

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY BOARD OF ELECTIONS

IN THE MATTER OF

ELECTION PROTEST:

Paul Newby, Challenger,

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ORDER

This matter was before the Mecklenburg County Board of Elections on November 19, 2020 for hearing on an election protest filed pursuant to N.C. Gen. Stat. § 163-182.9 by Paul Newby, candidate for the North Carolina Supreme Court. The following people were present for the hearing: Carol Hill Williams, Chair; Elizabeth McDowell; Mary Potter Summa; John Gresham; Beverly Earle; Michael Dickerson, Director of Elections; Board of Elections staff; Edward Yeager, Sr. Deputy County Attorney.

The Board reviewed the Election Protest Form filed by Paul Newby, the Response and Motion to Dismiss Election Protests filed by Richard Glaser and John Wallace, attorneys for respondents, and heard argument from Mr. Glaser.

Based on the testimony and documents presented, the Board makes the following FINDINGS OF FACT:

1. The Mecklenburg County Board of Elections conducted a preliminary consideration of the protest pursuant to N.C. Gen. Stat. § 163-182.10 which requires the board to determine if the protest substantially complies with N.C. Gen. Stat. § 163-182.9 and establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred.

2. N.C. Gen. Stat. § 163-182.9 requires that an election protest be filed by 5:00 p.m. on the second business day following the Board's canvass. This protest was filed at 5:13 p.m. on November 17, 2020. It was not filed in conformity with the requirements of N.C. Gen. Stat. § 163-182.10.

3. Board Member Earle made a motion to dismiss the protest which was seconded by Mr. Gresham. The Board then voted unanimously to dismiss the protest.

Based on the aforesated FINDINGS OF FACT the Board CONCLUDES AS A MATTER OF LAW that the protest should be dismissed.

The Board, therefore, ORDERS that the protest is dismissed.



Chair
November 20, 2020.

Secretary
November ____, 2020.

Member
November ____, 2020.

Member
November ____, 2020.

Member
November ____, 2020.