

November 6, 2009

Tender County Board of Elections:

I wish to object to the violations of election laws on November 3, 2009 in Burgaw, NC. Mayor Cowan spent a major part of Election Day inside polling precincts and was highly hostile to those who exercised their right to vote.

To allow this to happen is a total disregard for one of this nation's tenets, that "a government must be a government of laws rather than of men."

I urge that the law be upheld and Mr. Cowan be reprimanded to its fullest extent.

Sincerely,  
 S. Thomas Cooper II

Antiques on Fremont  
 Burgaw, NC

# 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 17, 2009

Mr. Thomas Wetzel II  
115 W Freemont Street  
Burgaw, NC 28425

Dear Mr. Wetzel:

Per our phone conversation and in response to your letter concerning possible violations of election law and 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.

G. S. § 163-182.9 (a) states who may file a protest or complaint with the county board of elections. *A protest or complaint concerning the conduct of an election held in a county may be filed with a county board of elections by any registered voter who was eligible to vote in said election or by any person who was a candidate for election in said election.* Being a Brunswick County resident not eligible to vote in the Town of Burgaw's Elections along with you being the only one to file a written complaint, it was determined that no violation of election law or misconduct had occurred. Your letter was filed and no response was sent.

Once a similar complaint was received on November 18<sup>th</sup>, we re-examined your complaint along with the additional complaint.

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

I personally contacted each poll worker by phone on an individual basis inquiring 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 utilized during the November 3, 2009 Burgaw Municipal Election. 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."

The fact that Mr. Cowan may have been “highly visible to those who exercised their right to vote” was not a violation of any law as long as he did not violate the Electioneering Laws. Based on poll worker interviews, no laws were violated. Any candidate or interested person may inquire periodically throughout the day as to how many voters have voted and the poll workers are allowed to respond with a number.

I thank you for your interest and concern in Pender County’s elections. Input from our business community is always welcome.

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

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