

Response of Robert Coffman to Petition for Termination

1. Paragraph is ambiguous and vague. Denied.
2. Denied as untrue
3. No opinion on part one of the paragraph. Deny part two as untrue. The chair of the Republican Party does not represent 50% of the county voters. Republican registration is only 32% of our voters and the chairman of the County Republican Party is not elected by the general public.
4. Two of the three members of the FCBE did sign the petition for termination.
5. Deny that cause can be shown for termination.
6. My history is well know and history also proves that the allegations of wrong doing in the past were extremely over stated or without any evidence.
7. Much of this petition seems to readdress history.
8. Admit
9. I did complete an anti racism workshop.
10. Deny as untrue
11. Admit based on Chairman Raymond's statement.
12. Cannot confirm the number of undeliverable cards Chairman Raymond discovered at the WSSU post office.
13. Admit
14. I was not in the office when Mr. Raymond appeared with the cards from WSSU. Mr. Raymond had not informed me he would be bringing anything from WSSU to the office. Mr. Raymond did not request to have staff count any of the returned cards at the time of delivery.
15. During that meeting I was reminding the board that under the provision of GS 163-33(d) that states "In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised." clearly implies such "investigation" is in the nature of an election protest or a meeting to consider referring to the SBE. It clearly contradicts a Board Member or a CBE staff member from individually investigating without SBE input or direction. This is the information Don Wright has presented to board members.
16. Deny that the comment was made sarcastically.
17. Admit
18. Admit
19. There was a telephone conversation that was heated. I did not disregard his position in any way.
20. a. In a private conversation with Mr. Raymond I did compare Civitas as having similar ideology as the Tea Party.
b. Deny that I criticize Mr. Raymond's performance as chairman
c. Deny completely.

d. Deny

21. Admit that in a private conversation with the Board Secretary I did compare Civitas as having similar ideology as the Tea Party.
22. Admit
23. The voicemail I left Mr. Raymond demonstrated my frustration in not getting returned calls from Mr. Raymond. I'm not sure how one would define a disrespectful tone? I believe there is lack of respect by not returning my telephone calls.
24. Admit that comments were made in private conversations with the two members.
25. Admit
26. Deny. Respect is a two way street. Without the chair having respect towards my experience and position he has impacted the operation of the office not I. There is no public ridicule of the chair by me. The chair has created that public ridicule in the media by comments he has made or policies he has endorsed during public meetings. Such issues as: placing armed police at One Stop and Election Day Precincts, requiring those completing voter registration drives to submit information not required under the law and announcing that any registration forms they return will not be accepted if they don't complete the form. He also prematurely stated that the WSSU early voting site might not be used in 2014. The board had not started any discussion on that issue. I did not ridicule the chairs investigation I simply reminded all board members of the provision of GS 163-33(d) that states "In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised." clearly implies such "investigation" is in the nature of an election protest or a meeting to consider referring to the SBE. It clearly contradicts a Board Member or a CBE staff member from individually investigating without SBE input or direction. This is the information Don Wright has presented to board members.
27. Deny. No derogatory statements were made, it is a complete misrepresentation of facts to compare any of the recent issues to the comment I made years ago and have not repeated. This accusation seems to be an attempt at digging up a prior issue that has been resolved.
28. Deny. The comments were made in a private setting and never undermined the public's confidence and never had any effect on completion of the public records request.
29. Deny. When Mr. Raymond delivered the cards he did in at an unannounced time when I was not in the office. He simply dropped them off. Mr. Raymond should have asked staff to count the cards in his presence. He made no such request of staff. The cards in question were maintained in a box in our locked office. I understand the confusion that can occur from hand counting items. It is very possible that the cards were miscounted prior to be delivered to our office. We counted the cards as we were processing them with a total of 557 cards. I have no explanation as to why Mr. Raymond's count was 584.
30. Deny. If Mr. Raymond had informed me he was bringing the cards in I would have made sure I was here. We would have then counted the cards in his presence.

