

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

From: My Yahoo [mitchellhenry2010@yahoo.com]
To: Trena Parker
Cc:
Subject: [Probable SPAM] Fwd: Voter Fraud, How It Will Affect The Election

Sent: Mon 10/29/2012 11:53 AM

Sent from my iPhone

Begin forwarded message:

From: "David Morgan" <tribuneeditor@bellsouth.net>
Date: October 29, 2012 10:35:01 AM EDT
To: <Undisclosed-Recipient:;>
Subject: **Fw: Voter Fraud, How It Will Affect The Election**

----- Original Message -----

From: [Laura McCue](#)

To: [Jeanne Charlie Cummings](#) ; [Priestley Ford](#) ; [Henry Mitchell](#) ; [Charlie Cummings](#) ; [Cynthia Andros](#) ; [Cecelia Coker](#) ; [Don Bellm](#) ; [Betty Moody](#) ; [Betty Budd](#) ; [Matthew Hoagland](#) ; [Kevin Martin](#) ; [David Morgan](#)

Sent: Sunday, October 28, 2012 8:35 PM

Subject: Fw: Voter Fraud, How It Will Affect The Election

From my friend in Raleigh working on the Voter Integrity Project. It just really bugs the heck out of me that some Democrats, guided by their leadership, are willing to stoop so low to win this election.

I have witnessed this myself at the Lutheran Church polling site. A black woman pulls up with a van of young 20-30 something black people who don't seem to have a clue what they are doing. They pile out and wander around until she corrals them. She speaks to them quietly in another language that I do not understand explaining something to them on the Democrat list of candidates that she has picked up from the Democrat table and takes them into the polling center. They waddle behind her like ducklings.

Laura

----- Original Message -----

From: merlin1246@aol.com

Sent: Saturday, October 27, 2012 11:28 PM

Subject: Voter Fraud, How It Will Affect The Election

How did this happen to this nation? How did we ever get to this pathetic condition?

Here in NC, the Democrats are scouring the mental institutions and the Alzheimer's patients in nursing homes to assist those 'voter's with absentee ballots.

It is beyond disgraceful.

~J

Voter Fraud, How Will It Affect The Election?....Especially In Iowa.....

- Posted by [Michael CHILDS, Admin II](#) on October 27, 2012 at 4:45pm

How do you fight corruption? I will vote, but with the czars and the UN how do we take our country back? We need a real leader, a leader to rise up to put our country and God first.



[Human Events has reported](#) what it would believe to be as Voter fraud but without no interpretation of what was said, no one can be sure. I would not put anything past the left-wings goons and Obama. They would go to any lows to ensure Obama's re-election.

COLUMBUS, Ohio — Two volunteer poll workers at an Ohio voting station told Human Events that they observed van loads of Ohio residents born in Somalia — the state is home to the second-largest Somali population in the United States — being driven to the voting station and guided by Democratic interpreters on the voting process. No Republican interpreters were present, according to these volunteers.

A source, who wishes to remain anonymous, is a volunteer outside the Morse Road polling center. She has witnessed Somalis who cannot speak English come to the polling center. They are brought in groups, by van or bus. The Democrats hand them a slate card and say, "vote Brown all the way down." Given that Sherrod Brown is the incumbent Democrat Senator in Ohio, one can assume that this is the reference.

Sadly, the only way to eliminate evil people is to take the power away from them **is to win the election by a landslide.** Evil people do not willingly relinquish power they have schemed and plotted to obtain. Freedom must be won.

How in the heck does someone become a citizen of the US without speaking English? When did that rule change? Yes, I agree that this will probably have to be resolved with gunfire in the end, as these looters will lie and cheat to keep their own power over the tax paying citizens.

Non-English speaking voters may use an interpreter. The interpreters are permitted by law to interpret for the individual voting; **however, they are forbidden from influencing their vote in any way.** Another source who also wishes to remain anonymous has seen Democrat interpreters show the non-English speaking Somalis how to vote the Democrat slate that they were handed outside.

According to this second source, there are not any Republican Somali interpreters available.

The logical follow-up question is whether a non-English speaking person is an American citizen.

Although Republican leadership in Ohio passed a voting reform law, it was repealed by the legislature itself after the Democrats threatened a referendum.

According to the Ohio Secretary of State's web site, someone wanting to vote early in Ohio must supply one of the following in writing on the absentee ballot form, whether voting early by mail or in person: an Ohio driver's license number; the last four digits of the social security number; or a copy of a current and valid photo identification, military identification, or a current — within the last 12 months — utility bill, including cell phone bill, bank statement, government check, paycheck, or other government document that shows the person's name and address in addition to the voter registration acknowledgement.

I suspect that's also the reason the UN observers are here. Considering our own government's propensity for false flag actions I think it's a powder-keg. But we cannot just lay down. What they want is a happy little Commie one world govt.

However, a free and sovereign US of A is viewed as a roadblock to that by these globalists. They've used propoganda and their control on the media to demonize nationalism to where if you love your country you're now watch-list fodder. That's seriously messed up but we have to recognize it for what it is.

The voter is not required to show the driver's license or social security card, but must merely write it on the absentee ballot request form.

While the individual would be required to show a utility bill, bank statement or other printed document if he or she chooses that option, this is in lieu of writing the driver's license or social security number.

Therefore, the information cannot be checked against the Bureau of Motor Vehicles or other state databases. Essentially, a person is asked to check a box stating that they are a citizen, and the poll worker is to trust that they are the person who is listed on the item being shown or the information being written.

In other words, someone can be an illegal resident of the state of Ohio and the United States, get an apartment, turn on the heat, bring in the Columbia Gas bill, register to vote by the deadline, and vote by showing that same bill.

There is then no verification that this individual is a citizen of the United States.

Matt McClellan, the press secretary for Ohio Secretary of State Jon Husted, explained, "There is a process to challenge a voter's eligibility. The point in time for a challenge to be brought ended mid October.

A poll worker could challenge a voter if they had questions as to whether or not a voter was registered or eligible to vote."

However, if the poll worker does not raise the issue at the time the voting occurs, that person's vote will otherwise be counted on election day along with everyone else's vote. McClellan was not aware of any reports of irregularities at the Morse Road voting place in Franklin County.

I could only WISH that UN observers would dare show their faces in our state. They wouldn't dare... too cowardly. We'd tell 'em what's what, and their fragile egos can't take that.

[BREAKING NEWS: Ohio Voter Fraud and Intimidation](#)

one man has all ready lead America for 4 years of deception & mismanagement of funds.

Has voiced his views on entitlements and not independence. when people are poisoned with the fact That Government will bail them out then a chain reaction will happen and there kids turn there kids to entitlements.

Education & tuff Love feed the knowledge how one builds a future..when a leader has no balance and can not build the protection to his people and Cuts the fundamentalism of his Military by 1.3 trillion Dollars and American's Die as he Sleeps has no respect in my Vote to lead.

Romney is my vote because only 2 Men are given to choose from and one all ready went down the wrong path.

Barack Obama is doing his Killing with Drones and innocent people Die. and telling the Afgan People when we was committing to leave was a mistake.

Barack Obama gave funding to solar power and wind power witch is a fraud would take the state of Washington with solar panels to light up New York street lights for 1 month and they all are bellying up.

He is not a voice of peace but a voice of death and betrayed our men at arms. And now he has bad Blood of hero's on his hands. [Scott E Downer jr \(@sedj4wd\)](#)

More people should take a stand and get to the voting polls. Our sovereignty is at stake, and anyone who cares enough to vote should care enough to protect our country from foreign interference.

I do not understand those who believe in the UN . It has revealed itself as a Marxist governing body.

And honestly, unless our Constitution is LEGALLY changed, the UN has zero jurisdiction inside the borders of this country. I will proudly tell them that, too. I absolutely refuse to abide by any of their wishes or dictates, should they make them known. I WILL defend myself from them with whatever I have at my disposal. They have even gone so far as to "recommend" that American vote for Obama in the election. Where the HELL do they get off meddling like that?

Surely, it would be illegal for them to be in any polling site elsewhere, as it is here in Arizona? **I expect they will not show up in states like Texas, Florida, Arizona,etc. and if they do here the Sheriff Joe's Posse will show them the door.**

The screenshot shows an email client window titled "[Probable SPAM] Re: Absentee Envelopes - Message (HTML)". The message header indicates it was sent on Wed 11/28/2012 11:48 AM. The sender is Mark Delk (markdelk@aol.com) and the recipient is Trena Parker. The subject is "[Probable SPAM] Re: Absentee Envelopes".

The main body of the email contains the following text:

Trena,

I am more interested in the remainder of (the other side of) the provisional ballot envelopes for Precinct 65.1. If you are unable to comply with the full request you should prioritize your efforts on producing this side of the envelope.

I (as an assistant to Mrs Merrill's campaign) first requested copies of the entire provisional envelopes for precinct 65.1 orally on November 12, 2012. I was informed in that conversation that the copies could not be provided because "the envelope" contained birth dates of the voters.

Later that day, I again requested photocopies of the entire provisional envelopes (with the birth dates redacted) for all provisional ballots cast in precinct 65.1. This request was made by e-mail on November 12, 2012 and provided sufficient detail for you to understand that the request was for each entire envelope (both the side labeled as "PROVISIONAL BALLOT ENVELOPE" and the side labeled "Provisional Voting Registration/Update Form") containing a provisional ballot tendered in precinct 65.1

That item was item 1 in the e-mail request. It was listed first because it was the most important part of the request.

My e-mail request made it very clear that I was not interested in provisional envelopes containing ballots for precinct 66.1 - only envelopes that contained ballots for precinct 65.1 (the race in question)

Yesterday I was provided with, charged for and paid for photocopies of the provisional voting/registration update forms for Precinct 65.1 and 66.1 but was informed that the remainder of the provisional ballot envelope's (the other side of the form) was not available because each envelope was attached to the ballot it previously contained. (This side of the form does not and has never had the voter's date of birth on it.) The implication was that the ballots had been not just segregated but officially sealed.

This side of the form was requested long before any ballots were segregated (segregation and NOT official sealing is what was authorized by the board during the canvass) this side of the form could have been produced without redaction prior to the canvass. This side of the form is highly relevant to the Merrill campaign's challenge.

Mrs Merrill's challenge is to be heard TONIGHT and as of this date I have not received a photocopy of the remaining part of each envelope side of the provisional ballot which were first requested on November 12. This information is absolutely necessary to afford a meaningful opportunity to be heard.

I have made repeated requests for this information - for some reason it has not been provided.

I again request that you photocopy the side of the provisional ballot envelope for each provisional ballots issued in precinct 65.1 (the remainder of the envelope that corresponds to the two groups (the 44 and the 30) of Provisional Voting Registration/update forms that were provided to me yesterday.

Please provide photocopies of the remainder of the provisional ballots for precinct 65.1 without further delay.

Sincerely,

Mark Delk

-----Original Message-----
From: Trena Parker <Trena.Parker@buncombecounty.org>
To: markdelk <markdelk@aol.com>
Sent: Wed, Nov 28, 2012 9:37 am
Subject: Absentee Envelopes

The bottom of the screenshot shows a taskbar with various application icons and a system tray displaying the time as 11:08 AM on 5/20/2013.

Below the screenshot, there is a second email header section:

You replied on 11/14/2012 12:56 PM.
From: Mark Delk (markdelk@aol.com)
To: Trena Parker
Cc:
Subject: [Probable SPAM] Request for information relevant to district 2 election

Trena,

Thanks you for speaking with me earlier today by phone.

This e-mail will serve as a written request for the following information.

All request made herein are relevant to, and for information concerning the "**Warren Wilson**" / **Beetree section of District 2:**

I am concerned only with voters who's address was changed into District 2, were re-voted into District 2, received a District 2 Ballot (whether by action of the voter or action of your office) or who re-registered into District 2.

The request applies to the 54 votes which were re-voted (to the extent that the requested information - or substantially similar information- exists concerning the 54 votes that were re-voted) and to the 145 provisional ballots and "absentee ballots."

I would request a copy of the following:

1. A photocopy or PDF image of the face of the envelope of each Provisional Ballot tendered in District 2 Commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient ,**
2. A photocopy or PDF image of the face of the envelope containing Each Absentee Ballot returned to the board applicable to the District 2 commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient ,**
3. A photocopy or PDF image of the face of each envelope containing an application for an Absentee Ballot requested for the District 2 Commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient , and**
4. Three list, each containing the names of each person by category (Provisional, Absentee and those who applied for an absentee ballot).
5. A list of the names of the 54 individuals who were "re-voted"
6. A list containing (or method to determine from the information provided above) the specific date that each voter changed (or had changed) their address or registration from a District 1 address to District 2 address.

In light of remarks made in the Asheville Citizens-Times that "Cathy Kramer, dean of service for the college, said the district split is not a good fit on a campus where students are often moving from dorm to dorm. "By next week they could live in a different district because it's all on campus," and also in light of the fact that the Asheville Citizens-Times article quoted Warren Wilson student Lara Bock of New York City about people who are really passionate about the local elections, I also inquire regarding the following:

1. Were the 54 re-votes, the 145 provisional ballots and absentee ballots handled as an un-reported

move or under some other authority?

2. Did your office determine that the student/voters at Warren Wilson actually lived in District 2 for more than 30 days prior to their re-registering or their change of address? If so how? Is there a written protocol provided to, and used by, the transfer assistants so that the same factors are always considered and given the same weight or are these assistants allowed to exercise discretion in making the determination.

3. How did your office determine that the presumption (that the student/voter's home town was their place of residence as opposed to their college town) had been rebutted. Is there a specific protocol or check-list that your office used in determining that the presumption had been rebutted for each of the Warren Wilson students who voted in District 2?

3. Was a written affirmation concerning a change of address required prior to allowing anyone to re-vote or submit a provisional ballot or an absentee ballot? If so is each affirmation on file? May I have a copy (provided that all non-public information is redacted.) If so I do hereby request a photocopy or a PDF of each written affirmation.

I appreciate you attention to this matter. I believe you have my phone number should you have questions.

Sincerely,

Mark Delk

From: Trena Parker
To: markdelk@aol.com
Cc:
Subject: Absentee Envelopes

Sent: Wed 11/28/2012 9:38 AM

We have created a report that tells us that there are 1725 absentee ballots from District #2. I have called in a temporary worker to pull those envelopes. Wanted you to know that the report is available if you want that as well. It will take 3 or 4 hours to pull these envelopes.

Message

Ask me about provisional voting: - Message (HTML)

Message

Reply Reply Forward to All Respond

Delete Move to Folder Create Rule Other Actions Actions

Block Sender Not Junk Junk E-mail

Safe Lists

Categorize Follow Up Mark as Unread Options

Find Related Select Find

You replied on 10/20/2012 1:46 PM.

From: Allan Tarleton [atarleton@vwlawfirm.com] Sent: Sat 10/20/2012 12:24 PM

To: Jones Byrd; Trena Parker

Cc: Robert J. Deutsch (bob@bobdeutschlaw.com); Nate Denny

Subject: Ask me about provisional voting:

Jones and Trena,

I'm serving as one of the county counsel for the Obama campaign. We have received a report that official poll workers at at least one OSEV location (North Regional) are wearing buttons reading " Ask me about provisional voting." We are concerned that message may encourage provisional ballots unnecessarily, particularly at a time when voters may be able to cure possible problems with their registration at the same site where they have gone to vote. Can you let me know whether that report is accurate and, if so, the Board of Election's instructions to poll workers about provisional ballots during this period of early voting?

Thanks for your service and attention.

Allan R. Tarleton

The Van Winkle Law Firm
P.O. Box 7376
Asheville, NC 28802
(828) 258-2991
Direct Dial: 828-771-2518
Email: atarleton@vwlawfirm.com



11 North Market Street, Asheville, NC 28801 | 828-258-2991 | FAX 828-255-0255
422 South Main Street, Hendersonville, NC 28792 | 828-697-6196 | FAX 828-693-3999

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11:18 AM 5/20/2013

You forwarded this message on 11/14/2012 1:00 PM.

From: Rachel Rathbone Sent: Wed 11/14/2012 12:59

To: Trena Parker

Cc:

Subject: absentee information regarding CC2

Message | CIV absentees CC2.pdf | OVR absentees CC2t.pdf | ML absentees CC2t.pdf | Untitled

There are three reports for Commissioner District 2 attached above, of voters in each absentee-by mail group, civilian, military, and overseas, that have requested absentee ballots-by mail. (The last report attached above is an analysis of precincts as they are assigned to each County Commissioner District.)

These reports include those who did not complete and return their request forms and are sitting in the incomplete queue. The civilian report, for example, lists those who are in the incomplete queue first. They were never mailed an absentee ballot because they did not complete and return their request form, and do not have a ballot number or sequence number assigned. On the civilian report, you'll also see that if they were not sent a ballot, the return status field is blank. If we have sent and received the ballot back, you'll see that it was Accepted. In some cases, the ballot may have been spoiled and reissued at the voter's request.

Please do not hesitate to call if you have any questions about the information above.

Thank you,
Rachel

From: Trena Parker
To: eric.gorny@nrmfn.com; jsterritt4@gmail.com
Cc: Henry Mitchell; ecarneylaw@hotmail.com; Jones Byrd; Bob Van Wagner
Subject: Amended protest
Sent: Wed 12/12/2012 3:58 PM

The BCBOE will address Mr. Gorny's amended protest at it's regularly scheduled meeting on December 19th at 5:30 pm. This will take place at the office at 35 Woodfin Street, 2nd floor board room.
Sent from my iPad

You forwarded this message on 9/14/2012 10:59 AM.
From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: SBOE_Grp - Directors.BOE
Cc: SEIMS.ADD.BOE
Subject: Ballot Reconciliation Form
Sent: Fri 9/14/2012 10:26 AM

Message | Ballot Reconciliation.xls

The new **Ballot Reconciliation and Chain of Custody** form that was discussed at the August training is attached. This form should be distributed to each precinct for proper election day ballot management. This form was developed to make it easier for election officials to track and manage all ballots that are delivered to a precinct, issued to voters, and returned back to the county boards of elections. This form will more effectively allow you to reconcile your voter history to ballots cast and to account for any discrepancies.

Please make sure that your precinct workers complete this form after the polls have closed. They should deliver this form back to you election night and you are required to review this form with them and then sign off on it.

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Bartlett, Gary [Gary.Bartlett@ncsbe.gov]
To: Amanda Meadows; Bob Cordle; Charles Winfree; ronald penny; jh@johnhemphillaw.com; jhncsboe@gmail.com
Cc: McLean, Johnnie; Wright, Don; McCue, George; Trena Parker; Susan Nichols
Subject: Buncombe County Commission District 2 (2 seats)
Sent: Tue 12/4/2012 9:10 AM

Message | Buncombe 3% Extrapolation.docx

Attached you will find information regarding the machine recount and the random 3% hand-to-eye recount for the emergency State Board meeting today at 3:30 p.m. Extrapolating the gains of the losers in the 3% hand-to-eye, both qualify for a hand-to-eye recount in the entire jurisdiction. Trena Parker, Director of Buncombe County, requests to begin the hand-to-eye recount on Thursday.

From: Trena Parker
To: Bartlett, Gary (Gary.Bartlett@ncsbe.gov); Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: Buncombe Recount and Preliminary Protest Hearing

Buncombe's Recount will take place beginning Wednesday, November 28th at 10:00 a.m. (We hope to be finished by Friday).

Preliminary Hearing to deal with Merrill/Peaslee Protest is scheduled for 5:30 p.m. Wednesday afternoon.

From: Trena Parker
To: McLean, Johnnie (Johnnie.McLean@ncsbe.gov); Bartlett, Gary (Gary.Bartlett@ncsbe.gov)
Cc:
Subject: Buncombe Recount
Sent: Fri 12/7/2012 4:26 PM

Getting a few questions regarding the outcome when we are done. Looks like we will either be done around 7:30 tonight or mid-morning tomorrow ... depends on how many people we can talk into staying late tonight. If this does change the outcome of either of the requesting candidates, are there any additional rights/steps available to them? I have searched statutes and administrative code and do not readily see anything. All is going well, by the way.

From: Trena Parker
To: ecarneylaw@hotmail.com
Cc:
Subject: Could you put the word out?
Sent: Wed 10/31/2012 9:28 AM

We are hearing a lot of complaints regarding campaigners at Black Mountain. If what we are hearing is true, it is a bit aggressive. Also hearing reports that sample ballots are being duplicated and given out without the proper disclaimer. Thanks so much. The board approved your early voting observers. Please be reminded that Election Day observers lists are due tomorrow.

FW: - Message (Plain Text)

Message

Reply Forward to All Respond | Delete Move to Folder Actions | Create Rule Other Actions | Block Sender Not Junk Junk E-mail | Safe Lists | Categorize Follow Up Options | Mark as Unread | Find Related Select Find

You forwarded this message on 10/24/2012 12:21 PM.

From: Trena Parker Sent: Wed 10/24/2012 9:59 AM
To: BOEACCC; BOEAWML; BOEBCTC; BOEBMBL; BOEBSML; BOEBTFD; BOEFVBL; BOEJFPD; BOEKENT; BOELCBL; BOELUCH; BOEMHBC; BOENABL; BOESBBL; BOELUHR; BOELINCA; BOEWABL; BOEWWTH
Cc:
Subject: FW:

Message | 20121024093520952.pdf

Good Morning!

Please find attached a memorandum sent to us by the State Board of Elections on Monday afternoon. The first part is requesting that counties without enough sites and resources for Early Voting consider taking action. We are proud to report that we don't feel that we are one of those counties. You got us covered!!!

Please read carefully and pay close attention to the Voter ID portion, especially the graph provided. Please note that a photo ID is not a requirement for same day registrants. It is included in the list of acceptable documents, but it is not the only acceptable form. If you have questions, please review the information sent to you earlier.

There is also important information in this memorandum we need for you to review regarding ballot issuance, buffer zones and the limitation on political activities. Lastly, please have your workers refrain from telling voters that you are "closing" when you are changing shifts. Your site is not closing. It is taking 10 minutes (tops) to change shifts. We have received reports of some shift changes taking a bit longer. I know that you can't rush voters while they are in the booth...but look for ways you can begin the process on the front end.

Thank you!!! I am so impressed with the professional job that you are doing. Every day I hear of situations where you have risen to the challenge, given the right answers, provided great service....so proud to be one of you!

-----Original Message-----
From: bcfmp@buncombecounty.org [<mailto:bcfmp@buncombecounty.org>]
Sent: Wednesday, October 24, 2012 9:35 AM
To: Trena Parker
Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 10.24.2012 09:35:20 (-0400)
Queries to: bcfmp@buncombecounty.org

11:29 AM 5/20/2013

From: Trena Parker Sent: Fri 11/16/2012 10:32 AM
To: Jones Byrd (jbyrdaw@gmail.com)
Cc:
Subject: FW: [Maybe SPAM] (no subject)

From: Peaslaw@aol.com [<mailto:Peaslaw@aol.com>]
Sent: Friday, November 16, 2012 10:25 AM
To: Trena Parker
Subject: [Maybe SPAM] (no subject)

Dear Mr. Parker and Members of the Buncombe Co Board of Elections:

Chairman Byrd asked me to submit something in writing with regard to my clients' request that the provisional ballots distributed with regard to the Warren Wilson Road issue.

As you know, provisional ballots, once co-mingled with regular ballots, cannot be retrieved. We are asking that the provisional ballots in question remain segregated or in the alternative identifiable so that in the event there is a successful protest, the impact of those ballots can be determined and a new election can be avoided.

