

# Democracy North Carolina

1821 Green St., Durham, NC 27705 • 919-286-6000 • democracy-nc.org

Wed., March 2, 2005

Contact: Bob Hall (489-1931); Beth Messersmith or A. Khamala (967-9942)

## VOTERS CALL PURGE “OUTRAGEOUS”

The controversy over out-of-precinct voters is not about Democrats versus Republicans or the General Assembly versus the Supreme Court – although it certainly has those features. Fundamentally, this is a controversy about the voting rights of citizens of different parties, ages, and races. It is about whether legally registered voters who followed the rules will be respected as first-class citizens or be denigrated, dismissed and declared “disqualified.”

Properly registered citizens who expressed themselves through their vote are now being silenced. Their voices should be heard. *Let Every Vote Count.*

Beyond the story of clashing partisan forces, beyond the judges, lawyers, and politicians, are real victims. Their faith in democracy is being damaged. And the rights of all voters are put in jeopardy. It’s a terrible precedent to allow a losing candidate to disenfranchise legitimate voters, group by group, until the numbers change to his favor or he gets a new statewide election.

Democratic leaders and Agriculture Commissioner Britt Cobb tried a version of this. They protested Cobb’s defeat to Steve Troxler, using the 4,438 votes lost in a malfunctioning machine in Carteret County. The Democrats made a big mistake when they didn’t immediately support a call-back of those voters (for their first vote, not a “new” election); but Carteret is heavily Republican, so they wanted to use the lost votes as a justification for a new statewide election. Bad decision. Eventually, Cobb saw the light and realized he should just concede defeat.

Republican Bill Fletcher is pursuing an even worse plan. He lost to the June Atkinson by 8,535 votes in the race for the Superintendent of Public Instruction. But in early February, he and his lawyers convinced the state Supreme Court to disqualify 11,310 legitimate voters who cast ballots outside their home precinct on Election Day. The General Assembly has responded by “reconfirming” its intent that out-of-precinct provisional voters must be treated with respect.

Democracy North Carolina’s analysis of who cast those 11,310 out-of-precinct ballots shows that Fletcher will still lose. This group of voters is disproportionately black (36% versus 19% of all general election voters), but 29% are Republicans and 22% are Unaffiliated; in a recount, Fletcher could not make up his large deficit.\* So now Fletcher and his lawyers say they want more provisional ballots thrown out. It’s not clear which ballots, but the chaos and confusion created by their proposed method of weeding out “disqualified” voters indicates they won’t stop until they get a court to order a new statewide election.

We stand with the voters being disqualified to say these actions are outrageous. There is a better way: Respect the voters. Listen to their voices. Stop the discrimination.

*\* For the Nov. election, Fletcher’s vote count (1,647,184) was 125% of the number of votes cast by registered Republicans in any race. If a similar pattern held with the out-of-precinct voters, Fletcher would have at least 4,000 or 35% of the 11,300 votes. In the two counties (Cumberland and Wilson) whose 2004 turnout profile closely resembles the profile of out-of-precinct voters (36% are black, 29% Republican), Fletcher got 43% and 44% of the vote respectively. It’s safe to say he got at least 32% of the out-of-precinct ballots cast in the Supt. race. That means he would narrow his gap with Atkinson, but be at least 4,464 votes short, and even 100% of the 4,438 votes lost in Carteret County couldn’t help him.*

# Statements from Voters Who Cast Out-Of-Precinct Ballots

(from emails and interviews by Democracy North Carolina staff)

Michael Hicks, 45-year-old, veteran from Pinehurst:

I volunteered as a poll worker and was assigned by the county board of election to a polling place to work. I asked the head board of elections member at the polling place where I was working if I could leave to vote at my own polling place, and was told that we were too busy and that I could vote on a provisional ballot. She promised me my vote would count.

I feel this is an outrage to our democratic system. If a man that served his country until he suffered a combat-related injury and was medically retired and who was doing his civic duty as a poll worker can't have his vote counted, who can?

\*

Charles Phillip White, 29-year-old, lives in Charlotte

I sent in a change-of-address form and got it back a couple days before Election Day because they wanted something else filled out. So I went to my old precinct and they said I wasn't listed there. They called downtown to the elections board and they said I was registered at my new location but could vote with a provisional ballot or go to the new place. Either one. So I voted with the provisional ballot. Later, I got my voter registration card in the mail, after the election.