31. Admit
32. Admit
33. Admit
34. Admit
35. Admit
36. Admit. We have since created a recount process that starts with counting the number of ballots in the returned ballot container.
37. Admit. One team was counting under and overvotes the other was not. Prior to the recount the teams were instructed to count under and overvotes.
38. Admit the teams were processing recounted ballots differently. I'm not sure how I could have prevented this human error in the recount process. The Board did the correct thing in asking to have the ballots that had not tallied the under and overvotes redone.
39. Deny. I did not hear Mr. Cumbie say he saw a ballot being counted twice. I heard him say that there was a vote difference which is not unusual in a recount. I would assume that if Mr. Cumbie thought he saw this error in counting and he was not satisfied with my response he would have brought it to the attention of the board members at the recount.
40. Partially admit. I remember telling Mr. Cumbie that hand recounts have the possibility of human error that machine counts do not.
41. Deny. I'm not sure what this means. We created new tally sheets and compared the totals to the original reconciliation sheets. The numbers from both recounts of precinct 91 matched from each team that recounted.
42. Admit a tie was declared and a random draw was held.
43. I'm unaware of the conversation between Mr. Cumbie and Secretary Russell.
- 44-46. Appear to give the indication that Secretary Russell and Mr. Cumbie knew of an issue with the recount of November 15th prior to the completion of the process. I question why they would not make those suspensions known at that time. We could have addressed it then and avoided having the 2nd recount the following week.
- 47-48. I did and do admit there were administrative errors with the recount. I have created a checklist (Exhibit A) that we now use for all recounts. This includes verifying ballots cast from election night totals as reported by Precinct Judges. It also includes counting the number of ballots in the ballot storage container to make sure it balances with election night totals.
49. Not able to answer what Mr. Russell thought he needed.
50. Admit Mr. Russell contacted me and wanted an accounting of ballots cast from the recount in Tobaccoville.
51. Deny
- 52-56. I completely misunderstood what Mr. Russell had asked. I thought he was looking for a breakdown of the ballots counted during the recount. I created an accounting of those numbers based on the recount and email it to Mr. Russell that evening. I never suggested that report was based on Precinct Judges reports (Exhibit B).

57. Admit. By the next morning I realized my methodology was incorrect. I had not been contacted by anyone questioning the numbers I had released the prior evening. I just knew that I needed to compare the recounted ballots cast to the election night reports of ballots cast. When I pulled that information I quickly saw there was a difference between ballots cast on election night (79) and from the recount (80). I then contacted Don Wright at the SBOE with the results of the comparison. Mr. Wright recommended that the CBE complete an administrative recount of the Tobaccoville council race. I sent an email to county board members soon after my conversation with Mr. Wright recommending we redo the recount in Tobaccoville (Exhibit C)
58. Deny. There was no attempt to mislead anyone. I made a mistake and quickly corrected it within hours. It's also important to note that I discovered my error and corrected it without the urging of anyone.
59. Deny. I used the recounted numbers was totaled 80 ballots cast.
60. Deny. There was not attempt to mislead, it was an error that was quickly discovered and corrected. Mr. Russell never needed to rely on the report that showed the ballots cast based on the recounted totals. Mr. Russell and the entire board were made aware of the issue quickly and agreed that completing the recount again was the best course of action.
61. Deny. A typo on a form does equate to careless completion of a request.
62. Deny. I misunderstood what Mr. Russell wanted. There is no reason to look for any deeper conspiracy. It was a mistake.
63. Admit that the administrative process was lacking for the recount on November 15th. Those short comings have been corrected. I would disagree that it was reckless.
64. Admit. Information the director gives the board is important and we have created a process that will insure that all recounts no matter the size we be completed accurately.
65. Admit
66. Admit
67. Admit
68. Admit
69. Deny. The important fact to remember here is that the board **was never asked** to act on that information. I corrected it quickly and reported to the board the recommended action by the SBOE.
70. Don't have information to know what the Board members have heard on the issue.
71. Deny. It is not the responsibility of the County Director to police the mail services at the WSSU Post Office or any other post office. It is my responsibility to make sure voter registration mailings are timely placed in the U.S. Postal Service mail stream and that any returned non-deliverable notices are processed in SEIMS. I cannot and will not take the responsibility of the postal service for not returning non-deliverable mail to the CBE.
72. Admit. There were twenty (20) 2nd verification cards retrieved from the WSSU post office. Outcome of those cards:
 - 1 – Was removed because they moved within the state

