

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY BOARD OF ELECTIONS
TOWN OF GODWIN
ELECTION PROTEST HEARING
DECEMBER 2, 2025

Transcribed by:
Rebecca A. Carpenter
Court Reporter/Notary Public

A P P E A R A N C E S

BOARD OF ELECTION MEMBERS:

Linda Devore (Chair)
Brenda Elderidge
Ryan Johnson
Irene Grimes

Angie Amaro, Director of CC Board of Elections
Helen Nelson, Assistant County Attorney

Speakers:

1. Dennis C. Smith, Sr. (Protester)
2. Willie Burnette
3. Shirley Burnette
4. Joseph Smith
5. Iasia Wells
6. Ronald McNeill
7. George Cooper, Jr.
8. Jacqueline Cooper-Kelley
9. Bonnie McIntyre
10. Scarlet McIntyre Hall

1 Board of Elections Protest Hearing December 2, 2025.

2 CHAIR DEVORE: If you will, please stand and
3 join us in the invocation. Member Elderidge will be
4 doing the invocation for us.

5 MEMBER ELDERIDGE: Everybody bow your heads.
6 Heavenly Father, we thank you for allowing us to come
7 together today safely. We ask for your divine wisdom
8 and give us the discernment to make the right decisions
9 that reflect your word, with clarity and fairness to
10 all parties involved. Lord, I trust in you and I ask
11 you to guide us today and always. Amen. Thank you.

12 CHAIR DEVORE: I call to order the Protest
13 Hearing by Dennis C. Smith, Sr.

14 Please join us in the pledge.

15 I pledge allegiance to the flag of the United
16 States of America and to the Republic for which it
17 stands, one nation, under God, indivisible, with
18 liberty and justice for all.

19 CHAIR DEVORE: For the record, I want to
20 introduce the Members of the Board of Elections who are
21 here today. This is Brenda Elderidge, Member of our
22 Board of Elections. This is Ryan Johnson, Member of
23 our Board of Elections. And this is Irene Grimes,
24 Member of our Board of Elections. I'm Linda DeVore.
25 I'm Chair of the Board of Elections this year, this

1 term.

2 I just want to say that -- and Mr. Smith is
3 here. Can I confirm that Mr. Smith is here? Very
4 good. Thank you.

5 We will now open the hearing of the matter of
6 the election protest of Dennis C. Smith Sr., for the
7 Town of Godwin Board of Commissioners. This hearing
8 was scheduled after a preliminary consideration
9 meeting, held on November 19th, 2025, found that there
10 was probable cause to proceed to a full evidentiary
11 hearing.

12 Notice was served November 25th, 2025, to all
13 affected parties, including candidates: Dennis C.
14 Smith, Sr., George Cooper, Jr., Scarlett McIntyre Hall,
15 Ronald McNeill, and Joseph Smith. This is a
16 quasi-judicial hearing. The Board will allow evidence
17 to be presented in the form of affidavits and
18 supporting documents, as well as live witness
19 testimony. This meeting is being recorded.

20 And I just want to briefly explain the
21 difference between this and the preliminary hearing.
22 The preliminary hearing we considered allegations that
23 would affect the outcome of the Godwin Town
24 Commissioner elections. Today we will hear evidence
25 under oath.

1 The Board may receive evidence today from any
2 person with information concerning this protest,
3 subject to the North Carolina Rules of Evidence. I
4 will allow the protester to identify himself for the
5 record, please.

6 MR. DENNIS SMITH, SR.: I am Dennis Smith,
7 Sr.

8 CHAIR DEVORE: Thank you. And any candidate
9 in the election under protest to identify themselves?
10 Are there any of the other candidates for Town
11 Commissioner here today?

12 AUDIENCE: We can't hear you. We can't hear
13 you.

14 MEMBER GRIMES: Is the recording on?

15 CHAIR DEVORE: Can you hear me now?

16 AUDIENCE: Yes.

17 CHAIR DEVORE: Thank you. I appreciate that,
18 because we have to have this on a recording.

19 Any other candidate in the election under
20 protest here to identify themselves? Mr. George
21 Cooper, Jr., Scarlett McIntyre Hall, Ronald McNeill, or
22 Joseph Smith?

23 UNIDENTIFIED PERSON: Yeah. We're all here.

24 CHAIR DEVORE: Okay. Very good. Thank you.

25 You may each offer an opening statement

1 before presenting evidence, not to exceed three
2 minutes. This is an opportunity to explain what your
3 evidence will show. Mr. Smith, as the protester, you
4 have the burden of proof, and you may begin. Please
5 step up to the mic and give your opening statement, if
6 you'd like.

7 MEMBER GRIMES: We didn't approve the agenda.

8 CHAIR DEVORE: Mr. Smith, you may give us an
9 opening statement right up here at the podium. State
10 to us what evidence you intend to present today in
11 support of your protest.

12 HELEN NELSON: You may want to swear him
13 in first.

14 CHAIR DEVORE: Just in case he gives any
15 evidence.

16 HELEN NELSON: Yes, I would do that. And if
17 you want to, I don't know if you want to do everybody
18 collectively that you were planning on calling, or if
19 you want to do them individually, but you do need to
20 make sure you swear them in.

21 CHAIR DEVORE: Mr. Smith, there's a Bible
22 next to you. Do you prefer to be sworn in on the Bible
23 or affirm an oath?

24 MR. DENNIS SMITH, SR.: I can't understand
25 what you're saying. I'm sorry.

1 CHAIR DEVORE: Do you prefer to be swear in
2 on the Bible -- be sworn in on the Bible, or do you
3 want to affirm an oath?

4 MR. DENNIS SMITH, SR.: I don't know the
5 difference. I'll just go with the formal oath.

6 CHAIR DEVORE: Okay. Do you solemnly affirm
7 that the testimony you are about to give in this cause
8 shall be the truth, the whole truth, and nothing but
9 the truth, so help you God?

10 MR. DENNIS SMITH, SR.: I do.

11 CHAIR DEVORE: Thank you. Now, you can give
12 an opening statement. This is not intended to be where
13 you present evidence, but you might wander into that,
14 and that's why we've sworn you ahead of time.

15 MR. DENNIS SMITH, SR.: My opening statement
16 was I was out campaigning. Another individual from the
17 town brought it to my attention that our Town Clerk was
18 physically texting everybody from her job, as some of
19 them was out there was coming up, to basically vote for
20 the same people, which would mean not vote for me. And
21 she was doing this during the time that she was at
22 work, and it wasn't just one person.

23 I had statements from actually two people
24 now, and it's probably more than that. She did state
25 that she had did it to multiple people when the first

1 person had spoke to her about it the day after, that
2 she had texted more people than just her. She was like
3 texting. She was sending it around to everybody to
4 make sure that the committee stayed the same. That was
5 her quote words.

6 CHAIR DEVORE: Do you have witnesses that
7 will present testimony to support those statements, Mr.
8 Smith?

9 MR. DENNIS SMITH, SR.: From my witnesses?

10 CHAIR DEVORE: Yes.

11 MR. DENNIS SMITH, SR.: I do have some
12 witness testimonies. The first witness --

13 CHAIR DEVORE: No, no.

14 MR. DENNIS SMITH, SR.: Excuse me?

15 CHAIR DEVORE: Do you have witnesses here in
16 the courtroom today?

17 MR. DENNIS SMITH, SR.: Excuse me?

18 CHAIR DEVORE: Do you have witnesses with you
19 here in the courtroom -- in the hearing today?

20 MR. DENNIS SMITH, SR.: The only witness I
21 have is like somebody who overheard a conversation,
22 which would be the Mayor and his wife, or the wife who
23 actually overheard the conversation. And the other two
24 witnesses, said they wasn't subpoenaed, they just
25 decided not to come and just write statements.

