Forsyth County Board of Elections,

Petitioner

v.

Robert Coffman

Respondent

Introduction

1. Mr. Robert Coffman's transgressions as Executive Director of the Forsyth County Board of Elections ("**FCBE**") are numerous, beyond dispute, and serious.
2. In his most egregious transgressions, Mr. Coffman either purposely misled the Secretary of the FCBE or recklessly responded to important requests of his.
3. As a result of his transgressions, Mr. Coffman has not only lost the trust of the majority of the FCBE Board, but also the chair of the local Republican Party, who represents approximately 50% of the voters in Forsyth County.
4. Therefore, the FCBE, by a majority of its undersigned members, submits this petition under N.C.G.S. § 163-35 to recommend that the State Board of Elections ("**SBOE**") remove Mr. Coffman from his position as the Executive Director of the FCBE.
5. Petitioner can more than adequately show just cause for Mr. Coffman's termination by his own admissions, documented observations of a political party chair, and the observations of the FCBE Board Members.

Mr. Coffman's Past

6. Mr. Coffman's controversial history is well known to the SBOE, past employees of the FCBE, the court system, and the public.
7. Thus, this petition will not dwell on that history. But one incident from Mr. Coffman's past is particularly significant in light of his actions during the tenure of the undersigned FCBOE Board Members.
8. Specifically, media reports indicate that in 2008, Mr. Coffman was warned about an incident in in which he called an African American FCBE temporary employee a "crack ho."
9. Media reports also indicate that Mr. Coffman claimed that he attended sensitivity training.
10. However, this petition will reveal that Mr. Coffman has not learned from this prior warning and incident.

Mr. Coffman's Disrespect Towards FCBE Chair Ken Raymond and the Civitas Institute

11. On or around August 30, 2013, FCBE Board Chair, Ken Raymond went to the Winston-Salem State University ("**WSSU**") post office to investigate the status of list maintenance cards. Mr. Raymond decided to do this after learning from FCBE staff that none of these cards had been returned in 2013.
12. Mr. Raymond initially discovered 418 list maintenance, voter registration, and confirmation cards at the WSSU post office and then later, an additional 166 such cards for a grand total of 584 cards (the "**WSSU Cards**").
13. At the FCBE's September 3, 2013 meeting, Mr. Raymond reported his findings to his fellow board members and to Mr. Coffman.
14. Although Mr. Raymond reported that he had brought back 584 WSSU Cards and counted those cards with WSSU post office employee, Mr. Pearsall, Mr. Coffman did not have the cards counted to establish a chain of custody. The significance of this omission became apparent later (see paragraph 29), but an Executive Director with Mr. Coffman's experience should have had the cards independently counted when Mr. Raymond brought them to the FCBE.
15. During the meeting, Mr. Coffman suggested that Mr. Raymond should not have conducted his independent investigation.
16. Furthermore, Mr. Coffman sarcastically commented to Mr. Raymond during the public meeting, "I am not an investigator like you are."
17. After this meeting, Mr. Russell spoke to Mr. Coffman about his sarcastic public remarks to Mr. Raymond. He admonished Mr. Coffman that his remarks were inappropriate and that he could have handled his disagreements with Mr. Raymond in a more professional manner.
18. After Mr. Raymond revealed his findings about the WSSU Cards, the Civitas Institute sent the FCBE a Freedom of Information Act request regarding the WSSU Cards (the "**FOIA Request**").
19. On or around October 1, 2013, Mr. Coffman called Mr. Raymond about the FOIA Request and spoke with him in a heated tone that disregarded the respect that his position requires him to show FCBE Board Members at all times.
20. After this call, Mr. Raymond wrote what Mr. Coffman said to him to keep a clear record. During his phone conversation with Mr. Raymond, Mr. Coffman:
    a. Claimed that "Civitas is worse than the Tea Party";
    b. Criticized Mr. Raymond's performance as chairman by saying that everything he proposes gets tabled;
    c. Attacked Mr. Raymond's character by claiming that he fabricated the total number of WSSU Cards he found at the WSSU post office; and
    d. Accused Mr. Raymond of secretly working on behalf of the Civitas Institute.
21. In a separate meeting with FCBE Board Secretary Russell about the FOIA Request, Mr. Coffman made the same statement about the Civitas Institute.

22. At the FCBE's October 15, 2013 meeting and during a closed session, Mr. Raymond alerted his fellow board members to a voice mail he had received from Mr. Coffman about the FOIA Request.
23. Mr. Raymond played this voicemail, where Mr. Coffman stated in a disrespectful tone:

> Ken, this is Rob Coffman. Would you call me please? Even though I say you never return a damned call, it'd be nice if you would just once.

