STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE: COMPLAINT OF NEAL DRIVER REGARDING PITT COUNTY BOARD MEMBER ETSIL MASON	)))))	**NOTICE OF HEARING AND ORDER OF PROCEEDINGS**

THIS MATTER is before the State Board of Elections on the complaint of Pitt County voter and Pitt County Board of Elections chair Neal Driver ("Driver") against Etsil Mason ("Mason"), a member of the Pitt County Board of Elections, filed on April 23, 2026. A copy of the complaint is enclosed with this order.

On July 16, 2026, the State Board determined that the complaint contained prima facie evidence of a violation of election of laws and duties of a county board member and advanced the complaint to an evidentiary hearing pursuant to 08 NCAC 03 .0102. Accordingly, a hearing on this matter will take place before the State Board at the following date, time, and location:

September 17, 2026
9:00 a.m.
Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh, NC 27603

This order serves as the notice of the hearing on the complaint and directs the manner of the proceedings for the hearing, pursuant to N.C.G.S. § 163-22(c) and the applicable provisions of Chapter 3 of Title 8 of the North Carolina Administrative Code, a copy of which is enclosed.

1. In-person Attendance: The hearing will take place in person and the parties shall appear in person. The hearing is open to the public and will be recorded by audio and video. Members of the public may view and listen to proceedings in person or online via Webex video feed. Instructions for doing so will be posted on the State Board's website.

2. Written Submissions: If a party has any written arguments, affidavits, or exhibits to submit to the State Board, those must be submitted by **5:00 p.m. on September 11, 2026**. Each exhibit must be labeled with a number (*e.g.*, "Exhibit 1"). Written materials must be submitted via email to legal@ncsbe.gov, copying the other parties. Written materials must also be served on the other parties in accordance with N.C.G.S. § 1A-1, Rule 5, by this same date.[1]

[1] *See* 08 NCAC 03 .0103. Rule 5 of the Rules of Civil Procedure can be viewed at https://ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_1A/GS_1A-1,_Rule_5.html.

3. Identifying Voluntary Witnesses: Parties are not required to present witness testimony. However, if a party wishes to present witness testimony and those witnesses have agreed to participate, the party must submit a witness list to the State Board, identifying each witness whom they will call to testify, along with a short statement on the topic of each witness's testimony. The witness list must be submitted by **5:00 p.m. on September 11, 2026**, via email to legal@ncsbe.gov, copying the other parties.

4. Witness Subpoenas: If a party wishes to petition for the State Board to subpoena a witness to require that witness's attendance, the party must submit a written request to the State Board, including the information required in 08 NCAC 03 .0106. The request must be submitted by **5:00 p.m. on September 4, 2026**, via email to legal@ncsbe.gov, copying the other parties.

   The chair or two or more members of the State Board may also issue subpoenas for designated witnesses or identified papers, books, records, and other evidence in accordance with N.C.G.S § 163-23 regardless of whether a party has requested the subpoena. Any such subpoenas shall be issued by **5:00 p.m. on September 4, 2026**, and a copy shall be provided to all parties by email from State Board legal staff.

5. Attorney representation: If any party is represented by an attorney—whether in the preparation of written submissions or in the conduct of the hearing—notice of the attorney's representation must be submitted by **5:00 p.m. on September 4, 2026**, or within a reasonable amount of time if the attorney's services are secured after that date. The notice must be submitted via email to legal@ncsbe.gov, copying the other parties. If the attorney is not a member of the North Carolina State Bar, the attorney must comply with N.C.G.S. § 84-4.1.

6. Argument: Each party to the complaint will be allowed 20 minutes to present their argument in an opening statement before the presentation of evidence and a closing argument following the presentation of evidence. A party may allocate their argument time between the opening statement and closing argument as they see fit (*e.g.*, 10 minutes for an opening statement and 10 minutes for a closing argument).

   The opening statement, if provided, is a chance to explain what the evidence to be offered will show and what the law requires. The closing argument, if provided, is a chance to explain why the evidence that was offered supports the party's desired outcome from the proceeding and why the desired outcome is what the law requires.

7. Evidence Presentation: After opening statements, Driver will present any evidence in support of the complaint, followed by Mason presenting any evidence in response to the complaint. The parties are encouraged to keep their evidentiary presentation to no more than one hour.

   If a party is offering testimony from a witness, the witness will be sworn in by the chair. A party may offer their own testimony and, if so, will be sworn in by the chair. The

opposing party will have an opportunity to cross-examine any witness who testifies. The State Board members may also question the parties and any witnesses.

For any documentary evidence to be considered by the Board in its decision, during the presentation of evidence, the party offering the evidence must first request that the Board receive the evidence, with an opportunity for an opposing party to object.

After the presentation of evidence, there will be time for closing arguments, according to any argument time reserved by the parties.

8. Procedural and Preliminary Objections: If a party has an objection to any procedure or any other matter announced in the orders of proceedings, such an objection must be submitted in writing by **5:00 p.m. on September 11, 2026**. Any objection(s) must be submitted via email to legal@ncsbe.gov, copying the other parties.

IT IS SO ORDERED.

This 18th day of August, 2026.

Francis De Luca, Chair
STATE BOARD OF ELECTIONS

CERTIFICATE OF SERVICE

I, Adam Steele, Deputy General Counsel for the State Board of Elections, today caused the foregoing document to be served on the following individuals via email and U.S. mail:

Neal Driver
104 N. Longmeadow Rd.
Greenville, NC 27858
ecupir899@yahoo.com

Etsil Mason
4192 West Lang St.
Farmville, NC 27828
etsilmason@gmail.com

This 18th day of August, 2026.



Adam Steele

§ 163-22. Powers and duties of State Board of Elections.

(a) The State Board shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.

