

November 16, 2009

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Mr. Dennis Boyles
Pender County Board of Elections
PO Box 1232
Burgaw, NC 28425

Dear Mr. Boyles,

I am writing this letter in response to the conduct of Mayoral candidate for the Town of Burgaw, NC, Kenneth T. Cowan.

On Saturday, October 31, 2009, we were sitting outside the building at the polls during One Stop Voting. Mr. Cowan was sitting in his truck outside the building and as potential voters drove up to the side of the building, Mr. Cowan would start his truck and drive around to speak to them. He was inside the 50 ft. marker but since he was in his truck, I assume he thought he could contact voters inside the 50 ft marker. He did this on several occasions. Finally, I went inside and informed the poll workers on duty that this was happening. I was informed you had left to go to Topsail. No action was taken to stop this conduct and so Mr. Cowan continued to contact voters. Also, on that same day, he was sitting in your office for about 30 minutes supposedly talking about hiring young people from the Community College to aid him on voting day which he later denied.

On voting day, November 3rd, he was speaking to some campaign workers. A comment was made about using women to work the polls for votes and Mr. Cowan preceded to talk about the kind of women to use and what assets would be beneficial (physical). His conduct and language outside the polling area was very offensive.

Mr. Cowan was continually inside the voting area throughout the day both at the South and North precincts. He walked voters to the building and was inside the building as voters were voting. A couple went to your office on election day and told you that he was in the polling area at South Burgaw at that very minute. Once again you did nothing to stop his conduct. He was asked by poll workers to leave the polling area, but regretfully, the judges at the South Precinct said he intimidated them and they did nothing again about his conduct. There were five people who spoke to you about this, but because of the intimidation by Mr. Cowan have not written a formal letter to you.

I find it offensive that you as Head of the Pender County Board of Elections have ignored these issues. If we have poll workers that can be so easily intimidated by a candidate, then they need to be replaced by someone who will follow the law. Mr. Cowan should have been approached by you when you or your staff was advised of his violations, and escorted off the property by officials. I am certain that had I, as a candidate for Mayor in the election, had abused the law as Mr. Cowan did during the elections, I would certainly been called on it. It was your place you stop these violations. I tried to observe the rules and regulations during the election even though they were being abused by my opponent. I certainly did not walk voters to the voting area or go beyond the 50 ft. marker during voting hours. I did not intimidate the poll workers or voters as they entered the voting area. I feel as though the due process of a fair and equal election by the people was abused in this election.

Thank you for your time and consideration in this matter.

Sincerely,

Elaine Tyson
Elaine Tyson

cc: NC Board of Elections

Pender County Board of Elections

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Dennis E. Boyles
Director

Twila M. Jones
Chairperson

George S. Person
Secretary

Robert C. Kenan Jr.
Member

December 7, 2009

Ms. Elaine Tyson
609 S. Bickett Street
Burgaw, NC 28425

Dear Ms. Tyson:

In response to your letter concerning the conduct of Mayoral candidate for the Town of Burgaw, NC, Mr. Kenneth T. (Pete) Cowan, I offer the following observations.

The overall responsibility of the Pender County Board of Elections is to assure the citizens of Pender County; if and when an election is held, that it is fair, open and unbiased. The board of elections follows both federal and state guidelines enforcing statutes of the law concerning candidates or candidate actions as needed. All complaints are taken seriously and each are examined for merit.

As to your accusations of Mr. Cowan approaching voters during the last day of One-stop voting:

During the last day of One-stop voting you observed Mr. Cowan circling the building in his pickup truck. Since Mr. Cowan's truck did not have any type of electioneering propaganda located anywhere on it and this being a public facility, it was perfectly legal for him to drive through the parking lot. As to Mr. Cowan driving up to voters and speaking to them, he was observed speaking to one elderly couple in the back parking lot. Since this couple had already voted, his conversation with them had no effect on how or who they voted for. At no time was Mr. Cowan's truck seen parked outside the One-stop facility as accused other than when he was in my office. One-Stop workers reported that in response to your making them aware of what was happening on the outside of the building, they went outside numerous times and never observed Mr. Cowan's truck being out there beyond the above stated incident.

As to your accusation of Mr. Cowan sitting in my office for 30 minutes on October 31, 2009:

Since you have been in my office on several occasions, you are well aware of my office being separate from the One-stop voting area. You, as well as all other candidates know my office is always open to any candidate who feels the need to stop in and ask questions. As far as discussing the young people from the community college with Mr. Cowan; it is the policy of this office to show no partiality to one candidate over another and the board of elections does not get involved with whom or what groups a candidate uses as workers during their campaign. With regards to the young people from the community college, Mr. Cowan invited me to speak to a group of young people back in early September. I know for a fact that Mr. Cowan had these people assembled and ready to work for him at least thirty days prior to the start of One-stop voting. 30 minutes into this meeting when the subject changed to his campaign re-election committee I left the meeting since I felt it could become a conflict of interest and appear that we were supporting Mr. Cowan

in his bid for re-election. Here again is another example of how the board of elections office staff must remain neutral and show no partiality to one candidate over another.

