

Monroe A. Miller Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
November 6, 2014

**Subject:** Non Voting Systems Incident Report - Mountaineer and SMN deceptive Banner placement.

The following is a complaint against the owners of the Mountaineer and the Smoky Mountain News, allowing a deceptive Banner to be placed in their on-line publications which, when clicked, directed the reader to a derogatory pirated website location, [www.michelepresnell.com](http://www.michelepresnell.com) which was calculated or intended to adversely affect the chances of such candidate for election.

[re: § 163-274. Certain acts declared misdemeanors, (a), (7) & (8).]

Awaiting final word from the State Board of Elections.

Monroe A. Miller Jr.  
Haywood County Taxpayer

COUNTY BOARD OF ELECTIONS  
NON VOTING SYSTEMS INCIDENT REPORT

Type of Incident:  Election Day  One-stop  Mail Absentee  Other (Non-Election Day)

Precinct: ALL Date Incident Occurred: 11/11/2014 Time: N/A

Name of Person Contacted at CBE: See Attached (E-mails)

Person reporting the incident: MONROE A. MILLER JR Contact number: 456-3718

Signature: Monroe A Miller Jr OCT 14 2014

Check the item(s) that best describe(s) the general nature of the incident. Please provide a full description of the incident and the resolution in the blocks provided below:

<input type="checkbox"/>	Candidate/Campaign Worker Issue
<input type="checkbox"/>	Precinct Official Issue
<input type="checkbox"/>	Voter or Person Assisting Voter, Issue
<input type="checkbox"/>	Voter Offered Provisional Ballot but Chose Not to Vote Provisionally
<input type="checkbox"/>	Person unauthorized to enter into polling place
<input type="checkbox"/>	Facility Issue (incident with the facility – no power, water, heat, broken items)
<input type="checkbox"/>	Voter Assignment Issue
<input type="checkbox"/>	Ballot Issue - Voter Given Incorrect Ballot
<input type="checkbox"/>	Ballot Issue - Correct Ballot Unavailable
<input checked="" type="checkbox"/>	Other: (describe) <u>See Attached</u>

**Full description of the incident: (completed by person reporting the incident)**

See Attached. Insure that this incident report is forwarded to Don Wright at SBOE.

**Response to the incident at the precinct: (completed by person taking report)**

Monroe A. Miller Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
October 14, 2014

**Subject:** Non Voting Systems Incident Report - Mountaineer and SMN deceptive Banner placement.

I charge that the owners of the Mountaineer and the Smoky Mountain News allowed a deceptive Banner to be placed in their on-line publications which, when clicked, directed the reader to a derogatory pirated website location, [www.michelepresnell.com](http://www.michelepresnell.com) which was calculated or intended to adversely affect the chances of such candidate for election. [re: § 163-274. Certain acts declared misdemeanors, (a), (7) & (8).]



Any casual observer would normally believe that this banner was placed by Michele Presnell. It was not.

When this banner was brought to the attention of Jonathan Key, owner of the Mountaineer on October 11, 2014, Key did nothing. [re: See attached e-mails]. When this was brought to the attention of the owner of the Smoky Mountain News, Greg Boothroyd, he did nothing. It was not until Rep. Michele Presnell contacted both organizations October 13, 2014, that both banners came down off the website. They were very shortly replaced with the identical banner, with the addition that these banners were "Paid for by Progress NC Action".



Both owners should be charged and bear whatever consequences § 163-274 may provide.

**Background.**

Michele Presnell was to be in Haywood County for the Main Street Arts Festival on Saturday, October 11<sup>th</sup>, followed by visiting various establishments in Maggie Valley with Terry Ramey [D]. Prior to her visit, I researched the Internet regarding her current race, and searched with Google any recent topics. One link that popped up was [www.michelepresnell.com](http://www.michelepresnell.com). I clicked on it and was surprised. Why would Michele Presnell put this stuff up. I then realized that her name had been pirated by some left wing [expletive deleted].

I brought this up with Rep. Presnell the next day as Terry Ramey and I were accompanying Michele around to various establishments. She was aware of the site, but could do nothing about it.

That evening, I re-examined the Mountaineer banner, clicked on it, and, sure enough, it directed me to the pirated website created by some left wing [expletive deleted]. I fired off an e-mail to Don Wright, SBOE. I demanded that Key divulge the name or entity who placed the ad. I, of course, have not heard an [expletive deleted] word from Key yet.

I notified Michele Presnell, and she instituted steps on her end.

It was then brought to my attention that the Smoky Mountain News had a similar placement. I recieved a little flack from Becky Johnson, but no name of who placed the banner.

It was not until Monday morning, when Michele Presnell contact both the Mountaineer and Smoky Mountain News, that both pulled the banner at around 9 am. Smokey Mountain News replaced it almost immediately that morning and the Mountaineer replaced the banner at around 2 pm.