I understand that you must report the provisional ballots by precinct within 60 days of the canvass. I would recommend that the Board run to batches of the provisionals, separating out the Warren Wilson Road ballots. That would yield two totals, the Warren Wilson Road total and the non-Warren Wilson Road, the sum of which is the Provisional vote of the county. The ballots can then, within sixty days, be reported by precinct pursuant to statute.

In the alternative, if the Warren Wilson provisional ballots could be separated out within each precinct by some indication (perhaps a postit note) and run as the last ballots for each precinct thus maintain their identifiability.

Thank you for your consideration.

William W. Peaslee
Attorney at Law PLLC
102-K Commonwealth Ct.
Cary, NC 27511
(919) 481-1992
(919) 481-2919 Fax
www.CaryAttorney.com

From: Trena Parker
To: Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: FW: [Probable SPAM] Request for information relevant to district 2 election

Sent: Tue 11/13/2012 10:25 AM

Need to chat with you regarding this request, as soon as it is convenient. Thanks.

From: Mark Delk [<mailto:markdelk@aol.com>]

Sent: Monday, November 12, 2012 7:52 PM

To: Trena Parker

Subject: [Probable SPAM] Request for information relevant to district 2 election

Trena,

Thanks you for speaking with me earlier today by phone.

This e-mail will serve as a written request for the following information.

All request made herein are relevant to, and for information concerning the "**Warren Wilson**" / **Beetree section of District 2:**

I am concerned only with voters who's address was changed into District 2, were re-voted into District 2, received a District 2 Ballot (whether by action of the voter or action of your office) or who re-registered into District 2.

The request applies to the 54 votes which were re-voted (to the extent that the requested information - or substantially similar information- exists concerning the 54 votes that were re-voted) and to the 145 provisional ballots and "absentee ballots."

I would request a copy of the following:

1. A photocopy or PDF image of the face of the envelope of each Provisional Ballot tendered in District 2 Commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient ,**
2. A photocopy or PDF image of the face of the envelope containing Each Absentee Ballot returned to the board applicable to the District 2 commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient ,**
3. A photocopy or PDF image of the face of each envelope containing an application for an Absentee Ballot requested for the District 2 Commissioner's race **with the voter's date of birth redacted by placing a post it note over the date prior to photocopying/scanning or by such other means as you deem expedient , and**

4. Three list, each containing the names of each person by category (Provisional, Absentee and those who applied for an absentee ballot).
5. A list of the names of the 54 individuals who were "re-voted"
6. A list containing (or method to determine from the information provided above) the specific date that each voter changed (or had changed) their address or registration from a District 1 address to District 2 address.

In light of remarks made in the Asheville Citizens-Times that "Cathy Kramer, dean of service for the college, said the district split is not a good fit on a campus where students are often moving from dorm to dorm. "By next week they could live in a different district because it's all on campus," and also in light of the fact that the Asheville Citizens-Times article quoted Warren Wilson student Lara Bock of New York City about people who are really passionate about the local elections, I also inquire regarding the following:

1. Were the 54 re-votes, the 145 provisional ballots and absentee ballots handled as an un-reported move or under some other authority?
2. Did your office determine that the student/voters at Warren Wilson actually lived in District 2 for more than 30 days prior to their re-registering or their change of address? If so how? Is there a written protocol provided to, and used by, the transfer assistants so that the same factors are always considered and given the same weight or are these assistants allowed to exercise discretion in making the determination.
3. How did your office determine that the presumption (that the student/voter's home town was their place of residence as opposed to their college town) had been rebutted. Is there a specific protocol or check-list that your office used in determining that the presumption had been rebutted for each of the Warren Wilson students who voted in District 2?
3. Was a written affirmation concerning a change of address required prior to allowing anyone to re-vote or submit a provisional ballot or an absentee ballot? If so is each affirmation on file? May I have a copy (provided that all non-public information is redacted.) If so I do hereby request a photocopy or a PDF of each written affirmation.

I appreciate you attention to this matter. I believe you have my phone number should you have questions.

Sincerely,

Mark Delk

You forwarded this message on 1/15/2013 4:04 PM.

From: Bill Savage [mailto:bill3713@earthlink.net]
To: Bill Savage
Cc:
Subject: FW: 2012 General Election Provisional Ballot Results

Sent: Tue 1/15/2013 3:41 PM

Good afternoon:

I don't have a record of receiving a copy of your county's Provisional Ballot report. I'd appreciate it if you'd let me know about when you'll be able to send it -- or if you won't be able to.

Thanks,

Bill Savage

From: Bill Savage [mailto:bill3713@earthlink.net]
Sent: Monday, December 17, 2012 2:39 PM
Subject: 2012 General Election Provisional Ballot Results

There was virtually no news coverage of provisional ballot results for the 2012 General Election. Attached is a copy of a report issued by Wake County summarizing their results. Please send me a copy of the results for your county.

Thanks,

Bill Savage
Apex

From: Trena Parker
To: Rachel Rathbone
Cc:
Subject: FW: 2012 Provisional Count

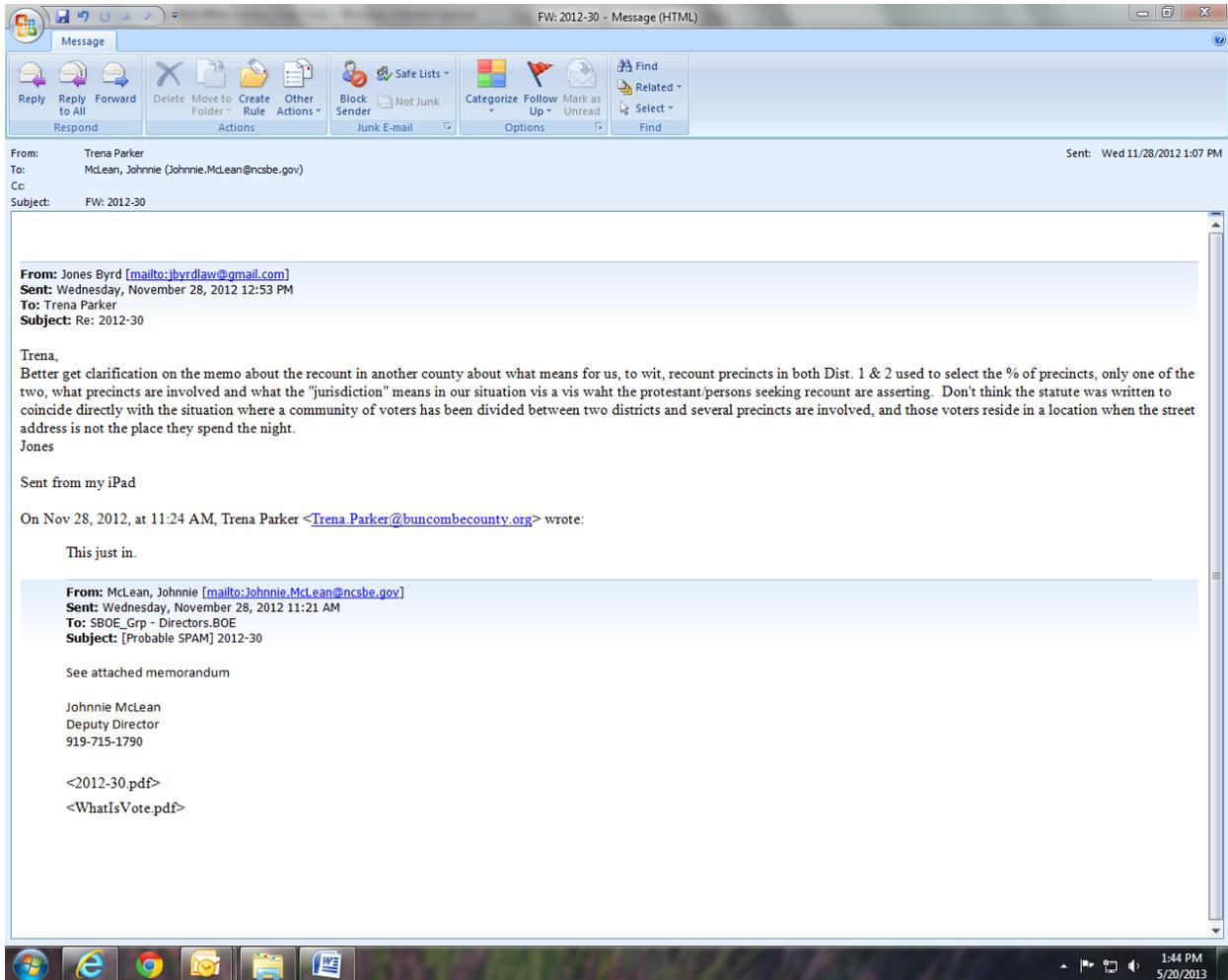
Sent: Tue 11/6/2012 6:36 PM

From: Degraffenreid, Veronica [mailto:Veronica.Degraffenreid@ncsbe.gov]
Sent: Tuesday, November 06, 2012 6:17 PM
To: SBOE_Grp - Directors.BOE
Cc: SEIMS.ADD.BOE
Subject: 2012 Provisional Count

By 12:00 p.m. tomorrow, please use the survey link below to report the estimated number of provisionals that were cast today in your precincts:

<http://www.surveymonkey.com/s/2012Provisionals>

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



FW: Amended protest - Message (HTML)

Message

Reply Reply to All Forward to All Delete Move to Folder Create Rule Other Actions Block Sender Not Junk Safe Lists Junk E-mail Categorize Follow Up Mark as Unread Find Related Select Find

You replied on 12/19/2012 4:44 PM. Sent: Wed 12/19/2012 4:41 PM

From: Wright, Don [don.wright@ncsbe.gov]
To: Trena Parker
Cc: Bartlett, Gary; McLean, Johnnie; Susan Nichols; Larry Leake
Subject: FW: Amended protest

Message | Gorny-vd.pdf

Thanks for the dismissal of the amended protest on the Buncombe County Commissioner District 2 race filed by Eric Gorny. This only leaves the matter that was heard by the State Board on December 13th.

From: Trena Parker [mailto:Trena.Parker@buncombecounty.org]
Sent: Wednesday, December 19, 2012 4:31 PM
To: Wright, Don
Subject: FW: Amended protest

From: John Sterritt [mailto:jesterritt4@gmail.com]
Sent: Wednesday, December 19, 2012 4:22 PM
To: Trena Parker
Cc: eric.gorny@nmfn.com; Henry Mitchell; ecarneylaw@hotmail.com; Jones Byrd; Bob Van Wagner
Subject: Re: Amended protest

Attached is Eric Gorny's dismissal.

I hope y'all have a great holiday.

On Wed, Dec 12, 2012 at 3:58 PM, Trena Parker <Trena.Parker@buncombecountv.org> wrote:

The BCBOE will address Mr. Gorny's amended protest at it's regularly scheduled meeting on December 19th at 5:30 pm. This will take place at the office at 35 Woodfin Street, 2nd floor board room.
Sent from my iPad

--

John C. Sterritt, IV
Attorney at Law
252 John Tate Drive
Fletcher, NC 28732
828-450-7990

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9:45 AM 5/21/2013

From: Trena Parker
To: Bartlett, Gary (Gary.Bartlett@ncsbe.gov); Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: FW: Buncombe Hand Eye

Sent: Tue 12/4/2012 8:28 AM

-----Original Message-----
From: Carol Peterson [mailto:peterson7@bellsouth.net]
Sent: Tuesday, December 04, 2012 8:08 AM
To: Trena Parker
Cc: Carol Peterson
Subject:

December 4, 2012

To: Trena Parker, Director
Buncombe County Board of Elections

From: Carol Weir Peterson, Candidate
Buncombe County Commission District 2

Trena,
I am requesting a "Hand -to- Eye" recount of all ballots cast in the November 6, 2012 Buncombe County Commission District 2 election.

Thank you,
Carol Weir Peterson

From: Trena Parker
To: Rachel Rathbone
Cc:
Subject: FW: Container Return Envelope

Sent: Fri 10/26/2012 11:36 AM

From: Degraffenreid, Veronica [<mailto:Veronica.Degraffenreid@ncsbe.gov>]
Sent: Friday, October 26, 2012 9:24 AM
To: Carty, Beth A - Greensboro, NC; Robert Coffman
Subject: RE: Container Return Envelope

Many thanks . . .

BTW . . . Buncombe County is reporting to me this morning that they mailed out over 600 absentee ballots on October 15, 2012, but numerous voters are reporting that they have not received their balloting materials. The Buncombe director is following up with the postmaster there. Not sure at this point what the issue is.

From: Carty, Beth A - Greensboro, NC [<mailto:Beth.A.Carty@usps.gov>]
Sent: Friday, October 26, 2012 8:57 AM
To: Degraffenreid, Veronica; Robert Coffman
Subject: RE: Container Return Envelope

Veronica –

This was addressed in an internal newsletter yesterday. I have forwarded the information to all of the offices in the Greensboro District. In addition, I have emailed the Postmaster of WS and his staff to ensure this doesn't happen again. This is what was sent out. I had previously spoken with Rob Coffman and the folks at the WS main Post Office, I don't know what happened.

Election Mail reminder: Deliver every ballot

As Election Day — Tuesday, Nov. 6 — approaches, USPS is reminding employees that Election Mail ballots, regardless of type, must never be held or detained for any reason.

Absentee ballots with short-paid or with no postage are never detained or held for postage payments. Collection of revenue is made later through the local election office.

Certain categories of U.S. citizens are not required to use postage for mailing ballots, including:

- Members of the Armed Forces in active service and their spouses and dependents.
- Members of U.S. Merchant Marine and their spouses and dependents.
- U.S. citizens living outside the territorial limits of the U.S. and their spouses and dependents.

Additional information on Political Campaign and Election Mail is available at [Election 2012](#) on *Blue*. Political and Election Mail fall under the corporate “Election Mail” initiative — part of the Delivering Results, Innovation, Value and Efficiency (DRIVE) program. For more information, go to the [DRIVE](#) website on *Blue*. (Note: the website is available only to readers using postal computers or BlackBerries).

This was in yesterday’s BMA newsletter and since I had a message this morning regarding a few ballots returned to the residential address for postage.

[Beth A. Carty](#)

Mailing Standards Specialist

Greensboro P & DC

PO Box 27491

Greensboro NC 27498-9709

336-931-9368

Fax - 651-306-6456

beth.a.carty@usps.gov

Cooperation is the thorough conviction that nobody can get there unless everybody gets there.

~Virginia Burden

From: Degraffenreid, Veronica [<mailto:Veronica.Degraffenreid@ncsbe.gov>]

Sent: Friday, October 26, 2012 7:58 AM

To: Carty, Beth A - Greensboro, NC

Subject: FW: Container Return Envelope

Beth, FYI. Call me if you want me to explain further.

From: Coffman, Robert H [<mailto:coffmarh@forsyth.cc>]

Sent: Thursday, October 25, 2012 5:20 PM

To: Degraffenreid, Veronica

Subject: Container Return Envelope

Veronica,

I want to notify you of an issue we are having with the absentee return envelopes and the post office. We have had around five voted absentee ballot envelopes returned to the voters residential address and not delivered to us because the post office is using that address label on the back of the envelope as the mail to address. I'm trying to communicate with the local Post Master to bring this error to their attention. You may want to discuss it with your post office contacts. My assumption is that it is has happened or will happen to other CBE offices.

Rob Coffman

Director

Forsyth County, NC - Board of Elections

(336) 703-2801

robcoffman@forsyth.cc

www.fcvotes.com



NOTE: This is a Forsyth County operated e-mail system. ALL e-Mail communication is subject to be accessed by the news media

You replied on 11/28/2012 10:40 AM.

From: Wright, Don [don.wright@ncsbe.gov]
To: Trena Parker
Cc:
Subject: FW: Follow up details for recount request

Sent: Wed 11/28/2012 9:34 AM

Message | Draft letter for recount 11-28-12.docx

To follow up our phone conversation, it would appear the attached request is not very relevant in this race since the only ballots going to out stack are those marked for a write-in. Those ballots can be **observed** by the campaign representatives, but since there are no write-ins in this race, it will not make any difference. These ballots **should not be handled by others** outside your Board and staff.

Christina Kelley Gallegos-Merrill is represented by Bill Peaslee in her protest. Thus I am uncomfortable in having her assert a legal opinion in her recount without it being done by her counsel of record or a statement that Peaslee does not represent her in matters as to the recount. I will defer to your Board as to any concern they might have as to the attached letter being presented to them by the candidate and not her counsel.

Don Wright

From: Trena Parker [mailto:Trena.Parker@buncombecounty.org]
Sent: Wednesday, November 28, 2012 8:34 AM
To: Jones Byrd (jbyrdlaw@gmail.com); Wright, Don
Subject: FW: Follow up details for recount request

From: KelleyCo Productions [mailto:kellycoproductions@yahoo.com]
Sent: Wednesday, November 28, 2012 8:24 AM
To: Trena Parker; Rachel Rathbone
Subject: Follow up details for recount request

Trena,

Good Morning, please find attached a recount request follow up letter that I will be bringing this morning. Thank you in advance for your effort and diligence.

Sincerely,

Christina Kelley Gallegos-Merrill

KelleyCo Productions
www.ChristinaGMerrill.com
Office 828.423.6190
Fax 828.628.1585

Message

FW: Full Hand/Eye Recount request - Message (HTML)

Reply Reply Forward
to All Respond

Delete Move to Create Other
Folder Rule Actions

Block Sender Not Junk
Junk E-mail

Safe Lists

Categorize Follow Mark as
Up Unread

Options

Find
Related
Select
Find

From: Trena Parker
To: Bartlett, Gary (Gary.Bartlett@ncsbe.gov); Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: FW: Full Hand/Eye Recount request

Sent: Tue 12/4/2012 8:27 AM

Trena Parker,
This is a follow up to my oral request today at the 3% Hand/Eye recount - for a full Hand/Eye recount in for Buncombe County Commissioner District -2. I am requesting this based on the discrepancies found today.
I have copied Attorney Gene Johnson on this email.

Most Respectfully,

Christina Kelley Gallegos-Merill

KelleyCo Productions
www.ChristinaGMerrill.com
Office 828.423.6190
Fax 828.628.1585

From: Trena Parker <Trena.Parker@buncombecounty.org>
To: "kelleycoproductions@yahoo.com" <kelleycoproductions@yahoo.com>
Sent: Monday, December 3, 2012 2:31 PM
Subject: FW: Protest Order

Christina,

I do not see that we have an email address for Mr. Johnson. Could you provide me with contact information for him?

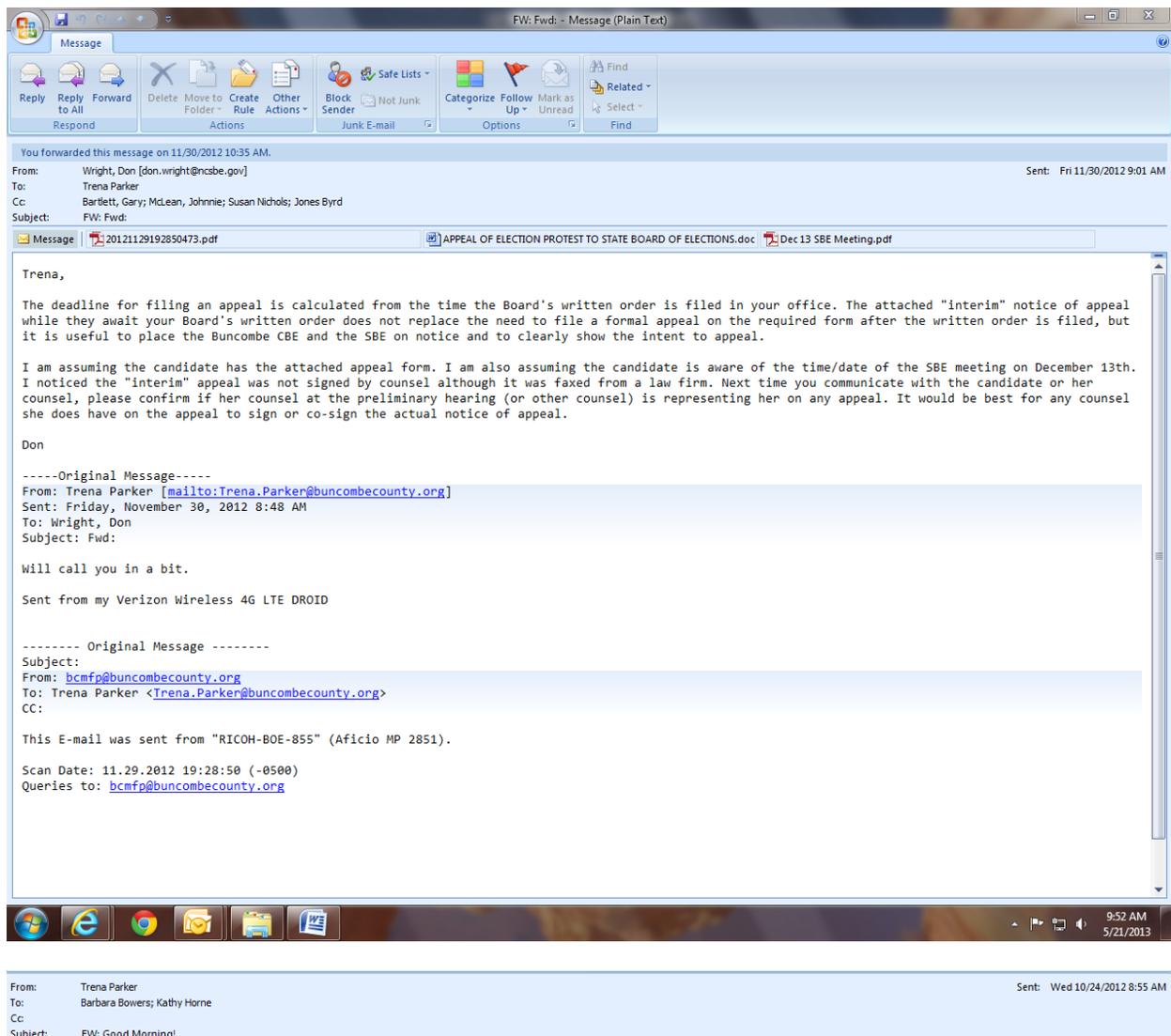
Thanks,
Trena

-----Original Message-----
From: bcmfp@buncombecounty.org [mailto:bcmfp@buncombecounty.org]
Sent: Monday, December 03, 2012 2:25 PM
To: Trena Parker
Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 12.03.2012 14:24:48 (-0500)

9:51 AM
5/21/2013



Can you send them another lighter one?

From: BOEMHBC
Sent: Tuesday, October 23, 2012 3:53 PM
To: Trena Parker
Subject: RE: Good Morning!

Hi Trena,

Just a small comment about using the highlighters. Our purple highlighter is so dark, it makes it hard to read the information after we highlight it.

Thanks,

Pam Barbee

MHBC

From: Trena Parker

Sent: Tuesday, October 23, 2012 9:59 AM

To: BOEACCC; BOEAVML; BOEBCTC; BOEBMBL; BOEBSML; BOEBTFD; BOEFVBL; BOEJPFD; BOEKENI; BOELCBL; BOELUCH; BOEMHBC; BOENABL; BOESBBL; BOEUHFR; BOEUNCA; BOEWABL; BOEWVTH

Subject: Good Morning!



