Board of Elections Members, Guy Childress and Billy Ray Britt, W. Leslie Johnson, Jr. and Allen M. Johnson Attorney for the Bladen County Board of Elections, Sheena Rogerson, Legal Assistant to Johnson Law Firm, Peter Grear, Attorney for Delilah Blanks and the Bladen County Board of Elections Director, Cynthia Shaw.
7. That Matthew J. Dixon, protestor, was present and represented by his Attorneys, Michael L. Weisel, William R. Gilkeson and Sabra J. Faires of Bailey and Dixon, LLP in Raleigh, North Carolina.
8. That Matthew J. Dixon filed a protest as to the Election on the 15th day of May, 2012.

9. That twenty two (22) people were subpoenaed to be witnesses for Mr. Dixon and all were released except for six (6), as follows:
 1. Carol Graham
 2. Wanda Monroe
 3. Arthur Owens
 4. Lola Wooten
 5. Horace Munn
 6. Arthur Bullock
10. That Mr. Dixon testified as follows:
 - A. That he is not alleging the Board of Election did anything wrong.
 - B. That he hired two (2) people to campaign for him, which was Jerry Lesane and Teresa Lesane.
 - C. That it was his understanding and opinion that runners were paid \$10-50 per vote they could get.
 - D. That it was his opinion that the Bladen Improvement Association Pac was not operating illegally but was operating in an unusual way.
 - E. That all he has at this time is rumors, but his case is not vesting on rumors and he has other evidence.
 - F. That he did not have the names of people alleged to buy votes at this time.
11. That a sworn Affidavit of Ernestine Haire states that she was at the voting poles on or about the 25th day of April, 2012. That she noticed her cousin, Kleon Johnson, coming out of the polls and he told her he had voted and was going to drink some wine. She asked him where the wine was coming from and he stated that it was coming from Michael Cogdell. (Said Affidavit was entered into evidence.)
12. That an unsworn Affidavit of Anthony D. Jones, witness by Ernestine Hair, states that Lola Wooten came to see him in early May, 2012. That she asked if he had received his absentee ballot and he told her he had. She handed him a sample ballot and waited while he filled out the ballot. He signed, she witnessed and left with the ballot, saying she would mail it for him. (Said Affidavit was entered into evidence.)
13. That an unsworn Affidavit of Tony Wydell Jones, witnessed by Elizabeth Britt, states that Lola Wooten came to visit him at the nursing center on two (2) occasions seeking his absentee ballot. That he is not related to Ms. Wooten in any way and she insisted on helping him fill out his ballot and signed the envelope as a witness. (Said Affidavit was entered into evidence.)
14. That a sworn Affidavit of Charlene Rigans states that on April 24th, 2012 she was at the Elizabethtown early voting location with Merlean Smith and Jacqueline Wooten. That she saw Mr. Brooks come up with Ms. Quintina Jones and heard Lola Wooten call out to Ms. Jones

that she could not vote and shuffled through papers as if she was looking for some paperwork to show evidence of her assertion. That she assisted Ms. Jones toward the poll and Ms. Wooten again stated that she had already voted and someone was going to jail, implicitly because Ms. Jones had already voted. Ms. Rigans states that this intimidated her and caused her much fear and anxiety. She states that she did not return to the polls because she was intimidated by Lola Wooten's statements and the threat of criminal prosecution. (Said Affidavit was entered into evidence.)

15. That Carol Graham testified as follows:
 - A. That she witnessed twenty one (21) absentee ballots, but did not assist the individuals in filing out said ballots, nor did she mail the ballots.
 - B. That she gave the individuals a paper that she had made herself as to how to request an absentee ballot.
16. That Arthur Owens testified as follows:
 - A. That he has received compensation for gas and food only for being a runner with the Bladen Improvement Pac.
 - B. That he was given \$15-30 a day and was paid an approximate amount of \$200.00 for the May 8th, 2012 election.
 - C. That runners are not paid per vote, they are paid the same no matter how many votes they get.
 - D. That he witness two (2) absentee ballots, but mainly transported votes to the poles.
17. That Lola Wooten testified as follows:
 - A. That she witness sixteen (16) ballots, which consisted of her cousins, friends and classmates.
 - B. That she gave voters a form in her handwriting with blanks to fill out to request an absentee ballot, unless they requested her to fill out the form for them and she let them sign the form.
 - C. That she was not paid per vote.
 - D. That she saw Quintina Jones come to the polls and she told her "Quintina I did an absentee ballot for you", but does not remember shuffling papers as stated in an Affidavit from Ernestine Hair.
18. That Horace Munn testified as follows:
 - A. That he is the President of the Bladen Improvement Association Pac.
 - B. That Mr. Arthur Bullock volunteers with the pac and has never been reimbursed.
 - C. That runners are paid per day, not per vote and are only reimbursed for gas and food.
19. That a book with Affidavits and witness statements, as mentioned above was entered into evidence as "Exhibit 2".

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20. That Attorney Michael Weisel concluded his arguments without the testimony of other subpoenaed witnesses, Wanda Monroe and Arthur Bullock.
21. That after Matthew Dixon closed his evidence, but before argument, Michael Cogdell asked to testify and testified and denied the allegations that he gave alcohol for votes and submitted an Affidavit, by Kleon Johnson, denying Cogdell offered him any alcohol to vote for him. (Said Affidavit was entered into evidence and marked "Exhibit 3".)

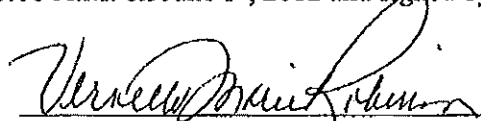
CONCLUSIONS OF LAW

1. This is a matter within the jurisdiction of the Bladen County Board of Elections.
2. That upon due consideration of the testimonial and documentary evidence before the Board, the Board determines in open session on Friday, June 1st, 2012, by a unanimous vote of the Board that the protest should be dismissed because there is not substantial evidence of a violation of the election law or other irregularity or misconduct, sufficient to cast doubt on the results of the election, pursuant to N.C.G.S. 163-182.10(c)

ORDER

WHEREFORE IT IS ORDERED BY THE BLADEN COUNTY BOARD OF ELECTIONS, BY UNANIMOUS VOTE, THAT THE PROTEST OF THE ELECTION OF NORTH CAROLINA HOUSE OF REPRESENTATIVES, BY MATTHEW J. DIXON, IS HEREBY DISMISSED.

Ordered, in open session of the Board, at 10:00 A.M. on June 1st, 2012 and signed by the Chairman on the 7th day of June, 2012.


Vernella "Marie" Robinson
Chairman of the Board
Bladen County Board of Elections

RECEIVED

JUN 7 2012

TIME 6:00 AM REC'D BY [Signature]
BLADEN CO. BD. OF ELECTIONS