



## STATE BOARD OF ELECTIONS

506 North Harrington Street  
Raleigh, North Carolina 27603

GARY O. BARTLETT  
Executive Director

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December 1, 2006

### NOTICE OF MEETING

The State Board of Elections will meet at 9:00 a.m. on Friday, December 8, 2006. Persons interested in hearing or participating in said meeting may be present at the Board's offices at 506 North Harrington Street, Raleigh, North Carolina or may contact this agency for other possible arrangements. For further information on this meeting, please call (919) 733-7173.

#### TENTATIVE AGENDA

Call to Order

9:00 a.m.

Camden County Election Protest Appeal

Carteret County Election Protest Appeal

Lindy

This is what I  
will release to the  
Press. Call if you  
see the facts differently

TRG

RAY

DEAR SUPPORTERS, FRIENDS AND CITIZENS OF CARTERET COUNTY,  
IT IS WITH MUCH THOUGHT AND REGRET THAT I AM RELEASING THIS  
STATEMENT TODAY.

I LEARNED YESTERDAY THAT THE LOCAL BOARD OF ELECTION HAD  
DENIED MY REQUEST FOR A FULL EVIDENTERY HEARING TO PROTEST  
THE HAND-EYE RECOUNT OF NOVEMBER 29, 2006. EVEN THOUGH THERE  
ARE STILL OPTIONS OUT THERE THAT I COULD PURSUE, THE EXPENSE  
AND STRESS MAKES IT IMPRACTABLE.

FIRST AND FOREMOST, I WOULD LIKE TO THANK ALL OF YOU FOR YOUR  
SUPPORT AND HARD WORK ON MY BEHALF FOR THE LAST TEN MONTHS.

I ALSO APPRECIATE THE EMPLOYEES OF CARTERET COUNTY

GOVERNMENT FOR THEIR SUPPORT OF THE COUNTY COMMISSIONERS

AND THE CITIZENS OF THIS COUNTY. I TRUST THIS WILL NOT CHANGE.

I CONGRATULATE MR. NELMS ON HIS VICTORY AND TO HIS COUNCIL (N.C  
DEMOCRATIC CHAIRMAN JERRY MEEKS) FOR THE MASTERFUL

MANIPULATION OF THE BOARD OF ELECTION RULES!

THANK YOU AND GOD BLESS AMERICA AND CARTERET COUNTY!!!

## **SEQUENCE OF EVENTS OF THE ELECTION**

- 1. On election night Nov. 7, at the end of the evening Mr. Nelms was leading by 41 votes. There remained 104 provisional ballots and 2 auxiliary bin ballots yet to be counted.**
- 2. After the provisional and auxiliary bin ballots had been counted and a complete canvas of all votes on Nov 17, 2006, Mr. Muns was leading by 1 vote. Mr. Nelms immediately filed intention to protest the counted provisional votes.**
- 3. On Nov. 21, accompanied by his Council, Mr. Jerry Meeks, Chairman of the State Democratic Party, Mr. Nelms attended a hearing ... the protest was accepted, again with no evidence of any wrong doing and only innuendo and suspicions... and a date was set for a new machine recount.**
- 4. After the machine recount was completed on Nov 29. Mr. Muns was then leading by 9 votes...Mr. Nelms immediately ask for a hand/eye recount and turned in another protest. His recount was also granted without hesitation.**
- 5. After the hand/eye recount, Mr. Muns was behind by 3 votes.**
- 6. Mr. Muns then retained an attorney and supplied him with all the information available. He prepared a viable protest stating the statutes and the irregularities thereof.**
- 7. After the hand/eye recount, these numbers changed drastically compared to the two machine counts. In particular Newport precincts 1 and 2, where the numbers swing by about 10. This is of great concern Mr. Muns.**

**8. After deliberation with his attorney, and considering the expense, which is astronomical and growing...Mr. Muns decided not to pursue this election any further.**

**9. Mr. Muns believes the hand/eye recount is flawed and leaves a lot of room for human error and interpretation of each individual counter. The County has spent a LOT of money on machines and chooses not to accept 2 out of 3 wins for a candidate but to accept one hand/eye recount.**

