**From:** Albright, Lonnie G [mailto:albriglg@forsyth.cc]
**Sent:** Wednesday, September 25, 2013 12:21 PM
**To:** Susan Myrick
**Subject:** RE: Forsyth County BOE public records request

Dear Ms. Myrick,

            I am in receipt of your email and have forwarded it to the BOE Director, Mr. Coffman.  Thank you.  Lonnie Albright

**From:** Susan Myrick [mailto:Susan.Myrick@nccivitas.org]
**Sent:** Wednesday, September 25, 2013 11:51 AM
**To:** Albright, Lonnie G
**Subject:** Forsyth County BOE public records request

Mr. Albright,

Thank you for the emails that contain copies of voter cards and confirmation cards. After looking through the copies, forwarded to me by you, I detect that Mr. Coffman made the decision to include more than 200 copies of cards that I did not request, subsequently omitting cards I did request.

I discovered the discrepancy by subtracting the number of cards that had been discovered by Chairman Ken Raymond at the WSSU Post Office, from the number of copies forwarded to me. According to the minutes from the September 3, 2013 Forsyth County BOE meeting, Mr. Raymond first retrieved 418 cards and then another 166 a few days later - equaling 584 total returned mailings - there were 785 copies of voter cards/confirmation cards in your emails to me. Of the cards you forwarded to me, 240 were mailed on or after September 3, 2013 - the date of the board meeting.

I believe I was very clear in my official request for the cards - this is what I asked for in my request on 9/11/13 :

(1) Please send me copies of all list maintenance or other voter registration verification mailings that, [according to this article](http://www.journalnow.com/news/elections/local/article_cfa60882-15c8-11e3-af88-001a4bcf6878.html?mode=jqm), were held at the Winston-Salem State University Post Office and not returned to the Forsyth County Board of Elections as is required. Include all useful information in the copies, including the voter information and the label/sticker with the explanation as to why the mailing could not be delivered. Reports are that there were more than 580 cards held by the post office on the WSSU campus.

I must conclude that Mr. Coffman didn't send all the copies of the cards I requested and sent more than 200 I didn't request - this is troubling. I am sure that you were unaware of Mr. Coffman's mishandling of the request, given that you are the  Asst County Attorney, Forsyth County, NC, and you understand the importance of complying with official requests for public record (NCGS 132-1).

While I would like Forsyth County to comply with my public records request to obtain copies of all the mail that was discovered being held at the Winston-Salem State University Post Office, I first would like you to forward me the email addresses for all the Forsyth County Board of Elections members. I believe that they need to be aware of my request for public records and how Mr. Coffman has chosen to respond. After I receive their emails, I will forward the board members our emails (with attachments) and then I will travel to Winston-Salem to make the copies of the documents I requested myself. I will do this to make sure I get a copy of everything I asked for including the label/sticker with the explanation as to why the mailing could not be delivered and any other pertinent information on the mailings (this information was not included in the copies you sent to me).

My hope is that the Board will help me get all the answers and documents that I requested in my initial request, including the ones that you deemed "informational". So you may understand, #3 in my original request, concerned the agreement that Mr. Coffman made with WSSU officials (to change policy and procedures) years ago, not the pieced together emails you forwarded me in your response on September 23. And, at to #4 in my email, if the State Board of Elections approved Mr. Coffman's change in policy, it would be in writing or in an email - that is a public records request. Both question 2 and 4 should be answered so that I will know why you are not forwarding me the public records that I am requesting

Mr. Albright, I have copied and pasted all the emails between you, Mr. Coffman and myself concerning this public records request. I have also included a copy of your letter to me on a word document.  I believe this is important because anyone reading these emails should understand how Forsyth County works through a public records request.

I look forward to your next email containing the Board members contact information.

Thank you.

Susan Myrick

**Susan Myrick**

**Election Policy Analayst**

**Civitas Institute**

**From:** Albright, Lonnie G [mailto:albriglg@forsyth.cc]
**Sent:** Monday, September 23, 2013 9:48 AM
**To:** Susan Myrick
**Subject:** BOE records Request

Dear Ms. Myrick,

            I am going to send you several emails concerning your BOE records request as my system will not permit me to do just one due to the size of the attachments.  Thank you.  Lonnie Albright,  Asst County Attorney, Forsyth County, NC.

NOTE: This is a Forsyth County operated e-mail system. ALL e-Mail communication is subject to be accessed by the news media and the public pursuant to the Public Records Law of North Carolina.

