

08 NCAC 02 .0111 ELECTION PROTEST FORM

All persons filing election protests with a county board of election shall use the following form:

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.
ALFRED C. OWENS 5490 HORSE BRANCH RD, WILLARD, NC 28478
2. Home and business phone number, fax number, and e-mail address.
910-259-7984
3. Are you either a candidate or registered voter eligible to vote in the protested election. If a candidate, for what office?
REGISTERED VOTER
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.
SEE ATTACHED PAGE
5. Does this protest involve an alleged error in vote count or tabulation? If so, please explain in detail.
POSSIBLY - SEE ATTACHMENT
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.
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.
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.
9. What action do you desire the county board of elections to take in this matter?
SEE ATTACHMENT
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.
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?
yes
12. How many pages of additional answer are attached to this protest? How many pages of attachments are attached? 1

Alfred C. Owens
Signature of Protestor

Date/Time Filed with County Board
11/21/06 11:00 am
(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.

History Note: Authority G.S. 163-22; 163-182.9;

Regarding the Pender County General Election outcome in the County Commissioners race.

The Board of Elections unofficial number of votes cast reported in the Pender County General Election for the candidates was 10632 not including the provisional or absentee votes.

Results for similar races for County Commissioners and the Sheriff ranged from 10499 to 10793 votes cast except for the candidates for District three where the total cast for these two candidates are 9782. The average number of votes cast for the two Commissioners plus the Sheriff is 10578. This leaves a discrepancy of 796 votes unaccounted for in the contest for Commissioner in District three. A review of each precinct showed that all of the precincts on the East side of the county and the Rocky Point precinct accounted for most of the discrepancy.

The main concern is not that Mr. Baker was not the declared winner in this contest but that there is a possibility that the voting machines in those precincts did not properly record the actual votes cast. It seems unlikely that 796 voters did not cast a vote for these two candidates in those precincts only. To be fair to the voters and the candidates, were there votes cast and not counted?

During early voting on October 30th in Hampstead, it was reported that Mr. Bakers or Mr. Browns name did not appear on the ballot. Is this possible or was it an oversight on the part of the person that reported it?

Please review any information you have access too in the following precincts to determine why these discrepancies exist.

- 1- Rocky Point
- 2- Upper Topsail
- 3- Lower Topsail
- 4- Surf City
- 5- Scotts Hill