Note that the banner was not removed at my behest, only after Michele Presnell complained. The owners knew full well they were allowing a deceptive banner to remain, and did nothing. Their competence as an organization is questioned - why was that banner allowed in the first place - in both papers?

There has been no apology to Michele Presnell or anything.

It would lead one to believe that both these papers were willing conspirators in this deception, and need to be taken to the back of the woodshed.

Monroe A. Miller Jr.  
Haywood County Taxpayer and Voter.

**§ 163-274. Certain acts declared misdemeanors.**

- (a) Class 2 Misdemeanors. – Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:
- (7) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;
  - (8) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

Subject: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Sat, 11 Oct 2014 20:55:00 -0400  
From: Monroe Miller  
To: Don Wright <elections.sboe@ncsbe.gov>, Penny Squires <dnpsquires4@gmail.com>, Elizabeth Norris <endn@dost.us>, Michele Presnell <PresnellLA@ncLeg.net>  
CC: Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone <jstone@themountaineer.com>, Denny King, Jonnie Cure, Lisa Womack, Eddie Cabe, Robert Inman <rinman@haywoodnc.net>, Doyle Teague <dwteague@haywoodnc.net>, Becky Johnson <becky@smokymountainnews.com>

Mr. Wright,

I have discovered a libelous advertisement / banner that has been on the Mountaineer on-line website for several days.



It directs you to <http://pagead2.googlesyndication.com/simgad/1244768856614376764> , which means that the Mountaineer may be receiving extra money each time someone clicks this ad.

When you visit the website [www.michelepresnell.com](http://www.michelepresnell.com) , it turns out to be a libelous derogatory site with all kinds of stuff against Michele Presnell. It is false and misleading, and certainly not put out by Michele Presnell.

I demand that this be removed immediately.

I demand that the Mountaineer disclose who paid for this advertisement.

I demand that the Mountaineer give an instant and sincere apology to Michele Presnell.

I demand that the Mountaineer offer Michele all the free advertising as compensation that she wants, including the nearly \$4,000 she just paid for.

Mr. Wright - please verify that the Mountaineer has or has not broken any of the North Carolina General Statutes pertaining to fair campaign practice. If you have trouble finding these, let me know and I will look them up and send them to you.

Monroe A. Miller Jr.  
19 Big Spruce Lane  
Waynesville, NC 28786  
(828) 456-3718

p.s. A check with [www.whois.com](http://www.whois.com) reveals nothing. Whoever did this has covered their tracks. Fortunately, the Mountaineer should be able to tell you who paid for this banner.

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Sat, 11 Oct 2014 21:10:14 -0400  
From: Monroe Miller  
To: Don Wright <elections.sboe@ncsbe.gov>, Penny Squires <dnpsquires4@gmail.com>, Elizabeth Norris <endn@dost.us>, Michele Presnell <PresnellLA@ncLeg.net>  
CC: Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone <jstone@themountaineer.com>, Denny King, Jonnie Cure, Lisa Womack, Eddie Cabe, Robert Inman <rinman@haywoodnc.net>, Doyle Teague <dwteague@haywoodnc.net>, Becky Johnson <becky@smokymountainnews.com>

Mr. Wright,

UPDATE.

At the very bottom of the website page of Michelepresnell.com , there is an indication that this is paid for by "Progress North Carolina Action".

Monroe Miller

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Sun, 12 Oct 2014 20:04:40 -0400  
From: Monroe Miller  
To: Doyle Teague <dwteague@haywoodnc.net>  
CC: Don Wright <elections.sboe@ncsbe.gov>, Penny Squires <dnpsquires4@gmail.com>, Elizabeth Norris <endn@dost.us>, Michele Presnell <PresnellLA@ncLeg.net>, Jonathan Key <jkey@themountaineer.com>, Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone <jstone@themountaineer.com>, Denny King, Jonnie Cure, Lisa Womack, Eddie Cabe, Robert Inman <rinman@haywoodnc.net>, Becky Johnson <becky@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>

Mr. Teague,

Do I need to formalize this complaint in an incident report? If so, can you please send me a blank copy so I can submit it?

Also, it has been brought to my attention that this banner also appears on the Smoky Mountain News website.