September 23, 2013

email transmission only

Susan Myrick

NC Civitas

Susan.myrick@nccivitas.org

Re:          Public Records Request

Dear Ms. Myrick:

                I am an assistant County Attorney assigned to the Forsyth County Board of Elections.  In regard to number 1 of your request, please find attached to this email photocopies/electronic form of the voter registration verification forms you requested in your email to Mr. Coffman dated September 11, 2013.  Almost all were maintenance cards that are mailed in the spring of every odd year to voters that did not vote in the prior 4 years. It is my information that the procedure is to send out a first mailing, which are not forwarded by the USPO and if there is no reply to this first mailing of voter verification forms then a second mailing is sent which is forwarded by the USPO if a forwarding address was provided.  In the event there is no reply to the second mailing of voter verification notices then and in that event then the subject voter is removed from the voter records maintained by the County Board of Elections. This is a process for removing voters who have moved from the community.  The remainder of your first request is a request for information and not a “public record”.

                In regard to number 2 of your request, this appears to be a request for information and does not describe a “public record” as defined in N.C. Gen. Stat §132-1.

                In regard to number 3 of your request, included in the attached is an email between Rob Coffman and Cornelius C. Graves.

                Request number 4 is also a request for information and does not describe a “public record” within the meaning of and as defined in N.C. Gen. Stat. §132-1.

Very Truly Yours,

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| --- |
| cid:1.561580561@web126106.mail.ne1.yahoo.com |

  |

Lonnie G. Albright

Asst. County Attorney

LGA/pg

attachments

Thank you Mr. Albright for your response. I do understand about elections, I worked for the Wake County Board of Elections for more than 7 years - and have worked through many elections - large and small.

I look forward to your next email.

**Susan Myrick**

**Election Policy Analayst**

**Civitas Institute**

**From:** Albright, Lonnie G [mailto:albriglg@forsyth.cc]
**Sent:** Thursday, September 12, 2013 11:42 AM
**To:** Susan Myrick
**Cc:** Coffman, Robert H; Martin, Davida W
**Subject:** Public Records Request to Board of Elections

Dear Ms. Myrick,

            I am an assistant county attorney and your public records request to the Forsyth County Board of Elections has been forwarded to me.  This purpose of this email is to acknowledge receipt of your request of September 11, 2013.  As you may know, the Board of Elections is busy at this moment as the primary was held just several days ago.  Notwithstanding, we will comply with our legal obligation to produce or provide for your inspection the public records you are entitled by law to have.  Please do not hesitate to contact me with any questions or concerns.  Thank you.   Lonnie Albright,  Asst. County Attorney

Mr. Coffman,

Please consider this an official request for Public Records according to NCGS 132-1.

(1) Please send me copies of all list maintenance or other voter registration verification mailings that, [according to this article](http://www.journalnow.com/news/elections/local/article_cfa60882-15c8-11e3-af88-001a4bcf6878.html?mode=jqm), were held at the Winston-Salem State University Post Office and not returned to the Forsyth County Board of Elections as is required. Include all useful information in the copies, including the voter information and the label/sticker with the explanation as to why the mailing could not be delivered. Reports are that there were more than 580 cards held by the post office on the WSSU campus.

(2) Please also forward to me the name of the contact at the WSSU post office with whom you/Forsyth County Board of Elections have an understanding that the undeliverable cards "would be sent back or the campus post office would contact the elections office to pick them up." (3) Please also send any documents, including emails and other electronic files, between you any Winston-Salem State University officials or staff (including but not limited to the post office staff) concerning voter registration in general or voter registration cards and list maintenance mailings.

(4) Was this "understanding" about a change in Post Office and Board of Elections policy approved by the State Board of Elections and/or the US Postal Service? (5) If so, please send any and all documents (including emails and other electronic files), between you and any SBOE staff or board members (current or former) and you and any US Postal Service employee, that contain any information that would allow you to enter into an agreement of this nature.

To expedite the information retrieval process, I request that you send any and all of the information requested above in electronic format to my email address:  susan.myrick@nccivitas.org. I ask that you inform me and provide me with an estimate if there will be any costs before you proceed with the request.

In the event that my request for access to any of the documentation listed above is denied under state law, I request that I be provided with the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance.  Such statements will be helpful in deciding whether to appeal an adverse determination, and in formulating arguments in case an appeal is taken.

Mr. Coffman, please acknowledge receipt of this request. If you have questions or need clarification on any aspect of my request, do not hesitate to contact me.

Thank you.

**Susan Myrick**

**Election Policy Analayst**

**Civitas Institute**