Hi everyone,

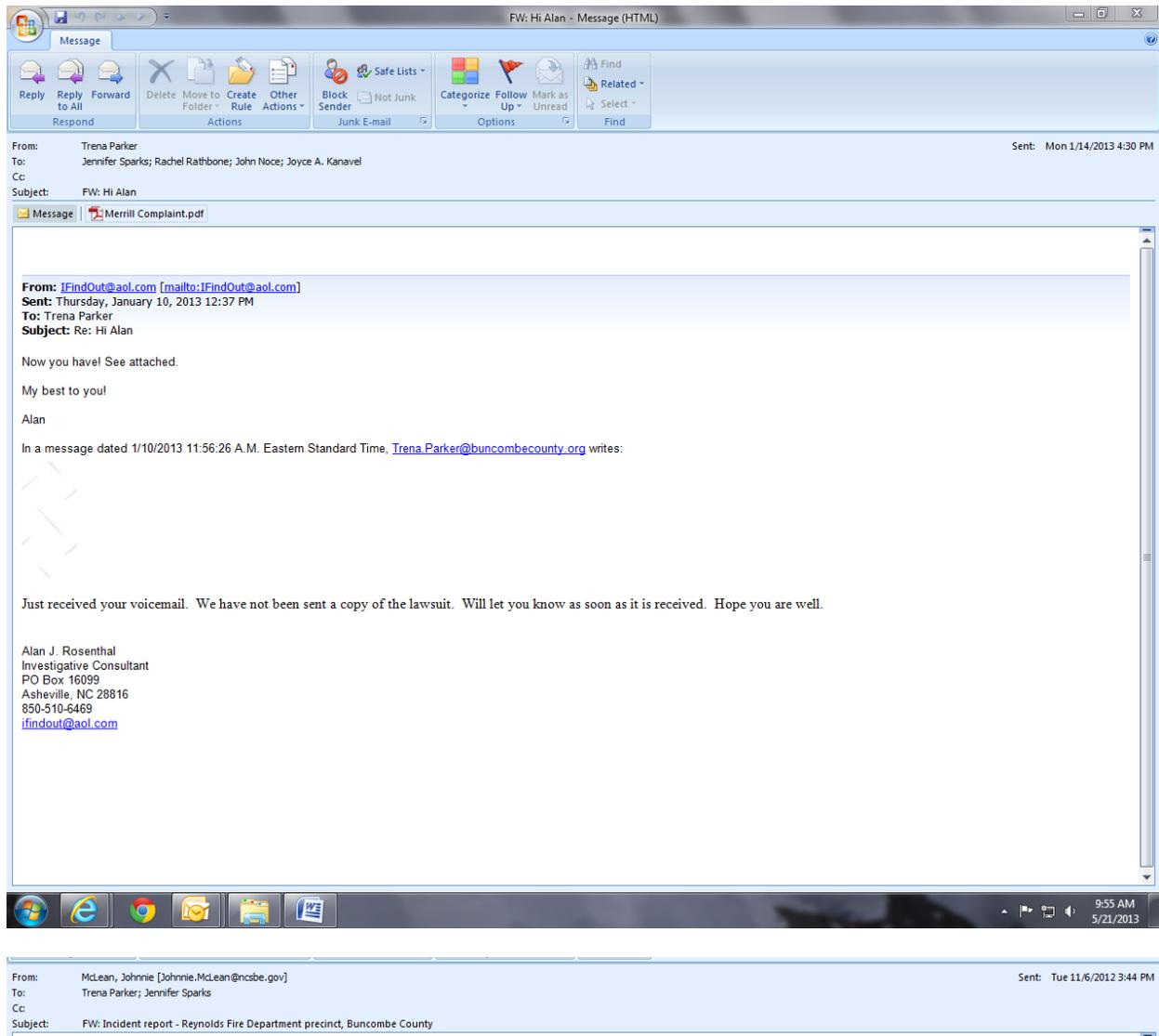
Congratulations! You have already voted over 23,000 Buncombe County voters. Thank you so much for getting us off to a successful start. I know that it has been a challenge at times. We hear that many counties are swamped, but Buncombe can be proud to say that we are well prepared for the next twelve days!

The staff and I need to communicate what we are hearing, and therefore give you a couple of reminders.

1. You need both VBT guns working at the busy sites. Be sure to use the highlighters provided to coordinate ATVs to 3 ring binders. Colored coding makes it easy to identify.
2. Hand the Straight Party instructions to every voter. Also provide short, verbal instructions when handing out ballots. "Read the instructions on the front, fill in the oval completely, don't forget the back page, and Straight Party votes do not register a vote for President"....this is the minimum recommended instructions for you to give.
3. Make sure voters know where their next stop should be. Direct them to the ballot table, or the voting booth. We have seen a lot of wandering voters.
4. Workers at check-in need to monitor the lines forming at the ballot table and the voter booths. Please don't keep checking in voters when the rest of your co-workers are swamped!!
5. We are getting quite a few complaints about workers being too close to ballots when putting in the M100. PLEASE step back!!!
6. Please continue calling before you issue a Provisional ballot. Often we can help!

7. When all else fails, search by date of birth.
8. The voter must state both name and address....you are not to state it for verification.
9. Please review your memorandum that talks about who needs to show ID's and why, as well as what can be accepted.
10. Please send reconciliation notes to Barbara at Barbara.bowers@buncombecounty.org or call her 989-3322.

Please don't hesitate to email me with questions, concerns, etc. trena.parker@buncombecounty.org



Trena and Jennifer,

What information can you provide about the report contained below?

Johnnie McLean

Deputy Director

919-715-1790

From: Bartlett, Gary
Sent: Tuesday, November 06, 2012 3:33 PM
To: Peaslaw@aol.com
Cc: Phil.Strach@ogletreedeakins.com; McLean, Johnnie
Subject: RE: Incident report - Reynolds Fire Department precinct, Buncombe County

We will follow up with Buncombe.

From: Peaslaw@aol.com [<mailto:Peaslaw@aol.com>]
Sent: Tuesday, November 06, 2012 3:17 PM
To: Bartlett, Gary
Cc: Phil.Strach@ogletreedeakins.com
Subject: Fwd: Incident report - Reynolds Fire Department precinct, Buncombe County

Gary,

The most disturbing thing about this report is the instructions by the BOE to call the BOE before allowing a voter to vote provisionally.

I would ask that you contact the Buncombe Co. BOE to make sure they are using provisional ballots appropriately.

Many thanks.

William W. Peaslee
Attorney at Law PLLC
102-K Commonwealth Ct.
Cary, NC 27511
(919) 481-1992
(919) 481-2919 Fax
www.CaryAttorney.com

From: kevin.v.howell@gmail.com
To: peaslaw@aol.com, phil.strach@ogletreedeakins.com

Sent: 11/6/2012 3:05:06 P.M. Eastern Standard Time
Subj: Fwd: Incident report - Reynolds Fire Department precinct, Buncombe County

Sent from my iPhone

Begin forwarded message:

From: Mark Sligh <marksligh@yahoo.com>
Date: November 6, 2012, 2:58:55 PM EST
To: Kevin Howell <kevin.v.howell@gmail.com>
Subject: Incident report - Reynolds Fire Department precinct, Buncombe County

Poll observer Linda Southard reported the following incident that occurred at about 10:45 or 11:00 AM on Election Day:

A young woman named Natasha Blevins advised one of the judges that she had moved out of the precinct. However, she was given a regular ballot and allowed to vote at the Reynolds Fire Department precinct. It appears that she should have been given a provisional ballot or directed to a different precinct. The poll observer called the Romney Legal Team and did not challenge the vote.

Linda reported that following this initial incident she made several other observations, all of them between 10:45 AM - 11:45 AM:

1. A woman with the last name Espinoza who appeared to be registered in Cumberland County was given a provisional ballot. The judge explained that since she had been a resident of Buncombe County for more than six months and had an envelope addressed to her in Buncombe County, she was allowed to vote by provisional ballot.
2. A disabled man named William Dirk Bocook who appeared to be registered in Henderson County was not allowed to vote. His mother brought him to the Reynolds Fire Department precinct and argued that he should be able to vote there.
3. A young man who appeared to be registered in Madison County was not allowed to vote.

Linda showed me a two-page memo entitled SPECIAL INSTRUCTIONS FOR 2012 GENERAL ELECTION that seemed to contain instructions to poll workers from the Board of Elections. The memo included the following statement on page 2:

"Remember that we need you to call and get authorization from the BOE office, BEFORE voting someone provisionally."

END OF REPORT

For Your Information

From: Nichols, Susan [<mailto:snichols@ncdoj.gov>]
Sent: Tuesday, January 08, 2013 3:25 PM
To: Trena Parker; Bartlett, Gary; McLean, Johnnie; Wright, Don
Subject: FW: Merrill v. State Board of Elections

Just wanted you to know that the hearing on the election protest will be this Friday in Wake County as shown below. I will let you know what happens.

Susan

Susan Kelly Nichols

Special Deputy Attorney General

N.C. Department of Justice

P.O. Box 629

Raleigh, N.C. 27602-0629

Telephone: 919/716-6890

Facsimile: 919/716-6755

Note: Pursuant to Executive Order No. 150, all electronic mail messages in connection with State business which are sent to or received by this address are subject to the Public Records Law and may be disclosed to third parties.

From: Bailey, Michelle E. [<mailto:Michelle.E.Bailey@nccourts.org>]
Sent: Tuesday, January 08, 2013 10:57 AM
To: Robert J. Deutsch; Nichols, Susan
Subject: RE: Merrill v. State Board of Elections

Judge Ridgeway can hear the Motion to Stay this Friday at 9:30 am in courtroom 10-B. Please confirm that this day and time works and I will let Judge Ridgeway know.

Best regards,

Michelle Bailey

Michelle E. Bailey

Superior Court Trial Court Coordinator

Judicial District 10

P.O. Box 1916

Raleigh, N.C. 27602

Tel: (919)-792-4775

Fax: (919)-792-4951

Email: Michelle.E.Bailey@nccourts.org

From: Robert J. Deutsch [<mailto:bob@bobdeutschlaw.com>]

Sent: Monday, January 07, 2013 3:22 PM

To: Bailey, Michelle E.

Subject: RE: Merrill v. State Board of Elections

Thank you, Michelle. I appreciate the cooperation. RJD

Robert J. Deutsch
Robert J. Deutsch, P.A.
75 N. Market Street
Asheville, NC 28801
tel: 828-251-0600x12
fax: 828-251-5508

From: Bailey, Michelle E. [<mailto:Michelle.E.Bailey@nccourts.org>]

Sent: Monday, January 07, 2013 3:21 PM

To: Robert J. Deutsch; Gene Johnson

Cc: Nichols, Susan

Subject: RE: Merrill v. State Board of Elections

I will see what I can do. I am going to see if a Judge can hear it this Friday. I'll be back in touch shortly.

Michelle Bailey

Michelle E. Bailey

Superior Court Trial Court Coordinator

Judicial District 10

P.O. Box 1916

Raleigh, N.C. 27602

Tel: (919)-792-4775

Fax: (919)-792-4951

Email: Michelle.E.Bailey@nccourts.org

From: Robert J. Deutsch [<mailto:bob@bobdeutschlaw.com>]

Sent: Monday, January 07, 2013 2:58 PM

To: Gene Johnson; Bailey, Michelle E.

Cc: Nichols, Susan

Subject: RE: Merrill v. State Board of Elections

Ms. Bailey, re: email below, if at all possible, it would greatly assist me on the convenience level if the hearing could be in the AM, although I realize that the court usually schedules at 2PM. Thanks, Bob Deutsch

Robert J. Deutsch
Robert J. Deutsch, P.A.
75 N. Market Street
Asheville, NC 28801
tel: 828-251-0600x12
fax: 828-251-5508

From: Gene Johnson [<mailto:gbj@johnsonlawnc.com>]

Sent: Monday, January 07, 2013 12:36 PM

To: michelle.e.bailey@nccourts.org

Cc: Robert J. Deutsch; Nichols, Susan

Subject: Merrill v. State Board of Elections

Dear Ms. Bailey:

I represent Christina Merrill with regard to the appeal of the Final Decision of the State Board of Elections on her Protest. The law suit is being prepared and will be filed by Wednesday afternoon. A hearing regarding the Certification is required within ten days of the State Board's service of its Final

Decision. The Final Order was faxed to my office midafternoon on January 2, 2013. Thus, technically, the hearing must be heard on or before Monday, January 14, 2013, since the tenth day falls on a Saturday.

I have spoken with Susan Kelly Nichols, Special Deputy Attorney General, and Bob Deutsch, the attorney representing Ms. Frost, the other candidate directly involved in the particular election. The record of the Appeal is being prepared and should be available by the middle of the week, hopefully Wednesday. We are all available Friday, at any time, for the Hearing. Can this matter be calendared for hearing on that date?

I thank you in advance for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Gene B. Johnson
Johnson Law Firm, P.A.
PO Box 1288
Arden, NC 28704
Office: 828-650-0859
Facsimile: 828-650-0913

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E-mail correspondence to and from this address may be subject to the North Carolina public records laws and if so, may be disclosed.

From: Trena Parker
To: Jones Byrd (jbyrdlaw@gmail.com); Bob Van Wagner (randovan@charter.net); msfrogs@gmail.com
Cc:
Subject: FW: Merrill v. State Board of Elections
Sent: Wed 1/9/2013 9:51 AM

From: Trena Parker
To: Jennifer Sparks; Joyce A. Kanavel
Cc:
Subject: FW: Numbered Memo 2012-28

Sent: Thu 11/15/2012 2:18 PM

From: Degraffenreid, Veronica [<mailto:Veronica.Degraffenreid@ncsbe.gov>]
Sent: Thursday, November 15, 2012 1:30 PM
To: SBOE_Grp - Directors.BOE
Cc: SBOE_Grp - SEIMS.ADD.BOE
Subject: RE: Numbered Memo 2012-28

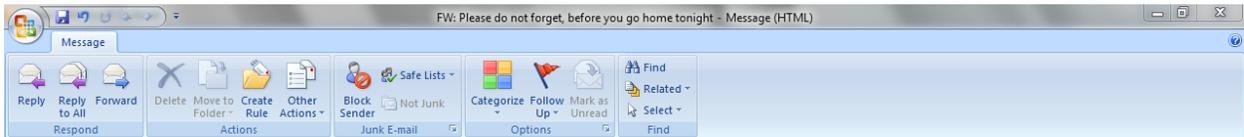
This report shows the number of same day registrations that are in *Denied* status (failed mail verification) as of Wednesday, November 14, 2012. These registrations will be reactivated after they receive voter history and will then be queued up to receive an address confirmation mailing.

http://www.app.sboe.state.nc.us:2703/download/cbe/2012%20General/2012-11-14%20reg_same_day_11.15.2012.xls

We will provide you with an updated report tomorrow morning.

From: Degraffenreid, Veronica
Sent: Wednesday, November 14, 2012 5:22 PM
To: SBOE_Grp - Directors.BOE
Cc: SEIMS.ADD.BOE
Subject: Numbered Memo 2012-28

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



From: Trena Parker
To: Jennifer Sparks
Cc:
Subject: FW: Please do not forget, before you go home tonight

Sent: Tue 11/6/2012 6:24 PM

From: Garrett-Jones, Brooks [<mailto:Brooks.Garrett-Jones@ncsbe.gov>]
Sent: Tuesday, November 06, 2012 5:45 PM
To: SBOE_Grp - Directors.BOE
Cc: SBOE_Grp - ElectSystems.Sboe
Subject: Please do not forget, before you go home tonight

Dear Directors,

A few important points:

- 1) Before you call it a night, please remember to review your results on ENR. Make sure that ENR shows 100% of your precincts reporting.
- 2) The equipment (M100s, M650s, and iVotronics) will report the numbers of write-in votes cast. In order to report the names of write-in candidates, you will need to complete the write-in worksheets that I will be sending you. Typically I wait until after your Election Night results are on ENR and then generate the spreadsheets because that way they include those vote totals, but if anyone needs theirs ASAP (with all zeroes), let me know. Otherwise, I will plan to generate and distribute them as soon as conditions permit, possibly as early as tomorrow.
- 3) At this time, it is likely that ENR will include the write-in results for qualified candidates for US President, US House District 8, and NC Governor with Canvass results, but probably not much earlier than that. So if you have any local contests where write-ins play a significant role and you wish to post those results on ENR sooner rather than later, let me know.

...and of course...

- 4) Remember that eventually, you will have to report by VTD. In the long run, it will probably save you a lot of time and effort if you tally the write-in totals by VTD.

Thank you all.

-Brooks

Brooks E. Garrett-Jones
Election Technician
North Carolina State Board of Elections
441 North Harrington Street
Raleigh, North Carolina 27603
919-715-8235 (o)
919-208-1482 (c)
919-715-0135 (f)
brooks.garrett-jones@ncsbe.gov

From: Trena Parker
To: Karen Brinson
Cc:
Subject: FW: Post -Election Sample Count

Sent: Fri 11/9/2012 4:58 PM

From: Don Wright [<mailto:don.wright@ncmail.net>]
Sent: Wednesday, May 03, 2006 3:24 PM
To: Trena Parker
Subject: RE: Post -Election Sample Count

Board does not have to be there. It is entirely their call.

-----Original Message-----

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Wednesday, May 03, 2006 3:16 PM
To: Don Wright
Subject: RE: Post -Election Sample Count

Thanks for the quick response. We finished at 12:45 so it wasn't as bad as it could have been. Only 10% showing up to vote. The average was 60 minutes for 90 ballots. Of course, that depended on the age and agility of workers!! On sample recount, does the board have to attend the recount, or can they be called in or consulted in the event of a disputed ballot?

From: Don Wright [<mailto:don.wright@ncmail.net>]
Sent: Wednesday, May 03, 2006 1:45 PM
To: Trena Parker
Subject: RE: Post -Election Sample Count

see below. Changing the subject....how long did it take to count your votes and what was the rate of counting?

-----Original Message-----

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Wednesday, May 03, 2006 12:02 PM
To: Don Wright
Subject: RE: Post -Election Sample Count

Not sure we understand fully the sample recount procedures. I am assuming that we are counting all of the votes in One-Stop and Precinct 72 for Wainwright. **Yes...for the Wainwright seat.** The bi-partisan teams of three "that represent an equal number" is throwing us. Does that mean 6 total people, three Republicans and three Democrats. **Yes** Each of the two teams has a 2/1 ratio and switch around as to tallying and calling. Does this also mean that the county board members are not participating in the counting but are just there to determine disputes over intent? Or can they be members of the team? **A board member that counts is precluded from determining later disputes...since he/she would be judging the decision of the counting team, which they are a part of. It is the board's call.**

From: Don Wright [<mailto:don.wright@ncmail.net>]
Sent: Friday, April 28, 2006 4:20 PM
To: Directors.boe
Cc: ElectTechs.Sboe
Subject: Post -Election Sample Count
Importance: High

Directors:

First thanks for all you are doing. We know that long hours and weekend work lie ahead.

Attached is the Numbered Memo on the sample count that acts as the audit of the machine count.

Also attached is your county's two selections of the precincts, or one-stop absentee, or mail-in absentee sample that you will have to count.

If you have questions, contact us ASAP. Again.....THANKS!

Don

<<2006-12 Numbered Memo.doc>>

<<SRU_ElectionSample_4_25_06.xls>>

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North Carolina Public Records Law and may be disclosed to third parties by an
authorized state official.

From: Wright, Don [don.wright@ncsbe.gov] Sent: Fri 12/14/2012 1:29 PM
To: Trena Parker; Jennifer Sparks
Cc:
Subject: FW: Proposed State Board Order
Message | Draft Buncombe Order - Revision 3.docx

Please review this version and return to Susan and I . Thanks.

From: Nichols, Susan [<mailto:snichols@ncdoj.gov>]
Sent: Friday, December 14, 2012 1:06 PM
To: Wright, Don
Cc: McLean, Johnnie
Subject: RE: Proposed State Board Order

Don,

I made a couple of corrections to paragraph six and the first conclusion of law for clarity. Copy attached. I will send to Larry if I receive it while you are out.

Susan

Susan Kelly Nichols

Special Deputy Attorney General

N.C. Department of Justice

P.O. Box 629

Raleigh, N.C. 27602-0629

Telephone: 919/716-6890

Facsimile: 919/716-6755

Note: Pursuant to Executive Order No. 150, all electronic mail messages in connection with State business which are sent to or received by this address are subject to the Public Records Law and may be disclosed to third parties.

From: Wright, Don [<mailto:don.wright@ncsbe.gov>]

Sent: Friday, December 14, 2012 12:56 PM

To: Nichols, Susan

Cc: McLean, Johnnie

Subject: FW: Proposed State Board Order

Susan,

Discussed the order with Larry. He agreed to let Trena and Jennifer double check the facts and numbers. I changed the first paragraph in the Conclusions of Law to better reflect that the unknown voter was not in the batch of the 18 correct ballots returned. I will be out Monday and Tuesday. If the order is returned then, please forward to Larry. HE IS EXPECTING IT. I will be back Wednesday and Thursday, and be here the rest of the day.

Don

From: Wright, Don

Sent: Friday, December 14, 2012 12:52 PM

To: Trena Parker

Cc: Jennifer Sparks

Subject: Proposed State Board Order

Dear Trena,

Can you and Jennifer look this draft order over for mistakes of facts and numbers? Send your response back to both Susan Nichols and myself. Thanks.

Don

From: Trena Parker
To: Bartlett, Gary (Gary.Bartlett@ncsbe.gov); Johnnie.mclean@ncsboe.gov; Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: FW: Protests filed on November 16th in Buncombe

Sent: Mon 11/19/2012 3:07 PM

Message |  20121119145159463.pdf

Attached please find a written request from Mr. William Peaslee filed with us on November 16th, 2012. The board granted his request and instructed the staff not to comingle Warren Wilson provisional ballots. The board ruled against the attached protest and continued with the canvass. Don't hesitate to contact me with questions.

-----Original Message-----
From: bcmfp@buncombecounty.org [<mailto:bcmfp@buncombecounty.org>]
Sent: Monday, November 19, 2012 2:52 PM
To: Trena Parker
Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 11.19.2012 14:51:59 (-0500)
Queries to: bcmfp@buncombecounty.org

FW: Provisional Research Audit - Message (HTML)

Message

Reply Reply Forward to All Respond Delete Move to Folder Create Rule Other Actions Block Sender Not Junk Junk E-mail Safe Lists Categorize Follow Up Mark as Unread Options Find Related Select Find

From: Trena Parker
To: Rachel Rathbone
Cc:
Subject: FW: Provisional Research Audit
Sent: Tue 11/13/2012 12:18 PM

We have updated the file (now saved as .XLS) to show the SEIMS county of registration and SEIMS last known address. The SEIMS information is in blue shading.
http://www.app.sboe.state.nc.us:2703/download/cbe/2012%20General/Provisional_not_accepted_vr_match.xls

From: Degraffenreid, Veronica
Sent: Tuesday, November 13, 2012 9:50 AM
To: SBOE_Grp - Directors.BOE
Cc: SEIMS.ADD.BOE
Subject: Provisional Research Audit

The report in the attached link shows *potential* matches on provisional voters and registered voters in SEIMS.
http://www.app.sboe.state.nc.us:2703/download/cbe/2012%20General/Provisional_not_accepted_vr_match.xls

The matching criteria is as follows:

- If the provisional voter provided (and the county entered) a driver license number, then we matched on driver license number in SEIMS
- If no driver license number was entered in the provisional module, then we matched on first name, last name and date of birth information available in SEIMS.