As to your comment concerning Mr. Cowan's language outside the polling area:

The first amendment gives Mr. Cowan the right to speak what's on his mind. Unfortunately, the board of elections has no control over what a candidate says beyond the 50' marker, no matter how offensive.

As to your accusation of Mr. Cowan continually being inside the voting area and/or walking voters to the building and going inside the building while they voted:

There were eight poll workers utilized during the November 3, 2009, Burgaw Municipal Election, four in each precinct. All of these people were experienced poll workers and have worked during the last several elections held within the county. Each of these poll workers are well versed on election laws concerning electioneering.

Since receiving your letter, I personally contacted each poll worker by phone on an individual basis and inquired as to what if anything happened concerning Mr. Cowan on Election Day. I offer the following conclusion based on information received from the eight poll workers that were working that day.

None of the poll workers working in either of the Burgaw polling places observed Mr. Cowan walking voters to or into the building on Election Day.

None of the poll workers observed Mr. Cowan communicating with voters anywhere within the fifty foot "no electioneering zone."

No poll worker felt intimidated by Mr. Cowan on Election Day. Our poll workers are trained to handle candidate or electioneering problems at the precinct level when possible. Most people are not aware that the Chief Judge of a polling place has the authority to have someone arrested on Election Day should the need arise. Our poll workers are instructed not to have people arrested unless they feel that their life or someone else's life within the polling place maybe threatened or is in danger. Poll workers are instructed to call the Board of Elections office should a problem develop that they cannot handle. Should a problem develop, the Chief Judge calls our office, we in turn send our three board members directly to the precinct. Should the candidate or campaign worker fail to comply with the board member's request to cease whatever is going on, the board would not hesitate to have the person escorted off the property or arrested. At no time did the Chief Judge of either Burgaw polling place feel the situation with Mr. Cowan was out of control where they needed assistance from the board members.

It does appear that Mr. Cowan may have pushed the limit at the South Burgaw precinct; it appears he stuck his head into the polling place on a several occasions either asking for voter turnout or using the trash can. After the couple, who we shall not name, stopped by our office and verbally complained, the Chief Judge of the South Burgaw polling place was immediately called and instructed; should Mr. Cowan show up at the door again; they were to inform him he could not come back within 50' of the building until after the polls were closed. After Mr. Cowan received this message, the poll workers stated that Mr. Cowan did not re-appear until the polls were closed.

The North Burgaw poll workers said they saw Mr. Cowan twice, once in the morning before the polls opened when he was asking where he could put his signs and once during the day when he was inquiring about voter turnout. On his second visit, these people did not hesitate to inform Mr. Cowan he should not come back to the polling place until after the polls were closed. The poll workers stated that Mr. Cowan did not re-appear until after the polls were closed. It does appear that the North Burgaw polling place had a few minor problems with Mr. Cowan's campaign workers. All of the North Burgaw poll workers stated on several

occasions they had to escort Mr. Cowan's student campaign workers off the sidewalk and back behind the electioneering signs. Since the approach to the North Burgaw polling place is shorter than most precincts, escorting campaign workers out of the buffer zone is nothing out of the ordinary for an Election Day.

In regards to your statement "You ignored the issues" concerning Mr. Cowan.

I take it as a personal insult that you would have the gall to make such a statement. Each complaint was handled as it was reported. When you complained on the last day of One-stop voting; a One-stop worker went looking for Mr. Cowan and did not find him parked anywhere outside the building as you stated. When the un-named couple complained on Election Day; my Deputy Director immediately placed a call to the Chief Judge and instructed him to inform Mr. Cowan he could not come back within 50' of the building until after the polls were closed. As for the other concerned couple who called and complained; these people called on Friday, November 6th, which was 3 days after the election was over. These people didn't even live in Pender County; they were a couple from Brunswick County who own a business in Burgaw. Unfortunately, since they are not county residents, their input has no bearing on an election held in Pender County.

In regards to your statement "Mr. Cowan should have been approached by you when advised of his violations."

During the November 3rd Municipal Elections, there were 25 candidates running for various offices within 5 polling places throughout the county. Unfortunately, I do not have the time or the resources to go out and hold each candidate's hand during the day to make sure they follow all of the rules. Since the State Board of Elections mandates that I stay in my office and be available to handle any problems or complaints should they arise on Election Day, it is the responsibility of the poll workers to monitor the candidate activity at the polling places. All complaints or problems are handled promptly when they occur.

It is the opinion of this office that all complaints or concerns concerning the Burgaw Municipal Election were responded to and handled properly in a timely manner by either poll workers or office staff.

In regards to your statement "I feel as though the due process of a fair and equal election was abused."

Since there were no other verbal or written complaints filed other than those filed by you or your associates, along with the close proximity of the vote totals, we feel the November 3, 2009 Burgaw Municipal Election was a fair and unbiased election.

Should you feel the need to discuss this issue any further; the next meeting of the Pender County Board of Elections will be Wednesday, January 6, 2010 at 10:00 am in the Board of Elections office in Burgaw.

Sincerely,

Dennis Boyles
Director
Pender County Board of Elections

Enclosure

cc: NC State Board of Elections
Robert Kenan
George Person
Twila Jones
Kenneth (Pete) Cowan