\*

Gwen Clayton, 64-year-old, Union County: I am outraged that my vote in Union County for the November elections was not counted. How can this be? We are a "free" country are we not? There is enough trouble getting the citizenry out to vote but to have one's vote not counted is a serious mistake. I also see it as a threat to our country's very foundations.

I was a pollster [poll worker] in a different precinct than I usually vote in. Without thinking too much about it, I just assumed that I could vote in the precinct where I worked. I found out I was wrong. I spoke with someone in the Union County Election Board and was assured that my vote would be counted.

\*

Master Sergeant Raymond J. Knagge, US Army, 34-year-old, lives in Cumberland County: I voted out of precinct for one main reason. The lines. At my normal polling station, the line was over 200 people long. I was advised by a fire department man that I should go over to the next polling station, less than a mile away to vote. I went to the Hope Mills Middle School station and there was one person in line. ONE!

I am an Army soldier who could not afford to spend 2-plus hours to vote – my wife spent 3 hours at the fire station. One word for this: outrageous!

Angelia James, 40-year-old, works as an administrator at United Way of Greater Greensboro: I had recently moved but still live in the same county; therefore I went to my old voting site to vote. I was told that I could do that. I am upset that my vote did not count and would like to find out what I need to do to support making the Disenfranchised Voters' Vote Count!!

\*

Nanci L. Burt, 38-year-old, small business owner, from Mooresville, Iredell County: My name was on the list [of disqualified voters]. I am a registered Republican and I want my vote to count! I could not go to my original destination due to child-care issues.

\*

Barbara A. Foreman, 59-year-old, Raleigh: I moved from my home a couple years ago because I was having treatments for cancer and could not keep it up. I only moved a few miles away and didn't think about telling the board of elections. When I went to vote in my usual place, I was told I was in the wrong location. I was given the chance to vote with a provisional ballot and I took it.

Because of my illness, I have difficulty with walking distances and have to get oxygen. I would have had to go back home to get my oxygen if I was going to another location. I am very upset that my vote is not counted.

\*

Scott and Michelle Sharpe, 39 and 38 year old couple in Lincoln County: We voted in the wrong place because during the primary I went to a local polling place to see if my address put me in their precinct and a Republican candidate verified that it was the correct precinct. When we went to vote in the general election they had us fill out provisional ballots and assured us they would count.

\*

Taria Rachel Malmberg, 57-year-old, lives near Moncure in Chatham County: I was helping my mother vote at her polling place in Chatham County. She lives in a nursing home. My polling place is quite a long distance away, and very inconvenient because it is next to Lee County. I asked the election people at my mother's place if I could vote there and they said I could, but that I would have to use a provisional ballot.

I had tried to vote early on the Saturday before the Election, but that polling place closed at 1:00 pm, just as I was arriving. I think it's terrible that my vote is being thrown out.

To review a list of the 11,310 voters disqualified by the N.C. Supreme Court, go to:  
[File deleted due to expiration]

# Democracy North Carolina

1821 Green St., Durham, NC 27705 • 919-286-6000 • democracy-nc.org

---

For Release Thursday, Feb. 17, 2005

Contact: Bob Hall – 919-489-1931

## **Study: Supreme Court Ruling Will Not Help Fletcher; List of Disqualified Voters Posted on Website**

Democracy North Carolina, the campaign finance and elections watchdog group, has just completed an analysis of the party affiliation of the 11,310 voters who cast the out-of-precinct ballots that the state Supreme Court recently ruled illegal.

NOTE: We have also listed all the voters' names on our website with an invitation for them to contact us to explain the circumstances that led them to vote outside their home precinct.

Based on registration records at county and state boards of elections, our analysis shows that almost 50% of the voters identified by party affiliation are Democrats (5,486 voters), nearly 30% are Republicans (3,251 voters), and just over 20% are Unaffiliated (2,488 voters); 55 are registered as Libertarians. (Less than 0.5% were not identified.)

Democrats outnumber Republicans in large urban counties, but Republican out-of-precinct voters outnumber Democrats in 34 other counties spread across the state.