For these *potential* matches, there are some records where the vote counted status is "NOT COUNTED" and the reason noted is "NO RECORD OF REGISTRATION." These need to be carefully reviewed to determine if the provisional *should be* counted, if a record of registration does exist for the voter. If there is a valid reason not to count the provisional ballot, then you may want to consider another not counted reason other than "NO RECORD OF REGISTRATION."

Here are some other reminders:

- If the provisional voting reason is "ID NOT PROVIDED," please remember that these voters have until the close of business on **Thursday, November 15, 2012** to provide documentation of their ID.
- The purpose of HAVA ID is *proof of person* and not *proof of residence*. If a first time registrant needs to provide HAVA ID, then they may provide a photo ID (which does not need to show their address) or alternatively, they may provide a copy of an acceptable document that *does* show their name and address. See GS § 163-166.12.
- Also remember that both military and overseas citizens have until the close of business on **Thursday, November 15, 2012** to return a ballot by mail. They must have first registered and/or requested an absentee ballot by **Monday, November 5, 2012, 5:00 pm**. No postmark is required on the mailed envelope for these military and overseas citizens. See GS §§ 163-258.8 & -258.10.
- The deadline to receive civilian absentees by mail was **Friday, November 9, 2012**.

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

10:14 AM
5/21/2013

FW: Report Notices and Newsletter - Message (HTML)

Message

Reply Forward Delete Move to Folder Create Rule Other Actions Block Sender Not Junk Junk E-mail Safe Lists Categorize Follow Up Mark as Unread Find Related Select

From: Trena Parker
To: Rachel Rathbone
Cc:
Subject: FW: Report Notices and Newsletter
Sent: Tue 12/4/2012 4:17 PM

Message | OFFICIAL NOTICE OF REPORT DUE 2012 FOURTH QUARTER.doc | OFFICIAL NOTICE OF REPORT DUE 2012 YESA.doc
| Primary and General Election Referendum - Supplemental Final Report Notice.doc | 2012 December Newsletter.pdf

From: Steffens, Jane [mailto:Jane.Steffens@ncsbe.gov]
Sent: Tuesday, December 04, 2012 9:08 AM
To: SBOE_Grp - Directors.BOE
Cc: aamaro@co.cumberland.nc.us; abmoffitt@co.randolph.nc.us; boe1@clevelandcounty.com; bwallac@co.guilford.nc.us; candidates@wakegov.com; dawn.lovell@rutherfordcountync.gov; dbowens@nhcgov.com; Debbie Mace; dwteague@haywoodnc.net; electclerk@surry.net; electdeputy@surry.net; Emmadavis@co.edgecombe.nc.us; Bonnie Godfrey; jcarpenter@mcdownellgov.com; Jeanette.grant@alamance-nc.com; jennifer.davis@co.gaston.nc.us; jhickman@wilson-co.com; jjohnson@scotlandcounty.org; kjohnson@co.iredell.nc.us; Kristin.Mavromatis@mecklenburgcountync.gov; mams@nashcountymboc.com; Meloni.wray@clevelandcounty.com; Melissa Johnson; Rachel Rathbone; sashcraft@brunso.com; sharonl@cartercounty.gov; sharris@personcounty.net; speastj@forsyth.cc; Tabatha Parrish; Tina Cardwell; Vickie Deese
Subject: Report Notices and Newsletter

County Boards

The 2012 Fourth Quarter Report is due to be filed no later than January 10, 2013. Active 2012 Committees registered with your office must file this report. Any committees that were active from a previous election, and made contributions to candidates in 2012 elections, should also file this report.

The 2012 Year End Semi Annual Report is due to be filed no later than January 25, 2013. Committees that were active in previous elections, and still have an open committee, must file this report. This will include any municipal committees that still have an active committee.

The 2012 Supplemental Final Report is due to be filed no later than January 7, 2013. Active local Referendum Committees must file this report.

In past reporting periods we have received a number of reports in our office that should have been filed with a County Board of Elections. Please put the attached notices onto your own letterhead, and hopefully the reports will be filed at the correct location.

I have also attached the latest newsletter. Please feel free to include this with your notices.

As always, please call or email with any questions.

The Campaign Finance team wishes you all a Merry Christmas. Thank you for your hard work and dedication over the past year. We look forward to working with you all in 2013!!

Regards
Jane

Jane E. Steffens
Education and Disclosure Specialist
State Board of Elections - Campaign Finance Office
Direct Tel: 919-715-9179
Email: jane.steffens@ncsbe.gov

10:15 AM
5/21/2013

From: Trena Parker
To: Lucy Smith; Jones Byrd (byrdlaw@gmail.com); Bob Van Wagner (randvwan@charter.net)
Cc:
Subject: FW: SBOE Numbered Memo 2012-26
Sent: Mon 10/29/2012 3:05 PM

Message | 2012-26 Attachment.pdf | 2012-26 Maintaining Order at Voting Sites.pdf

Thought I would share this with you. We are happy to report that it appears that Buncombe citizens seem to be getting along with each other.

From: Degraffenreid, Veronica [mailto:Veronica.Degraffenreid@ncsbe.gov]
Sent: Monday, October 29, 2012 1:55 PM
To: SBOE_Grp - Directors.BOE
Cc: SEIMS.ADD.BOE
Subject: SBOE Numbered Memo 2012-26

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919 715 1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Trena Parker
To: Bartlett, Gary (Gary.Bartlett@ncsbe.gov); McLean, Johnnie (Johnnie.McLean@ncsbe.gov)
Cc: Wright, Don (don.wright@ncsbe.gov)
Subject: FW: Summary of Recount, Hand-Eye (3%) Request, and Interim Appeal Request
Sent: Fri 11/30/2012 11:39 AM

Message | 20121129192850473.pdf

Last night the results of the recount were as follows:

Candidate	Canvass	Recount	Difference
Ellen Frost	19,904	19,903	(-1)
Carol Peterson	19,870	19,868	(-2)
Mike Fryar	19,993	19,991	(-2)
Christina Merrill	19,891	19,886	(-5)

Difference attributed to use of M650 for scanning one-stop ballots.

Christina Merrill has requested a 3% hand-eye recount. This has been scheduled (and noticed) for Monday, December 3rd at 10:00 a.m. As I know you are dealing with another possible hand-eye situation, we would appreciate any advice you can offer as to the formula and/or procedure required at the end of the hand-eye process.

Attached is Ms. Merrill's interim appeal request. The county attorney and I are working on a written order and hope to have it ready for Jones' approval by the end of the day. Ms. Merrill has been notified of the need for providing the formal appeal (on State provided form) when this has been completed. She has also been notified of the date of the State Board meeting to address appeals.

-----Original Message-----

From: bcmfp@buncombecounty.org [mailto:bcmfp@buncombecounty.org]

Sent: Thursday, November 29, 2012 7:29 PM

To: Trena Parker

Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 11.29.2012 19:28:50 (-0500)

Queries to: bcmfp@buncombecounty.org

From: Jones Byrd [jbyrdlaw@gmail.com]
To: Trena Parker
Cc:
Subject: Fwd: Eric Gorney Protest
Sent: Sun 12/2/2012 3:20 PM

FYI, just received.

Jones

Sent from my iPhone

Begin forwarded message:

From: John Sterritt <jsterritt4@gmail.com>
Date: December 2, 2012, 2:45:28 PM EST
To: jbyrdlaw@gmail.com
Cc: Trena Parker - Work <trena.parker@buncombecounty.org>
Subject: **Re: Eric Gorney Protest**

Thank you very much, Jones.

I will review with my client and answer this asap.

I hope you both have a great day.

On Sun, Dec 2, 2012 at 1:45 PM, Jones Byrd <jbyrd@vwlawfirm.com> wrote:

John,

A couple of thoughts. I got the impression from hearing you and Mr. Gorney after the meeting preliminarily considering the Merrill protest that you or he felt that there was something pending from him which did not receive proper, prior, consideration.

We thought sequestration of the provisional ballots to make them retrievable during canvass satisfied all the concerns, particularly regarding protestant Ms. Merrill due to communications with her attorney Mr. Peasley, and for Mr. Gorney either as a supporter of Ms. Merrill, or for himself somehow, when he said Mr. Peasley was speaking for him or via any comments he may have made directly. I don't recall a dissenting comment after that discussion, and our decision to sequester the provisional ballots for later retrieval if needed.

I suspect before you became involved, I think Mr. Gorney delivered different things at different times. I don't know off the top of my head who prepared them, nor who signed them, nor if they were intended as supporting documents for Ms. Merrill's position, or would somehow be construed as an independent protest of Mr. Gorney if that is what he intended.

I'm not exactly sure what you contend is needing review for determination nor what remedy is being sought via any independent, valid, protest of Mr. Gorney that has not already been resolved either directly for him assuming he asserted a proper protest, or actually handled in the protest of Ms. Merrill, which may be the only valid protest what was filed and pending and perhaps in which he views himself as a supporting witness of some sort rather than an individual protestant.

It would be helpful if you will be specific about what you believe to be an actual protest under the relevant statutes/law, and exactly what relief is being sought assuming he has an independent, valid, protest that has been asserted.

In short, we don't want anyone to feel they have not been heard on a validly asserted protest, and thereby feel they have been foreclosed from some remedy improperly. If there is a validly asserted, pending, protest of Mr. Gorney which you believe has not been handled, and he's been aggrieved by that, please clarify this. If an independent protest is being asserted, we can try to set a meeting to consider it preliminarily sometime this week - probably on Thursday. I should be back from Charlotte by then. Since I don't know other schedules, I cannot be sure about that. Goodness knows I hope I'll be back by then. Do you want this meeting set to consider anything?

Hope you are able to get out in this beautiful weather today.

Jones

P.S. Best email address to use for me is jbyrdlaw@gmail.com, not my office one.

Sent from my iPad

On Nov 29, 2012, at 8:56 AM, "jsterritt4@gmail.com" <jsterritt4@gmail.com> wrote:

> Have a safe trip Jones
> Sent from my Verizon Wireless BlackBerry
>
> -----Original Message-----
> From: Jones Byrd <jbyrd@vwlawfirm.com>
> Date: Thu, 29 Nov 2012 13:50:49
> To: John Sterritt<jsterritt4@gmail.com>
> Cc: Trena Parker - Work<trena.parker@buncombecounty.org>
> Subject: Re: Eric Gorney Protest
>
> John,
>
> Nice talking with you as well. Heading to Charlotte today for expert depositions and will not be back until late tomorrow night, and similar schedule early next week, so it may be mid-week before I can address this stuff again.
>
> Jones
>
> PS. Sorry I didn't recognize you last night. Lots of things going on and many balls in the air yesterday.
>
> Sent from my iPhone
>
> On Nov 29, 2012, at 7:58 AM, "John Sterritt" <jsterritt4@gmail.com<mailto:jsterritt4@gmail.com>>
wrote:
>
> Hi Jones,
>
> Nice talking with you last night.
>
> Please email me Eric Gorny's Order upon filing.
>
> Thanks and have a great day.
> John C. Sterritt, IV
> Attorney at Law
> 252 John Tate Drive
> Fletcher, NC 28732
>
> [828-450-7990](tel:828-450-7990)
>
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> [cid:image81bcb3.GIF@21b0e573.459a4589]

>

> 11 North Market Street, Asheville, NC 28801 | [828-258-2991](tel:828-258-2991) | FAX [828-255-0255](tel:828-255-0255)

>

> 422 South Main Street, Hendersonville, NC 28792 | [828-697-6196](tel:828-697-6196) | FAX [828-693-3999](tel:828-693-3999)

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The Van Winkle Law Firm

11 North Market
Street, Asheville, NC 28801 | [828-258-2991](tel:828-258-2991) | FAX [828-255-0255](tel:828-255-0255)

422 South Main Street,
Hendersonville, NC 28792 | [828-697-6196](tel:828-697-6196) | FAX [828-693-3999](tel:828-693-3999)

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John C. Sterritt, IV
Attorney at Law
252 John Tate Drive
Fletcher, NC 28732
828-450-7990

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From:	My Yahoo [mitchelhenry2010@yahoo.com]	Sent:	Mon 10/29/2012 11:57 AM
To:	randbvan@charter.net; Trena Parker		
Cc:			
Subject:	Fwd: Follow-up on voting machines after I voted yesterday		

Sent from my iPhone

Begin forwarded message:

From: Jane Bilello <jane.bilello@gmail.com>
Date: October 28, 2012 10:05:38 PM EDT
To: Jay DeLancy <jay@voterintegrityproject.com>, Ginny Jahrmarkt Tea Party Patriots Jackson County <box547@aol.com>, Bobbi Umbach <bobbi@ashevilleteaparty.org>, "Danny & Betty Roberts" <roberts394419@charter.net>, Fremont Brown <fremont@ashevilleteaparty.org>, "Jerry Lemonds, ATP" <jerry@ashevilleteaparty.org>, Kathie Lack <kathielack@tds.net>, Linda Hawk <linda@ashevilleteaparty.org>, Paul T Rebuck <paultrebuck@aol.com>, Wally Lee

<wlee@mechequip.com>, "Chuck & Mary Durand" <cdurandco1@aol.com>, Henry Mitchell <mitchellhenry2010@yahoo.com>, Deborah Bamford Cabarrus County Conservatives <cabcountyconservatives@gmail.com>, Barbara Buck <barbro912@aol.com>, Beth Walker <walkr@aol.com>, "Bill Turpish Shelby 9.12 TP" <bill@turpish.com>, Blake Meadows <meadowsblake@gmail.com>, Bobbi Umbach <kennbobbi@frontier.com>, Bonnie Sagan <arw.action@yahoo.com>, Christian Hine CAUTION <cphine@hotmail.com>, Christine Gates Caldwell TP <abcgates3@yahoo.com>, "Debbie Arceneaux Polk 9.12/GOP" <polknc912@gmail.com>, Debbie Dante Blue Ridge TPP <debbie_912@yahoo.com>, Dennis Peterson CAUTION <dennisp15@earthlink.net>, Derek Melum CAUTION <dmelum14@aol.com>, Derek Simmons <retiredinsanclemente@gmail.com>, Donna Mauney <mauney28105@carolina.rr.com>, Donna Yowell Feet to the Fire <rufu66@embarqmail.com>, Franklin Lawson Catawba Valley TP <rfranklinlawson@yahoo.com>, Fremont Brown <fremont@fremontstthoughts.com>, "Glen & Ruth Engram" <engram@gmail.com>, Jason Oesterreich <jasono80@roadrunner.com>, Jennifer Stepp <steppfam86@aol.com>, Jim Blyth <jimblyth@elkcountrerealty.com>, Kevin Shinault Surry County TP <kshinaultx4@embarqmail.com>, Lisa Kneen <kneen6881@bellsouth.net>, Louis Stannard FTTF <lstannard1@earthlink.net>, "Lynda Bennett Haywood 9.12" <the912er@gmail.com>, Michael Lambe Rowan TP <lambe71@bellsouth.net>, Mike McLean Sons of Liberty Riders <mikemclean@grassrootsfreedomride.com>, Rusty Snyder Randolph TP <rsnyder1@northstate.net>, "Sandra Goss Cherokee 9. 12" <truebritt@wildblue.net>, Steve Bennett Stand Up NC <stephen66@mi-connection.com>, The Cherokee County 9-12 Project <rhondace@wildblue.net>, "Tracy & Dave Bengtson" <dtbengtson@earthlink.net>, Tracy Bengtson <tracy@danforest.com>, Velvet Shelton Time for Tea <velvetshelton@hotmail.com>

Subject: Fwd: FW: Follow-up on voting machines after I voted yesterday

This just gets better and better 😞 Another report that the machines are calibrated (?) Last report said no. Do we flip a coin to figure out who's blowing smoke or not?? There is a vote fraud hotline that goes to Romney attorneys. 1 888 775 8117. Don't hesitate to call to tell them what is happening if anything does at your precinct.

Read below.

----- Forwarded message -----

From: **M. Scruggs** <mscruggs@live.com>

Date: Sun, Oct 28, 2012 at 9:32 PM

Subject: FW: Follow-up on voting machines after I voted yesterday

To: kim canady <kim.canady@ncgop.org>, Kim Cotten <kimcottenwest@gmail.com>

Cc: Bob Heltman <boh@leadingedgepands.com>, Andrew Riddle <andrew@riddleconstruction.com>,

Carl Merola <crmerola@bellsouth.net>, glen englam <englam@gmail.com>,

"gletchworth@gmail.com" <gletchworth@gmail.com>, John Vice <j.vice@morrisbb.net>, Stan Shelley

upstairs book office <srshelley123@yahoo.com>, DAVID SAWYER <dasawyer13@msn.com>

Just read this. We reported one to the Hot Line at Flat Rock last week.

Do we also have a hotline email? This should be passed on.

Some of these may be accidental, but lets report every one of them.

Several instances I have heard sounded like a calibration problem, but it always seems to favor the top line choice.

Some of these may be accidental, but lets report every one of them.

Voters should be warned to REVIEW their vote. If the problem still persists after correcting the review, immediately seek the assistance of one of the BOE election assistants.

It should also be reported to the hotline and to me. (828) 606`9533.

Copy: all precinct chairs, district Captains, combined poll observer lists to be alert to possible machine calibration problems.

See remarks by Susan Mahiel below.

Mike Scruggs
Voter

From: susanm@ersmd.com
To: bobh@leadingedgepands.com
CC: mscruggs@live.com
Subject: Fwd: Follow-up on voting machines after I voted yesterday
Date: Sun, 28 Oct 2012 14:14:29 +0000

Forwarded by a friend in FL.

Sent from my iPhone

Begin forwarded message:

From: Jeannette <johnsislandjenet@aol.com>
Date: October 28, 2012 9:53:06 AM EDT
To: Susan Mehiel <susanm@ersmd.com>
Subject: Fwd: Follow-up on voting machines after I voted yesterday

Really???

Sent from my iPhone

Begin forwarded message:

From: HEMANDRAWS@aol.com

Date: October 26, 2012, 6:24:07 PM EDT

To: PCA505@AOL.COM, BETSYJMS@aol.com, christinebader30@gmail.com, billlitchfield@aol.com, billwerber@aol.com, SALB527@GMAIL.COM, cbreally@aol.com, dlroytmitch@aol.com, CDuvall636@aol.com, gslater213@comcast.net, jhplank@me.com, johnsislandjenet@aol.com, jvglynn@aol.com, karen.litchfield@wellsfargo.com, KentjeanP@earthlink.net, pnick18@aol.com, patricia.litchfield@gmail.com, jcmlori@aol.com, mimiwerbs@aol.com, nsmion@aol.com, Papagams@aol.com, stubriggs@yahoo.com, HCWard1@MSN.COM, Cantpt@aol.com

Subject: Fwd: Follow-up on voting machines after I voted yesterday

From: Gini1632@aol.com

To: Gini1632@aol.com

Sent: 10/25/2012 3:43:20 P.M. Eastern Daylight Time

Subj: Follow-up on voting machines after I voted yesterday

Subject: Fw: Follow-up on voting machines after I voted yesterday

[This has just happened in Guilford County North Carolina. This is no accident--review your ballot carefully](#)

A follow-up to the follow-up.....Tina just called the elections office to get to the bottom of why this happens.....she was told that 45,000 people have already voted in early voting and that they HAVE HAD these issues pop up in a small percentage of machines.....(I wonder how many people voted and didn't check their ballot and didn't even know it happened?) So, net-net, the elections office has confirmed the problem does exist and that the machines in question are recalibrated when it is pointed out to them.....VOTER BEWARE, review your ballot before it is cast!!!

PLEASE PAY ATTENTION!!!! IMPORTANT!!!!

Earlier in the week I sent out an email regarding irregularities with a person in High Point, NC that voted in the last presidential election where when they voted a straight ticket as well as the president and judges and in checking their vote they found that the presidential vote had been switched to the

opposing person.

Well, it has happened again but this time in OUR precinct.

We have had **two neighbors** where when they reviewed their ballot the opposite candidate for president than the one they voted for was checked on the ballot. Also, when another neighbor was voting the man next to her was rasing hell.....his presidential vote was switched as well. My and Tina's ballots went through as cast when we reviewed.

**This is not an "accident"! You MUST review
your ballot before pressing the "cast my vote"
button on the machine.**

**Please send this out to everyone on your email
list, no matter who you are voting for, this
election is too close to allow any monkey
business to occur.**

Jane Bilello jane@ashevilleteaparty.org

Chairman
Asheville Tea Party www.ashevilleteaparty.org
Asheville Tea PAC www.ashevilleteapac.org

"If ever a time should come, when vain and aspiring men shall possess the highest seats in Government, our country will stand in need of its experienced patriots to prevent its ruin." Sam Adams, 1776 ...

That time has come! JB

From: Trena Parker
To: McLean, Johnnie (Johnnie.McLean@ncsbe.gov); Wright, Don (don.wright@ncsbe.gov)
Cc:
Subject: Getting prepared for the finish....

Sent: Thu 11/29/2012 4:41 PM

Just to clarify 08NCAC 09.0107 and 163-182.7A....

08NCAC 09.0107 is used to determine the steps after the first recount.

If the machine totals are different from initial balloting and cannot be explained (we have no outstacks), then the losing candidate is entitled to demand a second recount, by hand and eye, of all ballots.

163.182-7A provides that if it is not a hand to eye and the recount reverses the results, the candidate who had initially been the winner shall have the same right to ask for a hand-to eye recount in a sample.

Also 163-182.7A kicks in if there is no machine discrepancy, but the requesting candidate is still the loser, thereby providing for a hand to eye recount in a sample....

Hi everyone,

Congratulations! You have already voted over 23,000 Buncombe County voters. Thank you so much for getting us off to a successful start. I know that it has been a challenge at times. We hear that many counties are swamped, but Buncombe can be proud to say that we are well prepared for the next twelve days!

The staff and I need to communicate what we are hearing, and therefore give you a couple of reminders.

1. You need both VBT guns working at the busy sites. Be sure to use the highlighters provided to coordinate ATVs to 3 ring binders. Colored coding makes it easy to identify.
2. Hand the Straight Party instructions to every voter. Also provide short, verbal instructions when handing out ballots. "Read the instructions on the front, fill in the oval completely, don't forget the back page, and Straight Party votes do not register a vote for President"....this is the minimum recommended instructions for you to give.
3. Make sure voters know where their next stop should be. Direct them to the ballot table, or the voting booth. We have seen a lot of wandering voters.
4. Workers at check-in need to monitor the lines forming at the ballot table and the voter booths. Please don't keep checking in voters when the rest of your co-workers are swamped!!
5. We are getting quite a few complaints about workers being too close to ballots when putting in the M100. PLEASE step back!!!
6. Please continue calling before you issue a Provisional ballot. Often we can help!
7. When all else fails, search by date of birth.
8. The voter must state both name and address....you are not to state it for verification.
9. Please review your memorandum that talks about who needs to show ID's and why, as well as what can be accepted.
10. Please send reconciliation notes to Barbara at Barbara.bowers@buncombecounty.org or call her 989-3322.

Please don't hesitate to email me with questions, concerns, etc. trena.parker@buncombecounty.org.

You forwarded this message on 9/10/2012 5:16 PM.

From: Wright, Don [don.wright@ncsbe.gov]
To: SBOE_Grp - Directors.BOE
Cc:
Subject: If there is any issue as a voter's felon status

Sent: Wed 9/5/2012 10:04

Here's the contact person to call if an elections official needs to determine if an individual has completed their felony sentence or has other questions about their status related to a misdemeanor or felony.

Laura Loewe
North Carolina Department of Public Safety Combined Records
2020 Yonkers Road
Raleigh, NC 27699
919-716-3202
laura.loewe@ncdps.gov

From: Trena Parker
To: markdelk@aol.com
Cc:
Subject: Information Request

Sent: Wed 12/5/2012 2:41 PM

There are 187 copies of absentee envelopes/reports ready for you to pick up at the front desk.