Thank you,

Monroe Miller



Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Sun, 12 Oct 2014 20:25:59 -0400  
From: Becky Johnson <becky@smokymountainnews.com>  
To: Jonnie Cure, Monroe Miller, Jonathan Key <jkey@themountaineer.com>  
CC: Don Wright <elections.sboe@ncsbe.gov>, Penny Squires <dnpsquires4@gmail.com>, Elizabeth Norris <endn@dost.us>, Michele Presnell <PresnellLA@ncleg.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone <jstone@themountaineer.com>, Denny King, Lisa Womack Eddie Cabe, Robert Inman <RInman@haywoodnc.net>, Doyle Teague <dwteague@haywoodnc.net>, Andrew Lee Jackson and wife, Dewey Gidcomb and Renee, Eleanor Worley, pat carr <carr4pat@aol.com>, GOP Secretary Brian Strum <BrianStrum@hotmail.com>, Greg Burrell, Hannah Strum, Hugh and Patti Best, John Trull, Jonnie Cure', "kgw", Marie Ferguson, Mark Zaffrann, Mike Graham, Nathan and Martha Tracy, Norm Medford, Paul Turner, Samantha Battell, Steve Barchie, Susan Brown, TED CARR <tedcarr@bellsouth.net>, Tracy Coward, Wayne and Lynn Wyles

How is a web site saying bad things about a political opponent any different than a flyer, a TV commercial, or verbal statements at a debate or forum?

Why do you think it is libelous to say negative things about a politician on a web site, but not in an attack flyer or TV commercial?

It is not uncommon to create a negative web site directed at a politician under domain names that mimic the name or web site of that very politician. This is not new, and I don't see how it is libelous.

<http://www.economist.com/blogs/democracyinamerica/2014/02/fake-campaign-websites-0>

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Mon, 13 Oct 2014 07:26:32 -0400  
From: Monroe Miller  
To: Becky Johnson <becky@smokymountainnews.com>, Scott McLeod <info@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>  
CC: Jonnie Cure, Jonathan Key <jkey@themountaineer.com>, Don Wright <elections.sboe@ncsbe.gov>, Penny Squires <dnpsquires4@gmail.com>, Elizabeth Norris <endn@dost.us>, Michele Presnell <PresnellLA@ncleg.net>, Vicki Hyatt <vhyatt@themountaineer.com>, Jessi Stone <jstone@themountaineer.com>, Denny King, Lisa Womack, Eddie Cabe, Robert Inman <RInman@haywoodnc.net>, Doyle Teague <dwteague@haywoodnc.net>, Andrew Lee Jackson and wife, Dewey Gidcomb and Renee, Eleanor Worley, pat carr <carr4pat@aol.com>, GOP Secretary Brian Strum <BrianStrum@hotmail.com>, Greg Burrell, Hannah Strum, Hugh and Patti Best, John Trull, Jonnie Cure, "kgwt", Marie Ferguson, Mark Zaffrann, Mike Graham, Nathan and Martha Tracy, Norm Medford, Paul Turner, Samantha Battell, Steve Barchie, Susan Brown, TED CARR <tedcarr@bellsouth.net>, Tracy Coward, Wayne and Lynn Wyles

Say Becky,

You could save me a little time and effort by simply letting me know who or what entity paid the Smoky Mountain News to place that banner (below) to put it on your on-line website.

The problem I have is with the banner and the newspaper(s) taking part in the deception.

Thank you,

Monroe Miller

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Mon, 13 Oct 2014 10:38:11 -0400  
From: Scott McLeod <info@smokymountainnews.com>  
To: Monroe Miller

Monroe:

The ad about Rep. Michele Presnell on our website now says who paid for it.

Scott McLeod  
Publisher/Editor  
Smoky Mountain News  
Smoky Mountain Living  
144 Montgomery St., Waynesville  
PO Box 629, Waynesville, NC, 28786  
828.452.4251  
C: 828.507.8828  
F: 828.452.3585  
[www.smokymountainnews.com](http://www.smokymountainnews.com)  
[www.wncctravel.com](http://www.wncctravel.com)  
[www.mountainhomesnow.com](http://www.mountainhomesnow.com)  
[www.smliv.com](http://www.smliv.com)  
Become a Smoky Mountain News fan on Facebook

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Mon, 13 Oct 2014 11:27:31 -0400  
From: Monroe Miller  
To: Scott McLeod <info@smokymountainnews.com>, Greg Boothroyd <ads@smokymountainnews.com>, Becky Johnson <becky@smokymountainnews.com>, Jonathan Key <jkey@themountaineer.com>  
CC: Michele Presnell <Michele.Presnell@ncleg.net>

Scott,

I picked up an Incident Report form today at the Board of Elections. I will file an incident report on both the SMN and Mountaineer. Unusually fast turn-around time on getting your new ad in place, I must say.



Gerrick Aschenbrenner

Monroe Miller

Subject: Re: Libelous Banner displayed in Mountaineer On-Line against NC Rep Michele Presnell  
Date: Mon, 13 Oct 2014 11:32:41 -0400  
From: Scott McLeod <info@smokymountainnews.com>  
To: Monroe Miller

It's the internet. it's fast. not unusual at all.

scott