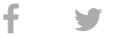


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By Bob Shiles - bshiles@civitasmail.com



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Don Wright, attorney for
Pembroke mayoral candidate

PEMBROKE — The State Board of
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Greg Cummings, tells members of the State Board of Elections on Tuesday why another mayoral election should be held in Pembroke. -



Adam Mitchell, a Raleigh attorney representing Laura Sampson in her protest hearing before the State Board of Elections on Tuesday, argued that using "logic and common sense" even two miscued ballots showed that the voters wanted to cast their ballots for Sampson in the Lumberton Precinct 7 election. -

elections for both the Lumberton Precinct 7 City Council seat and mayor of Pembroke, but only after raising concerns about voter "irregularities" in both elections, possible fraud and "systematic" errors made by the local Board of Elections.

The five-member state board was in Pembroke at COMtech to hear candidate protests in both elections. After several hours of reviewing questionable ballots and questioning local elections officials on the systems they followed from voter registration to oversight at the polls, it was decided that new elections should be held during the March 15 primary.

The Precinct 7 race had been stalled by election protests filed by both the incumbent, Leon Maynor, and challenger, Laura Sampson. Following several recounts, including a full hand-to-eye recount, Maynor held a one-vote lead over Sampson. In Pembroke, Allen Dial, a former town councilman, has not taken the oath of office as mayor because of

residency challenges filed by Greg Cummings, the second-highest vote-getter in the race.

An investigator with the State Board of Elections testified under oath Tuesday that there is an ongoing investigation of vote-buying allegations against both Maynor and Sampson.

The investigator, Matthew Martucci, a former New York Police Department detective, said that both candidates, local election officials and others have been interviewed about the allegations, which were made by multiple sources. He declined, however, to give a reporter any further information about the investigation. All information collected during the investigation will be forwarded to

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the State Bureau of Investigation and the U.S. Attorney’s Office for the Eastern District of North Carolina.

“Unless people come forward with evidence they have about instances of vote-buying, ineligible voters, and fraud things are never going to change. We are teaching our children, who are impressionable people, that this is the way things are to be done,” said state board member Joshua Malcolm, a former member of the Robeson County Board of Elections and a Pembroke resident.

Both Sampson and Maynor had filed protests arguing they had been denied votes because of miscued ballots.

The state board questioned Steve Stone, the chairman of the Robeson County Board of elections, extensively about how the hand recount was conducted, and after reviewing the ambiguous ballots, decided there was no way they could determine the voters’ “intent” based on the ballots.

The Pembroke mayoral election was forwarded to the state after a November hearing found there was evidence to believe election laws had been violated or other irregularities had occurred that were sufficiently serious to cast doubt on the results.

Cummings, who finished 11 votes behind Dial, had challenged the residencies of 24 voters. At a hearing before the local board of elections, Cummings was able to show 11 of the challenged voters were ineligible to vote because they did not live at the addresses they gave when they cast their ballots.

The do-over election in Pembroke was offered as an alternative to retrieving eight one-stop votes that could be identified and including them in another recount. Only one state board member Rhonda Amoroso, of Wilmington, voted against a new election.

“I just think we should recount the eight votes,” she told The Robesonian after the hearing. “I think that’s the best way to resolve this issue.”

The other four board members, however, agreed with Malcolm that a new election was necessary to ensure all voters’ voices are heard.

Stone testified that local officials, both on Election Day and during one-stop voting, made administrative errors. He admitted to mistakes by volunteer workers at the polls that may have led to some ineligible

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voters casting ballots. Stone also said that there was at least one incident in which staff registering voters during the one-stop period failed to get the proper information from the voter.

"In this election, people took advantage of one-stop voting and some of our part-time workers may have missed on some things," Stone said. "... But we made every effort to stay on our people."

Malcolm asked Stone to tell the board of specific instances where administrative errors were made.

"I'm not there day-by-day to oversee everything," he said. "I'll be the first to say that we are not perfect."

Don Wright, a former chief counsel to the State Board of Elections and Cummings' attorney, said after the hearing that he was confident from the beginning that Cummings would be granted a new election.

"I've always believed in my case," he said. "... We encourage the voters of Pembroke to look at the candidates and vote."

In addition to Dial and Cummings, Theresa Locklear and Manuel Perez were candidates in November, but only Dial and Cummings will be on ballot on March 15.

The do-over election is the second between Sampson and Maynor, who were tied after a recount in 2007. Maynor also defeated Sampson in the do-over and again in 2011. There was also a do-over election in Pembroke following allegations of fraud in the 2013 town council race.

Bob Shiles can be reached at 910-416-5165.



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