From: Trena Parker
To: Don Wright
Cc:
Subject: Morning

Sent: Tue 12/11/2012 10:42 AM

Sorry to bother you. Sent you and order and an amended protest form from Eric gonney. I know you are out of the office for family reasons but if you could give me a shout would appreciate it. Will send this stuff again.

Sent from my iPad

You replied on 11/28/2012 4:32 PM.
This message was sent with High importance.

From: Wright, Don [don.wright@ncsbe.gov]
To: Trena Parker; Jones Byrd
Cc:
Subject: N.C. Constitution, Article VI Section 2

Sent: Wed 11/28/2012 4:17 PM

Message: Andrews v. Cody, 327 F. Supp. 793 - Dist. Court, MD North Carolina 1971 - Google Scholar.mht 1975 change.pdf

One-Year Residency Requirement Invalid As Applied to Local Elections. - The one-year durational residency requirement, as it relates to the right to vote in local elections, is unconstitutional and invalid, as violative of the equal protection clause of the U.S. Const., Amend. XIV. *Andrews v. Cody*, 327 F. Supp. 793 (M.D.N.C. 1971), aff'd, 405 U.S. 1034, 92 S. Ct. 1306, 31 L. Ed. 2d 576 (1972).

This case is the reason that GS 163-55 was amended effective July 1, 1973 to change "one year" to "30 days". See 1973 Session Laws, Chapter 793 section 18. See attached.

As attorneys know, the wording of a state constitution cannot be changed, even when held unconstitutional, except by amendment approved by the people in a vote. Therefore this reference as to "one year" remains in the N.C. Constitution, Article VI Section 2. remains although it is invalid.

Don Wright
General Counsel

You forwarded this message on 1/17/2013 9:17 AM.

From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: SBOE_Grp - Directors.BOE
Cc: SBOE_Grp - SEIMS.ADD.BOE
Subject: NVRA Activity Report

Sent: Thu 1/17/2013 8:48 AM

The NVRA Activity Report is under "Links" on the new Intranet [site](#).

North Carolina - Intranet
State Board of Elections

Mission Statement **Links** Applications Documentation Contact Information

Links

- SBE Related Sites
- Clarity Support System
- ERC Website
- NC SBE Website
- NVRA Activity Report
- OnTime Portal
- SEIMS Help Files

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

You forwarded this message on 9/18/2012 11:56 AM.

From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: SBOE_Grp - Directors.BoE
Cc: SEIMS.ADD.BoE
Subject: Opinion: Remote Signing of Voter Registration Applications

Sent: Tue 9/18/2012 11:23 AM

Message | Inquiry E-signature_2_.pdf

The opinion expressed in this email was reviewed by SBOE and AG counsel, as well as senior management of the State Board of Elections.

Recently, county boards of elections in North Carolina began receiving mailed voter registration forms from Allpoint Voter Services. Please note that these forms were signed by a voter registration applicant using a remote pen that is controlled by the user on an Apple or Android device. The person will sign the touch screen on the device and the person's finger or stylus movements then controls a remote pen that applies an actual "wet" signature directly onto the national voter registration application. The signed voter registration application is then mailed directly to the appropriate county board of elections.

Please note that although the applicant is using a web-based tool or application to complete a voter registration form, this process is not online voter registration or accepting an electronic signature. Online voter registration involves a web user entering their voter registration information into a web application and then having that data uploaded or transmitted into our state's statewide voter registration database system. With online voter registration, the applicant does not have to sign a paper application and a paper application with a penned signature is never delivered to the election official.

Persons using this remote signing process have the option of printing their voter registration application themselves, for signing and personal delivery to their county board of elections, or they can sign (pen to paper) a voter registration form *remotely* using a touch screen device and have their signed form delivered to their appropriate election official by a third party. Essentially, this is a web-based voter registration drive. State and federal law permit groups or organizations to offer voter registration forms to individuals and these groups or organizations can then accept the forms and deliver them to election officials by the voter registration deadline.

Our attorneys have researched this matter and agree that the use of a printed voter registration form that is signed remotely by the applicant and is subsequently delivered to a board of elections by non-electronic means is permissible. These forms should be accepted as valid voter registration forms. For the applications that you receive from Allpoint Voter Services, there is a "wet" signature on the application that was generated using a pen that is remotely controlled by the voter registration applicant. As an election official, you should continue to carefully review all voter registration applications, regardless of source. You must ensure that all required fields are completed on these forms. As you know, when voter registration applications are processed, the applicant's ID information will be validated through the DMV, and if ID information is not provided or does not validate, the applicant will need to show ID the first time he or she presents to vote.

You forwarded this message on 10/15/2012 1:25 PM.

From: Burris, Marc [marc.burris@ncsbe.gov]
To: SBOE_Grp - Directors.BoE
Cc: SEIMS.ADD.BoE
Subject: Pre-Election Jurisdictional Audit

Sent: Mon 10/15/2012 12:54 PM

Message | 2012-0001 - Statewide Jurisdictional Audit.pdf | 2012 State Jurisdictional Audit Instructions.pdf | Juris_changes July-Sept 2012.xlsx

Dear Directors,

There are only three days to go until one-stop absentee voting. It is imperative that if you have not already done so, you review the attached audit materials to make sure all voter assignments in your county are correct. The accuracy of voter assignments by a sample of six counties has already become an issue in the redistricting litigation; any incorrect assignments also could be the basis of election protests following the November election. We must get these assignments right.

The attached audit shows few or no changes in assignments by your county since I sent you the attached SEIMS Numbered Memo 2012-0001 and the 2012 State Jurisdictional Audit Instructions on August 8. This could be because you had no incorrect assignments. If that is the case, please confirm this in an email to me by October 17.

Alternatively, you could still be working on correcting assignments or have not yet begun. Correcting any incorrectly assigned voters must at this time be given the highest priority. Please let me know by October 17 whether you have any incorrect assignments that have not yet been corrected and when you anticipate completing this task.

Please contact the SEIMS helpdesk if you have any questions about the procedures for determining and correcting assignments.

If I don't hear from you, we will be calling to make sure everything possible is being done to assure that voters are assigned to the correct districts.

Thanks for your attention to this matter.

Marc Burris, CGCIO
Chief Information Officer
NC State Board of Elections
Ph: (919) 715 - 1673
MARC.BURRIS@NCSEB.GOV

From: Trena Parker
To: Lucy Smith; Bob Van Wagner (randvwan@charter.net)
Cc:
Subject: Preliminary Hearing for Merrill/Peaslee Protest

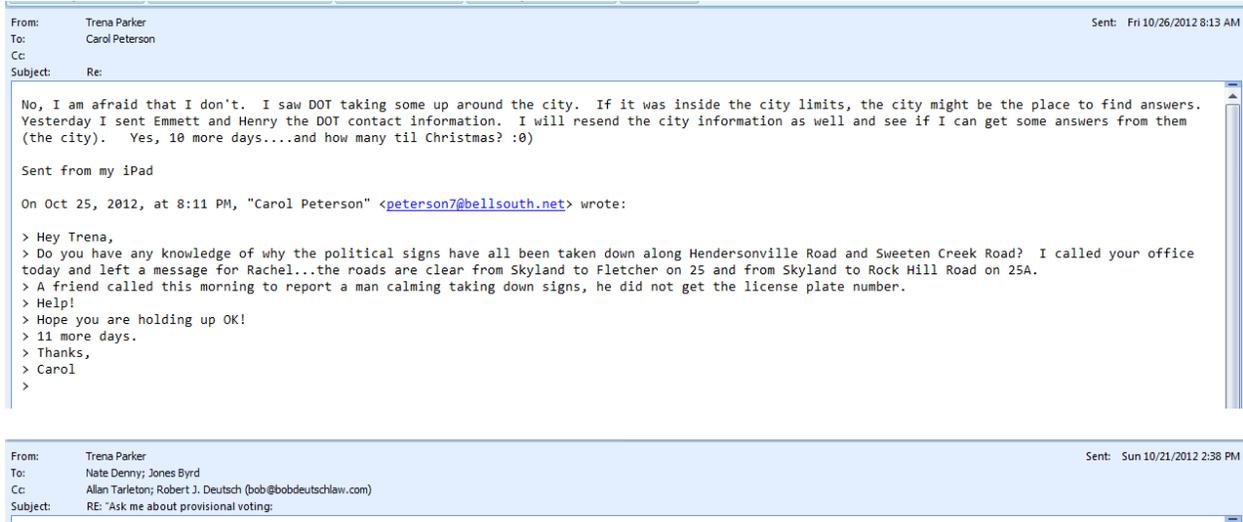
Sent: Wed 11/21/2012 4:02 PM

If it is okay with you two, Jones would like to have the preliminary hearing at 5:30 on Wednesday. Good?

From: Trena Parker
To: mikefryar@charter.net; Carol Peterson (peterson7@bellsouth.net); kelleycoproductions@yahoo.com; bedbiscuitkennel@aol.com
Cc:
Subject: Preliminary hearing for protest

Sent: Mon 11/26/2012 2:15 PM

Just wanted to let you know that the board will also confirm their earlier decision regarding the November 16th protest during the Wednesday (5:30 pm) meeting.



We have sent out a reminder to workers reminding them of the need to ask for name and address (as opposed to providing the address to the voter for confirmation). Can't really address what calling out to each other was about, but I will check. Yes, there is a few minutes needed and taken for shift change. This is something that we discussed a couple of board meetings ago, and all felt it was a positive move to assist the crew with the necessary reconciliation of numbers.

From: Nate Denny [<mailto:ndenny@ofanc.com>]
Sent: Sunday, October 21, 2012 1:51 PM
To: Jones Byrd
Cc: Allan Tarleton; Trena Parker; Robert J. Deutsch (bob@bobdeutschlaw.com)
Subject: Re: "Ask me about provisional voting:"

Thanks everyone for following up -- really appreciate your responsiveness. We also heard about an issue at South Buncombe Branch Library yesterday. We received a complaint that poll workers were calling out voters names and information to each other across the room, and that staff said at 2pm that no voting was allowed until the completion of a shift change. Is this something we can check on?

Thanks again for your hard work.

Nate

Nate Denny

OFA North Carolina | Deputy Voter Protection Director

919.518.3242

On Sun, Oct 21, 2012 at 11:58 AM, Jones Byrd <jbyrd@vwlawfirm.com> wrote:

Got your message. I'll give you a call shortly, before a bike ride this afternoon, I hope.
Jones

Sent from my iPad

On Oct 20, 2012, at 12:24 PM, "Allan Tarleton"
<atarleton@vwlawfirm.com<mailto:atarleton@vwlawfirm.com>> wrote:

Jones and Trena,

I'm serving as one of the county counsel for the Obama campaign. We have received a report that official poll workers at at least one OSEV location (North Regional) are wearing buttons reading " Ask me about provisional voting." We are concerned that message may encourage provisional ballots unnecessarily, particularly at a time when voters may be able to cure possible problems with their registration at the same site where they have gone to vote. Can you let me know whether that report is accurate and, if so, the Board of Election's instructions to poll workers about provisional ballots during this period of early voting?

Thanks for your service and attention.

Allan R. Tarleton

The Van Winkle Law Firm

P.O. Box 7376

Asheville, NC 28802

[\(828\) 258-2991](tel:8282582991)

Direct Dial: [828-771-2518](tel:8287712518)

Email: atarleton@vwlawfirm.com<mailto:atarleton@vwlawfirm.com>

[\[cid:image8975cd.GIF@f76110d4.46bf02d8\]](#)

11 North Market Street, Asheville, NC 28801 | [828-258-2991](tel:8282582991) | FAX [828-255-0255](tel:8282550255)

422 South Main Street, Hendersonville, NC 28792 | [828-697-6196](tel:8286976196) | FAX [828-693-3999](tel:8286933999)

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From: Trena Parker
To: Gary Higgins
Cc:
Subject: RE: Sent: Wed 11/21/2012 1:34 PM

Thanks. I have this laid out with the other certificates for Jones Byrd, the chairman, to sign next week. Take care!

From: Gary Higgins
Sent: Tuesday, November 20, 2012 5:03 PM
To: Trena Parker
Subject:

Hi Trena:

I spelled Mr. Foster's name incorrectly on the report that Taira sent you yesterday.

Thanks for your help and have a great Thanksgiving!

Gary Higgins, Director
Buncombe County Soil and Water Conservation District
828-250-4786
FAX 828-251-4908
<http://www.buncombecounty.org>

From: Trena Parker
To: SVC_SBOE.Elections
Cc:
Subject: RE: 163.129 Sent: Wed 10/24/2012 2:54 PM

Thanks for contacting me with your concerns. Although 163-129 is referring to Election Day precincts, we do indeed take voter parking seriously when choosing Early Voting sites. Finding tax supported facilities with sufficient parking is a challenge, especially on that side of town. Recognizing that the West Asheville Branch Library would be crowded, we have opened additional sites in the West Asheville area; Biltmore Square Mall and Morgan Hill Baptist Church. I hope that you were able to cast your vote. Please remember that our 18 Early Voting sites will be open until November 3rd. We will continue to look for ways to improve the process.

From: SVC_SBOE.Elections [<mailto:Elections.SBOE@ncsbe.gov>]
Sent: Monday, October 22, 2012 9:25 AM
To: Buncombe
Subject: FW: 163.129

From: ERLAND1@aol.com [<mailto:ERLAND1@aol.com>]
Sent: Friday, October 19, 2012 5:49 PM
To: SVC_SBOE.Elections
Subject: 163.129

163.129

I believe it REQUIRES SUFFICIENT parking be available.

The voting places at 942 Haywood Rd & 1030 Merrimon Av - Asheville - Buncombe county, certainly do not even come close to meeting that provision of the law.

At the Haywood site traffic was backed up onto Haywood causing an really unsafe situation!

Michael Cooney
Asheville, NC

You forwarded this message on 11/14/2012 1:59 PM.

From: Mark Delk [markdelk@aol.com]
To: Trena Parker; Rachel Rathbone
Cc:
Subject: Re: absentee information regarding CC2

Sent: Wed 11/14/2012 1:57 PM

Mrs Parker,

Thank you for the attached PDF files. I note that the caption in the subject line is "*absentee information regarding CC2*" yet the PDF files attached appear to be unfiltered or raw information for the entire county. For example the first entry on the Military Absentee List is that of Brian Kent England Jr with an address at 27 Griffing Boulevard. According to your own web site this voter is in district 114 - Which would mean that he is in CC1. You will note that My prior oral and written requests were specific that they pertained only to voters in that portion of precinct 65.1 that was also in District 115 (CC2.)

Rachel's note also indicates "There are three reports for Commissioner District 2 attached above." However the reports do appear to contain the entire county.

Is there a way to filter this information to produce results only for "CC2" or more specifically for the portions of precinct 65.1 that are contained in CC2?

Sincerely,

Mark Delk

-----Original Message-----

From: Trena Parker <Trena.Parker@buncombcounty.org>
To: markdelk <markdelk@aol.com>
Sent: Wed, Nov 14, 2012 1:01 pm
Subject: FW: absentee information regarding CC2

From: Rachel Rathbone
Sent: Wednesday, November 14, 2012 12:59 PM
To: Trena Parker
Subject: absentee information regarding CC2

There are three reports for Commissioner District 2 attached above, of voters in each absentee-by mail group, civilian, military, and overseas, that have requested absentee ballots-by mail. (The last report attached above is an analysis of precincts as they are assigned to each County Commissioner District.)

These reports include those who did not complete and return their request forms and are sitting in the incomplete queue. The civilian report, for example, lists those who are in the incomplete queue first. They were never mailed an absentee ballot because they did not complete and return their request form, and do not have a ballot number or sequence number assigned. On the civilian report, you'll also see the that if they were not sent a ballot, the return status field is blank. If we have sent and received the ballot back, you'll see that it was Accepted. In some cases, the ballot may have been spoiled and reissued at the voter's request.

Please do not hesitate to call if you have any questions about the information above.

Thank you,

Rachel

Attached Message

From: BCMFP <bcmfp@buncombecounty.org>
To: Rachel Rathbone <rachel.rathbone@buncombecounty.org>
Subject:
Date: Wed, 14 Nov 2012 17:33:36 +0000

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 11.14.2012 12:33:35 (-0500)

Queries to: bcmfp@buncombecounty.org

From: Trena Parker
To: Wright, Don
Cc:
Subject: RE: Amended protest
Sent: Wed 12/19/2012 4:45 PM

Correct.

From: Wright, Don [<mailto:don.wright@ncsbe.gov>]
Sent: Wednesday, December 19, 2012 4:41 PM
To: Trena Parker
Cc: Bartlett, Gary; McLean, Johnnie; Susan Nichols; Larry Leake
Subject: FW: Amended protest

Thanks for the dismissal of the amended protest on the Buncombe County Commissioner District 2 race filed by Eric Gorny. This only leaves the matter that was heard by the State Board on December 13th.

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Wednesday, December 19, 2012 4:31 PM
To: Wright, Don
Subject: FW: Amended protest

From: John Sterritt [<mailto:jsterritt4@gmail.com>]
Sent: Wednesday, December 19, 2012 4:22 PM
To: Trena Parker
Cc: eric.gorny@nmfn.com; Henry Mitchell; scarneylaw@hotmail.com; Jones Byrd; Bob Van Wagner
Subject: Re: Amended protest

Attached is Eric Gorny's dismissal.

I hope y'all have a great holiday.

On Wed, Dec 12, 2012 at 3:58 PM, Trena Parker <Trena.Parker@buncombecounty.org> wrote:

The BCBOE will address Mr. Gorny's amended protest at it's regularly scheduled meeting on December 19th at 5:30 pm. This will take place at the office at 35 Woodfin Street, 2nd floor board room.
Sent from my iPad

--
John C. Sterritt, IV

From: Trena Parker
To: Garrett-Jones, Brooks
Cc:
Subject: RE: Ballot proofs on Workflow

Sent: Thu 9/6/2012 11:49 AM

Should be approved by the end of the day.

From: Garrett-Jones, Brooks [<mailto:Brooks.Garrett-Jones@ncsbe.gov>]
Sent: Thursday, September 06, 2012 10:59 AM
To: Buncombe; Caldwell; Wilkes; Rockingham; Harnett; Moore; Lenoir; Beaufort; Bertie; Tyrrell
Cc: SBOE_Grp - ElectSystems.Sboe
Subject: Ballot proofs on Workflow

Dear Directors,

Apologies if there's an error in the report, but Workflow shows that your county's ballot proofs are awaiting your approval. Please let us know if there's anything of which we should be aware. Thanks.

-Brooks

Brooks E. Garrett-Jones
Election Technician
North Carolina State Board of Elections
441 North Harrington Street, Suite 103
Raleigh, North Carolina 27603
Phone: 919-715-8235
Call: 919-208-1482
Fax: 919-715-0135
brooks.garrett-jones@ncsbe.gov

From: Trena Parker
To: Jennifer Sparks
Cc:
Subject: Re: Ballots

Sent: Fri 9/7/2012 7:05 AM

That would be good, then i will do the ballot order first thing. Will need a ballot style report.

Sent from my Verizon Wireless Droid

-----Original message-----

From: Jennifer Sparks <Jennifer.Sparks@buncombecounty.org>
To: Trena Parker <Trena.Parker@buncombecounty.org>
Sent: Fri, Sep 7, 2012 10:20:43 GMT+00:00
Subject: Ballots

I looked over all the ballots again last night and I think they look good. If you want me too I will log into workflow and make those minor changes that we found yesterday and we should be good to go.

Jennifer

Sent from my Verizon Wireless Droid

Re: BCBOE Protest Order - Message (Plain Text)

Message

Reply Reply Forward to All Respond Delete Move to Folder Actions Create Rule Other Actions Block Sender Not Junk Junk E-mail Safe Lists Categorize Follow Up Mark as Unread Options Find Related Select Find

Extra line breaks in this message were removed.

From: Trena Parker
To: Robert J. Deutsch
Cc:
Subject: Re: BCBOE Protest Order

Sent: Tue 12/11/2012 9:14 AM

Sorry I did not respond yesterday. In Raleigh at a training. Having the staff fax that to you this morning. I realize you may not need it now, since you may have needed it for the newspaper interview.

Sent from my iPad

On Dec 10, 2012, at 4:20 PM, "Robert J. Deutsch" <bob@bobdeutschlaw.com> wrote:

> Can you please send me the memorandum of the State Board of Elections
> re: WNC situation? RJD
>
> Robert J. Deutsch
> Robert J. Deutsch, P.A.
> 75 N. Market Street
> Asheville, NC 28801
> tel: 828-251-0600x12
> fax: 828-251-5508
>
> -----Original Message-----
> From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
> Sent: Thursday, December 06, 2012 12:55 PM
> To: Robert J. Deutsch
> Subject: FW: BCBOE Protest Order
>
>
> -----Original Message-----
> From: bcmfp@buncombecounty.org [<mailto:bcmfp@buncombecounty.org>]
> Sent: Thursday, December 06, 2012 12:50 PM
> To: Trena Parker
> Subject:
>
> This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).
>
> Scan Date: 12.06.2012 12:49:59 (-0500) Queries to:
> bcmfp@buncombecounty.org

11:09 AM
5/21/2013

RE: Buncombe County Commission District 2 (2 seats) - Message (HTML)

Message

Reply Reply Forward
to All

Delete Move to Folder Create Rule Other Actions

Block Sender Not Junk Junk E-mail

Safe Lists

Categorize Follow Up Mark as Unread

Find Related Select

From: Bartlett, Gary [Gary.Bartlett@ncsbe.gov] Sent: Tue 12/4/2012 9:54 AM
To: Trena Parker; Wright, Don
Cc:
Subject: RE: Buncombe County Commission District 2 (2 seats)

If it works, fine by me. Don, please test. Thanks.

From: Trena Parker [mailto:Trena.Parker@buncombecounty.org]
Sent: Tuesday, December 04, 2012 9:52 AM
To: Wright, Don; Bartlett, Gary
Subject: RE: Buncombe County Commission District 2 (2 seats)

Working on getting a Conference Bridge number activated so that everyone can call one number to participate in the teleconference. That might be more doable for the candidates and their representatives. Let me know if this is acceptable. We are instructing the IT department to prepare for 20 participants.

From: Wright, Don [mailto:don.wright@ncsbe.gov]
Sent: Tuesday, December 04, 2012 9:31 AM
To: Bartlett, Gary; Amanda Meadows; Bob Cordle; Charles Winfree; ronald penny; jh@johnhemphilllaw.com; jhncsboe@gmail.com
Cc: McLean, Johnnie; McCue, George; Trena Parker; Susan Nichols
Subject: RE: Buncombe County Commission District 2 (2 seats)

Dear Board,

I have confirmed with Mr. Cordle and Mr. Penny, they will be available for this teleconference meeting at 3:30 pm today. I have left messages with Mr. Winfree and Mr. Hemphill and hope to hear from them soon. We would call you at 3:30 at the phone number you so desire. Attached is the notice of the meeting.

Persons in Buncombe County interested are being invited to attend the teleconference by conference call located at the Buncombe County Board of Elections.

Don

From: Bartlett, Gary
Sent: Tuesday, December 04, 2012 9:09 AM
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Cc: McLean, Johnnie; Wright, Don; McCue, George; Trena Parker; Susan Nichols
Subject: Buncombe County Commission District 2 (2 seats)

Attached you will find information regarding the machine recount and the random 3% hand-to-eye recount for the emergency State Board meeting today at 3:30 p.m. Extrapolating the gains of the losers in the 3% hand-to-eye, both qualify for a hand-to-eye recount in the entire jurisdiction. Trena Parker, Director of Buncombe County, requests to begin the hand-to-eye recount on Thursday.