That breakdown is not good news for Republican Bill Fletcher who trails Democrat June Atkinson by 8,535 in the race for Superintendent of Public Instruction. Based on voting patterns in North Carolina, the results are clear: Throwing out all these votes will harm a wide range of individual citizens - yet it will not change the outcome of the Superintendent of Public Instruction race.

Given voting trends and the party breakdown, Fletcher very likely received at least 32%\* of the votes, which, at best, would still leave him 4,464 short of victory: 3,619 (11,310 x 32%) votes for Fletcher thrown out versus 7,691 for Atkinson - for a net gain of 4,072 for Fletcher, leaving him 4,464 short. The 4,438 lost votes in Carteret County could not make up the difference.

It's very unlikely that 100% of these voters cast a ballot in the Superintendent's race, so the number of votes Fletcher gains by disqualifying these voters is even smaller.

In other words, a statewide purge is worse than a useless exercise: It's a painful process that dismisses the honest efforts of more than 11,000 individuals, and it serves no larger good because it will not rescue a candidate from wrongful defeat.

The numbers also mean that Bill Fletcher must find a way to disqualify a lot more voters if he intends to continue his quest to be Superintendent of Public Instruction. Like Democrat Britt Cobb, he faces an important choice: recognize he truly lost or throw the election process into uncharted territory that could have lasting damage.

*\*For the Nov. election, Fletcher's vote count (1,647,184) was 125% of the number of votes cast by registered Republicans in any race. If a similar pattern held with the out-of-precinct voters, Fletcher would have at least 4,000 of the 11,300 votes or at least 35% of votes. In the two counties (Cumberland and Wilson) whose 2004 race and party turnout profile most closely resembles the profile of the out-of-precinct voters (36% are black, 29% are Republican), Fletcher got 43% and 44% of the vote respectively. Being conservative, it's safe to say he received at least 32% of the out-of-precinct ballots cast in the Supt. race -- and likely over 35%.*

## NUMBER OF OUT-OF-PRECINCT VOTERS ON ELECTION DAY, 2004 IDENTIFIED BY PARTY AFFILIATION

County	Total Identified	Dem.	Repub.	Lib.	Unaffil.
ALAMANCE	72	28	30	0	14
ALEXANDER	19	9	4	0	6
ALLEGHANY	5	2	2	0	1
ANSON	25	21	0	0	4
ASHE	44	15	14	0	15
AVERY	45	6	30	2	7
BEAUFORT	23	14	4	0	5
BERTIE	95	77	6	1	11
BLADEN	2	2	0	0	0
BRUNSWICK	12	6	3	0	3
BUNCOMBE	163	66	62	0	35
BURKE	351	106	161	3	81
CABARRUS	85	30	40	1	14
CALDWELL	247	64	129	2	52
CAMDEN	11	1	1	0	9
CARTERET	40	12	21	0	7
CASWELL	1	0	1	0	0
CATAWBA	202	74	83	1	44
CHATHAM	104	40	33	0	31
CHEROKEE	15	6	6	0	3
CHOWAN	18	12	6	0	0
CLAY	17	5	9	0	3
CLEVELAND	34	14	13	0	7
COLUMBUS	30	15	9	0	6
CRAVEN	66	26	30	0	10
CUMBERLAND	511	236	131	4	140
CURRITUCK	15	2	7	0	6
DARE	13	4	5	0	4
DAVIDSON	30	6	19	0	5
DAVIE	11	1	8	0	2
DUPLIN	8	4	3	0	1
DURHAM	254	178	22	0	54
EDGECOMBE	87	71	10	0	6
FORSYTH	460	272	96	2	90
FRANKLIN	100	41	41	0	18
GASTON	16	4	11	0	1
GATES	23	11	10	0	2
GRAHAM	4	4	0	0	0
GRANVILLE	12	8	0	0	4
GREENE	2	1	1	0	0
GUILFORD	438	292	69	1	76
HALIFAX	240	171	35	2	32
HARNETT	149	83	37	2	27
HAYWOOD	3	0	2	0	1
HENDERSON	88	21	46	2	19
HERTFORD	19	10	6	1	2
HOKE	66	39	10	1	16
HYDE	14	8	4	0	2
IREDELL	91	31	40	3	17
JACKSON	6	1	3	0	2
JOHNSTON	355	157	121	2	75