24. During that meeting, Mr. Raymond and Mr. Russell also recounted the comments Mr. Coffman made about the Civitas Institute.
25. Consequently, the FCBE Board Members unanimously agreed to write Mr. Coffman a letter to his personnel file in response to his voicemail and comments about the Civitas Institute. The SBOE can access this letter in Mr. Coffman's personnel file.
26. Mr. Coffman's disrespect towards FCBE Chair Raymond affects the operations of the FCBE office. It has injured the trust FCBE Board Members can place in Mr. Coffman. Furthermore, Mr. Coffman's public ridiculing of the Chair's independent investigation of the WSSU Cards discourages FCBE Board Members from independently examining the activities of the FCBE.
27. Mr. Coffman's derogatory statements to Mr. Raymond were wholly inappropriate and show that he has failed to learn from the previous incident where he called a FCBE temporary employee a "crack ho."
28. Mr. Coffman's repeated derogatory statements about the Civitas Institute in light of its pending FOIA request undermine the FCBE Board Members' and the public's confidence in the objectivity of the FCBE.
29. Additionally, there was confusion about the number of WSSU Cards produced in response to the FOIA Request. Specifically, Mr. Raymond reported that he had brought 584 cards from WSSU. But only 557 of those cards were produced in response to the FOIA Request. (See Exhibit A). Since Mr. Coffman did not have the cards independently counted when Mr. Raymond brought them to the FCBE, the only explanation for the missing WSSU Cards is that either a) Mr. Raymond and Mr. Pearsall together miscounted them or b) 27 cards went missing in the FCBE's custody.
30. Such poor record keeping is unacceptable and harms the public's trust in the FCBE's ability to maintain the integrity of the elections process.

The Tobaccoville Recounts

31. The Tobaccoville, N.C. Village Council race (the "**Tobaccoville Race**") was initially reported as a tie.
32. As a result, candidate Lorrie Shore-Smith requested a recount.
33. On November 15, 2013 the FCBE held its first recount of the Tobaccoville Race. All of the recounts involved three precincts, 32, 91, and 92. They also involved three candidates, Wayne Dodson, Lori Shore-Smith, and Steve Wood.

34. The recount sheets to be completed for each precinct had fields to be completed for votes for each candidate, undervotes, and overvotes. (See Exhibit B).
35. Mr. Coffman was in charge of administering and overseeing the November 15, 2013 recount and has acknowledged the same.
36. At the beginning of the November 15, 2013 recount, the M100 ballots for each precinct were not counted and compared to the number of ballots reported by the precinct judges. As explained later, this made it more difficult to identify a mistake in the hand-to-eye recount of precinct 91
37. The November 15, 2013 recount was done at two separate desks. One desk was counting undervotes and over-votes for precincts 32 and 92. The other desk was not counting these votes but only the votes for each of the candidates in precinct 91.
38. Thus, different ballots in the same race were initially recounted differently, which was something that Mr. Coffman should have prevented. To fix this problem, the FCBE Board Members unanimously agreed that precinct 91 should be recounted again, with the undervotes and over-votes being counted in the same way they were for precincts 32 and 92.
39. When precinct 91 was recounted a second time during the November 15, 2013 recount, Forsyth County Republican Party Chair, Scott Cumbie, informed Mr. Coffman that he saw a vote for Mr. Wood being counted twice.
40. Mr. Cumbie claims that in response to this information, Mr. Coffman dismissed his concerns. A true and accurate copy of Mr. Cumbie's recollection of events is attached as Exhibit C.
41. After the second recount of precinct 91, the recount sheet for that precinct was not completed by Mr. Coffman.
42. However, a tie was declared and Mr. Wood was subsequently declared the winner after a random draw. As explained further, this was an error that Mr. Coffman could have easily prevented if he had completed the recount sheet for precinct 91.
43. After Mr. Wood was initially declared the winner of the Tobaccoville recount, Mr. Cumbie reported and explained to FCBE Secretary Russell that the second recount of precinct 91 was irregular.
44. Specifically, the total number of votes cast as reported by M100 voting machines divided by 2 indicated that there were 79 ballots cast by M100 machines.
45. By contrast, the M100 numbers from the final hand-to-eye November 15 recount of Precinct 91 divided by two indicated that there were 80 M100 ballots cast.
46. Had Mr. Coffman completed the recount sheets at the November 15 recount, the M100 ballots cast discrepancy for precinct 91 would have been readily apparent and could have been addressed that night. (See Exhibit D).
47. Had the M100 ballots been counted and compared to the precinct judges' reports of ballots cast, the error in Precinct 91 would have been readily apparent and could have been addressed that night. (See Exhibit E).