1 CHAIR DEVORE: Mr. Smith, it was your
2 opportunity -- you had an opportunity to subpoena any
3 witnesses that you chose.

4 MR. DENNIS SMITH, SR.: I didn't know
5 anything about that.

6 CHAIR DEVORE: That was in the order of
7 proceedings that were sent out to you almost two weeks
8 ago. It was an order of proceedings, and you had the
9 opportunity to subpoena any witnesses to be present
10 here today to provide us with testimony.

11 MR. DENNIS SMITH, SR.: All right.

12 CHAIR DEVORE: Okay. You may proceed with
13 any evidence you wish to present, and that would
14 include your witnesses.

15 MR. DENNIS SMITH, SR.: The person who
16 eventually brought it to me?

17 CHAIR DEVORE: No. Have you concluded your
18 opening statement?

19 MR. DENNIS SMITH, SR.: Yes, ma'am.

20 CHAIR DEVORE: Well, then you may call your
21 witness.

22 MR. DENNIS SMITH, SR.: I'll call Mayor
23 Burnette.

24 CHAIR DEVORE: Let the record show that the
25 Mayor of the Town of Godwin, Willie Burnette.

1 HELEN NELSON: Madam Chair, I would suggest
2 if he is going to call and question, that maybe your
3 witnesses sit at one mic, and then the protester be
4 able to be at one mic.

5 CHAIR DEVORE: That's fine. Thank you.

6 You're going to be asking the questions of
7 your witness in order to present your testimony, so you
8 want to sit at the other mic, please?

9 And, Mr. Burnette, I'm going to offer you the
10 same opportunity. Do you wish to be sworn in on the
11 Bible or affirm an oath?

12 MR. BURNETTE: I like the Bible.

13 CHAIR DEVORE: There you go. It's right
14 beside you. Thank you. Raise your right hand, please.

15 MR. BURNETTE: Oh, the right hand.

16 CHAIR DEVORE: Yeah, and the other on the
17 Bible. Thank you.

18 Do you solemnly swear that the testimony
19 you're about to give in this cause will be the truth,
20 the whole truth, and nothing but the truth, so help you
21 God?

22 MR. BURNETTE: Yes, I do.

23 CHAIR DEVORE: Thank you.

24 Mr. Smith, you may proceed.

25 MR. DENNIS SMITH, SR.: Okay, on November

1 4th, which was Election Day in Godwin, at some point in
2 time, your wife told you that a conversation she heard
3 between the Clerk and one of the --

4 CHAIR DEVORE: Mr. Smith, you might just want
5 to frame your questions in the form of a question.

6 Ask him what he heard, rather than telling
7 him what he heard.

8 MR. DENNIS SMITH, SR.: Okay. Did you know
9 that the Town Clerk was texting people not to vote for
10 me, basically to vote for everybody else?

11 MR. BURNETTE: Okay. I didn't know anything
12 about what was going on. I'm the Mayor. So when I
13 pull up in the yard, this young lady came to me and she
14 asked me, can anybody tell you who to vote for?

15 I said, no, you vote for whoever you want to
16 vote for. And she did not tell me the vote -- she
17 voted -- she didn't tell me who told her to vote or
18 nothing, who told her how to vote, but she just asked
19 me that.

20 So I went home. When I got home, my Mayor
21 Pro Tem was at my house, and he's about like me and Mr.
22 Smith over there, he can't hear that well. So he had
23 his speakerphone. He got a call from my Clerk. He had
24 his speakerphone on speaker, and she was telling him,
25 she says: Joseph, call Ann. She's talking to Mr.

1 Willie. I don't want him to know. Call her, hurry up
2 and call her.

3 And I didn't know what was going on. And so
4 then she called back a little later and said: I told
5 you to hurry up and call him.

6 CHAIR DEVORE: Excuse me, Mr. Burnette, you
7 heard -- you heard this conversation going on?

8 MR. BURNETTE: Here's what I did. My wife
9 had her speakerphone on. When I got home, she told me,
10 she said, you got something going on at your town.
11 I said, what is it?

12 She says --

13 HELEN NELSON: I would just ask, or it would
14 probably be preferable if he specifies who she is.
15 He's talking about several different women, so I think
16 it would be better if he states the name so there's no
17 confusion.

18 CHAIR DEVORE: Thank you very much. Just be
19 careful to tell us who you're talking about when you're
20 referring to another person.

21 MR. BURNETTE: Okay. The lady that I was
22 talking to, her name was Ann Smith, and that is my
23 Mayor Pro Tem's first cousin, I think.

24 UNIDENTIFIED SPEAKER: Sister.

25 MR. BURNETTE: Sister. Yeah, sister. That

1 was my Mayor Pro Tem's sister. So she was calling him,
2 telling him that.

3 CHAIR DEVORE: Him who?

4 MR. BURNETTE: She was telling the Mayor Pro
5 Tem.

6 CHAIR DEVORE: Okay.

7 MR. DENNIS SMITH, SR.: Joseph.

8 MR. BURNETTE: Joseph. Telling the Mayor Pro
9 Tem, Joseph. She says: She's talking to Mr. Willie,
10 and I don't want him to know.

11 CHAIR DEVORE: You heard this?

12 MR. BURNETTE: She didn't want -- my Clerk
13 said that.

14 CHAIR DEVORE: You heard this conversation?

15 MR. BURNETTE: Well, my wife heard it, and
16 then she had it on speaker, and when I got home, she
17 told me everything that was said.

18 CHAIR DEVORE: Is your wife here?

19 MR. DENNIS SMITH, SR.: Yes.

20 MR. BURNETTE: Oh, yeah, she's here.

21 CHAIR DEVORE: She's -- if she could -- she
22 could help us here, I think, rather than you relating
23 what she said or heard.

24 MR. BURNETTE: Okay.

25 MS. BURNETTE: Want me to come up?

1 MR. BURNETTE: You want her to come up?

2 CHAIR DEVORE: Sure.

3 MR. BURNETTE: I didn't know what was going
4 on until she told me.

5 HELEN NELSON: She needs to be sworn in.

6 CHAIR DEVORE: Yes. Thank you for being here
7 today, Mrs. Smith. What's your first name?

8 Shirley Burnette.

9 CHAIR DEVORE: Shirley Burnett. Excuse me,
10 Ms. Burnette.

11 Do you solemnly swear that the testimony
12 you're about to give in this cause shall be the truth,
13 the whole truth, and nothing but the truth, so help you
14 God?

15 MS. BURNETTE: I do.

16 CHAIR DEVORE: Thank you so much.

17 HELEN NELSON: Chair, if you're going to have
18 one person testify, then the other is not necessary at
19 the time. I would have them to have a seat.

20 CHAIR DEVORE: Okay.

21 HELEN NELSON: And then also, it would
22 probably be best if the audience refrained from trying
23 to answer. And let only the person who's at the podium
24 provide answers.

25 CHAIR DEVORE: I do want to make two

1 reminders to the audience. One is that your cell
2 phones need to be off, and you need to refrain from
3 talking or responding to anything that's going on with
4 the witnesses or during the proceedings, for the
5 purposes of the order of our meeting as well as for the
6 recording that we make of this meeting.

