

IN THE MATTER OF THE ELECTION
PROTESTS OF DENNIS C. SMITH, SR.

DECISION AND ORDER

THIS MATTER CAME BEFORE THE CUMBERLAND COUNTY BOARD OF ELECTIONS (“County Board”) for hearing of new evidence and new witness testimony on January 16, 2026 and February 6, 2026, upon remand from the State Board of Elections by order dated December 31, 2025. Dennis C. Smith, Sr., and George Cooper, Jr., candidates in the contest under protest, were present at the January 16, 2026 recessed hearing in progress, and at the February 6, 2026 reconvened hearing.

Based upon the review of relevant information, matters of record, evidence and testimony presented at the hearings in this matter, the County Board makes the following findings of facts and conclusions of law:

FINDINGS OF FACT

1. Dennis Smith, Sr. timely appealed the December 9, 2025 written decision of the County Board to the State Board of Elections. In his appeal, Mr. Smith stated that, based upon new information made available to him after the December 2, 2025 County Board hearing, the town clerk may not have been truthful when testifying about the extent of her electioneering.
2. At the hearing on the appeal, Mr. Smith requested that the State Board hear new evidence. Pursuant to N.C.G.S. § 163-182.11(b), the State Board remanded the matter back to the County Board for further proceedings.
3. The County Board convened on January 16, 2026, to hear new evidence and new testimony. The following County Board members were in attendance at the January 16, 2026 hearing: Linda Devore (chair), Bree Eldridge, Irene Grimes, and Ryan Johnson. Also in attendance: Angie Amaro, Director of the Cumberland County Board of Elections. County Attorney Helen Nelson advised the County Board as requested by the board or its members.
4. The County Board issued subpoenas to the following witnesses: Patrina Corpus, Winifred Corpus, Deborah Tew, Curtis Forte, and Angela Smith Phillips for the January 16, 2026 hearing. Angela Smith Phillips and Curtis Forte were present at the hearing.

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5. In his opening statement, Mr. Smith requested a continuance of the hearing, claiming that not all subpoenaed witnesses were present. The County Board proceeded by taking testimony from Curtis Forte, Angela Smith Phillips, and Willie Burnette, as follows:
 - a. Curtis Forte testified that he received a text message from town clerk Jacqueline Cooper Kelley between 8:00 a.m. and 9:00 a.m. on election day. He declined to answer whether that text influenced or swayed his vote claiming privacy of the voter. He further testified that prior texts or communications with Cooper Kelley related to his involvement in the Community Watch.
 - b. Angela Smith Phillips testified that she received a text message from the town clerk on election day; and that during an interaction with the town clerk about the text, Ms. Cooper Kelley informed Ms. Phillips that she had texted other people. Dennis Smith attached a printed copy of the text message to his initial complaint. Angela Phillips Smith testified that she voted for who she wanted to vote for.
 - c. Willie Burnette testified that he provided an election day results tape from the November 4, 2025 Godwin polling site to Dennis Smith, which was accepted into evidence on a unanimous (4-0) vote of board members. He further testified that he received calls informing him about texts from the town clerk about who to vote for in the town commissioner election, and those witnesses were supposed to be present today to present proof of the message sent by the town clerk to Deborah Tew, who was a person named on Dennis Smith's subpoena request list. Board members viewed Mr. Burnette's phone, and he subsequently read the message sent by the town clerk into the record. Mr. Burnette testified that during a conversation with Ms. Tew about the town clerk, Ms. Tew informed him that she received a text message from the town clerk on election day, and that Ms. Tew later retrieved the message from her computer and sent it to him. Mr. Burnette raised concerns about the delivery of subpoenas to the witnesses for this hearing.
6. The County Board verified with the county sheriff's office that the subpoenas were not served on any of the witnesses, and by a 4-0 (unanimous) vote, recessed the January 16, 2026 meeting as a hearing in progress to reconvene on February 6, 2026 at 10:00 a.m.
7. On January 16, 2026, new subpoenas were issued to the following witnesses: Patrina Corpus, Winifred Corpus, Deborah Tew, Curtis Forte, and Angela Phillips Smith for the February 6, 2026. On January 20, 2026 a subpoena was issued to Jacqueline Cooper-Kelley for the February 6, 2026 hearing.
8. On February 6, 2026, the County Board reconvened the election protest hearing of Dennis Smith, Sr. The following County Board members were in attendance at the: Linda Devore (chair), Derek Edmonds, Bree Eldridge, Irene Grimes, and Ryan Johnson. Also in

attendance: Angie Amaro, Director of the Cumberland County Board of Elections. County Attorney Helen Nelson advised the County Board as requested by the board or its members.

9. All subpoenas were confirmed served, and witnesses present at the hearing, with the exception of Angela Phillips Smith; who became deceased shortly after the January 16, 2026 hearing.
10. Mr. Smith presented an opening statement, and called the following witnesses to testify:
 - a. Patrina Corpus testified to receiving a group text message, which included her mother (Winifred Corpus) and sister (Nakia Corpus), around 6:13 a.m. on election day from the Ms. Cooper Kelly. She read the message into the record and allowed the County Board members to view the message on her phone. Ms. Corpus stated that Ms. Cooper Kelly usually only sends updates related to community watch and town meetings.
 - b. Winifred Corpus testified that she also received the group text message around 6:30 a.m. on election day; however, she voted early because she is a precinct official. The County Board verified that Winifred Corpus voted early, before receiving the text message on election day.
 - c. Deborah Tew testified that she received a text message from Ms. Cooper Kelley at 6:15 a.m. on election day. She testified that the text did not influence her vote. Ms. Tew further testified that she and Ms. Cooper Kelly text on a professional capacity because they both serve as officers on the community watch.
 - d. Jacqueline Cooper Kelley testified that she previously answered truthfully when she stated that she had only texted two voters, in an attempt to influence their vote, and that only one of those texts was sent while at her job. She further testified that she did not testify as to the others in evidence at today's hearing because she sent those text messages while home in bed. She testified to texting Deborah Tew at 6:10 a.m., Curtis Forte at 6:09 a.m., and Winifred Corpus, Patrina Corpus, and Nakia Corpus at 6:13 a.m. on election day, but denied texting anyone other than Anne Smith (aka Angela Smith Phillips) while at her work place as Town Clerk, and denied making any telephone calls to voters. The County Board, by a 5-0 (unanimous) vote, accepted into evidence printed copies of the text message Ms. Cooper-Kelley sent to Patrina Corpus, Winifred Corpus, Nakia Corpus, Curtis Forte, and Deborah Tew.
 - e. Curtis Forte testified that he does not generally communicate with Ms. Cooper Kelly outside of town board meetings.