11:11 AM
5/21/2013

RE: Buncombe County Commission District 2 (2 seats) - Message (HTML)

Message

Reply Reply Forward
to All

Delete Move to Folder Create Rule Other Actions

Block Sender Not Junk

Safe Lists

Junk E-mail

Categorize Follow Up Mark as Unread

Find Related Select

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To: Trena Parker; Wright, Don
Cc:
Subject: RE: Buncombe County Commission District 2 (2 seats)

Thanks.

From: Trena Parker [mailto:Trena.Parker@buncombecounty.org]
Sent: Tuesday, December 04, 2012 9:43 AM
To: Wright, Don
Cc: Bartlett, Gary
Subject: RE: Buncombe County Commission District 2 (2 seats)

We're on it and will be ready at 3:30.

From: Wright, Don [mailto:don.wright@ncsbe.gov]
Sent: Tuesday, December 04, 2012 9:31 AM
To: Bartlett, Gary; Amanda Meadows; Bob Cordle; Charles Winfree; ronald penny; jh@johnhemphilllaw.com; jhncsboe@gmail.com
Cc: McLean, Johnnie; McCue, George; Trena Parker; Susan Nichols
Subject: RE: Buncombe County Commission District 2 (2 seats)

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Don

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Sent: Tuesday, December 04, 2012 9:09 AM
To: Amanda Meadows; Bob Cordle; Charles Winfree; ronald penny; jh@johnhemphilllaw.com; jhncsboe@gmail.com
Cc: McLean, Johnnie; Wright, Don; McCue, George; Trena Parker; Susan Nichols
Subject: Buncombe County Commission District 2 (2 seats)

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11:12 AM
5/21/2013

RE: Buncombe County Commission District 2 (2 seats) - Message (HTML)

Message

Reply Forward
to All Respond

Delete Move to Folder
Actions

Create Rule Other Actions

Block Sender Not Junk

Safe Lists

Junk E-mail

Categorize Follow Up
Options

Mark as Unread

Find Related
Select

Find

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To: Trena Parker; Wright, Don
Cc:
Subject: RE: Buncombe County Commission District 2 (2 seats)

If it works, fine by me. Don, please test. Thanks.

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Subject: RE: Buncombe County Commission District 2 (2 seats)

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Cc: McLean, Johnnie; McCue, George; Trena Parker; Susan Nichols
Subject: RE: Buncombe County Commission District 2 (2 seats)

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Don

From: Bartlett, Gary
Sent: Tuesday, December 04, 2012 9:09 AM
To: Amanda Meadows; Bob Cordle; Charles Winfree; ronald penny; jh@johnhemphilllaw.com; jhncsboe@gmail.com
Cc: McLean, Johnnie; Wright, Don; McCue, George; Trena Parker; Susan Nichols
Subject: Buncombe County Commission District 2 (2 seats)

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11:17 AM
5/21/2013

You replied on 9/26/2012 12:03 PM.
This message was sent with High importance.

From: Wright, Don [don.wright@ncsbe.gov] Sent: Wed 9/26/2012 11:43 AM
To: Trena Parker
Cc:
Subject: RE: Buncombe Legal Notice

Talked with Gary and Johnnie.

We think the notice is sufficient as it now stands. But, if you wish you can add the phrase "(said referendum to be held in those precincts within or including parts of the City of Asheville)" after the word Referendum at the end of the second paragraph in the notice.

Don Wright
General Counsel

-----Original Message-----
From: Trena Parker [mailto:Trena.Parker@buncombecounty.org]
Sent: Wednesday, September 26, 2012 8:56 AM
To: Wright, Don
Subject: FW: Buncombe Legal Notice

-----Original Message-----
From: bcmfp@buncombecounty.org [mailto:bcmfp@buncombecounty.org]
Sent: Wednesday, September 26, 2012 8:52 AM
To: Trena Parker
Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 09.26.2012 08:51:55 (-0400)
Queries to: bcmfp@buncombecounty.org

Extra line breaks in this message were removed.

From: Bartlett, Gary [Gary.Bartlett@ncsbe.gov] Sent: Wed 11/21/2012 6:45 PM
To: Trena Parker
Cc:
Subject: Re: Buncombe Protest

Yes, I have the gift. So does Johnnie and Susan. A lot of silliness.

Sent from my iPhone

On Nov 21, 2012, at 4:54 PM, "Trena Parker" <Trena.Parker@buncombecounty.org> wrote:

> Don has this, but making sure you are not left out. Happy Thanksgiving!
>
> -----Original Message-----
> From: bcmfp@buncombecounty.org [<mailto:bcmfp@buncombecounty.org>]
> Sent: Tuesday, November 20, 2012 4:41 PM
> To: Trena Parker
> Subject:
>
> This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).
>
> Scan Date: 11.20.2012 16:41:13 (-0500) Queries to:
> bcmfp@buncombecounty.org <20121120164113766.pdf>

You replied on 12/7/2012 4:41 PM

From: Bartlett, Gary [Gary.Bartlett@ncsbe.gov] Sent: Fri 12/7/2012 4:39
To: Trena Parker
Cc: McLean, Johnnie
Subject: Re: Buncombe Recount

The affected candidate(s) have within 24 hours of the hand-to-eye recount to file a protest regarding any issues with the count. The burden of proof is on the challenger. Any surprise?

Sent from my iPhone

On Dec 7, 2012, at 4:25 PM, "Trena Parker" <Trena.Parker@buncombecounty.org> wrote:

<image001.gif>
Getting a few questions regarding the outcome when we are done. Looks like we will either be done around 7:30 tonight or mid-morning tomorrow...depends on how many people we can talk into staying late tonight. If this does change the outcome of either of the requesting candidates, are there any additional rights/steps available to them? I have searched statutes and administrative code and do not readily see anything. All is going well, by the way.

You replied on 10/5/2012 9:37 AM

From: Wright, Don [don.wright@ncsbe.gov] Sent: Fri 10/5/2012 9:21 AM
To: Trena Parker
Cc:
Subject: RE: Chain of Custody information

You have to respond.

See a recent answer below:

Melissa,

Answers are fine. Both Presidential campaigns are gathering information if there is a need for a recount .

From: Johnson, Melissa T. [<mailto:MTJohnson@co.randolph.nc.us>]

Sent: Friday, October 05, 2012 9:00 AM

To: Marisa Maleck

Cc: Wright, Don

Subject: RE: Chain of Custody Questions

Ms. Maleck,

Below are answers to your questions.

Thank you,

Melissa T. Johnson, MPA, Director

Randolph County Board of Elections

158 Worth Street

Asheboro, NC 27203

336.318.6902 office

www.co.randolph.nc.us/elections

From: Marisa Maleck [<mailto:mmaleck@mittromney.com>]

Sent: Thursday, October 04, 2012 11:55 AM

To: Johnson, Melissa T.

Subject: Chain of Custody Questions

Hi Melissa,

My name is Marisa Maleck and I work for Romney for President. I just called you and I hope you can answer some questions about chain of custody issues with respect to ballots/voting machines/poll books.

On election night, what happens to the ballots (or electronic information)/voting machines/poll books/ATV forms right after polls close? Are they all transported to the county board of elections office that night? Do the voting machines stay in the polling location until the next day? **All ballots, tabulators, laptops (electronic information) and ATV forms are transported to the Board of Elections Office on election night and transferred to the Board through chain of custody documentation.**

Who transports the ballots/voting machines/poll books? Is it the Chief Judge for all three? **The Chief Judge transports all of the above to the Board of Elections on election night.** Does the Chief Judge (or whoever) have any security with him/her (like rovers or deputy sheriffs?) and are the materials in any way locked down? **No security personnel is with the Chief Judge.**

Once the ballots/voting machines/poll books reach your office, are they secured in your office? **Yes.** In your building? Elsewhere? How are they secured (locks, video camera, etc.)? **Locked.** Are these materials ever moved, and if they are, when & by who & where to specifically? Who has access to these materials? Just you or your staff too? **Only Board of Elections staff has access to materials.**

Do you eventually destroy these materials or are they ever taken to storage? [Materials are stored in our office according to the NC Records Retention and Disposition Schedule.](#) Where is the storage location specifically? [158 Worth St., Asheboro, NC](#)

During the canvass (and potential recount), are the ballots (or electronic information) moved? **No.**

Finally, will your board start to count absentee ballots before 5p? **No.**

Thank you so much.

Marisa

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]

Sent: Friday, October 05, 2012 9:17 AM

To: Wright, Don

Subject: FW: Chain of Custody information

From: Steven Donaldson [<mailto:SDonaldson@mittromney.com>]

Sent: Thursday, October 04, 2012 1:29 PM

To: Trena Parker

Subject: Chain of Custody information

Ms. Parker,

I appreciate your help on this topic. We are looking for complete chain of custody for any piece of equipment, paper, or electronic media (poll books, data cards, ballots, machines, machine tapes, etc) that contains information bearing on the election after the close of polls. That includes every step from the close of polls to the start of the 22-month retention. Please follow up with me as soon as you have the chance to gather that information so that I can include it in my records.

Thanks,

Steve Donaldson

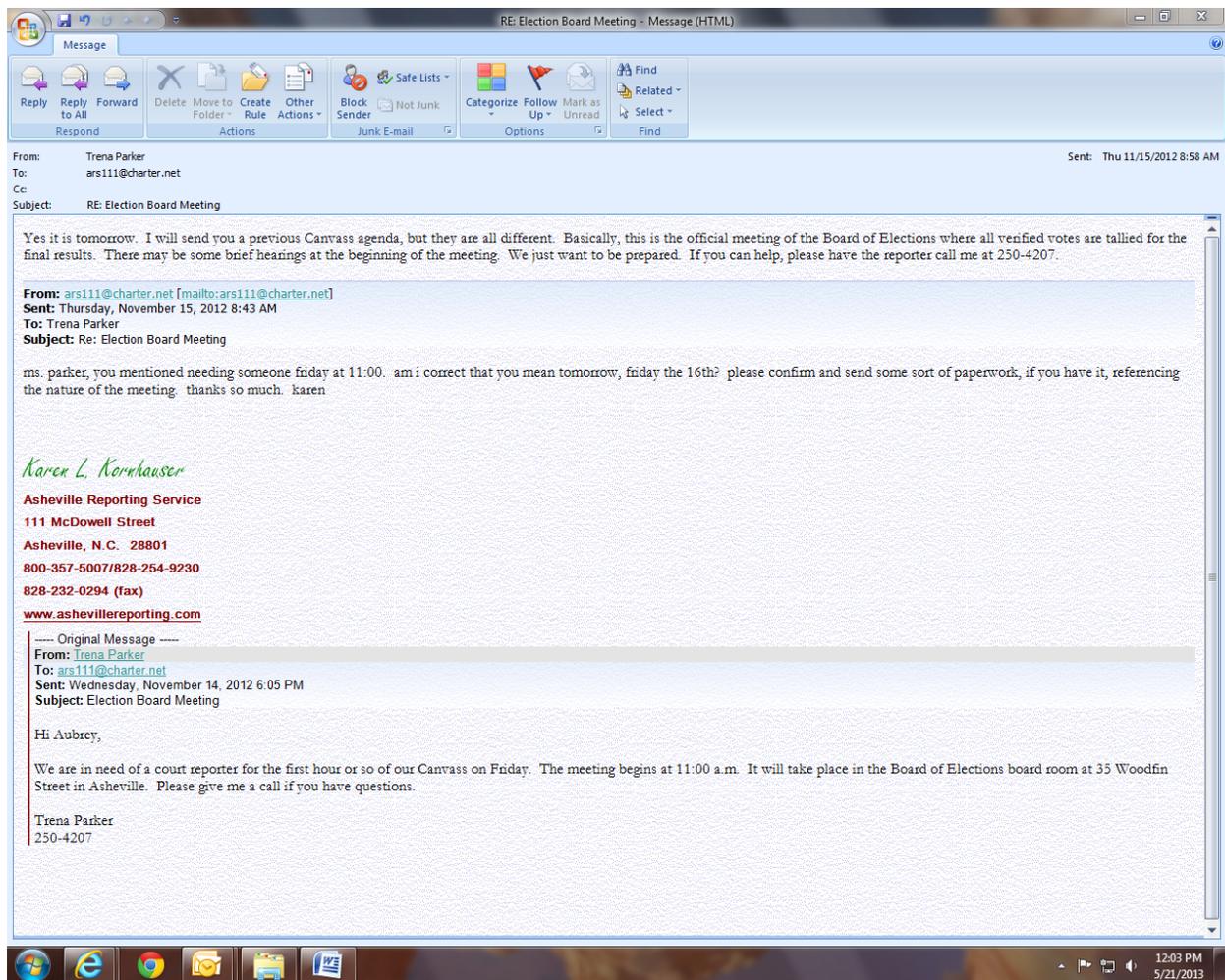
North Carolina Director of Election Day Operations

Romney for President, Inc.

(859)893-2452 (c)

(919)719-0540 (o)

Lawyers, sign up here! www.mittromney.com/forms/legal-volunteers



From: Jones Byrd [jbyrdaw@gmail.com]
To: John Sterritt
Cc: Trena Parker; Don Wright
Subject: Re: Eric Gorney Protest

Sent: Mon 12/3/2012 1:21 PM

Thanks. He filed something, whether it is a valid protest remains to be determined. This will be the preliminary consideration, not a protest hearing.

Let's try this, we will set something for Wed evening at 6:30 PM and if I am not back from Charlotte in time we will recess to 5:30 PM Thursday.

Jones

Sent from my iPhone

On Dec 3, 2012, at 12:44 PM, John Sterritt <jsterritt4@gmail.com> wrote:

Hi Jones,

Sorry, I just missed your call. Eric is in Charlotte for a mandatory meeting for work he is unable to adjust. I apologize. I will attend and argue on his behalf, with affidavits of any statements he would like offered.

He filed a protest, with various statutes cited. I will forward another copy shortly.

Thanks.

On Mon, Dec 3, 2012 at 8:49 AM, John Sterritt <jsterritt4@gmail.com> wrote:

My client has to be in Charlotte Thursday. Is it possible to meet either Wed. or Fri. evening?

On Mon, Dec 3, 2012 at 6:58 AM, <jsterritt4@gmail.com> wrote:

I understand. See you then

Sent from my Verizon Wireless BlackBerry

From: Jones Byrd <jbyrdlaw@gmail.com>

Date: Sun, 2 Dec 2012 23:46:18 -0500

To: John Sterritt<jsterritt4@gmail.com>

Cc: Trena Parker - Work<trena.parker@buncombecounty.org>; Don Wright<don.wright@ncmail.net>

Subject: Re: Eric Gorney Protest

John,

It needs to happen ASAP if there is something to consider. We will plan to notice a meeting for consideration of this for Thursday evening at 5:30 pm unless you hear to the contrary from Trena. Do not count on this email as notice. You will get that from the BOE office.

I believe the SBOE wants any such matters wrapped up now so it can hear any appeals that following week on the 13th. Don't think waiting any longer will work. Sorry.

Jones

Sent from my iPhone

On Dec 2, 2012, at 10:51 PM, John Sterritt <jsterritt4@gmail.com> wrote:

Hi Jones,

Would it be possible to schedule a tentative meeting sometime during the following week?

This would give me time to review again my client's protest, statutes, any cases, and meet with him. If there is nothing there, I wouldn't want to take up the Board and Election Staff's time further.

Thanks again.

On Sun, Dec 2, 2012 at 2:45 PM, John Sterritt <jsterritt4@gmail.com> wrote:

Thank you very much, Jones.

I will review with my client and answer this asap.

I hope you both have a great day.

On Sun, Dec 2, 2012 at 1:45 PM, Jones Byrd <jbyrd@vwlawfirm.com> wrote:

John,

A couple of thoughts. I got the impression from hearing you and Mr. Gorney after the meeting preliminarily considering the Merrill protest that you or he felt that there was something pending from him which did not receive proper, prior, consideration.

We thought sequestration of the provisional ballots to make them retrievable during canvass satisfied all the concerns, particularly regarding protestant Ms. Merrill due to communications with her attorney Mr. Peasley, and for Mr. Gorney either as a supporter of Ms. Merrill, or for himself somehow, when he said Mr. Peasley was speaking for him or via any comments he may have made directly. I don't recall a dissenting comment after that discussion, and our decision to sequester the provisional ballots for later retrieval if needed.

I suspect before you became involved, I think Mr. Gorney delivered different things at different times. I don't know off the top of my head who prepared them, nor who signed them, nor if they were intended as supporting documents for Ms. Merrill's position, or would somehow be construed as an independent protest of Mr. Gorney if that is what he intended.

I'm not exactly sure what you contend is needing review for determination nor what remedy is being sought via any independent, valid, protest of Mr. Gorney that has not already been resolved either directly for him assuming he asserted a proper protest, or actually handled in the protest of Ms. Merrill, which may be the only valid protest what was filed and pending and perhaps in which he views himself as a supporting witness of some sort rather than an individual protestant.

It would be helpful if you will be specific about what you believe to be an actual protest under the relevant statutes/law, and exactly what relief is being sought assuming he has an independent, valid, protest that has been asserted.

In short, we don't want anyone to feel they have not been heard on a validly asserted protest, and thereby feel they have been foreclosed from some remedy improperly. If there is a validly asserted, pending, protest of Mr. Gorney which you believe has not been handled, and he's been aggrieved by that, please clarify this. If an independent protest is being asserted, we can try to set a meeting to consider it preliminarily sometime this week - probably on Thursday. I should be back from Charlotte by then. Since I don't know other schedules, I cannot be sure about that. Goodness knows I hope I'll be back by then. Do you want this meeting set to consider anything?

Hope you are able to get out in this beautiful weather today.

Jones

P.S. Best email address to use for me is jbyrdlaw@gmail.com, not my office one.

Sent from my iPad

On Nov 29, 2012, at 8:56 AM, "jsterritt4@gmail.com" <jsterritt4@gmail.com> wrote:

> Have a safe trip Jones

> Sent from my Verizon Wireless BlackBerry

>

> -----Original Message-----

> From: Jones Byrd <jbyrd@vwlawfirm.com>

> Date: Thu, 29 Nov 2012 13:50:49

> To: John Sterritt<jsterritt4@gmail.com>

> Cc: Trena Parker - Work<trena.parker@buncombecounty.org>

> Subject: Re: Eric Gorney Protest

>

> John,

>

> Nice talking with you as well. Heading to Charlotte today for expert depositions and will not be back until late tomorrow night, and similar schedule early next week, so it may be mid-week before I can address this stuff again.

>

> Jones

>

> PS. Sorry I didn't recognize you last night. Lots of things going on and many balls in the air yesterday.

>

> Sent from my iPhone

>

> On Nov 29, 2012, at 7:58 AM, "John Sterritt" <jsterritt4@gmail.com<mailto:jsterritt4@gmail.com>>>
wrote:

>

> Hi Jones,

>

> Nice talking with you last night.

>

> Please email me Eric Gorny's Order upon filing.

>

> Thanks and have a great day.

>

> John C. Sterritt, IV

>

> Attorney at Law

>

> 252 John Tate Drive

>

> Fletcher, NC 28732

>

> [828-450-7990](tel:828-450-7990)

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> [cid:image81bcb3.[GIF@21b0e573.459a4589](#)]

> 11 North Market Street, Asheville, NC 28801 | [828-258-2991](tel:828-258-2991) | FAX [828-255-0255](tel:828-255-0255)

> 422 South Main Street, Hendersonville, NC 28792 | [828-697-6196](tel:828-697-6196) | FAX [828-693-3999](tel:828-693-3999)

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422 South Main Street,
Hendersonville, NC 28792 | [828-697-6196](tel:828-697-6196) | FAX [828-693-3999](tel:828-693-3999)

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John C. Sterritt, IV

Attorney at Law
252 John Tate Drive
Fletcher, NC 28732
[828-450-7990](tel:828-450-7990)

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RE: File - Merrill Protest Consideration Meeting - Probable cause.pdf - Message (Plain Text)

Message

Reply Reply Forward Delete Move to Create Other Block Safe Lists Find
to All to All Folder Rule Actions Sender Lists Find
Respond Actions Junk E-mail Options Unread Select

From: Trena Parker Sent: Fri 12/7/2012 1:15 PM
To: Jones Byrd
Cc:
Subject: RE: File - Merrill Protest Consideration Meeting - Probable cause.pdf

We are aiming to be here until 7.

-----Original Message-----
From: Jones Byrd [<mailto:jbyrd@vwlawfirm.com>]
Sent: Friday, December 07, 2012 12:50 PM
To: Trena Parker; Rachel Rathbone
Subject: File - Merrill Protest Consideration Meeting - Probable cause.pdf

FVI, the minutes with my prior notations that I seem to have forgotten to deliver to you somehow.

Plan to come by today before the counting stops, so let me know about when you anticipate shutting down for the day, please. Thx.

Jones

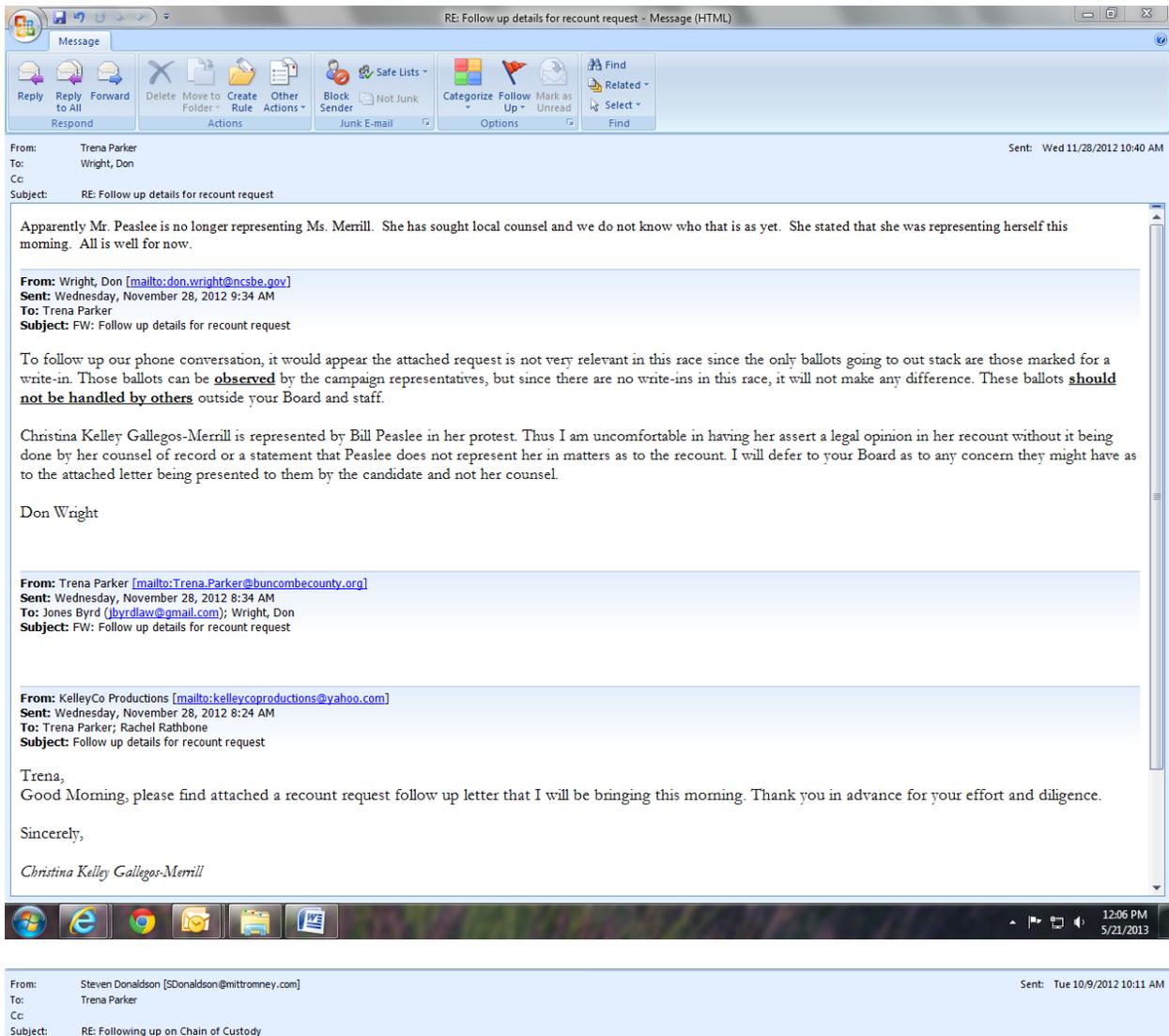
The Van Winkle Law Firm
11 North Market
Street, Asheville, NC 28801 | 828-258-2991 | FAX 828-255-0255

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12:04 PM
5/21/2013



Thanks!