7 Thank you, Mrs. Smith [sic]. Do you want to
8 help us with that?

9 MS. BURNETTE: Okay.

10 CHAIR DEVORE: You need to get close to the
11 mic. If you can get close to the mic, it would be
12 important.

13 MS. BURNETTE: The Mayor Pro Tem, which is
14 Joseph. He's in the audience. He was at my house. He
15 came to tell me that they wanted to go to the Harvest
16 Train in Falcon, North Carolina.

17 So we were sitting there talking, and his
18 phone rang, and he had it on speaker. And the Mayor's
19 Clerk called and told him, said: Joseph, that's Joseph,
20 you need to call your sister, which is Ann. You need
21 to call her now. And Joseph said: I'll call her. So
22 then Joseph looked at me.

23 He says: Miss Shirley? He calls me Miss
24 Shirley. He said: I can't tell nobody who to vote
25 for. He said, whoever win, win. If I lose, I lose.

1 So then she called right back and said: Joseph, she's
2 still talking to Mr. Willie.

3 CHAIR DEVORE: She called back? Who called
4 back?

5 MS. BURNETTE: The Clerk called back Joseph
6 again, said she's still talking to Mr. Willie. And I
7 sat there for a minute. I was stunned because I
8 figured, you know, I thought something was going on.
9 So when he came home, I told him just like this. I
10 said: You got a snake in the grass. I said: You got
11 a snake in the grass.

12 He said, what? I said, Jackie called Joseph
13 and told Joseph to call Ann. Because Jackie was
14 standing in the window at the Town Hall, and she looked
15 out the window and saw Ann talking to my husband.

16 And that's when she called Joseph, which is
17 the Mayor Pro Tem, and told him to call his sister,
18 because she didn't want his sister to talk to him,
19 because she wanted his sister to vote for whoever was
20 on the Board.

21 CHAIR DEVORE: Can you explain to us what
22 these conversations were about? What involvement did
23 the Town Clerk have in these conversations?

24 MS. BURNETTE: Well, she was wanting to keep
25 the same people on the Board. That's what her aim was,

1 to keep the same people on the Board. She didn't want
2 anybody else to be on the Board, except for the ones
3 that was on the Board.

4 CHAIR DEVORE: Did you hear or see any of the
5 communications that she had with voters?

6 MS. BURNETTE: No, I was at home. I didn't
7 see all that. I was at home, but Joseph was at my
8 house, when he got the phone call.

9 CHAIR DEVORE: Thank you. Is Joseph here
10 today?

11 MS. BURNETTE: Yes, Joseph's sitting right
12 back there. He can tell you the same thing.

13 CHAIR DEVORE: Board Members, is there
14 anything else you'd like to hear before we hear from
15 Joseph?

16 MEMBER ELDERIDGE: Uh-uh.

17 CHAIR DEVORE: Thank you very much.
18 We appreciate it.

19 Mr. Joseph Smith?

20 Mr. Smith, do you prefer to swear on the
21 Bible or affirm an oath?

22 Raise your right hand, please. Do you
23 solemnly swear that the testimony you're about to give
24 in this cause shall be the truth, the whole truth and
25 nothing but the truth, so help you God?

1 MR. JOSEPH SMITH: I do.

2 CHAIR DEVORE: I do. Thank you.

3 Can you help us understand what you observed
4 and heard relative to this protest?

5 MR. JOSEPH SMITH: Okay. Can I start from
6 the beginning, how it started?

7 CHAIR DEVORE: Sure.

8 MR. JOSEPH SMITH: My sister came to my
9 house.

10 CHAIR DEVORE: Is this on election day?

11 MR. JOSEPH SMITH: Yes, she came to my house
12 with not understanding what that text really was about.
13 You know, she wanted to know, do I have to vote for the
14 people that's on that Board or what? And I told her,
15 I said, no, you can vote whoever you want to vote for.
16 I said, only thing Jackie's texting you for because
17 she's running for the one that's on the Board, you
18 know.

19 And so that's how all this got started, so.

20 CHAIR DEVORE: Is it your testimony that the
21 Town Clerk was texting voters?

22 MR. JOSEPH SMITH: Repeat?

23 CHAIR DEVORE: Do I understand -- could you
24 explain what --

25 Mr. Smith, do we have the text to present?

1 Do you have the texts that are being referred to, to
2 present in evidence?

3 MR. DENNIS SMITH, SR.: I gave it to you
4 before the first appeal.

5 MEMBER GRIMES: They're in your packet.

6 CHAIR DEVORE: I understand that, but they
7 have to be placed into evidence.

8 MR. DENNIS SMITH, SR.: I don't have another
9 one on me except on my phone. I got it on my phone. I
10 got a picture of it on my phone.

11 And it's clearly got the Clerk's number on it
12 to the Ann, which is his sister, stating that, you
13 know, exactly what he just said, you know, basically
14 vote for the same people.

15 CHAIR DEVORE: Can you read that into
16 evidence for us?

17 MR. DENNIS SMITH, SR.: Excuse me?

18 CHAIR DEVORE: Can you read that into
19 evidence for us?

20 HELEN NELSON: I will say it is kind of
21 already a part of your record because you've received
22 it previously.

23 CHAIR DEVORE: It just needs to be recorded.

24 HELEN NELSON: I understand.

25 CHAIR DEVORE: Okay. This is a text from the

1 Town Clerk to?

2 MR. DENNIS SMITH, SR.: Ma'am?

3 CHAIR DEVORE: From the Town Clerk to? This
4 is a text from the Town Clerk to whom?

5 MR. DENNIS SMITH, SR.: It was to Ann
6 Phillips, which is his sister.

7 CHAIR DEVORE: Is she in the courtroom as
8 well?

9 MR. DENNIS SMITH, SR.: No, she's not in the
10 courtroom this morning. She sent a statement.

11 CHAIR DEVORE: Okay.

12 MR. DENNIS SMITH, SR.: (Reading) Say, good
13 morning, hun. I didn't have a chance to call you
14 earlier, but if you are voting today, would you please
15 vote for George Cooper, Joseph Smith, Ronald McNeill,
16 and Scarlett Hall? We would like to keep the Board
17 with the same Commissioners.

18 Thanks for your support.

19 CHAIR DEVORE: And this was from the Town
20 Clerk?

21 MR. DENNIS SMITH, SR.: Yes, ma'am.

22 CHAIR DEVORE: Thank you. And this was
23 received on election day?

24 MR. DENNIS SMITH, SR.: Excuse me?

25 CHAIR DEVORE: On election day?

1 MR. DENNIS SMITH, SR.: Yes, yes. 10:30
2 a.m., was the time stamp on the phone.

3 CHAIR DEVORE: Thank you. Proceed.

4 MR. JOSEPH SMITH: But anyway, like I was
5 saying, I told her that she had the right to vote for
6 whoever that she wanted to vote for.

7 CHAIR DEVORE: This was the person who
8 received the text?

9 MR. JOSEPH SMITH: Right, even though I said
10 you can vote for whoever you want to vote for. But
11 like I was saying, she was trying to tell me that she
12 don't know anything about elections, the way this thing
13 goes. So I told her that what Jackie was doing, she
14 was campaigning for the ones that's on the Board, you
15 know.