11. In his closing statement Mr. Smith asserted that Jacqueline Cooper Kelley was dishonest during her previous testimony by lying under oath and requested that the County Board order a revote.
12. The basis for the protest was that a violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.
13. Based upon the evidence and sworn testimony received by the County Board, the Board determined that:
 - a. The State Board, under its authority pursuant to N.C.G.S. § 163-182.11(b), remanded the matter back to the County Board for further proceedings.
 - b. Notice of the hearing was properly given and procedures for the hearing of protests were followed in accordance with N.C.G.S. § 163-182.10(b), Rule 08 NCAC 02 .0110(d), and the State Board's Election Protest Procedures Guide.
 - c. Pursuant to N.C.G.S. §160A-169(c) (1) City Employee Political Activity, no employee while on duty or in the workplace may use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office.
 - d. The Town Clerk, Ms. Jacqueline Cooper Kelley, is not an elected official of the Town of Godwin, but was an employee of the town at the time of the November 4, 2025 election.
 - e. Jackqueline Cooper Kelley, while on duty at the Town Hall, while voting was taking place at the same location, unlawfully influenced and attempted to control voters by telling citizens which candidates to vote for.
 - f. The Town Clerk, Jacqueline Cooper Kelley, sent texts to at least six voters on election day, November 4, 2025, attempting to influence their votes in the election of town commissioners, and that at least one of the texts was sent from her worksite at town hall during her work day.
 - g. The truthfulness of the statements made by Ms. Cooper-Kelley as to the total number of texts she sent to voters, attempting to influence their votes in the Godwin Town Commissioner election, is questionable, citing new testimony and evidence establishing a discrepancy between her testimony on December 2, 2025, and her testimony on February 6, 2026, as well as the testimony of additional witnesses at the hearing.

- h. New testimony from witnesses who received texts from the Town Clerk, Ms. Cooper Kelley, established that their primary relationship with, and contact with, Ms. Cooper-Kelley was related to her work as town clerk.

CONCLUSIONS OF LAW

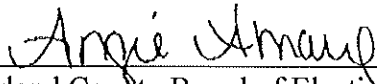
- 14. The County Board makes these conclusions of law based upon new and additional findings of fact, substantiated by evidence in the record gathered at the December 2, 2025, January 26, 2026, and February 6, 2026 hearings, and issues this order on the protest based upon these new findings and conclusions in accordance with N.C.G.S. § 163-182.10(d).
- 15. In an election protest where the protester has alleged a violation of election law, irregularity, or misconduct sufficient, if true, to cast doubt on the apparent results of the election, the protester's burden before the County Board is to establish that there is "evidence of any violation, irregularity, or misconduct sufficient to cast doubt on the results of the election." N.C.G.S. 163-182.10(d)(2)b.
- 16. The burden of proof for an election protest is on the protester. Appeal of Harper, 118 N.C. App. 698 (1995) ("When an unsuccessful candidate seeks to invalidate an election, the burden of proof is on him to show that he would have been successful had the irregularities not occurred.").
- 17. Based upon the above findings of fact, which are substantiated by evidence in the record, the County Board, by a unanimous (5-0) vote, concludes that there is substantial evidence to believe that a violation of the election law or other irregularity or misconduct occurred, which was sufficiently serious to cast doubt on the apparent results of the election.
- 18. The County Board, by a unanimous (5-0) vote, concludes that the findings of the January 16, 2026 and February 6, 2026 hearings should be sent to the State Board for further action, within its authority, in accordance with N.C.G.S. § 163-182.10(d)(2)e, to include ordering a new election.

ORDER AND DECISION

Based upon the foregoing findings of fact and conclusions of law, and by a unanimous vote of 5-0 by the County Board, it is therefore **ORDERED** that this matter be returned to the State Board with a recommendation of a new election in the Town of Godwin County Commission race, or any other relief it deems appropriate under its authority pursuant to N.C.G.S. § 163-182.11.

It is further ordered that County Board staff shall immediately file and serve this decision, in accordance with Rule 08 NCAC 02 .0110(e)(2), on the Protester, any candidate likely to be affected, any election official alleged to have acted improperly, and those persons likely to have a significant interest in the resolution of the protest.

This, the 11th day of February, 2026.



Cumberland County Board of Elections

By:



Linda Devore, Chair

CERTIFICATE OF SERVICE

I, Angie Amaro, today caused the foregoing document to be served on the following individuals via email and certified mail, return receipt requested:

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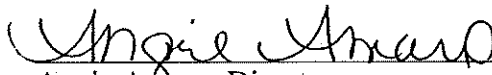
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North Carolina State Board of Elections
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This 12th day of February, 2026.

Cumberland County Board of Elections
By:



Angie Amaro, Director