What is the address of the warehouse that you guys use in Buncombe?

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]

Sent: Friday, October 05, 2012 5:12 PM

To: Steven Donaldson

Cc: Wright, Don (don.wright@ncsbe.gov)

Subject: RE: Following up on Chain of Custody

PCMCIA card from M100 transported to Board of Elections by assistant on Election Night immediately upon closing the polls.

All voted and unvoted ballots, laptops, and ATV forms are transported from the precincts to the Board of Elections by the Chief Judge, along with appropriately signed Chain of Custody documentation. Upon arrival to the BOE, the voted ballots and chain of custody form is delivered inside the building by the Chief Judge.

M100 units (minus cards and ballots) are transported back to BOE warehouse by moving company on Wednesday morning. All materials that are relevant to the election are locked up on Election Night at the Board of Elections office, warehouse, or other locked facility.

All voted ballots are locked within a biometric access only, video equipped space. Laptops are locked up within a storage van that is then locked up within the BOE warehouse building. ATV notebooks are loaded into locked vans and security will be hired to guard vans for the evening, if an indoor space cannot be found.

ATV notebooks will be transported to our supply facility on Erwin Hills Road first thing Wednesday morning. This facility is also very secure with numerical entry locks, as well as cameras placed to video the entire perimeter of the building.

Ballots are not moved between Election Night and Canvass. Ballots will be transported to the warehouse building in case of a recount. There, the exact scanner that was used to scan the ballots on Election Day will be used for the recount.

Our space in the warehouse requires biometric access. Only Board of Elections staff has access to materials. Materials are stored in our office and warehouse according to the NC Records Retention and Disposition Schedule. Our board plans to begin counting absentee ballots at 2:00 pm.

Trena Parker, MPA, Director

Buncombe County Board of Elections

35 Woodfin Street

Asheville, NC 28801

Warehouse Address: 44 Valley Street, Asheville 28801

Supply Facility: 180 Erwin Hills Road, Asheville 28806

From: Steven Donaldson [<mailto:SDonaldson@mittromney.com>]

Sent: Friday, October 05, 2012 11:04 AM

To: Trena Parker

Subject: Following up on Chain of Custody

Ms. Parker. I would very much like to finish tracking down this information and have not yet heard back from you. I have detailed a little bit more what we are looking for and once I get your answers I will

follow up for clarifications. Please see below the generalities that we are looking for. I appreciate your expedient response.

On election night, what happens to the ballots (or electronic information)/voting machines/poll books right after polls close? Are they all transported to the county board of elections office that night? Do the voting machines stay in the polling location until the next day?

Who transports the ballots/voting machines/poll books? Is it the Chief Judge for all three? Does the Chief Judge (or whoever) have any security with him/her (like rovers or police?) and are the materials in any way locked down?

Once the ballots/voting machines/poll books reach your office, are they secured in your office? In your building? Elsewhere? How are they secured (locks, video camera, etc.)? Are these materials ever moved, and if they are, when & by who? Who has access to these materials? Just you or your staff too?

Do you eventually destroy these materials or are they ever taken to storage?

During the canvass, are the ballots (or electronic information) moved?

Finally, do you start counting absentee ballots before 5p? If so, when?

Thanks,

Steve Donaldson

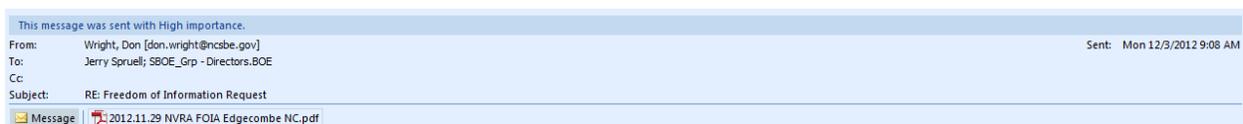
North Carolina Director of Election Day Operations

Romney for President, Inc.

(859)893-2452 (c)

(919)719-0540 (o)

Lawyers, sign up here! www.mittromney.com/forms/legal-volunteers



Dear Directors,

We understand many counties, like Edgecombe, have received the attached request for information. This is to remind you that the data requests 1 and 2 in the attached is on line at : <ftp://www.app.sboe.state.nc.us/enrs/> You can refer the requester to that site for the data, which will be available to him 24/7 at no cost.

In responding to requests 3, 4, and 5 you will have to review your county data to respond.

As to request 3, you may wish to inform the requestor that we do not have “poll watchers” in N.C., but observers appointed by political parties under the provisions of GS 163-45. You can provide him the list of political party observers serving on Election Day. Note that he has not requested any information on observers as to one-stop absentee voting.

As to request 4, I am unaware of any reports that these party observers make to you as a county board of elections. However, if any party observer made a written report to your office include it in the response.

As to request 5, if you have such reports of suspected “Voter Fraud” **THAT YOU HAVE NOT TURNED OVER NOR PLAN TO TURN OVER TO THIS AGENCY OR LAW ENFORCEMENT FOR INVESTIGATION** include them in the response. Reports of voter fraud that are being, will be, or have been investigated as a possible criminal matter(such as suspected double voting) are not public records.

Follow your county policy or the advice of your county attorney/administrator as to any costs to the requestor as to requests 3,4, and 5.

Don Wright

General Counsel

From: Jerry Spruell [<mailto:jerry.spruell@co.edgecombe.nc.us>]

Sent: Friday, November 30, 2012 8:53 AM

To: Wright, Don

Subject: FW: Freedom of Information Request

Please advise on this please.

From: Logan Churchwell [<mailto:info@groupforchange.org>]

Sent: Thursday, November 29, 2012 6:21 PM

To: jerry.spruell@co.edgecombe.nc.us

Subject: Freedom of Information Request

To Whom It May Concern:

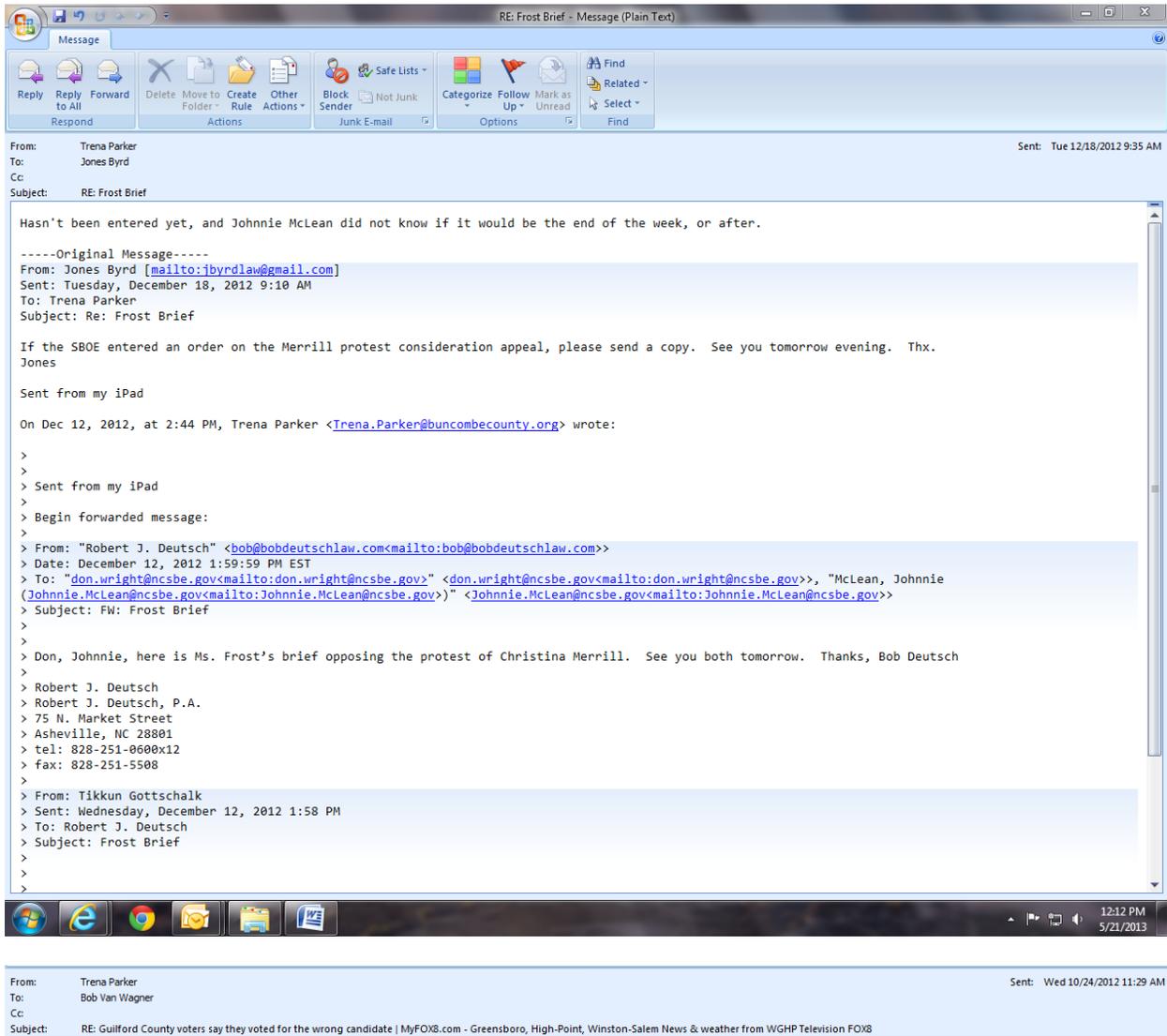
Please review the attached request letter and advise when our inquiry can be fulfilled.

Thank you!

Logan Churchwell

logan@groupforchange.org

Δ GROUP FOR CHANGE



I looked for this on the various websites and couldn't find it. Thanks for forwarding.

From: Bob Van Wagner [mailto:randbvan@charter.net]

Sent: Wednesday, October 24, 2012 11:26 AM

To: Trena Parker; Rachel Rathbone

Subject: Fw: Guilford County voters say they voted for the wrong candidate | MyFOX8.com - Greensboro, High-Point, Winston-Salem News & weather from WGHP Television FOX8

Importance: High

Rachel I received this after speaking with you. As I mentioned, this was broadcast

on Fox News Channel this morning. I informed you I did not catch which county, however

a friend of mine in the party has kindly forwarded this info for all to read. I certainly believe the statement of the Guilford County Director of Elections, George Gilbert, more than ever shows his I.Q. level to be as low as ever. Or, may I add it would appear the machines have not been checked out by his board. It will also lead to the belief that they have been tampered with. As this has been broadcast nationwide, it sure as heck makes the State of North Carolina and all counties look rather suspicious as to their handling of not only the machines, but the integrity of all boards throughout the state.

This needs to be addressed by the State Board, directly to Guilford County and the lame brain statement of its incompetent director!

Robert {Bob} Van Wagner

To: 'BCGOPchairman@charter.net'; 'mtwgop@charter.net'; 'Madison County GOP'; 'richard bernier'
Subject: FW: Guilford County voters say they voted for the wrong candidate | MyFOX8.com – Greensboro, High-Point, Winston-Salem News & weather from WGHP Television FOX8

Subject: Guilford County voters say they voted for the wrong candidate | MyFOX8.com – Greensboro, High-Point, Winston-Salem News & weather from WGHP Television FOX8

<http://myfox8.com/2012/10/23/guilford-county-voters-say-they-voted-for-the-wrong-candidate/>

Guilford County voters say they voted for the wrong candidate

GREENSBORO, N.C. –The Presidential election is just around the corner and voting issues have already become a problem in Guilford County.

On Monday, several voters complained that their electronic ballot machine cast the wrong vote. All the complaints were made by people who voted at the Bur-Mil Park polling location.

One of the voters, Sher Coromalis, says she cast her ballot for Governor Mitt Romney, but every time she entered her vote it defaulted to President Obama.

“I was so upset that this could happen,” said Coromalis.

Guilford County Board of Elections Director George Gilbert says the problem arises every election. It can be resolved after the machine is re-calibrated by poll workers.

“It’s not a conspiracy it’s just a machine that needs to be corrected,” Gilbert said.

After the third try, Coromalis says she was able to get her vote counted for Gov. Romney but was still annoyed.

“I should have just mailed it in,” Coromalis said.

Elections officials say the machines have been fixed as of Tuesday, and no problems have been reported since.

Early Voting ends November 3.

From:	Bartlett, Gary [Gary.Bartlett@ncsbe.gov]	Sent:	Tue 11/6/2012 3:33 PM
To:	Peaslaw@aol.com		
Cc:	Phil.Strach@ogletreedeakins.com; McLean, Johnnie		
Subject:	RE: Incident report - Reynolds Fire Department precinct, Buncombe County		

We will follow up with Buncombe.

From: Peaslaw@aol.com [<mailto:Peaslaw@aol.com>]

Sent: Tuesday, November 06, 2012 3:17 PM

To: Bartlett, Gary

Cc: Phil.Strach@ogletreedeakins.com

Subject: Fwd: Incident report - Reynolds Fire Department precinct, Buncombe County

Gary,

The most disturbing thing about this report is the instructions by the BOE to call the BOE before allowing a voter to vote provisionally.

I would ask that you contact the Buncombe Co. BOE to make sure they are using provisional ballots appropriately.

Many thanks.

William W. Peaslee
Attorney at Law PLLC
102-K Commonwealth Ct.
Cary, NC 27511
(919) 481-1992

(919) 481-2919 Fax
www.CaryAttorney.com

From: kevin.v.howell@gmail.com
To: peaslaw@aol.com, phil.strach@ogletreedeakins.com
Sent: 11/6/2012 3:05:06 P.M. Eastern Standard Time
Subj: Fwd: Incident report - Reynolds Fire Department precinct, Buncombe County

Sent from my iPhone

Begin forwarded message:

From: Mark Sligh <marksligh@yahoo.com>
Date: November 6, 2012, 2:58:55 PM EST
To: Kevin Howell <kevin.v.howell@gmail.com>
Subject: Incident report - Reynolds Fire Department precinct, Buncombe County

Poll observer Linda Southard reported the following incident that occurred at about 10:45 or 11:00 AM on Election Day:

A young woman named Natasha Blevins advised one of the judges that she had moved out of the precinct. However, she was given a regular ballot and allowed to vote at the Reynolds Fire Department precinct. It appears that she should have been given a provisional ballot or directed to a different precinct. The poll observer called the Romney Legal Team and did not challenge the vote.

Linda reported that following this initial incident she made several other observations, all of them between 10:45 AM - 11:45 AM:

1. A woman with the last name Espinoza who appeared to be registered in Cumberland County was given a provisional ballot. The judge explained that since she had been a resident of Buncombe County for more than six months and had an envelope addressed to her in Buncombe County, she was allowed to vote by provisional ballot.
2. A disabled man named William Dirk Bocoock who appeared to be registered in Henderson County was not allowed to vote. His mother brought him to the Reynolds Fire Department precinct and argued that he should be able to vote there.
3. A young man who appeared to be registered in Madison County was not allowed to vote.

Linda showed me a two-page memo entitled SPECIAL INSTRUCTIONS FOR 2012 GENERAL ELECTION that seemed to contain instructions to poll workers from the Board of Elections. The memo included the following statement on page 2:

"Remember that we need you to call and get authorization from the BOE office, BEFORE voting someone provisionally."

END OF REPORT

From: Trena Parker
To: Lucy Smith
Cc:
Subject: RE: Preliminary Hearing for Merrill/Peaslee Protest

Sent: Wed 11/21/2012 4:08 PM

Yes, it will be a full day :) Haven't heard back from Bob yet.

From: Lucy Smith [<mailto:lmsfogs@msn.com>]
Sent: Wednesday, November 21, 2012 4:08 PM
To: Trena Parker; Bob Van Wagner
Subject: RE: Preliminary Hearing for Merrill/Peaslee Protest

Will we still start the recount at 10 on Wednesday?

From: Trena.Parker@buncombecounty.org
To: lmsfogs@msn.com; randbyan@charter.net
Subject: Preliminary Hearing for Merrill/Peaslee Protest
Date: Wed, 21 Nov 2012 21:02:07 +0000

If it is okay with you two, Jones would like to have the preliminary hearing at 5:30 on Wednesday. Good?

RE: Protests filed on November 16th in Buncombe - Message (Plain Text)

Message

Reply Respond Reply to All Forward Delete Move to Folder Create Rule Other Actions Block Sender Not Junk Safe Lists Junk E-mail Categorize Follow Up Mark as Unread Find Related Select

You replied on 11/20/2012 12:58 PM.

From: Wright, Don [don.wright@ncsbe.gov]
To: Trena Parker
Cc:
Subject: RE: Protests filed on November 16th in Buncombe

Sent: Tue 11/20/2012 10:55 AM

Trena,

If there was not a written order as to the protest filed 11/16/12, did the protestors express that they were not desiring to appeal the denial. In other words, is the dismissal of that protest now a sleeping dog?

-----Original Message-----
From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Tuesday, November 20, 2012 10:21 AM
To: Wright, Don
Subject: RE: Protests filed on November 16th in Buncombe

This one was dealt with before the start of canvass. Supposed to receive another protest today. Will give you a call when that one is received.

-----Original Message-----
From: Wright, Don [<mailto:don.wright@ncsbe.gov>]
Sent: Monday, November 19, 2012 3:16 PM
To: Trena Parker; Bartlett, Gary; johnnie.mclean@ncsboe.gov
Subject: RE: Protests filed on November 16th in Buncombe

Was there a written order on the dismissal of the protest on November 16th?

-----Original Message-----
From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Monday, November 19, 2012 3:07 PM
To: Bartlett, Gary; johnnie.mclean@ncsboe.gov; Wright, Don
Subject: FW: Protests filed on November 16th in Buncombe

Attached please find a written request from Mr. William Peaslee filed with us on November 16th, 2012. The board granted his request and instructed the staff not to comingle Warren Wilson provisional ballots. The board ruled against the attached protest and continued with the canvass. Don't hesitate to contact me with questions.

-----Original Message-----
From: bcmfp@buncombecounty.org [<mailto:bcmfp@buncombecounty.org>]
Sent: Monday, November 19, 2012 2:52 PM
To: Trena Parker
Subject:

This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).

Scan Date: 11.19.2012 14:51:59 (-0500)
Queries to: bcmfp@buncombecounty.org

1:00 PM
5/21/2013

RE: Protests filed on November 16th in Buncombe - Message (Plain Text)

Message

Reply Forward
to All

Delete Move to Folder Create Rule Other Actions

Block Sender Not Junk Junk E-mail

Safe Lists

Categorize Follow Up Mark as Unread

Find Related Select Find

From: Trena Parker
To: Wright, Don
Cc:
Subject: RE: Protests filed on November 16th in Buncombe

Sent: Tue 11/20/2012 12:58 PM

I do not remember any discussion of appeal. The minutes are being worked on today.

-----Original Message-----
From: Wright, Don [mailto:don.wright@ncsbe.gov]
Sent: Tuesday, November 20, 2012 10:55 AM
To: Trena Parker
Subject: RE: Protests filed on November 16th in Buncombe

Trena,

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To: Wright, Don
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Subject: FW: Protests filed on November 16th in Buncombe

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-----Original Message-----
From: bcmfp@buncombecounty.org [mailto:bcmfp@buncombecounty.org]
Sent: Monday, November 19, 2012 2:52 PM
To: Trena Parker
Subject:

1:00 PM
5/21/2013

From: Trena Parker
To: Lucy Smith
Cc:
Subject: RE: RE:

Sent: Mon 11/19/2012 2:01 PM

No recount there.

From: Lucy Smith [mailto:lmsfrogs@msn.com]
Sent: Monday, November 19, 2012 1:49 PM
To: Trena Parker
Subject: RE:

Have you heard anything about the Linda Coleman race?

> From: Trena.Parker@buncombecounty.org
> To: jhyrdlaw@gmail.com; randbvan@charter.net; lmsfrogs@msn.com
> Subject: FW:
> Date: Mon, 19 Nov 2012 18:24:12 +0000
>
> Wondering if it is okay to start this on the 26th? What time would work?
>

-----Original Message-----
> From: bcmfp@buncombecounty.org [mailto:bcmfp@buncombecounty.org]
> Sent: Monday, November 19, 2012 1:18 PM
> To: Trena Parker
> Subject:
>
> This E-mail was sent from "RICOH-BOE-855" (Aficio MP 2851).
>
> Scan Date: 11.19.2012 13:18:04 (-0500)
> Queries to: bcmfp@buncombecounty.org

You replied on 9/17/2012 11:01 AM.

From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: Trena Parker
Cc:
Subject: Re: Reconciliation

Sent: Sat 9/15/2012 3:54 P

How many ballot styles per precinct do you have? Do you have any split precincts? Can you track multiple ballot styles on page 2?

Connected by Motorola

Trena Parker <Trena.Parker@buncombcountv.org> wrote:

Happy Friday,

We have worked really hard on this document. Is there a chance that we can continue to use it? Our workers are used to this sheet and do a really good job at completing it. The Chief Judge is required to have this form in their hand on Election Night when returning supplies. They must sit down and review it with one of our Board members before being released to go home. I believe that it meets all of the same requirements as the form you have created.

Additionally, as we move forward with our countywide mailing; just want to ascertain that we will be handling it correctly. It will be tagged as an administrative mailing and no one (which I understand SEIMS would not allow within the 90 day) will be made inactive due to the mailing. Only name, address, or party affiliation information changes will be made as a result of this mailing.

Thanks for your help.

Trena

From: Joyce A. Kanavel
Sent: Friday, September 14, 2012 1:49 PM
To: Trena Parker
Subject:

From: Christina [kelleycoproductions@yahoo.com]
To: Trena Parker
Cc:
Subject: Re: Recount

Sent: Mon 11/19/2012 3:19 PM

Ok - Thank you

Sent from my iPhone

On Nov 19, 2012, at 3:17 PM, Trena Parker <Trena.Parker@buncombcounty.org> wrote:

<image001.jpg>

Just letting you know that as soon as I receive a confirmation from Jones on a date for the recount, I will contact you immediately.