16 And that's all I can say.

17 CHAIR DEVORE: Thank you. We appreciate it
18 very much.

19 MR. DENNIS SMITH, SR.: Can I ask a question?

20 CHAIR DEVORE: Certainly.

21 MR. DENNIS SMITH, SR.: Did she call you on
22 election day at the Mayor's house?

23 MR. JOSEPH SMITH: Yes, she called me.

24 MR. DENNIS SMITH, SR.: Did the Town Clerk
25 call you at the Mayor's house?

1 MR. JOSEPH SMITH: Yes, she called me.

2 MR. DENNIS SMITH, SR.: Was it more like a
3 frantic call to hurry up and get you to call your
4 sister before she told the Mayor?

5 CHAIR DEVORE: Mr. Smith, you can ask him
6 what happened, but you should not be telling him what
7 his testimony should be.

8 MR. DENNIS SMITH, SR.: Okay. Did she sound
9 frantic? Like, she was in a hurry to get you to call
10 your sister.

11 MR. JOSEPH SMITH: Well, not in a hurry, but
12 she wanted me to talk to Ann, to let her know that the
13 way she texted her, that she wasn't really trying to
14 say, you know, who she can vote for. But she was just
15 texting the one that she want -- on the Board, that's
16 already on the Board. That's all.

17 MR. DENNIS SMITH, SR.: Did she call you back
18 five minutes later telling you the same thing?

19 MR. JOSEPH SMITH: No, she called me back and
20 she told me, don't worry about it, you know.

21 CHAIR DEVORE: Did you speak to the Town
22 Clerk? Did you speak to the Town Clerk? Did the Town
23 Clerk speak to you or communicate to you?

24 MR. JOSEPH SMITH: Yes, she spoke to me.

25 CHAIR DEVORE: On this matter?

1 MR. JOSEPH SMITH: Well, I asked her.

2 CHAIR DEVORE: Who called who?

3 MR. JOSEPH SMITH: No, I went there.

4 CHAIR DEVORE: Okay.

5 MR. JOSEPH SMITH: And I asked her, I said,
6 did you text Angela? And she told me, yeah. And but
7 she was texting Ann, like I just said, she was
8 campaigning for the ones that's on the Board. That's
9 what she was doing. She didn't tell her directly out,
10 don't vote for Dennis. But I can understand the way
11 it's been texted -- it's what it's seem, so.

12 So I think it's just all just a
13 misunderstanding of not knowing.

14 CHAIR DEVORE: Mr. Smith.

15 MR. DENNIS SMITH, SR.: One more question.

16 The next day when your sister came out to the
17 Town Hall to basically confront -- I guess you and
18 Jackie was together at that time. Jackie also made the
19 comment that she wasn't the only one that she texted.
20 She texted multiple people.

21 MR. JOSEPH SMITH: Yes, of the same reason,
22 you know, to keep the same ones on the Board.

23 CHAIR DEVORE: Let's clarify that Jackie,
24 Jacqueline Cooper-Kelley is the Town Clerk that we're
25 referring to?

1 MR. DENNIS SMITH, SR.: Jackie Cooper.

2 CHAIR DEVORE: Jackie Cooper.

3 Do you want to clarify that statement for us?

4 MR. JOSEPH SMITH: Yes. She was -- the other
5 ones that she texted to, were saying the same thing to
6 -- Jackie Cooper. She texted the same text to them
7 that, vote for the four that's on the Board.

8 Ronnie McNeill, Scarlett Hall, Walt Cooper, and myself.

9 CHAIR DEVORE: Do you know how many people
10 she texted?

11 MR. JOSEPH SMITH: No, ma'am. I don't.

12 CHAIR DEVORE: How many do you know of that
13 she texted?

14 MR. JOSEPH SMITH: Angela. I do know that.
15 Now, who else she texted, I don't know.

16 CHAIR DEVORE: Thank you.

17 Mr. Smith, do you have any other questions
18 for the witness?

19 MR. DENNIS SMITH, SR.: I think that's all
20 for him.

21 CHAIR DEVORE: Okay.

22 MR. DENNIS SMITH, SR.: I do have another
23 witness that was sitting with me at the time that I got
24 this news. Dr. Iasia Wells.

25 CHAIR DEVORE: Dr. Wells. Same question. Do

1 you prefer to be sworn in on the Bible or affirm an
2 oath? Thank you.

3 Do you solemnly swear that the testimony
4 you're about to give in this cause shall be the truth,
5 the whole truth, and nothing but the truth, so help you
6 God?

7 DR. IASIA WELLS: I do.

8 CHAIR DEVORE: Okay. Mr. Smith, do you want
9 to ask questions of your witness?

10 MR. DENNIS SMITH, SR.: On the day of the
11 November 4th election, Ann Phillips came to me when you
12 were sitting right beside me, and what did she say?

13 DR. IASIA WELLS: She came over, and she
14 said, -- she said: Well, I got a text message, and
15 it's telling me who to vote for and who not to vote
16 for. I didn't tell [Doomey]. I just told him who it
17 was, and Doomey is the Mayor. But it was from Jackie.
18 And she stated for me not -- she was trying for me not
19 to vote for you. She didn't want me to vote for you.
20 So, and she said that --

21 CHAIR DEVORE: She said that to you?

22 DR. IASIA WELLS: She said it out loud to
23 him. I was right --

24 MR. DENNIS SMITH, SR.: To me.

25 DR. IASIA WELLS: Yeah. So she sat there,

1 and she was confused. It was on election day, and she
2 was kind of hurt.

3 And also, she had her brother that was coming
4 out there to vote, but for some reason, he couldn't
5 vote. He had to fill out some paperwork, and they
6 didn't allow him to do, like, the letter vote either
7 after they got everything situated. But -- so she was
8 real concerned about what Ms. Jackie sent to her phone
9 and kind of hurt by it.

10 And she also said that she wanted to make
11 sure that she told you and told Mr. Dennis and the
12 Mayor, and I think she did wind up telling him who
13 exactly that it was, and it came from Ms. Jackie, and
14 she sent that text message on who to vote for and who
15 not to vote for. So -- and I think that Commissioner
16 that was up here, was that Commissioner?

17 MR. DENNIS SMITH, SR.: Joseph Smith.

18 DR. IASIA WELLS: Joseph. So he was also a
19 Commissioner, too, and we seen him out there. The guy
20 that was just up here, he's a Commissioner, and we seen
21 him out there as well.

22 And I don't think any of the interactions
23 came about, but they did seem to be a little bit. He
24 was the only one out there campaigning. It seemed a
25 little, you know, hostile from a couple of the people

1 that came out there, Commissioners.

2 They was telling him, oh, you shouldn't have
3 this up here, your signs up here, and things like that.
4 But what else did you have for me?

5 CHAIR DEVORE: Are you aware of anyone who
6 received this text other than --

7 DR. IASIA WELLS: Yes, and I've seen it.
8 I've seen his cousin Ann, she actually showed the text
9 message.

10 CHAIR DEVORE: Are you aware of how many
11 voters received this text message on election day?

12 DR. IASIA WELLS: I'm not aware, but I've
13 heard that it has been a few others from Mr. Smith,
14 that he has gotten details more on that information.

15 CHAIR DEVORE: So he's able to provide that
16 for us.

17 DR. IASIA WELLS: Yeah, he should be able to
18 provide that.

19 CHAIR DEVORE: Okay. Are there any other
20 questions?

21 MEMBER ELDERIDGE: Did you see anybody else
22 with this text? Any other person with this text?

23 DR. IASIA WELLS: No, I wasn't with anyone
24 else around the time.

25 MEMBER ELDERIDGE: Okay.

1 DR. IASIA WELLS: But I also heard, the only
2 thing else I heard was when Ms. Ann, she did state that
3 when that Commissioner that was just up here, Mr.
4 Smith, was at the Mayor's house with his wife, she
5 overheard him on the phone with Ms. Jackie.

