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DA probes election complaints

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By **KAREN TOLKKINEN**
Staff Reporter

District Attorney John Tyson Jr. said his office is checking into six complaints related to Tuesday's municipal elections in Mount Vernon and Citronelle, including an accusation that incompetent residents of a nursing home voted.

In response to one of the complaints in Mount Vernon, Circuit Judge John R. Lockett ordered two voting machines sealed until Tyson's chief investigator can inspect them. He also ordered the town clerk to give the investigator tapes containing the voting machine results.

In Citronelle, City Council candidate William "Bobby" Rowell, who lost the election by two votes, and three of his family members complained that at least two residents of the Citronelle Convalescent Center were incompetent and should not have voted, Tyson said. They also complained that a couple voted even though they lived outside the city limits, and that election officials counted challenge ballots without properly inspecting them, he said.

One of those family members, Louise Rowell, declined to comment Friday. Tyson said the Rowells claimed they're related to one of the nursing home voters and are acquainted with another and believe that neither of them knew what they were doing.

An indignant nursing home administrator, Laura Saxon, said six or seven residents asked to vote absentee, and none of them have been declared incompetent.

"Maybe he needs to go out into the community and see how many of them can pass a dementia test," she said. "We asked everybody that we know of sound mind, and if they want to vote we give them the opportunity to vote. That's their legal right."

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They were assisted by two witnesses, neither of whom lived in Citronelle, Saxon said.

Saxon said one of the Rowells told her that he asked his relative at the nursing home whom she voted for and she replied: "The president."

"Well, this lady has a sense of humor and she probably did tell him that but that doesn't mean she's demented," Saxon said.

She asked the nursing home's social worker not to tell the voters that they were being challenged in order to spare their feelings, she said.

In Mount Vernon, nine people, including four unsuccessful candidates filed complaints about an election marred by some ballot box trouble, Tyson said.

One of those candidates, an unemployed church organist named Gary Johnson, received just 16 votes for mayor, compared with the winner Cleon Bolden's 477.

Earlier Friday, Johnson's civil challenge to the election was thrown out by Mobile Circuit Judge Robert G. Kendall.

"You allege that you got 16 votes," Kendall told Johnson. "First, it occurs to me you wouldn't want to draw attention to that by filing suit."

Next, he said, in order to win the lawsuit, Johnson would have to prove that irregularities in the election, if they occurred, would have affected the outcome of the race.

Kendall recommended that Johnson take allegations of wrongdoing to the district attorney's office.

It is the second time Johnson has challenged an election in which he lost by huge margins. Two years ago, he contested a state House race in federal court. It was quickly thrown out.

This time, however, Johnson wasn't the only unhappy candidate in Mount Vernon.

Mayoral candidate Brian Henderson and council candidates Leila Dixon and Verdell Dees also filed complaints with Tyson's office.

In her written complaint, Dixon said she had to have gotten more than the three votes the town counted for her.

"My husband, my son, my mother and myself voted for me," she wrote. She also submitted a petition with 19 names of people who swore they voted for her.

Dees, who received 25 votes compared with the winner's 72, complained in writing that a poll inspector was incompetent and that there were "too many discrepancies" between voting machines for two districts in a recently annexed area known as Shepard Lake.

He also submitted an affidavit from an assistant election clerk, Robin Bradley, who said the names of candidates for District 5 appeared on the voting machine for District 4.

The technician who examined the machines that night said a voting machine in the Shepard Lake district had been shut down improperly.

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After voting ended at 7 p.m., the poll workers were supposed to hit the "close poll" button and wait for the machine to tell them to open the rear door to retrieve the results, said Fred Houseman, voting machine superintendent for the Mobile County Commission.

Houseman said he's not sure exactly what the workers did instead, but surmises they either shut off the power or opened the rear door before the machine was ready to spit out the totals. In any case, the machine shut down, and the workers couldn't figure out how to fix it, he said. They had pulled all the paper out of the machine in an attempt to find the results, he said.

He reset the machine, installed a new roll of paper and the results printed out accurately, he said.

"There's nothing you can do to distort the election," he said. "Once it's in the machine, you can't take it out. ... I've been doing this for 32 years."

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