From: Trena Parker
To: Lucy Smith
Cc:
Subject: RE: Recount

Sent: Wed 11/21/2012 1:27 P

Waiting to hear from Jones. He will not be available much of the time.

From: Lucy Smith [<mailto:lmsfogs@msn.com>]
Sent: Wednesday, November 21, 2012 12:40 PM
To: Trena Parker
Subject: RE: Recount

Trena, will the BOARD staff for all of it?

From: Trena.Parker@buncombcounty.org
To: jbyrdlaw@gmail.com; lmsfogs@msn.com; randbvan@charter.net
Subject: Recount
Date: Wed, 21 Nov 2012 17:23:59 +0000

Would like to schedule the recount for 10:00 Wednesday morning. Bob has appointments Monday and Tuesday. We really need Monday and Tuesday to prepare, as this week has been somewhat shot with staff members being sick and now out for Thanksgiving. Any objections to this?

Extra line breaks in this message were removed.

From: Trena Parker
To: Jones Byrd
Cc:
Subject: Re: Request for simultaneous hand-eye recount

Sent: Tue 11/27/2012 7:02 AM

Yes you may open. Kelleyco is Christina Merrill.

Sent from my iPad

On Nov 26, 2012, at 9:42 PM, "Jones Byrd" <jbyrdlaw@gmail.com> wrote:

> Who is Kelly Co Productions. Is this a virus or may I open?
> Jones
>
> Sent from my iPhone
>
> On Nov 26, 2012, at 4:43 PM, Trena Parker <Trena.Parker@buncombecounty.org> wrote:
>
>> Attached is the submitted request for a simultaneous hand-eye recount, and the State Board's response. Apparently a sample hand-eye recount as provided by GS 163-182.7A may not occur until the conclusion of the machine recount.
>>
>> -----Original Message-----
>> From: bcmf@buncombecounty.org [<mailto:bcmf@buncombecounty.org>]
>> Sent: Monday, November 26, 2012 4:37 PM
>> To: Trena Parker
>> Subject:
>>
>> This E-mail was sent from "RICOH-B0E-855" (Aficio MP 2851).
>>
>> Scan Date: 11.26.2012 16:36:57 (-0500) Queries to:
>> bcmf@buncombecounty.org <20121126163657606.pdf>

From: Trena Parker
To: Robert J. Deutsch
Cc:
Subject: RE: SBE meeting that will handle any appeal from Buncombe

Sent: Thu 12/6/2012 10:41 AM

Do you have a copy of the Protest Order?

From: Robert J. Deutsch [<mailto:bob@bobdeutschlaw.com>]
Sent: Thursday, December 06, 2012 9:56 AM
To: Trena Parker
Cc: Jones Byrd
Subject: RE: SBE meeting that will handle any appeal from Buncombe

T, when you get a minute, can you please let me know the state of the proposed minutes of the prob cause hearing? Thanks, RJD

Robert J. Deutsch
Robert J. Deutsch, P.A.
75 N. Market Street
Asheville, NC 28801
tel: 828-251-0600x12
fax: 828-251-5508

From: Trena Parker [<mailto:Trena.Parker@buncombecounty.org>]
Sent: Friday, November 30, 2012 11:43 AM
To: Robert J. Deutsch
Subject: FW: SBE meeting that will handle any appeal from Buncombe
Importance: High

Good Morning,

Thank you for the kind words. Attached you will find the information that you need. Don Wright is the General Counsel for the State Board of Elections, and you can reach him using the SBOE's contact numbers and/or emails. Let me know if there is any other information that I can provide.

From: Wright, Don [<mailto:don.wright@ncsbe.gov>]
Sent: Thursday, November 29, 2012 2:26 PM
To: Jones Byrd
Cc: Trena Parker
Subject: RE: SBE meeting that will handle any appeal from Buncombe
Importance: High

Jones and Trena,

Feel free to inform any interested parties and the public that any appeals as to the District 2 County Commissioner race will be heard by the State Board on December 13th at 10 am.

Jones, I am still aware that this date might be a problem for you. If it remains a problem, Lucy Smith can attend the meeting in addition to Trena to represent the Buncombe CBE. Of course Mr. Van Wagner and other staff that you designate are most certainly welcomed as well.

Don

From: Jones Byrd [<mailto:jbyrdlaw@gmail.com>]
Sent: Thursday, November 29, 2012 8:49 AM
To: Wright, Don
Cc: Trena Parker
Subject: Re: [Probable SPAM] Re: Absentee Envelopes

Our board voted 2-1 that there was no probable cause. No written order has been entered, and probably will not be until next week. Paper this morning said appeal will be taken to SBOE.

Jones

Sent from my iPad

On Nov 28, 2012, at 4:03 PM, "Wright, Don" <don.wright@ncsbe.gov> wrote:

The State Board is meeting either Dec 13 or 14 when any appeal will be heard. So if your Board goes to a full hearing, we need the written order allowing it and the actual hearing to proceed ASAP so we can get the order and transcript in time for the hearing. If the protest is dismissed at the preliminary hearing, we are not as rushed to have everything ready for an appeal.

From: Jones Byrd [<mailto:jbyrdlaw@gmail.com>]
Sent: Wednesday, November 28, 2012 3:51 PM
To: Wright, Don
Cc: Trena Parker
Subject: Re: [Probable SPAM] Re: Absentee Envelopes

Thanks, Don. How long after the probably cause proceeding do we have to enter the written order?

Jones

Sent from my iPad

On Nov 28, 2012, at 3:22 PM, "Wright, Don" <don.wright@ncsbe.gov> wrote:

Jones, you are correct. See the attached protest flow chart. The preliminary hearing is limited to finding probable cause and does not have to be transcribed, but an order does need to be generated either allowing a full hearing or dismissing the protest. I have provided some order forms to Buncombe County Assistant Attorney Michael Frue. Attached is a sample order you can use either way.

Don.

From: Jones Byrd [<mailto:jbyrdlaw@gmail.com>]
Sent: Wednesday, November 28, 2012 2:22 PM
To: Trena Parker
Cc: Wright, Don
Subject: Re: [Probable SPAM] Re: Absentee Envelopes

Let me clear my thought process a bit.

1. We are now conducting the recount sought by Ms. Merrill.
2. Ms. Merrill per her prior attorney on the evening before Canvass and the day and evening and early morning of Canvass has indicated he no longer represents her.
3. We have not been provided with a substitute attorney's identity.
4. Mr. Delk may not be a person who can act as her attorney, but my information may not be accurate is subject to his and her confirmation of his capacity in that respect. I don't know what "assistant" means, don't know the extent of his authority to represent Ms. Merrill, and am not aware of any indication from her that he represents her.
5. There is no challenge pending, the only challenges being those raised at Canvass, which apparently were filed after the deadlines allowed in the statutes.
6. Ms. Merrill has a pending protest.
7. This evening's meeting is for the board to determine if probably cause exists to have an actual hearing on that protest. This evening's meeting is not the actual hearing for considering and determining that protest.

8. An actual hearing on the protest will not occur until after there's a finding of probably cause that one should be had by our board.

9. The actual hearing, if one occurs, will be a matter of record where affidavits, live witness testimony, and other evidence can be presented and heard, and subpoenas can be issued upon request for that hearing.

If any of the above is wrong, please let me know. If the above is correct, it could be Mr. Delk, and perhaps Ms. Merrill, are confused about what's going on today and this evening, and this request by Mr. Delk may impede the progress of the recount that's proceed per Ms. Merrill's request, and he may be putting the cart before the horse regarding any hearing on the pending protest.

Having heard nothing from Ms. Merrill directly, I don't know that she and Mr. Delk are on the same page or not. Ms. Merrill's request for recount, and her protest, are what's before us, and not someone else's. If she has designated Mr. Delk, or someone else, to represent her in her pending protest, or in respect to the recount in some way, please let me know.

My general thoughts are:

1. Continue with the recount that's been requested and is taking place per the statutes and admin. code.
2. We have the protest probably cause session this evening, pursuant to the applicable law, as planned.
3. See what occurs in that session and proceed from that point accordingly. Perhaps in that session we can get accurate, understandable, clear and relevant information about who represents whom, and what is actually at issue.

No matter what course is chosen before this evening, I suggest all that occurs in follow up to Mr. Delk's email occur with both Bob and Lucy present and participating as the board member representatives of both parties. I cannot get there until late today due to lawsuit commitments and deadlines. Call if you need more, or have more information or further clarification to provide.

Thanks. See everyone later today.

Jones

Sent from my iPad

On Nov 28, 2012, at 1:16 PM, Trena Parker <Trena.Parker@buncombecounty.org> wrote:

I have reviewed this situation with Lucy and Bob. I have not been able to provide him with copies of these provisional envelopes (either precinct) since they were segregated and sealed according to the board's unanimous vote. We can do that this afternoon following the counting of the provisionals if so directed. Bob has offered to accompany and assist me in this task....but he wanted approval for this

ahead of time. It is doable. We have been trying to provide Mr. Delk with the information that we could, without interrupting our preparations for canvass and then our preparations for recount.

From: Mark Delk [<mailto:markdelk@aol.com>]
Sent: Wednesday, November 28, 2012 11:48 AM
To: Trena Parker
Subject: [Probable SPAM] Re: Absentee Envelopes

Trena,

I am more interested in the remainder of (the other side of) the provisional ballot envelopes **for Precinct 65.1**. If you are unable to comply with the full request you should prioritize your efforts on producing this side of the envelope.

I (as an assistant to Mrs Merrill's campaign) first requested copies of the entire provisional envelopes for precinct 65.1 orally on November 12, 2012. I was informed in that conversation that the copies could not be provided because "the envelope" contained birth dates of the voters.

Later that day, I again requested photocopies of the entire provisional envelopes (with the birth dates redacted) for all provisional ballots cast in precinct 65.1. This request was made by e-mail on November 12, 2012 and provided sufficient detail for you to understand that the request was for each entire envelope (both the side labeled as "PROVISIONAL BALLOT ENVELOPE" and the side labeled "Provisional Voting Registration/Update Form") containing a provisional ballot tendered in precinct 65.1

That item was item 1 in the e-mail request. It was listed first because it was the most important part of the request.

My e-mail request made it very clear that I was not interested in provisional envelopes containing ballots for precinct 66.1 - only envelopes that contained ballots for precinct 65.1 (the race in question)

Yesterday I was provided with, charged for and paid for photocopies of the provisional voting/registration update forms for Precinct 65.1 and 66.1 but was informed that the remainder of the provisional ballot envelope's (the other side of the form) was not available because each envelope was attached to the ballot it previously contained. (This side of the form does not and has never had the voter's date of birth on it.) The implication was that the ballots had been not just segregated but officially sealed.

This side of the form was requested long before any ballots were segregated (segregation and NOT official sealing is what was authorized by the board during the canvas) this side of the form could have been produced without redaction prior to the canvas. This side of the form is highly relevant to the Merrill campaign's challenge.

Mrs Merrill's challenge is to be heard TONIGHT and as of this date I have not received a photocopy of the remaining part of each envelope side of the provisional ballot which were first requested on November 12. This information is absolutely necessary to afford a meaningful opportunity to be heard.

I have made repeated requests for this information - for some reason it has not been provided.

I again request that you photocopy the side of the provisional ballot envelope for each provisional ballots issued in precinct 65.1 (the remainder of the envelope that corresponds to the two groups (the 44 and the 30) of Provisional Voting Registration/update forms that were provided to me yesterday.

Please provide photocopies of the remainder of the provisional ballots for precinct 65.1 without further delay.

Sincerely,

Mark Delk

-----Original Message-----

From: Trena Parker <Trena.Parker@buncombcounty.org>

To: markdelk <markdelk@aol.com>

Sent: Wed, Nov 28, 2012 9:37 am

Subject: Absentee Envelopes

<image001.jpg>

We have created a report that tells us that there are 1725 absentee ballots from District #2. I have called in a temporary worker to pull those envelopes. Wanted you to know that the report is available if you want that as well. It will take 3 or 4 hours to pull these envelopes.

<ELECTION PROTEST FLOWCHART - GJS.docx>

<Draft Preliminary Hearing Order (2).doc>

From: Kathy Hughes
To: Trena Parker
Cc:
Subject: RE: Swearing In
Sent: Tue 1/15/2013 5:02 PM

Will do. If they do it, I'll let you know because I'll need an address for the State BOE to send the minutes when approved.

From: Trena Parker
Sent: Tuesday, January 15, 2013 4:58 PM
To: Wanda Greene; Kathy Hughes
Subject: Swearing In

If you do indeed swear in Ellen Frost tonight, the State Board of Election's legal counsel would like a copy of the minutes. They will need it for wrapping up the protest.

From: Trena Parker
To: Ostendorff, Jon
Cc:
Subject: RE: UNCA SGA

Sent: Tue 10/30/2012 10:36 AM

Nothing.

From: Ostendorff, Jon [<mailto:JOSTENDO@asheville.gannett.com>]
Sent: Tuesday, October 30, 2012 10:25 AM
To: Trena Parker
Subject: UNCA SGA

Hey Trena
I had a complaint from a Republican student alleging that SGA failed to properly register Republicans on campus.
Have you had any complaints?

Jon Ostendorff
Asheville Citizen-Times
USA Today
828-230-0867


From: Rachel Rathbone
To: Veronica.Degraffenreid@ncsbe.gov
Cc: Trena Parker
Subject: RE: UOCAVA Ballots - Late Ballot Delivery

Sent: Wed 9/26/2012 11:47 AM

 Message  Copy of State Reporting_Blank.2012.08.16_FINAL.xlsx

Please let me know if you have additional questions.

Rachel Rathbone

Election Services

(828) 250-4218

(828) 779-4218

From: Trena Parker
Sent: Monday, September 24, 2012 11:13 AM
To: Rachel Rathbone
Subject: FW: UOCAVA Ballots - Late Ballot Delivery

From: Degraffenreid, Veronica [<mailto:Veronica.Degraffenreid@ncsbe.gov>]
Sent: Monday, September 24, 2012 10:52 AM
To: Brunswick; Buncombe; Cabarrus; Carteret; Cumberland; Currituck; Harnett; Johnston; Mecklenburg; New Hanover; Onslow; Person; Pitt; Rockingham; Rowan
Cc: Bartlett, Gary; McLean, Johnnie
Subject: UOCAVA Ballots - Late Ballot Delivery

The State Board of Elections is required to report to USDOJ any jurisdiction that does not timely transmit any UOCAVA ballots when the voter's request was received on or before 45 days prior to the date of the election. The total below shows the number of UOCAVA requests that were received on or before 09/22/2012 and the voter has not yet been issued a ballot, or the ballot was not sent by Saturday.

In the spreadsheet attached, please see the red tab and complete USDOJ's inquiry as to why these ballots were not transmitted by the deadline.

Please respond in the spreadsheet and return this information to me ASAP.

Row Labels	Count of ballot_req_dt	Count of ballot_send_dt
BRUNSWICK	1	
BUNCOMBE	3	
CABARRUS	1	
CARTERET	1	
CUMBERLAND	3	
CURRITUCK	1	
HARNETT	10	
JOHNSTON	1	
MECKLENBURG	8	
NEW HANOVER	26	
ONSLow	1	
PERSON	1	
PITT	2	
ROCKINGHAM	1	
ROWAN	2	
Grand Total	62	

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison |
919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov

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From: Trena Parker
To: BOEFVBL
Cc:
Subject: RE: voter complaint from the May primary

Sent: Thu 11/1/2012 3:44 PM

Thanks.

From: BOEFVBL
Sent: Thursday, November 01, 2012 12:55 PM
To: Trena Parker
Subject: voter complaint from the May primary

Hi Trena,

We wanted to pass along a question from one of our voters about the May primary. Damon Taylor, VRN 216706, said he voted on election day at Garren Creek Fire Dept. He was told that because he is registered as unaffiliated he could only vote on the unaffiliated ballot and was not given a choice of Dem or Rep. I don't know why they would, or could, do that but I told him I would send you the comment.

Kathryn Knowland
FVBL

From: Trena Parker
To: Degraffenreid, Veronica
Cc:
Subject: RE: Voter Complaint

Sent: Wed 10/24/2012 10:00 AM

Thank You! Will take care of it.

From: Degraffenreid, Veronica [<mailto:Veronica.Degraffenreid@ncsbe.gov>]
Sent: Wednesday, October 24, 2012 9:45 AM
To: Buncombe
Subject: Voter Complaint

Just a FYI

Voter called to complain about Weaverville one-stop site. She voted on Monday and stated "Yvonne" was very rude to her and her daughter and also observed "Yvonne" being rude to another one-stop worker. Voter's name was Frankie McKeen (female).

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
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From: Trena Parker
To: Jones Byrd (jbyrdaw@gmail.com); Lucy Smith; Bob Van Wagner (randbvan@charter.net)
Cc:
Subject: Recount

Sent: Wed 11/21/2012 12:24 PM

Would like to schedule the recount for 10:00 Wednesday morning. Bob has appointments Monday and Tuesday. We really need Monday and Tuesday to prepare, as this week has been somewhat shot with staff members being sick and now out for Thanksgiving. Any objections to this?

From: Trena Parker
To: kelleycoproductions@yahoo.com
Cc:
Subject: Recount

Sent: Mon 11/19/2012 3:18 PM

Just letting you know that as soon as I receive a confirmation from Jones on a date for the recount, I will contact you immediately.

From: Trena Parker
To: bedbiscuitkennel@aol.com; mikefryar@charter.net
Cc:
Subject: Recount

Sent: Mon 11/19/2012 3:16 PM

Just letting you know that Christina and Carol have filed requests for a recount. Will let you know as soon as I am able to get confirmation from Jones as to when we can begin.

From: Suzy Winkler [swinkler@mwbavl.com]
To: Trena Parker
Cc: Lou Bisette
Subject: Re-Count reply

Sent: Thu 11/8/2012 4:03 PM

Dear Ms. Parker,

Thank you for your quick reply to my phone message regarding Lou Bisette's client, Dan Forest and the anticipated recount in the Lt. Governor's election.

Essentially as I understand our conversation, the Canvass will be conducted on the 16th of November by your office. Thereafter, the State Board of Elections may take up to 1 to 2 weeks to certify the results and/or ask for a re-count, or they may call for a re-count sooner. We will appreciate your keeping us in the loop and notifying us in advance of any dates or upcoming events, etc., in this matter so that we may keep our client informed and so that Mr. Bisette can attend.

I am sure that Mr. Bisette will be in touch with you in the near future and we appreciate your assistance in this matter.

Sincerely,

Suzy Winkler

Legal Assistant to W. Louis Bisette, Jr.
McGuire, Wood & Bisette, P.A.
Phone: 828-254-8800 Direct: Mobile:
swinkler@mwbavl.com, www.mwbavl.com

From: Trena Parker
To: Carol Peterson (peterson7@bellsouth.net); mikefryar@charter.net; bedbiscuitkennel@aol.com; kelleycoproductions@yahoo.com
Cc:
Subject: Recount

Sent: Wed 11/21/2012 2:07 PM

The Recount for the County Commission District 2 will take place at 10:00 a.m. on Wednesday, November 28th. The board will begin the recount by convening at 10:00 a.m. in the Election Services Board room at 35 Woodfin Street. A proposed schedule will be provided. It is estimated that the recount will take Wednesday, Thursday and Friday.

From: Trena Parker
To: Casiano, Summer (scsmith@asheville.gannett.com)
Cc:
Subject:

Sent: Wed 11/21/2012 2:03 PM

Message: Copy of LEGAL NOTICE-abs.doc

Could you please publish this once as soon as is possible? It is a notice for a meeting to be held on Wednesday, the 28th.

From: Trena Parker
To: Victoria Leyva
Cc:
Subject:

Sent: Tue 10/23/2012 1:27 PM

Also received a complaint today about wd Williams not providing enough chairs. Not sure what to do with that,,,but we should send one more letter I guess. Also heard about schools trying to rush workers.

You forwarded this message on 9/11/2012 4:09 PM.

From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: SBOE_Grp - Directors.BOE
Cc:
Subject: Voter Integrity Project Review of State's Voter Rolls

Sent: Fri 9/7/2012 11:53 AM

Message | Letter to Challenge Voter's Address.docx

On Friday, August 31, 2012, the Voter Integrity Project (VIP-NC) delivered a CD with names of voters whom this group believes are deceased based on data they received from the North Carolina DHHS to the State Board of Elections. We compiled the data from the CD into one report:

[VIP-NC data](#)

We cross-checked the information on CD against the deceased voter audit file that we provided to county boards in August. We found that approximately 20,000 voters listed on the CD had already been identified by SBOE as potentially being deceased. You should have already researched these names and removed any ineligible voters accordingly.

We did find 9,609 newly identified records on the VIP-NC CD.

[VIP-NC 30Klist not in SBE 30Klist VRN Match w VH FINAL.xls](#)

This report shows the VIP-NC data and the corresponding SEIMS information (blue text) for these voters. We compared the date of birth identified in the VIP-NC data (column B) with the SEIMS date of birth (column W), and found that the dates of birth did not match in 4,663 of the records. There also appears to be non-matching information on middle name. There was a match on first name, last name and date of birth for 4,946 of records (see cells in green in column C) on the spreadsheet. Please review all of these newly identified records and determine if the information from VIP-NC appears to match information in the voters' record. If so, you will need to confirm the death of the voter using one of the following sources:

1. [NC Deaths 2002-2012 RO.zip](#) (Data comes directly from DHHS)
2. Local Registrar of Deeds office
3. Letter to near relative (modify the template letter attached to this email)

If a voter's death cannot be confirmed, then you will need to utilize customary list maintenance procedures (no-contact mailings) to remove any perceived ineligible voter.

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
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You forwarded this message on 12/17/2012 12:46 PM.

From: Degraffenreid, Veronica [Veronica.Degraffenreid@ncsbe.gov]
To: SBOE_Grp - Directors.BOE
Cc: SBOE_Grp - SEIMS.ADD.BOE
Subject:

Sent: Fri 12/14/2012 7:57 AM

Message | Sample Date of Birth Inquiry.doc

This is the link to the **Invalid Birth Dates** report:

<http://www.app.sboe.state.nc.us:2703/Webapps/cbereports/Container.aspx?Path=County&Category=CBE Reporting&Name=Invalid Birth Dates>

The voters in these reports appear to be 100+ years of age. Please review these registrations to:

1. Ensure that there is no data entry error on the date of birth.
2. Check the voter's scanned images or physical documents to see if their date of birth has been accurately recorded or if they have subsequently provided the county with their correct date of birth.
3. Check to see if the voter has provided you with a NCDL#. If so, we can confirm the voter's date of birth with the DMV. If you need DMV research on dates of birth, please contact the following staff members based on your county ID:

County ID	Staff Member	Email Address
1 - 25	Carlos Casallas	Carlos.casallas@ncsbe.gov
26 - 50	Annette Giddens	Annette.giddens@ncsbe.gov
51 - 75	Maria Williams	Maria.williams@ncsbe.gov
76 - 100	George McCue	George.mccue@ncsbe.gov

4. If the aforementioned efforts prove unsuccessful, then you should send these voters a letter asking them to confirm their date of birth. A sample letter is attached. When and if the voters respond to your mailing, you should use their response to update/confirm their date of birth and clip a more current signature.

Keep in mind that it is possible that some of these voters may in fact be centenarians . . .

(This project can be started early next year. ☺)

VERONICA DEGRAFFENREID | N.C. State Board of Elections | Elections Liaison | 919.715.1830 | veronica.degraffenreid@ncsbe.gov | www.NCSBE.gov
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