(b) From time to time, the State Board shall publish and furnish to the county boards of elections and other election officials a sufficient number of indexed copies of all election laws and State Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the State Board shall deem necessary.

(c) The State Board shall advise the county boards of elections as to the proper methods of conducting primaries and elections. The State Board shall require all reports from the county boards of elections and election officers as provided by law, or as are deemed necessary by the State Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers. In performing these duties, the State Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board to comply with any part of the election laws imposing duties upon a county board. The State Board shall have power to remove from office any member of a county board for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county board member affected and give that member an opportunity to be heard.

. . . .

(1901, c. 89, ss. 7, 11; Rev., ss. 4302, 4305; 1913, c. 138; C.S., ss. 5923, 5926; 1921, c. 181, s. 1; 1923, c. 196; 1933, c. 165, ss. 1, 2; 1945, c. 982; 1953, c. 410, s. 2; 1967, c. 775, s. 1; 1973, c. 47, s. 2; c. 793, s. 2; 1975, c. 19, s. 65; 1977, c. 661, s. 6; 1979, c. 411, s. 1; 1981, c. 556; 1985 (Reg. Sess., 1986), c. 986, ss. 2, 3; 1987, c. 485, ss. 2, 5; c. 509, s. 9; c. 642, s. 3; 1989, c. 635, s. 5; 1991, c. 727, ss. 5.2, 7; 1993 (Reg. Sess., 1994), c. 762, s. 12; 1995, c. 509, s. 114; 1999-424, s. 7(a); 2001-398, s. 4; 2009-537, s. 10; 2009-541, s. 1; 2011-31, s. 15; 2011-182, s. 3; 2016-125, 4th Ex. Sess., s. 20(b); 2017-6, s. 3; 2018-13, s. 3.2(a), (b); 2018-144, s. 1.4A; 2018-146, s. 3.1(a), (b); 2023-139, s. 2.3; 2023-140, ss. 2, 39(b); 2024-57, s. 3A.3(e).)

CHAPTER 03 - CHARGES AGAINST COUNTY ELECTION OFFICIALS

SECTION .0100 - MEMBERS OF COUNTY BOARD OF ELECTIONS

08 NCAC 03 .0101 VOTER COMPLAINTS AGAINST A MEMBER OF A COUNTY BOARD OF ELECTIONS

(a) Any voter desiring to prefer charges of a violation of these Rules or of Chapter 163 of the North Carolina General Statutes with the State Board of Elections against a member of any county board of elections may do so by filing with the Board a statement, in writing, signed and sworn under oath or affirmation of the voter, which statement shall contain:

(1) the name, residence address, and county of the member against whom the charges are preferred;
(2) a statement of the facts constituting the violation alleged, with a reference to the date and place of such misconduct; and
(3) the names and addresses, so far as may be known to the persons filing the charges, of persons who have knowledge or information of the matters referred to in the charges as filed.

(b) The statement shall be filed on the form available on the Board's website.

History Note: *Authority G.S. 163-22(c);*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.

08 NCAC 03 .0102 CHARGES

(a) Upon receipt of a charge filed against a county board member in accordance with Rule .0101 of this Section, the State Board of Elections shall set a hearing if the charges preferred includes prima facie evidence of any of the following:

(1) a violation of these Rules or of any election law under Chapter 163 of the North Carolina General Statutes;
(2) a breach of a duty imposed by Chapter 163; or
(3) participation in irregularities, incapacity or incompetency to discharge the duties of the office.

(b) The State Board of Elections shall give notice by mail to the county board member against whom the charges are preferred, by mail of such charges and name a day and place for the hearing thereof.

History Note: *Authority G.S. 163-22(c);*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.

08 NCAC 03 .0103 HEARING

Before acting on any charges filed in accordance with Rule .0101, the State Board shall hold a hearing. At such hearing the voter preferring such charges shall appear, and present the evidence, including any affidavits, tending to support the charges in accordance with any order of proceedings issued by the Board. All affidavits must be served on the member against whom such charges have been filed in accordance with G.S. 1A-1, Rule 5, by the person filing the charges, at least three days before the time set for the hearing thereof.

History Note: *Authority G.S. 163-22(c);*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.

08 NCAC 03 .0104 RIGHTS

The member against whom charges are preferred shall have the right to respond to the charges preferred against him by submitting an affidavit in denial, rebuttal, explanation, or extenuation of the charges, and additional evidence may be presented in accordance with any order of proceedings issued by the Board.

History Note: *Authority G.S. 163-22;*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.

08 NCAC 03 .0105 SCOPE

The Board's investigation into the charges filed in accordance with Rule .0101 of this Section shall be confined to the charges as filed, but the Board may on its own motion investigate any matter listed in Rule .0102(1) through (3) of this Section upon receiving any additional evidence as the result of investigating or hearing said charges.

History Note: *Authority G.S. 163-22(c);*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.

08 NCAC 03 .0106 WITNESSES

(a) Either the voter or the member may request in writing to the chair of the Board for subpoenas for witnesses to be heard orally at the hearing held according to Rule .0103 of this Section. The application shall include the following information:

(1) the name or names of the witnesses;
(2) a statement of one page or less of what is expected to be proved by each witness; and
(3) the reason the testimony cannot be presented to the Board in the form of an affidavit of such witness or witnesses.

(b) If, upon such application for subpoenas, the chair of the Board is of the opinion that the oral evidence of such witnesses will be helpful to the board, a subpoena shall be issued for the personal appearance of the witnesses, and if required by the subpoena, the witnesses shall produce such books, papers, or records as may be called for in said subpoena.

History Note: *Authority G.S. 163-22(c); 163-23;*
Eff. March 12, 1976;
Readopted Eff. June 1, 2019.