County	Total Identified	Dem.	Repub.	Lib.	Unaffil.
JONES	10	7	2	0	1
LEE	173	97	42	0	34
LENOIR	12	10	2	0	0
LINCOLN	36	16	13	0	7
MACON	13	8	3	0	2
MADISON	28	12	10	0	6
MARTIN	1	1	0	0	0
MCDOWELL	34	7	8	0	19
MECKLENBURG	1777	939	401	8	429
MITCHELL	28	3	15	0	10
MONTGOMERY	10	6	4	0	0
MOORE	57	20	24	0	13
NASH	5	4	1	0	0
NEW HANOVER	317	122	121	2	72
NORTHAMPTON	9	7	2	0	0
ONSLow	161	51	73	0	37
ORANGE	65	34	14	0	17
PAMLICO	1	0	1	0	0
PASQUOTANK	27	14	6	0	7
PENDER	60	21	25	0	14
PERSON	6	4	1	0	1
PITT	95	36	31	0	28
POLK	1	1	0	0	0
RANDOLPH	158	34	100	1	23
RICHMOND	35	21	9	0	5
ROBESON	357	282	31	0	44
ROCKINGHAM	103	43	24	1	35
ROWAN	40	16	13	1	10
RUTHERFORD	45	12	20	1	12
SAMPSON	24	15	5	1	3
SCOTLAND	5	3	2	0	0
STANLY	25	16	8	0	1
STOKES	54	16	25	0	13
SURRY	98	39	36	0	23
SWAIN	2	1	0	0	1
TRANSYLVANIA	41	11	16	0	14
TYRRELL	6	4	2	0	0
UNION	183	39	80	1	63
VANCE	11	7	3	0	1
WAKE	2101	1037	543	8	513
WASHINGTON	3	2	1	0	0
WATAUGA	88	24	31	0	33
WAYNE	31	13	14	0	4
WILKES	68	17	36	0	15
WILSON	87	81	3	0	3
YADKIN	12	1	9	0	2
YANCEY	36	25	7	1	3
STATEWIDE	11280	5486 [49%]	3251 [29%]	55 [ - ]	2488 [22%]

Source: Data from registration records at the county and state boards of elections. The name, race, and party affiliation of the 11,310 voters are public record, but how they voted is not public.

NOTE: A previous analysis by Democracy North Carolina [see next pages below] showed that 36% of the out-of-precinct voters are African Americans .

# Analysis of Out-of-Precinct Provisional Votes by Race in North Carolina General Election, Nov. 2004

Prepared by Democracy North Carolina, January 2005

This analysis identified the race of 99% of the out-of-precinct (OOP) provisional votes in the Nov. 2004 election that were counted in whole or part. **We found that 36.4% were cast by black voters. By contrast, blacks cast 18.6% of all votes in the election.** Whites cast most of the OOP votes (56.9%), but blacks used this new tool at a relatively higher rate than whites, particularly in counties where blacks were at least 6% of all voters and more than a few OOP votes were cast.

