

**NORTH CAROLINA**

**ROCKINGHAM COUNTY  
BOARD OF ELECTIONS**

**ROCKINGHAM COUNTY**

In The Matter Of The )  
Candidate Challenge Filed By )  
Diane Parnell against )  
Joseph Allen Gibson, III )  
Candidate For the Office Of )  
NC House of Representatives )  
District 65 )

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**DECISION AND ORDER**

THIS MATTER is before the Rockingham County Board of Elections (County Board) for a new candidate challenge hearing on remand from the State Board of Elections. Candidate Joseph Allen Gibson, III (Gibson) appealed the County Board's prior decision upholding the candidate challenge filed by Diane Parnell (Challenger) and disqualifying Gibson from running for office in NC House of Representatives District 65. The State Board of Elections vacated the decision of the County Board and remanded the challenge for a new hearing.

The County Board convened to hear the candidate challenge at 9:00 a.m. on January 10, 2024, in the Rockingham County Governmental Center Commissioners Chambers located at 371 NC 65, Reidsville, North Carolina, with Chair Ophelia Wright, Secretary Sarah Totten, Member Nelson Cole, Member Thurman Hampton, and Member Tom Schoolfield present. Gibson and the Challenger, represented by attorney Craig Schauer, attended and presented evidence and argument. The evidentiary hearing commenced at approximately 9:30 a.m. when Gibson arrived.

As directed by the State Board of Elections, the County Board addressed the factual basis for the alleged disqualification of Gibson as a candidate and whether Gibson's rights have been restored pursuant to law during the hearing.

The factual basis for the alleged disqualification presented by the Challenger is that Gibson was convicted of felonies in the State of Connecticut and that there is insufficient evidence to show his rights of citizenship have been restored as required by North Carolina General Statute § 13-1(5). The Challenger argued that Gibson is therefore disqualified from serving as a member of the North Carolina House of Representatives pursuant to Article II(7) of the North Carolina Constitution because he is not a qualified voter pursuant to Article VI(2)(3) of the North Carolina Constitution.

The County Board makes the following findings of fact pertaining to Gibson's alleged disqualification and restoration of rights of citizenship:

1. Gibson was convicted of various felonies in Connecticut.

2. Gibson moved to North Carolina in 2005 following a period of incarceration in Connecticut.
3. Gibson was on probation for one or more of his felony convictions in Connecticut when he moved to North Carolina.
4. Gibson was assigned a probation officer in North Carolina for his crimes in Connecticut.
5. Gibson completed his term of probation for crimes committed in Connecticut in 2008.
6. Gibson's name does not currently appear on the Felony Maintenance List provided monthly to the County Board of Elections by the State Board of Elections.
7. Gibson is currently registered to vote in Rockingham County.
8. There is no record of Gibson being convicted of a felony in North Carolina since 2008.

Gibson testified during the hearing he has completed his sentences for his felony convictions in Connecticut, he does not owe Connecticut anything related to his crimes, and he has been discharged for his crimes in Connecticut. There was no documentary evidence presented by Gibson to substantiate his testimony on these points. Other than providing testimony that an online search returned no records of Gibson having been registered to vote after he was incarcerated, there was no direct evidence presented by the Challenger to refute the testimony of Gibson that he has been so discharged.

Board Members expressed concerns about the credibility of Gibson's testimony based on the following evidence presented during the hearing: (i) Gibson has multiple felony convictions in Connecticut; (ii) Gibson has a record of misdemeanor convictions and charges in North Carolina; (iii) Gibson failed to indicate he was convicted of a felony on the North Carolina Notice of Candidacy form for the current election despite having indicated he was a convicted felon on the same form submitted for the 2022 election; and (iv) Gibson represented to the State Board that he was not afforded notice of the County Board's original evidentiary hearing in this matter when he was apparently aware of the date of the original hearing.

Nonetheless, the County Board finds Gibson has carried his burden of proof by a preponderance of evidence that he has been unconditionally discharged for his crimes in Connecticut by the agency of that state having jurisdiction of him based on Gibson's testimony (subject to the concerns noted above), findings 7 listed above, and the lack of direct evidence contradicting Gibson's testimony that he has been unconditionally discharged for his felonious crimes in Connecticut by the agency of that state having jurisdiction over him.

Having considered the evidence and testimony presented during the hearing, based on the foregoing findings of fact and for the reasons provided herein, the County Board concludes as a matter of law, by a vote of 3 in favor and 2 against, that Gibson has satisfied the burden of proof by a preponderance of the evidence of the record as a whole that he is qualified to be a candidate for the office of NC House of Representatives District 65. The candidate challenge is hereby denied.

**DECISION AND ORDER SIGNATURE PAGE**

IT IS SO ORDERED.

This the 11<sup>th</sup> day of January 2024.

  
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Ophelia Wright, Chair  
ROCKINGHAM COUNTY BOARD OF ELECTIONS

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**CERTIFICATE OF SERVICE**

The undersigned Director of the Rockingham County Board of Elections hereby certifies that a copy of the Decision and Order in the above referenced matter was served on the following persons on January 11, 2024 by depositing the same in the U.S. mail, postage prepaid and addressed as follows:

To: Joseph A. Gibson, III  
508 Wil O Pat Road, Reidsville, NC 27320

To: Diane Parnell  
220 Woodlyn Drive, Reidsville, NC 27320

To: Reece Pyrtle, Jr.  
130 Tamerlane Court, Stoneville, NC 27048

To: Diane Parnell, Chair, Rockingham County Republican Party  
220 Woodlyn Drive, Reidsville, NC 27320

To: Tamar Lipscomb, Chair, Rockingham County Democratic Party  
PO Box 753, Reidsville, NC 27323

To: Dereck Meadows, Chair, Rockingham County Libertarian Party  
910 Klyce Street, Eden, NC 27288

This the 11th day of January, 2024.

**ROCKINGHAM COUNTY BOARD OF ELECTIONS**

By: 

Paula Seamster, Elections Director  
Rockingham County Board of Elections  
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