



## **MONTGOMERY COUNTY** **BOARD OF ELECTIONS**

Teddi Benson Chairperson  
John Adams, Secretary  
Debbie Burris, Member  
Dree Wynkoop, Member  
Tasha Medley, Member

### **BOARD MINUTES** **EVIDENTIARY HEARING – JUDGE GRIFFIN PROTEST** **December 3, 2024** **5:30PM**

The Montgomery County Board of Elections (BOE) met December 3, 2024 at 5:30PM at the BOE office located at 327 N. Main Street in Troy, NC for the purpose of conducting Evidentiary Hearing for Judge Jefferson G. Griffin Protest. Board members present were Teddi Benson, John Adams, Dree Wynkoop, Debbie Burris and Tasha Medley. County Attorney Russell Hollers III and BOE staff, Deputy Director Kimberly Walter and Office Assistant Donna Moore, were present.

Chairperson Benson called the meeting to order at 5:30PM.

Board Meeting Agenda was presented for approval. Member Adams made a motion to approve the agenda and Member Medley seconded the motion. All were in favor and the agenda was approved.

#### **Old Business**

There was no old business.

#### **New Business**

Evidentiary Hearing:

Chairperson Benson explained that the purpose of this meeting was to conduct the required Evidentiary Hearing for the Protest filed by Judge Jefferson G. Griffin. She noted that a total of 300 protests were filed contesting the vote of 60,000 of North Carolinians, but only 1 protest involves a ballot cast in Montgomery County. The Protester alleges that the voter's ballot should not have been counted because their registration was denied and were therefore ineligible to vote. She asked attendees if anyone was there representing Judge Griffin. There was no one. Attorney Hollers asked if the protested voter was present. They were not. He asked if anyone had joined on-line to represent Judge Griffin. Deputy Director Walter advised that no one had joined via the web. Chairperson Benson reported that all interested parties had been notified of this scheduled hearing. The Board accepted the affidavit as true although no one from the Protester presented any evidence and/or testimony and there was no original, wet ink, affidavit. Chairperson Benson asked BOE staff to present any evidence they had and to testify for the record to explain what happened with the one protested vote.

Deputy Director Kimberly Walter was sworn in by Chairperson Benson. She confirmed the voter's name and that the voter was notified by letter, phone message and email of this scheduled hearing. She reported that BOE staff keyed in the incorrect address. This administrative error caused the voter's registration to be denied. The voter corrected the address and voted while the registration was in pending status. She testified that the voter signed and dated their voter registration on 7/16/2024; it was date stamped as received by the State Board of Elections on

8/2/2024 and 8/9/2024, but she could not explain why it was stamped twice; and Montgomery County BOE office received the registration from the State courier on what appears to be 9/18/2024, but the stamp was hard to see. She noted that on the original registration form it is clear the voter listed Atkins Dairy Road as their street. However, it was incorrectly entered as Dairy Road in the voter registration system. She said that when a new registration is received, a voter registration card is sent. If the card is not returned, it is considered valid. If it is returned undeliverable, a second card is sent as confirmation. If the second card is returned undeliverable, the registration is denied and if it is not returned, the voter is registered as valid voter. She stated that for the protested voter specifically, the first card was mailed to the voter at the incorrect address on 9/23/2024, a second card was mailed on 10/4/2024 and voter status was updated to denied on 10/28/2024. She explained that staff does not manually enter denials, but that the voter profile is automatically updated in the State's system to the denied status when the second card is returned and scanned as undeliverable. She reported that the voter voted during early voting at the Biscoe Early Voting Site on 10/24/2024 which was during the timeframe between mailing the second card and its return as undeliverable. When the voter went to vote, they realized that the Dairy Road address was incorrect on the ATV (Authorization to Vote), they updated and signed the ATV to provide the correct address of Atkins Dairy Road, the precinct official updated the address in the computer and the voter cast their ballot. She stated that this voter currently has two active records... one with a voter history at the wrong address and one without a voter history at the correct address. In response to Chairperson Benson's question if the voter tried to vote twice, she confirmed that the voter did not vote twice. She requested the BOE grant permission to merge the two voter profiles. Member Burris made the motion to merge the two voter profiles. Member Wynkoop seconded the motion. All Members agreed and the motion carried. Deputy Director Walter read G.S. 163.82.7 (g3) which states, "if a notice is returned by the Postal Service as undeliverable after a person has already voted in an election, then the county board shall treat that person as a registered voter." She reiterated that the voter named in the protest voted before the "denied" status was put on their record.

Member Adams inquired if there was a log indicating when and by whom changes are made in the State system. Deputy Director Walter advised that there is a record created by system when registrations are scanned into batches. She explained that someone in the office takes ownership of the record from the batch to complete data entry to key in the information from the registration into the system and a different staff member reviews the data entered. The process is designed to be a checks/balance and that it works well to catch any data entry errors when done correctly. In this case, the error was not caught. However, the voter recognized the error when they voted, provided the correct address and the precinct official was able to change allowing them to cast their ballot. This was the close of evidence and testimony.

Member Adams stated that the voter did nothing wrong and her vote should be counted. Deputy Director Walter submitted the following documents: voter's registration, Authorization To Vote form confirming the date and time they voted, the Voter Profile forms identifying the correct/incorrect addresses and the voter history associated with each profile and the flow chart depicting the mail/notification process with Walter's handwritten notations pertaining to the protesters voter's registration because the State's system cannot print the actual screens showing the log.

Member Wynkoop made the motion to dismiss the protest and to count the ballot. Member Burris seconded the motion. All Members were in favor and the protest was unanimously approved dismissed. Attorney Hollers advised he would draft the order and get it to Deputy Director Walter to deliver to the Board Chair for signature.

With no further comments or business on the agenda, Chairperson Benson called for a motion to adjourn. Member Adams made the motion and Member Wynkoop seconded. All were in favor and the meeting adjourned at 5:52PM.

Jeddi Benson

CHAIR

[Signature]

SECRETARY

Dee Wynkoop

MEMBER

Dustin Barnes

MEMBER

Jasha May

MEMBER