COUNTY	Total Out-of-Precinct		% Out-of-Precinct Votes			%All Votes	%Pts.Diff.
	Number	%Identified	Blacks	Whites	Other	Cast By Black	OOP v. All Votes
ALAMANCE	72	100.0%	23.6%	70.8%	5.6%	17.2%	6.4
ALEXANDER	19	100.0%	5.3%	94.7%	0.0%	3.6%	
ALLEGHANY	5	100.0%	0.0%	100.0%	0.0%	1.1%	
ANSON	25	100.0%	52.0%	40.0%	8.0%	41.3%	10.7
ASHE	44	100.0%	0.0%	97.7%	2.3%	0.4%	
AVERY	45	100.0%	0.0%	97.8%	2.2%	0.2%	
BEAUFORT	23	100.0%	69.6%	30.4%	0.0%	21.0%	48.6
BERTIE	95	100.0%	85.3%	12.6%	2.1%	54.1%	31.2
BLADEN	2	100.0%	50.0%	50.0%	0.0%	34.7%	
BRUNSWICK	12	100.0%	16.7%	83.3%	0.0%	10.3%	6.4
BUNCOMBE	163	96.9%	12.3%	80.4%	7.4%	4.9%	
BURKE	351	100.0%	4.6%	94.0%	1.4%	5.6%	
CABARRUS	85	100.0%	22.4%	71.8%	5.9%	11.1%	11.3
CALDWELL	247	100.0%	7.7%	91.5%	0.8%	4.3%	
CAMDEN	11	100.0%	27.3%	72.7%	0.0%	15.1%	12.2
CARTERET	40	100.0%	7.5%	90.0%	2.5%	4.4%	
CASWELL	1	100.0%	100.0%	0.0%	0.0%	36.1%	
CATAWBA	202	100.0%	15.3%	79.2%	5.4%	6.7%	8.6
CHATHAM	104	100.0%	24.0%	71.2%	4.8%	14.4%	9.6
CHEROKEE	15	100.0%	6.7%	93.3%	0.0%	0.7%	
CHOWAN	18	100.0%	27.8%	72.2%	0.0%	24.4%	3.4
CLAY	17	100.0%	0.0%	100.0%	0.0%	0.1%	
CLEVELAND	34	100.0%	32.4%	64.7%	2.9%	18.7%	13.7
COLUMBUS	30	100.0%	30.0%	70.0%	0.0%	27.2%	2.8
CRAVEN	66	100.0%	36.4%	59.1%	4.5%	20.1%	16.3
CUMBERLAND	511	99.6%	48.3%	41.1%	10.6%	36.4%	11.9
CURRITUCK	15	100.0%	0.0%	100.0%	0.0%	5.7%	
DARE	13	100.0%	0.0%	92.3%	7.7%	1.7%	
DAVIDSON	30	100.0%	13.3%	86.7%	0.0%	7.8%	5.5
DAVIE	11	100.0%	0.0%	100.0%	0.0%	5.4%	
DUPLIN	8	100.0%	50.0%	37.5%	12.5%	27.6%	22.4
DURHAM	254	100.0%	72.8%	20.1%	7.1%	37.4%	35.4
EDGECOMBE	87	100.0%	79.3%	20.7%	0.0%	53.9%	25.4
FORSYTH	494	92.9%	52.4%	36.8%	10.7%	22.5%	29.9
FRANKLIN	100	100.0%	26.0%	70.0%	4.0%	25.7%	0.3
GASTON	16	100.0%	18.8%	81.3%	0.0%	12.7%	6.1
GATES	23	100.0%	43.5%	52.2%	4.3%	34.8%	8.7
GRAHAM	4	100.0%	0.0%	100.0%	0.0%	0.0%	
GRANVILLE	12	100.0%	91.7%	0.0%	8.3%	32.8%	58.9
GREENE	2	100.0%	50.0%	50.0%	0.0%	31.2%	
GUILFORD	443	92.8%	56.9%	34.5%	8.6%	27.1%	29.8
HALIFAX	240	100.0%	60.8%	35.4%	3.8%	45.6%	15.2