6 CHAIR DEVORE: Is she here to testify to
7 that?

8 DR. IASIA WELLS: She just testified.

9 CHAIR DEVORE: To all of what you're
10 saying.

11 DR. IASIA WELLS: Yes.

12 CHAIR DEVORE: Just a repeat of that story.

13 DR. IASIA WELLS: Uh-huh. And I heard that
14 too, so.

15 CHAIR DEVORE: Thank you.

16 DR. IASIA WELLS: And that's about it, I
17 think.

18 CHAIR DEVORE: Okay.

19 Any other questions?

20 MEMBER ELDERIDGE: Uh-uh.

21 CHAIR DEVORE: Thank you very much.

22 DR. IASIA WELLS: You're welcome.

23 CHAIR DEVORE: We appreciate it.

24 Mr. Smith, do you have any other witnesses
25 you would like to present?

1 MR. DENNIS SMITH, SR.: No, not right now.

2 CHAIR DEVORE: Okay. Is the Town Clerk,
3 Jacqueline Cooper, here today?

4 JACQUELINE COOPER: Yes.

5 CHAIR DEVORE: Okay. Before we move on to
6 that, each of the candidates here today has an
7 opportunity to also present an opening statement.
8 Because your election could also be affected by the
9 outcome of today's hearing.

10 Are there any other candidates on the ballot
11 who would like to make an opening statement and present
12 evidence to us? Whoever has information that they
13 know.

14 Good morning, sir. Would you state your name
15 for us, please?

16 MR. RONALD MCNEILL: Ronald McNeill.

17 CHAIR DEVORE: Mr. McNeill, do you prefer to
18 swear on the Bible or affirm an oath?

19 MR. MCNEILL: I'll swear on the Bible.

20 CHAIR DEVORE: Please raise your right hand.
21 Do you solemnly swear that the testimony you're about
22 to give in this cause shall be the truth, the whole
23 truth, and nothing but the truth, so help you God?

24 MR. MCNEILL: Yes, I do.

25 CHAIR DEVORE: What do you have to tell us

1 about?

2 MR. MCNEILL: Well, first of all, this whole
3 situation.

4 CHAIR DEVORE: Well, we just need the facts,
5 sir.

6 MR. MCNEILL: Okay. What's your question?

7 CHAIR DEVORE: Do you have any personal
8 firsthand knowledge and information of the events that
9 we're talking about today?

10 MR. MCNEILL: Well, in my opinion, most of
11 this --

12 CHAIR DEVORE: No, we're not so much
13 interested in your opinion, sir. We just need the
14 facts of what you observed.

15 MR. MCNEILL: Well, what I observed is that
16 what was going on is that, most of this situation is he
17 said, she said.

18 CHAIR DEVORE: Did you have -- do you have
19 anything to say? Did you observe or hear any of what's
20 been alleged here?

21 MR. MCNEILL: No, I didn't observe any of it.
22 But what I do know, when I went out to vote, Mr. Smith
23 was sitting over near the side with his campaign sign
24 and everything. And I was just joking with him.
25 I said, look, man, this sign is too close to the door.

1 It has to be 50 feet from the door. He said, yeah,
2 they already told me that.

3 And we just laughed about it, and I went on
4 inside and voted.

5 CHAIR DEVORE: So you have nothing else to
6 tell us about the events on Election Day?

7 MR. MCNEILL: Well, you don't want to hear my
8 opinion, so I don't have anything else to say.

9 CHAIR DEVORE: No, we don't.

10 Okay. Thank you very much.

11 Any other questions? Any of the other
12 candidates wish to make a state -- present evidence
13 here today?

14 Sir? State your name for the record.

15 MR. COOPER: George Cooper, Jr.

16 CHAIR DEVORE: George -- Mr. Cooper, do
17 you prefer to swear on the Bible or affirm an oath?

18 MR. COOPER: Bible.

19 CHAIR DEVORE: Raise your right hand, please.

20 Do you solemnly swear that the testimony you're about
21 to give in this cause shall be the truth, the whole
22 truth, and nothing but the truth, so help you God?

23 MR. COOPER: Yes.

24 CHAIR DEVORE: What can you tell us about the
25 events -- for the subject of this protest from your

1 personal knowledge?

2 MR. COOPER: I can only tell you that I saw
3 the text message after it was all said and done. My
4 reason for -- up here, I would like to be able to ask
5 the person that allegedly this is for, the Clerk,
6 questions about it and her reasons of the text.

7 CHAIR DEVORE: We'll get to that in just a
8 minute, sir.

9 MR. COOPER: Okay, then. Well, that's really
10 all I have.

11 CHAIR DEVORE: Okay, very good. Well, stay
12 handy, in the first row is fine.

13 MR. COOPER: I will.

14 CHAIR DEVORE: You are an interested person
15 and a candidate in this election, so you will have that
16 opportunity.

17 MR. COOPER: Okay, thank you.

18 CHAIR DEVORE: Okay? Sure.

19 Are there any other candidates who would like
20 to make an opening statement about evidence they intend
21 to present?

22 If not, I'll ask the witness, Jackie Cooper,
23 who has been subpoenaed for these proceedings today, to
24 come up and be sworn in.

25 Ms. Cooper, thank you for being here today.

1 Please raise your right hand, please. Do you prefer to
2 swear on the Bible or affirm an oath?

3 MS. COOPER: I swear on the Bible.

4 CHAIR DEVORE: Do you solemnly swear that the
5 testimony you're about to give in this cause shall be
6 the truth, the whole truth, and nothing but the truth,
7 so help you God?

8 MS. COOPER: Yes.

9 CHAIR DEVORE: Speak into the mic, please.

10 Mr. Smith, do you have any questions of Ms.
11 Cooper?

12 MR. DENNIS SMITH, SR.: Did you send a text
13 that stated that you wanted the other people to vote
14 for the sitting Members and keep the Board the same?

15 MS. COOPER: Yes.

16 MR. DENNIS SMITH, SR.: No?

17 CHAIR DEVORE: She said, yes.

18 MEMBER GRIMES: She said, yes.

19 MR. DENNIS SMITH, SR.: Okay, I'm sorry.

20 Did you make the calls that the witnesses
21 today said that you made to the Pro Tem at the Mayor's
22 house?

23 MS. COOPER: Yes.

24 MR. DENNIS SMITH, SR.: Were you confronted
25 the next day by Ann Phillips, who first gave me the

1 text, and admitted that you gave the text to multiple
2 people?

3 MS. COOPER: No.

4 MR. DENNIS SMITH, SR.: Is Ms. Ann the only
5 person that you gave the text to?

6 MS. COOPER: Yes.

7 MR. DENNIS SMITH, SR.: So, if Joseph said he
8 got the text --

9 MS. COOPER: Excuse me. I'm sorry. No.

10 MR. DENNIS SMITH, SR.: Did you send that to
11 Curtis, Melba's husband, Curtis?

12 MS. COOPER: Yes.

13 MR. DENNIS SMITH, SR.: So it was more than
14 just to Ann Phillips?

15 MS. COOPER: Yes.

16 MR. DENNIS SMITH, SR.: Was you at work at
17 the time you did it?

18 MS. COOPER: Yes.

19 CHAIR DEVORE: Are you done?

20 MR. DENNIS SMITH, SR.: That's it.

21 CHAIR DEVORE: Ms. Cooper, the Board Members
22 may have questions for you.

23 MS. COOPER: Yes.

24 MEMBER GRIMES: Ms. Cooper, the phone you
25 were using, is that your personal phone?

1 MS. COOPER: Yes.

2 MEMBER GRIMES: So it is not a phone that was
3 assigned to you by the Town?

4 MS. COOPER: No.

5 MEMBER GRIMES: Okay. And you said you were
6 at work at the time when you sent those text messages?
7 You were at work?