48. However, Mr. Coffman failed to ensure that the recount sheets were fully completed during the November 15 recount or that the number of ballots cast suggested by the recount sheets from the November 15 recount matched the number of ballots cast reported by the precinct judges.
49. To confirm whether there was actually a discrepancy in the November 15 recount of precinct 91, Mr. Russell needed to know what the judges in precinct 91 had reported as the total number of ballots cast by M100 machines.
50. After he realized that he needed this information, and in an attempt to gather it, Mr. Russell called Mr. Coffman during the middle of the day on November 19, 2013. Mr. Russell explained to Mr. Coffman that on the recount sheet for precinct 91, the machine count of M100 votes suggested 79 ballots cast but the hand-to-eye numbers for M100 votes suggested 80 ballots cast.
51. During this conversation, Mr. Coffman questioned whether any further investigation or recount was needed.
52. Despite this resistance, Mr. Russell confirmed with Mr. Coffman that the FCBE had other records, *independent* of the recount sheets, which would show the ballots cast by M100 machine reported by the precinct judges for precinct 91.
53. Mr. Russell indicated that if that independent information suggested there were 80 ballots cast, he would be less inclined to ask for a second recount. But if the independent information suggested there were 79 ballots cast he would probably ask for a second recount.
54. Thus, Mr. Coffman knew that his response to Mr. Russell's request would affect whether Mr. Russell would support a further recount of the Tobaccoville race.
55. Mr. Russell did *not* ask Mr. Coffman for numbers from the recount sheets. Mr. Russell already had those numbers and the recount sheets. In fact, he reviewed the recount sheet for precinct 91 with Mr. Coffman during his phone conversation with him. Instead, Mr. Russell clearly stated that he wanted information *separate* from the recount sheets and reported by the precinct judges to check the validity of the hand-to-eye numbers on the recount sheets.
56. At 6:30 p.m., Mr. Coffman responded to Mr. Russell's request and produced a chart, which suggested that the precinct judges in precinct 91 reported 80 ballots cast by M100 machine. (See Exhibit F).
57. The next day, Mr. Coffman admitted that he made a mistake with his chart. (See Exhibit G). Later that day, he reported to the FCBE Board Members:

> I feel I need to communicate with you an error I made in reference to the recount. Stuart asked me to report to him the number of ballots cast in the Tobaccoville election. I should have gone back to election night returns to determine the number of ballot cast I instead used the vote totals from the recount. This was my error and not any of the staff were involved in it. I apologize for it and I now understand what data I should have reported

(See Exhibit H).

58. In initially reporting 80 ballots cast by M100 in precinct 91, Mr. Coffman either a) misled Mr. Russell to avoid a second recount of the Tobaccoville Race; or b) responded to Mr. Russell's request in a reckless fashion because Mr. Russell explicitly asked for figures *independent* of the recount sheets to check the hand-to-eye recount numbers.
59. Moreover, even if the numbers in Mr. Coffman's chart came from the recount sheet vote totals as he alleges, there were two separate numbers for ballots cast by M100 machine. The machine reported numbers suggested 79 ballots cast. The hand-to-eye numbers suggested 80 ballots cast. (See Exhibit D).
60. But Mr. Coffman's report did not relay this inconsistency. This is true either because Mr. Coffman wanted to lead Mr. Russell to believe that no recount was necessary or because Mr. Coffman was reckless in responding to Mr. Russell's question. Neither scenario is acceptable because in neither scenario could Mr. Russell rely upon Mr. Coffman's information.
61. Furthermore, Mr. Coffman's chart reported 125 ballots cast by M100 machine in precinct 92 when this number was in fact 175. This error at least confirms the careless manner in which Mr. Coffman responded to Mr. Russell's request and confirms that Mr. Russell could not rely upon Mr. Coffman's information.
62. The undersigned cannot understand how Mr. Coffman could have given Mr. Russell these figures without either a) misleading him or b) being at least reckless.
63. Furthermore, after a full review of the incomplete recount sheets from the November 15 recount, the manner in which votes were counted differently during the November 15 recount, and Mr. Cumbie's recollection of events from the November 15 recount, the undersigned believe that Mr. Coffman was reckless in overseeing the November 15 recount.
64. The mishandling of the Tobaccoville recount is especially significant because it involved relatively few votes. In future elections involving thousands of votes, the FCBE Board Members must be able to rely upon information and competence from its Executive Director.
65. On November 21, 2013, the FCBE held a second recount for the Tobaccoville Village Council race.
66. In that recount, the ballots were counted and compared to the precinct judge reports, and the recount sheets were completed as they should have been the first time.
67. As a result, the number of votes cast reconciled with the ballots cast reported by the precinct judges.
68. Ms. Shore-Smith was declared the winner in this second recount.
69. Had Mr. Russell acted on the sheet Mr. Coffman sent him on the evening of November 19, 2013, he would have opposed having this second recount and encouraged his fellow board members to do the same. This would have altered the outcome of an election.