COUNTY	Total Out-of-Precinct		% Out-of-Precinct Votes			%All Votes Cast By Black	%Pts.Diff. OOP v. All Votes
	Number	%Identified	Blacks	Whites	Other		
HARNETT	149	100.0%	40.9%	52.3%	6.7%	18.3%	22.6
HAYWOOD	3	100.0%	0.0%	100.0%	0.0%	0.8%	
HENDERSON	88	100.0%	0.0%	92.0%	8.0%	1.9%	
HERTFORD	19	100.0%	36.8%	63.2%	0.0%	54.0%	-17.2
HOKE	66	100.0%	51.5%	34.8%	13.6%	40.1%	11.4
HYDE	14	100.0%	35.7%	64.3%	0.0%	21.2%	14.5
IREDELL	91	100.0%	17.6%	81.3%	1.1%	10.2%	7.4
JACKSON	6	100.0%	0.0%	100.0%	0.0%	1.1%	
JOHNSTON	355	99.2%	25.1%	69.0%	5.9%	13.0%	12.1
JONES	10	100.0%	70.0%	30.0%	0.0%	34.3%	35.7
LEE	173	100.0%	48.0%	46.8%	5.2%	17.3%	30.7
LENOIR	12	100.0%	75.0%	8.3%	16.7%	35.0%	40.0
LINCOLN	36	100.0%	0.0%	97.2%	2.8%	5.0%	
MACON	13	100.0%	0.0%	92.3%	7.7%	0.4%	
MADISON	28	100.0%	0.0%	100.0%	0.0%	0.4%	
MARTIN	1	100.0%	100.0%	0.0%	0.0%	37.1%	
MCDOWELL	34	100.0%	0.0%	97.1%	2.9%	2.8%	
MECKLENBURG	1777	100.0%	46.9%	48.1%	5.1%	26.8%	20.1
MITCHELL	28	100.0%	0.0%	100.0%	0.0%	0.1%	
MONTGOMERY	10	100.0%	50.0%	50.0%	0.0%	18.8%	31.2
MOORE	57	100.0%	21.1%	77.2%	1.8%	10.7%	10.4
NASH	5	100.0%	80.0%	20.0%	0.0%	28.7%	51.3
NEW HANOVER	317	99.1%	14.5%	80.4%	5.0%	11.3%	3.2
NORTHAMPTON	9	100.0%	55.6%	44.4%	0.0%	52.2%	3.4
ONSLow	161	100.0%	24.8%	67.7%	7.5%	16.6%	8.2
ORANGE	65	100.0%	41.5%	56.9%	1.5%	11.4%	30.1
PAMLICO	1	100.0%	0.0%	100.0%	0.0%	18.1%	
PASQUOTANK	27	100.0%	48.1%	44.4%	7.4%	33.1%	15.0
PENDER	60	100.0%	21.7%	70.0%	8.3%	19.4%	2.3
PERSON	6	100.0%	66.7%	33.3%	0.0%	24.3%	42.4
PITT	95	100.0%	36.8%	57.9%	5.3%	26.5%	10.3
POLK	1	100.0%	0.0%	100.0%	0.0%	3.9%	
RANDOLPH	158	100.0%	4.4%	92.4%	3.2%	4.6%	
RICHMOND	35	100.0%	40.0%	60.0%	0.0%	28.4%	11.6
ROBESON	357	100.0%	37.0%	20.7%	42.3%	25.8%	11.2
ROCKINGHAM	103	99.0%	37.9%	58.3%	3.9%	17.9%	20.0
ROWAN	40	100.0%	20.0%	77.5%	2.5%	13.0%	7.0
RUTHERFORD	45	100.0%	15.6%	82.2%	2.2%	8.2%	7.4
SAMPSON	24	100.0%	66.7%	29.2%	4.2%	28.2%	38.5
SCOTLAND	5	100.0%	60.0%	20.0%	20.0%	34.5%	25.5
STANLY	25	100.0%	64.0%	36.0%	0.0%	8.5%	55.5
STOKES	54	100.0%	7.4%	90.7%	1.9%	4.2%	
SURRY	98	100.0%	6.1%	90.8%	3.1%	3.1%	
SWAIN	2	100.0%	0.0%	100.0%	0.0%	0.9%	
TRANSYLVANIA	41	100.0%	4.9%	95.1%	0.0%	2.9%	
TYRRELL	6	100.0%	33.3%	33.3%	33.3%	29.5%	3.8
UNION	183	100.0%	17.5%	77.6%	4.9%	9.8%	7.7
VANCE	11	90.9%	45.5%	45.5%	9.1%	45.8%	-0.3
WAKE	2120	99.1%	40.9%	53.0%	6.1%	17.5%	23.4
WASHINGTON	3	100.0%	33.3%	66.7%	0.0%	42.7%	
WATAUGA	88	100.0%	4.5%	92.0%	3.4%	1.3%	
WAYNE	31	96.8%	32.3%	61.3%	6.5%	28.4%	3.9
WILKES	68	98.5%	0.0%	92.6%	7.4%	3.3%	
WILSON	87	100.0%	83.9%	13.8%	2.3%	34.5%	49.4
YADKIN	12	100.0%	0.0%	100.0%	0.0%	2.5%	
YANCEY	36	100.0%	0.0%	97.2%	2.8%	0.5%	
TOTALS	11,338	99.1%	36.4%	56.9%	6.6%	18.6%	17.8