- 2 – Were verified through a new mailing
- 4 - Were denied because of the return of the 2nd verification mailing
- 13 – Had voter history and could not be removed (they were made inactive administratively)
73. Admit. Of the 2nd verification cards retrieved from WSSU 13 had voter history and could not be placed in denied status because they had voted. When staff processed those 13 SEIMS gave a message that the voters could not be denied because of the voter history. I determined that they should be made inactive administratively. That would accomplish the same thing as mailing a confirmation card that was then returned undeliverable. At that time staff did not think we could process a confirmation card because of the voter history. After a conversation with Veronica Degraffenreid I learned that SEIMS would have generated a confirmation for that voter automatically. We did not know that business practice was in place within SEIMS at the time. The outcome is the same. The voters were placed in inactive status and are allowed two federal elections to appear to vote or will be removed if they don't. So we did make an error in not having SEIMS automatically generate the confirmations. However the outcome of the course we took is the same. The voters were placed in inactive status.
74. Admit
75. Admit. My answer was truthful to my knowledge. We had mailed confirmation cards to everyone we could.
76. Admit. I should have informed Mr. Russell the box of confirmation cards that had been mailed and returned by WSSU as non-deliverable.
77. I did not know what Mr. Russell thought.
78. Admit
79. Deny. At the time I thought we mailed confirmation cards to everyone we could.
80. Admit. I had a conversation with Veronica Degraffenreid on the business practice programmed into SEIMS related to mailing confirmations. I sent that information to Mr. Russell.
81. Deny. Was neither reckless or an attempt to mislead. It was due to not having an understanding of a business practice incorporated into SEIMS.
82. Admit
83. Deny. There was no attempt to mislead.
84. Deny that there was any misconduct. This petition was only approved and signed by two members of the CBE. I uphold a high standard for the administration of elections and always do ensure the integrity of the voting process.
85. Deny. The chair of the Republican Party does not represent 50% of the county voters. Republican registration is only 32% of our voters and the chairman of the County Republican Party is not elected by the general public.
86. Unable to form an opinion on Mr. Cumbie's lack of confidence.
87. A. The one insensitive remark was admitted to and behavior was corrected.

b. The message was not meant to be disrespectful is did demonstrate my frustration in getting a return call from Mr. Raymond.

c. The comment was not offered in any sarcastic way. It was a statement of my opinion.

d. In a private conversation I did compare Civitas as having similar ideology as the Tea Party. The comment in no way affected the public records request. It was a statement of personal opinion given in a private setting that had no impact on the completion of the request from Civitas.

e. I do admit there where errors in the administration of the Tobaccoville recount. I have created a process that will eliminate the issues we had during the recount of November 15th. To give some context to this issue we have seen errors in other counties that required a new election to be held. In those cases the county director's termination was not contemplated. It seems a little extreme to move this to a cause for termination.

f. There was a misunderstanding of what Mr. Russell was looking for. I quickly determined that the data I provided would not assist in the determination of the recount. I realized this without any prompting. I quickly corrected the information and recommended a new recount. Based on my action the integrity of the election was maintained.

g. We had sent out hundreds of confirmation cards. The question should be was the verification of the 13 voters that had already voted completed? Based on what SEIMS reported when those 13 2nd verification mailings were return I determined to place them in inactive status because I nor staff new the system would or could generate the confirmation mailings for those voters. My action did the same thing as if a confirmation mailing was sent. There was no harm to the voter. They still have two federal elections to present themselves had vote if they don't then they will be removed.

h. No opinion

I. It is important to note that there is not unanimous agreement from the CBE that I should be terminated.

88. Deny. I don't see the cumulative effect that warrants termination. It seems that there may be personality conflicts and the rehash of issues from the past that have been resolved.

89. I agree with the 2014 national elections and the special election for the 12th Congressional District I think it is important that I be allowed to maintain the high level of performance that I have proven over my eighteen year career as an election administrator and stay as the director of the Forsyth County Board of Elections.

90. My professional career has always focused on maintaining the trust of the voting public. I have taken an oath to those voters and take that oath very seriously.

91. There has been no recklessness or a design to mislead. I am a person of integrity that always strives for the best of me and the staff of the CBE. The voters of Forsyth County can have complete confidence that the election administration is done with a focus on accuracy, transparency and accountability.