Mr. Coffman's Misrepresentations about the WSSU Cards

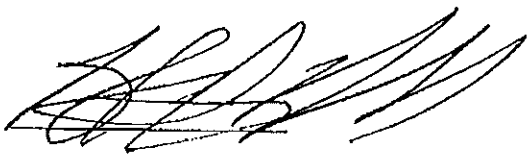
70. As a result of the FCBE's response to the FOIA request, FCBE Board Members have heard numerous concerns about the WSSU Cards and questions about why those cards sat at the WSSU post office for so long.
71. These concerns are important because the WSSU Cards reveal a failure within the FCBE's system of ensuring that voters are properly verified and that its voter rolls are current.
72. Some of the WSSU Cards were voter registration cards sent as part of a second attempt to verify a voter's address after the first registration card sent by the FCBE had been returned to the FCBE as undeliverable ("**2nd Verification WSSU Cards**").
73. Since those 2nd Verification WSSU Cards were returned to the FCBE as undelivered, and an election occurred before the verification process was complete, the FCBE became obligated to send each applicable voter a "confirmation card" that if not returned, would start the process of removing the voter from the voting rolls. See N.C.G.S. §§ 163-82.7 and 163-82.14
74. On December 9, 2013, FCBE Secretary Russell and Assistant Forsyth County Attorney Lonnie Albright met with Mr. Coffman to discuss all of the WSSU Cards, including the 2nd Verification WSSU Cards.
75. During the meeting, Mr. Russell asked Mr. Coffman if the FCBE had sent confirmation cards to the voters named in the returned 2nd Verification WSSU Cards.
76. In response, Mr. Coffman pointed to a box and indicated that the confirmation cards had been sent.
77. Mr. Russell initially accepted this response and moved on to other questions about the WSSU cards.
78. Towards the end of his visit with Mr. Coffman, Mr. Russell asked several follow up questions regarding the 2nd Verification WSSU Cards.
79. These follow up questions revealed that contrary to Mr. Coffman's initial representation, the FCBE had not sent confirmation cards after receiving the 2nd Verification WSSU Cards.
80. On December 10, 2013, Mr. Coffman sent Mr. Russell an e-mail confirming that confirmation cards had not been sent for the 2nd Verification WSSU Cards. (See Exhibit I).
81. Thus, in response to Mr. Russell's questions regarding the 2nd Verification WSSU Cards, Mr. Coffman either a) purposely misled Mr. Russell and Mr. Albright or b) was reckless in responding to Mr. Russell's questions.
82. FCBE Board Members must be able to rely upon the information conveyed to them by their Executive Director.
83. In two separate instances, Mr. Coffman at best proved that he cannot provide reliable information to FCBE Board Members and at worst attempted to mislead FCBE Board Secretary Russell.

Conclusion

84. As a result of the above misconduct, the undersigned have lost confidence in Mr. Coffman to provide them with reliable information, ensure the integrity of the voting process, and uphold the respect of his office, the FCBE and its Board Members.
85. Mr. Coffman has also lost the confidence of Mr. Cumbie, who as Forsyth County Republican Party Chair, represents approximately 50% of the County's voters. (See Exhibit C).
86. Notably, the Tobaccoville race was not partisan. In fact, the recount involved two registered Republicans. Thus, Mr. Cumbie's lack of confidence is not motivated by partisanship but instead his honest assessment of how the Tobaccoville recount was mishandled.
87. It is not disputed that:
    a. Mr. Coffman has had trouble in the past with insensitive remarks towards FCBE employees;
    b. Mr. Coffman left a completely disrespectful message on the Chair of the FCBE's voicemail;
    c. Mr. Coffman made sarcastic remarks to the Chair of the FCBE regarding his independent investigation of the WSSU cards;
    d. Mr. Coffman at least twice referred to an entity that had a pending FOIA request as "worse than the Tea Party";
    e. Mr. Coffman oversaw the Tobaccoville recount and admitted that he mishandled it;
    f. The chart Mr. Coffman sent Mr. Russell regarding the Tobaccoville recount was erroneous and if accepted, would have changed the outcome of an election;
    g. Mr. Coffman falsely stated that the FCBE had sent confirmation cards after receiving the 2nd Verification WSSU Cards;
    h. Mr. Coffman has lost the trust of the chair of the local Republican Party; and
    i. Mr. Coffman has lost the trust of the majority of the FCBE Board Members.
88. Each one of the above items alone could be sufficient cause to terminate Mr. Coffman. Cumulatively, they require action.
89. With national elections looming in 2014, the FCBE needs the State Board to install an Executive Director who can be trusted to provide FCBE Board Members with reliable information, act diligently, and administer the elections process competently.
90. In addition to the FBCE, the voting public requires and deserves an Executive Director who can perform these functions.
91. Whether by his own recklessness, a design to mislead, or a combination of both, Mr. Coffman is not that person and therefore must go.