**10. Mr. Muns stated that he had concerns about the fact that an appeal hearing had been scheduled by the local and State Board of Elections prior to his preliminary hearing. It appears to him that the decision had been made on his protest prior to the scheduled hearing.**

RECEIVED

NOV 21 2006

**ELECTION PROTEST**

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

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

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

**Sidney Wade Nelms, 337 Masontown Road #16, Newport, NC 28570**

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

**(252)-223-5812 (voice); votenelms06@ec.rr.com**

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

**Registered Voter and candidate for County Commissioner**

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

**This is an election protest arising out of the counting of provisional ballots cast in the Protestor's race for County Commissioner. As of the first recount, held on November 20, 2006, Ray Muns led Protestor Wade Nelms by a vote of 10,643 to 10,634. A hand-to-eye recount has been requested, and pursuant to a vote of the County Board of Elections, will be conducted in the near future. The Protestor notes that there is good cause for delay in filing this protest because the validity of provisional ballots was determined at the canvass and a list of provisional ballot applicants (and the ruling upon those applications) was not made available to the Protestor until Monday, November 20<sup>th</sup>.**

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

**Yes. In so far as the County Board of Elections counted provisional ballots which were invalid, or failed to count provisional ballots which were valid, this protest involves an alleged error in the vote count.**

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

**No.**

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

**(1) The County Board of Elections violated election law by counting the provisional ballot of TEDDY LEE WILLIAMS, JR., even though MR. WILLIAMS had already cast an absentee ballot on 10/6/2006, all in violation of N.C.G.S. 163-233.1.**

**(2) The County Board of Elections violated election law by refusing to count the provisional ballots of the following duly registered voters: THOMAS ALEXANDER ASKEY, TAMMY JEAN HOUK, MARK ELIOT LEWIS, JACK LINDSEY MILLER, and PATSY HARRIS WILES,**

each of whom submitted a timely voter registration application in accordance with applicable state and federal law;

- (3) The County Board of Elections violated election law by counting the provisional ballots of the following voters, who were not duly registered voters of Carteret County: TANYA GAIL BEST, STANLEY LEE BIRD, MARENA C. BROOKS, MARIANNA MITCHELL GILES, LOUISE EILEEN MCNAIR, KURT PETERSON, HERBERT LESESNE RIDGEWAY, III, VINCENT A. RIZZI, MARY M. ROBINSON, LOUISE TUTTLE, ROBERT M. TUTTLE, KELLY WHITE ROGERS, BRIAN KELLY SALTER, and NANCY SUE WEST;
- (4) The County Board of Elections violated election law by counting the provisional ballots of the following voters, all of whom failed to sign the written affirmation verifying that they are "a registered voter in the jurisdiction" in which they desire to vote and that that they are "eligible to vote in that election," as required by 42 U.S.C. § 15482: NATALIE GENE BADILLO, TANYA GAIL BEST, MARENA C. BROOKS, ERIN YVETTE CHADWICK, DANIEL GENE GARNER, CLAYTON MOORE GILLIKIN, JR., JOHN LLOYD HINES, LINDA FAYE MATTHEWS, MARILYN THERESA MILLER, KELLY WHITE ROGERS, THESIA JANE WARREN, and CLYDE M. WILLIAMS.

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

**None, other than the affected voters, precinct officials, members of the County Board of Elections, and certain employees of the County Board of Elections who are unknown at this time.**

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

**The Protestor requests a hearing by the County Board of Elections to reconsider its prior handling of the provisional ballots cast in this race and to include the results of this reconsideration in the Board's pending hand-to-eye recount.**

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

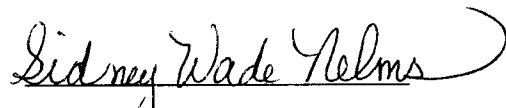
**Yes. The margin of alleged victory in this race is nine votes. The number of provisional ballots either inappropriately counted or inappropriately not counted exceeds this margin.**

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

**Counsel for the Protestor, Gerald F. Meek, has reviewed these regulations on behalf of the Protestor.**

12. How many pages of additional answer are attached to this protest?   0   How many pages of attachments are attached?   0  

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Signature of Protestor

Date/Time Filed with County Board

11/21/06 - 3:00 pm - Sharon Lewis

(to be filled out by the county board)

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

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