Robert Coffman

Robert Coffman, Director of Elections

RECOUNT PROCEDURE

1. The initial step in a recount will be to determine the number of ballots that are in the ballot storage container for the precincts to be recounted. Ballots will be counted and placed in stacks of ten to determine the total number of ballots that will be recounted. That number will be compared against the unofficial ballots cast that was reported on election night. The Board will note and investigate any discrepancies in total ballots.
2. Recount teams shall consist of three people. One person will call the votes for the recounted office and two shall keep individual tallies of the votes the caller announces. After every fifth vote for an individual choice the callers will say "check". If for any reason the tally team gets out of sync during the recount the process shall start over for that precinct.
3. The caller shall call out the name of candidate(s) receiving votes on each individual ballot for the recounted office. The caller shall also indicate number of under-votes, over-votes and any write-in votes cast on each ballot for the recounted office.
4. The total number of votes cast will be compared against ballots cast to insure the manual count was accurate.
5. Once the recount of the office is complete, for that precinct, the vote totals will be transferred from the tally sheets to the Reconciliation Sheet of the recounted precinct.
6. The Board will certify the results of the recount by way of a motion approving the vote totals for the recounted office.

EXHIBIT A

Coffman, Robert H

From: Coffman, Robert H
Sent: Wednesday, November 20, 2013 9:34 AM
To: Kenneth Raymond; Stuart Russell; Fleming El-Amin (ntv754@yahoo.com)
Cc: Albright, Lonnie G
Subject: Recount question

It appears there could have been a mistake made in the Tobaccoville recount. I have pulled the original result tape from the precinct count and it appears we counted one more ballot at the recount than was counted on election day for precinct 91. I made a mistake by using the numbers of ballots from the recount as the ballots cast and should of referred to the election night totals for verification. I have contacted the State Board and they have said you have the authority to redo the recount by administrative order.

I would recommend that the recount be accomplished prior to the protest hearing. The State Board also recommended that if you wish to order the redo of the recount is should include all three precincts not just the one in question.

Let me know what you think.

Rob

December 17, 2013

To whom it may concern:

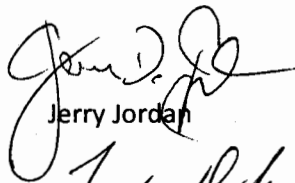
We are both previous members of the Forsyth County Board of Elections, one Democrat and one Republican. In late 2010 and early 2011, we participated with the other Board member in an in-depth investigation of a number of charges that Rob Coffman had violated election laws and engaged in sexual harassment of employees. The Board spent between 40 and 80 hours in December 2010 and January 2011 interviewing all current Board employees and holding numerous public meetings on these issues.

At the end of our investigation, the Board unanimously concluded that they had found no credible evidence that Mr. Coffman had violated any election laws or had engaged in any conduct that would constitute sexual harassment in the workplace since an earlier incident that had been dealt with by a previous Board. On the contrary, in our interviews of the current employees, they indicated that it was a great place to work and that Mr. Coffman was a knowledgeable, supportive boss who ran a very good elections operation. One of these employees, who had previously worked at another Elections Board in North Carolina, indicated that he very much liked working for Mr. Coffman and that he ran a much better shop, was more knowledgeable and was more accessible to his staff than his boss at the other Board. The results of these interviews were entirely consistent with what we had observed at the Board of Elections in our tenure there.

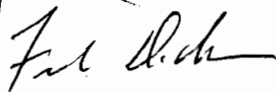
During the public hearings, we heard and discussed various charges made by a number of complainants. We found these complaints not to be credible, and the behavior of some of the complainants made it appear that they were out to get Mr. Coffman at any cost. At a number of points they challenged the good faith of the Board and accused it of pressuring employees to make false statements at the hearings and in interviews. They often spoke of referring these charges to the FBI and raised questions of conspiracies between members of the board and other public officials.

We believe it would be a great loss to the Forsyth County Board of Elections if Mr. Coffman were dismissed. We also believe that it is very unfair for members of the current Board to refer to questions raised in the earlier hearings which were fully investigated, reported on in detail by the local media and dismissed, to raise questions about the confidence of the community with the elections process.

Sincerely,



Jerry Jordan



Frank Dickerson