Ken Raymond

Ken Raymond, FCBE Board Chair



Stuart Russell, FCBE Board Secretary

From: Coffman, Robert H [mailto:coffmanh@forsyth.cc]
Sent: Thursday, October 03, 2013 2:42 PM
To: Susan Myrick
Cc: Albright, Lonnie G; 'Kenneth Raymond'
Subject: WSSU

Ms Myrick,

Staff did a meticulous hand sort of the returned cards from WSSU. Here is what we found.

The first batch of cards that Chairman Raymond delivered appears to have 393 not the 418 that was reported at the meeting.

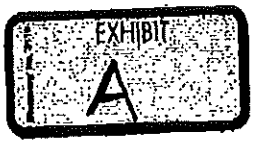
The second batch of cards that Chairman Raymond delivered appears to have 164 not the 166 that was reported.

That gives a total of 557 cards that the Chairman delivered to our office.

The Board has asked that I offer you the following options. I can have staff copy the 557 original cards or you can come in to review and copy them. None of the returned cards have a sticker or indication from the post office on why they were undeliverable.

Please let me know your preference.

Rob Coffman



Forsyth County

Reconciliation Sheet for Manual Recount

Municipal General Election: 11/5/2013

DATE: 11/15/2013

CONTEST: TOBACCOVILLE COUNCILMEN PRECINCT: 032 - Northwest Middle School

Candidate name	M-100	Absentee	1-Stop	Provisional	Hand to Eye Audit (M-100)	Hand to Eye Audit (Absentee)	Hand to Eye Audit (1-Stop)	Hand to Eye Audit (Provisional)
WAYNE LESLIE DODSON	42	2	1	0	42	2	1	0
LORI SHORE-SMITH	15	0	4	0	16	0	4	0
STEVE WOOD	30	2	3	0	30	2	3	0
Over Votes	0	0	0	0				0
Under Votes	25	0	0	0	24			0

Candidate name	Hand to Eye Audit (Total)	Total Vote Count	Difference
WAYNE LESLIE DODSON	45	45	
LORI SHORE-SMITH	20	19	+1
STEVE WOOD	35	35	
Over Votes		0	
Under Votes	24	25	-1
Total Votes		124	

Signature of Board Members

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EXHIBIT B

Forsyth County

Reconciliation Sheet for Manual Recount

Municipal General Election: 11/5/2013

DATE: 11/15/2013

CONTEST: TOBACCOVILLE COUNCILMEN PRECINCT: 091 - Tobaccoville Community Ctr

Candidate name	M-100	Absentee	1-Stop	Provisional	Hand to Eye Audit (M-100)	Hand to Eye Audit (Absentee)	Hand to Eye Audit (1-Stop)	Hand to Eye Audit (Provisional)
WAYNE LESLIE DODSON	40	0	2	0	40	0	2	0
LORI SHORE-SMITH	46	0	2	0	46	0	2	0
STEVE WOOD	51	0	0	0	52	0		0
Over Votes	0	0	0	0				0
Under Votes	21	0	2	0	23			0

Candidate name	Hand to Eye Audit (Total)	Total Vote Count	Difference
WAYNE LESLIE DODSON	42	42	0
LORI SHORE-SMITH	48	48	0
STEVE WOOD	52	51	+1
Over Votes		0	
Under Votes		23	
Total Votes		164	

Signature of Board Members

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Forsyth County

Reconciliation Sheet for Manual Recount

Municipal General Election: 11/5/2013

DATE: 11/15/2013

CONTEST: TOBACCOVILLE COUNCILMEN PRECINCT: 092 - Macedonia Baptist Church

Candidate name	M-100	Absentee	1-Stop	Provisional	Hand to Eye Audit (M-100)	Hand to Eye Audit (Absentee)	Hand to Eye Audit (1-Stop)	Hand to Eye Audit (Provisional)
WAYNE LESLIE DODSON	98	7	0	0	98	7	0	0
LORI SHORE-SMITH	117	2	1	0	117	2	1	0
STEVE WOOD	94	5	1	1	94	5	1	1
Over Votes	0	0	0	0	0			0
Under Votes	41	0	0	1	41			01