8 MS. COOPER: I was at work. Okay.
9 Can I sort of kind of tell you?

10 MEMBER GRIMES: Please, yes.

11 MS. COOPER: Okay.

12 MEMBER GRIMES: I think you're going to give
13 me the answer I'm looking for. Go ahead.

14 MS. COOPER: So I was sitting there, and Ann
15 Phillips, we are friends, and I had not talked to her
16 or texted her. So she was a last-minute thought. I
17 was sitting there, and I was thinking, let me text Ann
18 because we're friends.

19 And I said, well, let me do this. Let me,
20 because this is what I normally do. If I'm going to
21 use my phone, I will take me a little break.
22 So what I did was I was sitting there, and I said,
23 well, let me do this. Let me take a break, a little
24 10-minute break. I got up, went into the bathroom, and
25 that's when I made the text.

1 And I didn't even think about where I was at.
2 I just didn't think about it.

3 MEMBER GRIMES: So it's your personal phone?

4 MS. COOPER: Yes.

5 MEMBER GRIMES: And you were on a break from
6 work?

7 MS. COOPER: Yes, I was.

8 MEMBER GRIMES: Okay.

9 MS. COOPER: I got up and went to the
10 bathroom.

11 MEMBER GRIMES: Okay. How many people? Did
12 you text more than two people?

13 MS. COOPER: No.

14 MEMBER GRIMES: Okay, so you texted two
15 people?

16 MS. COOPER: Yes.

17 MEMBER GRIMES: Okay. All right, thank you.

18 CHAIR DEVORE: Ms. Cooper, did you have, in
19 any other way, communicate with others about the Town
20 Council race?

21 MS. COOPER: No.

22 CHAIR DEVORE: You didn't make any phone
23 calls?

24 MS. COOPER: No. And can I say something?
25 Can I say something?

1 This is the first time I have ever text messaged
2 anything about campaigning. I don't email.

3 CHAIR DEVORE: Ms. Cooper, this hearing is
4 not about you, and we're not here to cast aspersions or
5 blame. We're here to determine whether or not the
6 outcome of the Town Commissioner's race in Godwin has
7 been called into question. Thank you.

8 Mr. Smith, any other questions you'd like to
9 ask of Ms. Cooper?

10 MR. DENNIS SMITH, SR.: I'd just like to say
11 that she admitted already to three people, so it was
12 more than two.

13 CHAIR DEVORE: Ms. Cooper, is that correct?

14 MS. COOPER: That's not correct.

15 MR. DENNIS SMITH, SR.: Melba, Joseph.

16 MS. COOPER: I never sent Melba a text.

17 MR. DENNIS SMITH, SR.: Not Melba -- Curtis,
18 I'm sorry.

19 CHAIR DEVORE: We're going to have order.

20 MS. COOPER: Uh-uh.

21 MR. DENNIS SMITH, SR.: Curtis -- I'm sorry,
22 that's Melba's husband.

23 CHAIR DEVORE: Could you direct the question
24 at the witness?

25 MR. DENNIS SMITH, SR.: Well, she already

1 answered it. She said, she did.

2 CHAIR DEVORE: Would you direct the question
3 at the witness?

4 MR. DENNIS SMITH, SR.: Okay. I've done that
5 already. Did you text Curtis? And she said, yes.
6 Then she texted Joseph, and she texted Ann.

7 CHAIR DEVORE: Okay. Direct the questions to
8 the witness.

9 MR. DENNIS SMITH, SR.: That's what you said,
10 right?

11 CHAIR DEVORE: Direct the questions to the
12 witness, please.

13 MS. COOPER: No. No.

14 MR. DENNIS SMITH, SR.: I have a statement
15 from Curtis saying that he got the same text you sent
16 us. I have a statement.

17 MS. COOPER: No.

18 MR. DENNIS SMITH, SR.: Can I talk to you?

19 CHAIR DEVORE: Is Curtis here today?

20 MS. COOPER: I texted Curtis. Yes, I said I
21 did text Curtis.

22 MR. DENNIS SMITH, SR.: That's three people.

23 MS. COOPER: I never texted Joseph.

24 MR. DENNIS SMITH, SR.: You never texted
25 Joseph?

1 MS. COOPER: No.

2 CHAIR DEVORE: Is Joseph here today?

3 MR. DENNIS SMITH, SR.: Yeah.

4 MS. COOPER: He is.

5 CHAIR DEVORE: Joseph?

6 MR. DENNIS SMITH, SR.: During his testimony,
7 he said he got the same.

8 MS. COOPER: Uh-uh.

9 MEMBER ELDERIDGE: He didn't say that.

10 CHAIR DEVORE: Curtis is not here today?

11 MR. DENNIS SMITH, SR.: Excuse me?

12 CHAIR DEVORE: Curtis is not here today?

13 MR. DENNIS SMITH, SR.: Who's not here?

14 CHAIR DEVORE: Who is -- is Curtis here
15 today?

16 MR. DENNIS SMITH, SR.: No, he's not here
17 today. Except --

18 CHAIR DEVORE: Are any of the other people
19 who -- Joseph is here who received the text; is that
20 correct?

21 MR. DENNIS SMITH, SR.: One more time.

22 CHAIR DEVORE: Who --

23 MR. DENNIS SMITH, SR.: Is Joseph the only
24 one who received the text?

25 ANGIE AMARO: Is Joseph here?

1 MR. DENNIS SMITH, SR.: Yeah, Joseph is here.

2 CHAIR DEVORE: Who of the three people that
3 you allege received this text are here today?

4 MR. DENNIS SMITH, SR.: Only one of them is
5 here today. But the one who told me to start with is
6 the one that got it actually started, is the Pro Tem's
7 sister.

8 CHAIR DEVORE: You had the opportunity to
9 subpoena any witnesses you wanted here today to provide
10 testimony, Mr. Smith. That was your option. We can
11 only hear the testimony from the individuals who are
12 here present to give testimony under oath.

13 Is there any other questions of Ms. Cooper?

14 MEMBER GRIMES: Just to clarify, Ms. Cooper,
15 you texted Ann and Curtis?

16 MS. COOPER: Yes. Yes.

17 MEMBER GRIMES: That's it?

18 MS. COOPER: That's it.

19 MEMBER GRIMES: Okay. Appreciate it. Thank
20 you.

21 MEMBER ELDERIDGE: I have a question. When
22 you say that you were at work, exactly what does that
23 mean? Does that mean you're working at the election
24 site or this is a different location than the election
25 site?

1 MS. COOPER: No, I was at the Town Hall,
2 working at the Town Hall.

3 MEMBER ELDERIDGE: Now, the Town Hall was the
4 election site?

5 MS. COOPER: Yes, ma'am. It's the community
6 building.

7 MEMBER ELDERIDGE: Same building?

8 MS. COOPER: The community building is
9 attached to the Town Hall. Yes, ma'am.

10 MEMBER ELDERIDGE: Okay. Okay.

11 CHAIR DEVORE: Thank you.

12 MEMBER GRIMES: So the Town Hall is one area
13 of the building and the election site is another area
14 of the building, right?