Candidate name	Hand to Eye Audit (Total)	Total Vote Count	Difference
WAYNE LESLIE DODSON	105	105	0
LORI SHORE-SMITH	120	120	0
STEVE WOOD	101	101	0
Over Votes		0	
Under Votes		42	
Total Votes		368	

Signature of Board Members

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Forsyth County Republican Party
PO Box 6841
Winston-Salem, NC 27113

November 21, 2013

Ken Raymond, Stuart Russell, Fleming El-Amin
Forsyth County Board of Elections
201 N Chestnut St
Winston-Salem, NC 27101

Board Members:

After observing the recount of the Village of Tobaccoville City Council race on Friday evening, November 15, 2013, I have no confidence that the Executive Director of the Forsyth County Board of Elections is willing to diligently ensure the integrity of the vote. There were numerous problems with the vote count that evening which could all have been easily resolved with simple mathematical calculations and reconciliation with data collected on Election Day.

Also, I personally witnessed a ballot being counted twice during the final recount of Precinct 091. This ballot was an undervote and a vote for Steve Wood. The final tally of this recount showed that Steve Wood and undervote each gained one vote over the machine count with no offsetting votes for the other candidates. The final tally was two votes, or one ballot, higher than the machine vote indicating that a ballot was counted twice or a missing ballot from Election Day had been found. A simple mathematical calculation and comparison with the poll records would have easily verified if there was a miscount.

When I witnessed the miscount, I raised an objection to the Executive Director which was noted with a casual comment that he trusts his machines more than the people. My objection was not addressed and the final count containing the extra ballot count was accepted as the final count. This left the two candidates in a tie for second requiring a "game of chance" tie-breaker.

Again, my main concern is that there was no due diligence exercised to validate that the hand counts would reconcile with the Election Day records and the machines counts. This due diligence would have prevented the resulting failures and then objections that I raised that evening. This is a synopsis of the problems that I observed.

1. The Election Day machine ballot count was not provided.

2. The Chief Judges' ballot counts were not provided. Without this information, and the Election Day ballot count it could not be determined if any ballots were missing on Election Day.

3. There was no indication if all the ballots for each precinct had been accounted for on Election Day.

4. The original recounts at the two tables did not follow the same counting process.

5. In the split precinct, the non-Tobaccoville ballots were not counted so the ballot count could not be reconciled with the Election Day ballot count.

EXHIBIT
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6. The overvotes and undervotes were not counted so the total votes could not be reconciled with the ballot count. When this issue was raised the Executive Director was initially resistant to counting these overvotes and undervotes and made an excuse as to why it was not important to perform this count.

7. The first count of the undervotes resulted in an odd number of votes in Precinct 091 which cannot be possible. I objected because of this clear indication of an error. Had any due diligence been exercised, this would have been easily discovered before an objection was raised.

8. On the final recount of Precinct 091, I witnessed a ballot being counted twice and raised an objection. The objection was noted by the Executive Director, but no effort made to address it.

9. The undervote count for Precinct 091 went up by one vote after having been earlier confirmed to be the lower number. This indicated that the miscount I had witnessed was, in fact, a miscount.

10. The final vote tally was two votes, or one ballot, greater than the original machine count indicating that a ballot had been counted twice or a missing ballot was no longer missing. If the Election Day ballot count had been available, it would have been apparent that a ballot had been counted twice.

The lack of due diligence in reconciling the hand counts with the machine counts and the Chief Judges' reports is an egregious failure. This failure had a direct affect on the candidates and citizens in a small village in our county. If the same lack of due diligence is exercised in a future election, the implications could have national impact.

I do not have any confidence in the ability of the Executive Director of the Forsyth County Board of Elections to treat the election process with the seriousness that is required in order to ensure an accurate count of the votes cast by the citizens of our county.

Sincerely,

Scott Cumble
Chairman
Forsyth County Republican Party

Municipal General Election: 11/5/2013 **Date:** 11/15/2013

Contest: Tobaccoville Councilmen **Precinct:** 032 - Northwest Middle School

Name	M-100	Absentee	1-Stop	Provisional	Hand to Eye M-100	Absentee	1-Stop	Provisional
Wayne Leslie Dodson	42	2	1	0	42	2	1	0
Lori Shore-Smith	15	0	4	0	16	0	4	0
Steve Wood	30	2	3	0	30	2	3	0
Over Votes	0	0	0	0	0	0	0	0
Under Votes	25	0	0	0	24	0	0	0
Votes:	112	4	8	0	112	4	8	0
Ballots cast:	56	2	4	0	56	2	4	0
Total ballots:				62				62

Name	HtoE	Total	Diff
Wayne Leslie Dodson	46	45	0
Lori Shore-Smith	20	19	1
Steve Wood	36	36	0
Over Votes	0	0	0
Under Votes	24	25	-1
Total Votes	124	124	0

Signature of Board Members:

Municipal General Election: 11/5/2013 **Date:** 11/15/2013

Contest: Tobaccoville Councilmen **Precinct:** 091 - Tobaccoville Community Ctr

Name	M-100	Absentee	1-Stop	Provisional	Hand to Eye M-100	Absentee	1-Stop	Provisional
Wayne Leslie Dodson	40	0	2	0	40	0	2	0
Lori Shore-Smith	46	0	2	0	46	0	2	0
Steve Wood	51	0	0	0	52	0	0	0
Over Votes	0	0	0	0	0	0	0	0
Under Votes	21	0	2	0	22	0	2	0
Votes:	158	0	6	0	160	0	6	0
Ballots cast:	79	0	3	0	80	0	3	0
Total ballots:				82				83

Name	HtoE	Total	Diff
Wayne Leslie Dodson	42	42	0
Lori Shore-Smith	48	48	0
Steve Wood	52	51	1
Over Votes	0	0	0
Under Votes	24	23	1
Total Votes	166	164	2

Signature of Board Members:

Municipal General Election: 11/5/2013 Date: 11/16/2013

Contest: Tobaccoville Councilmen Precinct: 092 - Macedonia Baptist Church

Name	M-100	Absentee	1-Stop	Provisional	Hand to Eye M-100	Absentee	1-Stop	Provisional
Wayne Leslie Dodson	98	7	0	0	98	7	0	0
Lori Shore-Smith	117	2	1	0	117	2	1	0
Steve Wood	94	5	1	1	94	5	1	1
Over Votes	0	0	0	0	0	0	0	0
Under Votes	41	0	0	1	41	0	0	1
Votes:	350	14	2	2	350	14	2	2
Ballots cast:	175	7	1	1	175	7	1	1
Total ballots:				184				184

Name	HtoE	Total	Diff
Wayne Leslie Dodson	105	105	0
Lori Shore-Smith	120	120	0
Steve Wood	101	101	0
Over Votes	0	0	0
Under Votes	42	42	0
Total Votes	368	368	0

Signature of Board Members:

Name	HtoE	Total	Diff
Wayne Leslie Dodson	192	192	0
Lori Shore-Smith	188	187	1
Steve Wood	188	187	1
Over Votes	0	0	0
Under Votes	90	90	0
Total Votes	658	656	2
Ballots Cast:	329	328	1

Forsyth County

Reconciliation Sheet for Manual Recount

Municipal General Election: 11/5/2013

DATE: 11/15/2013

CONTEST: TOBACCOVILLE COUNCILMEN PRECINCT: 091 - Tobaccoville Community Ctr

Candidate name	M-100	Absentee	1-Stop	Provisional	Hand to Eye Audit (M-100)	Hand to Eye Audit (Absentee)	Hand to Eye Audit (1-Stop)	Hand to Eye Audit (Provisional)
WAYNE LESLIE DODSON	40	0	2	0	40	0	2	0
LORI SHORE-SMITH	46	0	2	0	46	0	2	0
STEVE WOOD	51	0	0	0	52	0		0
Over Votes	0	0	0	0				0
Under Votes	21	0	2	0	22	0	2	0

158/2=79

160/2=80

Candidate name	Hand to Eye Audit (Total)	Total Vote Count	Difference
WAYNE LESLIE DODSON	42	42	0
LORI SHORE-SMITH	48	48	0
STEVE WOOD	52	51	+1
Over Votes	0	0	
Under Votes	23	23	
Total Votes	165	164	

Signature of Board Members

EXHIBIT D

FORSYTH COUNTY AUTHORIZATION TO VOTE REPORT FORM

091
Tobaccoville Community Center
2013 Municipal General November 5, 2013

COMPLETED AUTHORIZATION TO VOTE FORMS ENCLOSED IN FOLDER

LAST ATV NUMBER: 79

NUMBER OF VOTES ON THE COUNTER: 79

THESE TWO NUMBERS MUST MATCH. EXPLAIN ANY DISCREPANCY BELOW:

CHIEF JUDGE

JUDGE

JUDGE

THIS FORM REQUIRES THE SIGNATURE OF ALL THREE JUDGES. IF THE TOTAL NUMBER OF ATV FORMS AND THE NUMBER OF VOTES ON THE COUNTER DO NOT MATCH, YOU WILL BE REQUIRED TO EXPLAIN THE DISCREPANCY.