15 MS. COOPER: Yes.

16 MEMBER GRIMES: You were not in -- because
17 you said you were in the bathroom, so you were not in
18 the same room?

19 MS. COOPER: No. No.

20 MEMBER GRIMES: Okay. So you were not in the
21 same room?

22 MR. DENNIS SMITH, SR.: Can I ask one more
23 question?

24 CHAIR DEVORE: May you ask her?

25 MR. DENNIS SMITH, SR.: What's your hours at

1 work?

2 MS. COOPER: Nine to five.

3 MR. DENNIS SMITH, SR.: So if it was like
4 10:00 o'clock in the morning. You said you took a
5 break. I'm just trying to figure out what's your hours
6 at work.

7 CHAIR DEVORE: Thank you. Are there any
8 other questions for the witness?

9 MEMBER ELDERIDGE: Uh-uh.

10 CHAIR DEVORE: Thank you, Ms. Cooper. We
11 appreciate it.

12 Is there anyone here can testify to having
13 received a text from Ms. Cooper, a text similar to the
14 one or similar to the one alleged? And please explain
15 to us whether or not that influenced your vote.

16 Joseph?

17 MEMBER GRIMES: He didn't get a text.

18 CHAIR DEVORE: Who received the text that's
19 here? Curtis?

20 UNIDENTIFIED SPEAKER: He's not here.

21 UNIDENTIFIED SPEAKER: I didn't receive a
22 text.

23 CHAIR DEVORE: There's no one here who
24 received the text?

25 UNIDENTIFIED SPEAKER: Curtis is the one that

1 got the phone call.

2 CHAIR DEVORE: Gotcha. Okay.

3 MR. DENNIS SMITH, SR.: He got a call instead
4 of a text.

5 CHAIR DEVORE: Are there any other persons
6 here present with information concerning the subject of
7 the protest who wish to be heard? This is your
8 opportunity.

9 Please step forward. And state your name for
10 the record.

11 MS. BONNIE MCINTYRE: Bonnie McIntyre.

12 CHAIR DEVORE: Thank you, Bonnie. Do you
13 wish to be sworn or affirm an oath.

14 Do you solemnly swear that the testimony
15 you're about to give in this cause shall be the truth,
16 the whole truth, and nothing but the truth, so help you
17 God?

18 MS. MCINTYRE: I do.

19 CHAIR DEVORE: And before you start, let me
20 say that we want to hear the facts. We do -- this is
21 not about an opinion of what you think may have
22 happened, but the facts that you are aware of.

23 MS. MCINTYRE: I may be out of bounds.

24 CHAIR DEVORE: Pardon?

25 MS. MCINTYRE: I may be out of bounds, but

1 Dennis Smith does not live in Godwin.

2 CHAIR DEVORE: Yeah, that is not the subject
3 of the protest.

4 MS. MCINTYRE: Yeah, that's my opinion.

5 CHAIR DEVORE: Thank you.

6 Does the -- Mr. Smith, do you wish to --
7 sorry.

8 Well, you'll have to step up and be sworn.

9 State your name, please.

10 MS. HALL: Scarlett McIntyre Hall.

11 CHAIR DEVORE: Thank you.

12 Do you wish to be sworn on the Bible or affirm an oath?

13 MS. HALL: Sworn on the Bible.

14 CHAIR DEVORE: Do you solemnly swear that the
15 testimony you're about to give in this cause shall be
16 the truth, the whole truth, and nothing but the truth,
17 so help you God?

18 MS. HALL: I do.

19 CHAIR DEVORE: Thank you.

20 MS. HALL: The only thing -- the only factual
21 thing

22 MEMBER GRIMES: Ms. Hall, you can bend the
23 microphone to get closer. There you go.

24 MS. HALL: Can you hear?

25 MEMBER GRIMES: Yeah.

1 MS. HALL: Okay. The only factual thing I
2 have to say is that they are attached, the community
3 building and the Town of Godwin Town Hall is attached,
4 but I always look at it as two separate places.

5 CHAIR DEVORE: It has two separate entrance
6 doors?

7 MS. HALL: Yes. It does have -- that's the
8 only thing I have to say that's factual.

9 CHAIR DEVORE: Okay. Thank you very much.
10 We appreciate it.

11 Anyone else, the Board is interested in
12 facts? Mr. Burnette.

13 MR. BURNETTE: I've been sworn in, so I can
14 speak, right?

15 CHAIR DEVORE: Tell us any facts that you
16 have to share with us.

17 MR. BURNETTE: Okay. Yes. I just want to
18 explain how the building is designed. The building is
19 designed -- we added the community building on since I
20 was Mayor, and you can see the people going in from
21 Jackie's office.

22 That's where she done her taxes from. And I
23 know the young lady come up here and said, Dennis don't
24 live in Godwin, but he's got a house in Godwin.

25 CHAIR DEVORE: That's not the subject of the

1 hearing today.

2 MR. BURNETTE: Okay. But that's how the
3 building is made.

4 CHAIR DEVORE: Okay. Thank you very much.
5 Anything else you'd like to share on the
6 facts of those alleged in the protest, concerning the
7 text messages or the activities of the Town Clerk?

8 MR. BURNETTE: No. No.

9 CHAIR DEVORE: Thank you very much. We
10 appreciate it.

11 DR. IASIA WELLS: I just have one question --

12 CHAIR DEVORE: No. I'm sorry. That is out
13 of order. If you have any evidence you'd like to
14 present to us, you are sworn, and you can present that
15 under oath.

16 If not, does the protester, Mr. Smith, or any
17 of the other candidates in this election wish to make a
18 closing statement and summarize their evidence?

19 MR. DENNIS SMITH, SR.: Excuse me, I'm trying
20 to hear what she's saying.

21 CHAIR DEVORE: Before we hear from you in
22 your closing statement, we'd like to hear from one
23 other recall witness, Ms. Elderidge.

24 MEMBER ELDERIDGE: I have a question for Mr.
25 George Cooper, if he would come back up.

1 (MR. COOPER returned to the podium.)

2 MEMBER ELDERIDGE: So when you were up here
3 previously, you stated you saw the text. Exactly where
4 did you see the text and whose phone was it on?

5 MR. COOPER: I saw the text twice. I saw it
6 from a reporter after our first meeting. And I saw it
7 on my phone, which was sent to me.

8 MEMBER ELDERIDGE: So you were also sent a
9 text?

10 MR. COOPER: Pardon me?

11 MEMBER ELDERIDGE: You were also sent the
12 text?

13 MR. COOPER: Yes, just to see what it was,
14 because I wanted to know what the text said. I was
15 told the text was sent out, so I asked Jackie to send
16 me the text to see what it said.

17 CHAIR DEVORE: This is after the election?

18 MR. COOPER: This is after, yes.

19 MEMBER ELDERIDGE: You received -- you had
20 already voted, so.

21 MR. COOPER: Yeah, I had no idea about that
22 until all that was done.

23 MEMBER ELDERIDGE: So you did not see the
24 text while voting was going on?

25 MR. COOPER: No, no.

1 MEMBER ELDERIDGE: Okay. All right. Is that
2 the only time you saw the text then, was after the
3 election?

4 MR. COOPER: Yes, was afterwards.

5 MEMBER ELDERIDGE: After. Okay.

6 CHAIR DEVORE: Any other questions of Mr.
7 Cooper?

8 Thank you, Mr. Cooper.

9 MR. COOPER: Thank you.

10 CHAIR DEVORE: Now, Mr. Smith, if you'd like
11 to make a closing statement, please step up to the mic
12 and do that. Or you can sit right there in front of
13 that mic if you choose.