RETURN SIGNED FORM TO B.O.E. IN THIS POCKET!

EXHIBIT E

Chain of Custody Form: M100/IVotronic using ATV Forms

[redacted]

Election Date 11/05/2013

Precinct: 091 Tobaccoville Community Center

Custody exchange
A CBE board or staff member and the Chief Judge must count the ballots and elections materials together when materials are issued and returned. Both people must certify that the count is correct.

BALLOTS ISSUED

We certify that the ballots received are correct
Ballot Style G006
Total Issued 260

CBE signature, 11-1-13 *Date*

Ch. Judge signature, 11-1-13 *Date*

Election Morning Verification

M100 w/PCM-CIA Card Installed
M100 Seal #: 62461 Intact Y N

IVotronic w/Flash Card
IVotronic Seal #: 62312 Intact Y N

Is Public Counter on the IVo Zero? Y N

We certify the seal #'s on the M100 and IVotronic are correct and the seals are unbroken.

Chief Judge Signature, 11-5-13 *Date*

Judge Signature, 11-5-13 *Date*

Judge Signature, 11/5/13 *Date*

Forsyth County November 5 Drop Off of Supplies and Materials

FC Employee Initials

ESA/Chief Judge Equipment Shutdown & Signoff

Print Result Tapes and Shutdown M100
Judges, Sign all tapes, place in media bag
Remove PCMCIA Card & place in media bag for ESA
Print Result Tapes and Shutdown IVotronic
Judges, Sign all tapes, place in media bag
Remove Flash Card & PEB, place in media bag for ESA

Chief Judge Signature 11-5-13 *Date*

Judge Signature, 11/5/13 *Date*

Judge Signature, 11/5/13 *Date*

ESA Signature, *Date*

RETURNED

Fill in the blanks below with the Totals for each group.

		DOCUMENT PAPER SEAL # ON VOTED BALLOT BOXES
Provisional Ballots	0	
Spoiled Ballots	1	
Challenged Ballots	0	
Unused Ballots	170	
Voted Paper Ballots	79	12556
Voted IVo Ballots	0	
Completed ATV forms	79	

Does the Voted paper ballots plus Voted IVo ballots equal Completed ATV Forms? ☒Yes ☐No
If no, explain.

We certify that the counts above are true and correct.

Chief Judge Signature, *Date*

Judge Signature, 11/5/13 *Date*

Judge Signature, 11/5/13 *Date*

[redacted]

Gmail by Google

Stuart Russell< stuarthalerussell1978@gmail.com>

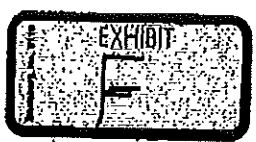
Ballots Cast

Coffman, Robert H< coffmanh@forsyth.cc> Tue, Nov 19, 2013 at 6:30 PM
To: Stuart Russell <stuarthalerussell1978@gmail.com>, "Pfoley@kilpatricktownsend.com" <Pfoley@kilpatricktownsend.com>

I have attached a report that shows the ballots cast by voting method for Tobaccoville. This reports the number of ballots cast not the number of votes cast in the recounted race.

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.

tobaccoville.pdf
62K



Tobaccoville
Ballots Cast

Precinct	Election Day	Absentee	Curbside	Provisional	Total
32	56	2	4	0	62
91	80	0	3	0	83
92	125	7	1	1	134
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	279

Gmail by Google

Stuart Russell< stuarthalerussell1978@gmail.com>

Recount question

Coffman, Robert H< coffmarh@forsyth.cc> Wed, Nov 20, 2013 at 9:33 AM
To: Kenneth Raymond <kraymond5@att.net>, Stuart Russell <stuarthalerussell1978@gmail.com>, "Fleming El -Amin (nlv764@yahoo.com)" <nlv764@yahoo.com>
Cc: "Albright, Lonnie G" <albrlglg@forsyth.cc>

It appears there could have been a mistake made in the Tobaccoville recount. I have pulled the original result tape from the precinct count and it appears we counted one more ballot at the recount than was counted on election day for precinct 91. I made a mistake by using the numbers of ballots from the recount as the ballots cast and should of referred to the election night totals for verification. I have contacted the State Board and they have said you have the authority to redo the recount by administrative order.

I would recommend that the recount be accomplished prior to the protest hearing. The State Board also recommended that if you wish to order the redo of the recount is should include all three precincts not just the one in question.

Let me know what you think.

Rob

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EXHIBIT G