14 MR. DENNIS SMITH, SR.: Excuse me?

15 CHAIR DEVORE: You may sit there, or you can
16 return to the podium.

17 MR. DENNIS SMITH, SR.: My closing statement
18 would be that she's admitted to doing the text at work
19 at approximately 10:20 in the morning when she got
20 there. I did hear that people say that they -- well,
21 Joseph said, that he got the text, too. I heard him
22 make that comment while he was giving his testimony to
23 you guys.

24 And really, it's just, you know, winning
25 would have been nice, but a free and fair election

1 would have been better.

2 CHAIR DEVORE: Thank you, Mr. Smith. And
3 that's what we endeavor to have. Thank you.

4 Would any candidate like to make a closing
5 statement? You have that opportunity now. If not,
6 we'll close the testimony.

7 MEMBER ELDERIDGE: Is she going to make a
8 closing statement?

9 CHAIR DEVORE: She's not.

10 MEMBER ELDERIDGE: Okay.

11 CHAIR DEVORE: Board Members, are there any
12 other witnesses you'd like to hear from? If not, we
13 thank everyone for the evidence they were able to
14 present today, and Mr. Smith for being here today. And
15 the Board will now deliberate on the facts.

16 Okay, folks. I just want to say that, first
17 of all, NCGS 168-169, City Employee Political Activity,
18 is in fact the statute we're talking about. No
19 employee, while on duty or in the workplace, may use
20 his or her authority or influence for the purpose of
21 interfering with or affecting the result of an election
22 or nomination for political office.

23 We're not here to pass judgment on the Town
24 Clerk. We're here to determine whether or not there
25 was a free and fair election, whether or not any

1 interference or influence affected the result of the
2 election.

3 And in that respect, I think there's at least
4 three questions we need to answer, based on the
5 evidence here.

6 Number one: Did the Town Clerk, while on
7 duty at the Godwin Town Hall, and while voting was
8 taking place at the same location on November 4th,
9 2025, unlawfully attempt to influence voters by telling
10 citizens which candidates to vote for?

11 Second question: Did voters rely on the
12 influence of the Town Clerk, such that their intention
13 to vote for a specific candidate changed?

14 And third: If so, were the number of
15 influenced voters sufficient to cast doubt on the
16 outcome of the election of Town Commissioners?

17 And so, Board Members, I would like to hear
18 your discussion.

19 MEMBER ELDERIDGE: So, for the first
20 question, did she attempt to influence voters? That
21 one, she admitted she had texted two people, so you
22 could say she attempted to influence two people. I
23 have not heard anything that she texted more than two
24 people.

25 I would say the influence was just for two

1 people. Whether they actually voted for that, I don't
2 know.

3 CHAIR DEVORE: And I think it's worth
4 acknowledging at this point that the vote difference
5 between Mr. Smith, and the fourth place finisher was
6 five votes.

7 MEMBER ELDERIDGE: Right.

8 CHAIR DEVORE: I would infer from that it
9 would take an influence of three voters to change the
10 outcome, respect to the fourth and fifth place
11 finishers in the Town of Godwin Commissioners race.

12 Is there any other discussion on that point?

13 MEMBER JOHNSON: No.

14 MEMBER ELDERIDGE: Uh-uh.

15 CHAIR DEVORE: Did voters rely on the
16 influence of the Town Clerk such that their intention
17 to vote for a specific candidate changed? I don't
18 believe we heard any testimony of that today.

19 MEMBER JOHNSON: No.

20 MEMBER ELDERIDGE: No. When Ann spoke, she
21 said she received the text, but she said she was
22 bothered by it and conferred with Joseph whether that's
23 what she was supposed to do. But Joseph said, no, you
24 can vote for whoever you want. So, and I believe
25 that's what she did. Who she voted for, I don't know.

1 But she voted for whoever she wanted. That's the
2 impression I got.

3 CHAIR DEVORE: Any other comments?

4 MEMBER JOHNSON: Yes, I agree.

5 CHAIR DEVORE: If so, well, then we don't
6 have to, if we don't believe that they were influenced
7 in such a way that they changed their votes, I think
8 then the conclusion would be that the number of
9 influenced voters sufficient to cast doubt on the
10 outcome of the election of the town commissioners --

11 MEMBER JOHNSON: Right.

12 MEMBER GRIMES: I think it's worth mentioning
13 that when Ms. Cooper-Kelley was up here testifying, she
14 said that she sent the text from her personal phone
15 during a break. So, I think that's important to
16 mention.

17 CHAIR DEVORE: I don't disagree with you, but
18 I think that the intention of the statute is that
19 someone not use their position as a town employee to
20 influence voters. And so, I think that's a different
21 factual question, but I understand your point. Point
22 well made.

23 Okay. If there's no further discussion, I
24 would ask for a motion on the findings.

25 MEMBER GRIMES: Based on the testimony that

1 we heard.

2 MEMBER ELDERIDGE: I have it.

3 MEMBER GRIMES: Oh, you have a script?

4 MEMBER ELDERIDGE: Yes.

5 MEMBER GRIMES: Okay.

6 MEMBER ELDERIDGE: So, at this time, I would
7 like to make the motion that there is not --

8 CHAIR DEVORE: It's a finding.

9 MEMBER ELDERIDGE: -- that the finding that
10 there is not substantial evidence of a violation of
11 elections law, irregularity, misconduct adequate to
12 support a conclusion that the results of the election
13 were swayed and order that the protest be dismissed.

14 CHAIR DEVORE: Is there a second to that
15 motion?

16 MEMBER JOHNSON: I'll second that.

17 CHAIR DEVORE: Thank you.

18 Is there further discussion on the motion?

19 If not, I'll ask for your vote.

20 All those in favor of the motion on the
21 finding that there is not substantial evidence of a
22 violation of elections law, irregularity, or
23 misconduct, adequate to support a conclusion that the
24 results of the election were swayed, and we order that
25 the protest be dismissed. All those in favor of that

1 motion indicate by saying aye.

2 ALL MEMBERS: Aye.

3 CHAIR DEVORE: And please let the record
4 indicate that that is a unanimous vote. And the case
5 is dismissed.

6 Is there any other discussion by this Board?

7 MEMBER JOHNSON: No, ma'am.

8 CHAIR DEVORE: If not, I believe that our
9 hearing is complete, and we will adjourn at 10:53.

10 Is there a motion for adjournment?

11 MEMBER ELDERIDGE: So moved.

12 MEMBER JOHNSON: I'll second.

13 CHAIR DEVORE: Thank you. And that is not
14 debatable. This meeting -- this hearing is adjourned
15 at 10:53. Thank you so much for being here today, and
16 we thank you for all your participation and your help
17 with this.

18 (End of Hearing)

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C E R T I F I C A T E

STATE OF NORTH CAROLINA - COUNTY OF DUPLIN

I, Rebecca A. Carpenter, Notary Public in and for the County of Duplin, State of North Carolina at Large, do hereby certify that said hearing, pages 1 through 54 inclusive, is a true, correct, and verbatim transcript of the audio recording of said proceeding to the best of my ability.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was heard; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, and am not financially or otherwise interested in the outcome of the action.

This the 15th day of December, 2025.

Rebecca A. Carpenter
Court Reporter/Notary Public
Notary Number: 19951710081