

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS & ETHICS ENFORCEMENT

IN THE MATTER OF: APPEAL OF)
CHALLENGE TO CANDIDACY OF)
ADRIAN L. BOWEN)

ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS & ETHICS ENFORCEMENT (“State Board”) during a hearing held May 5, 2018, upon the Emergency Motion for Stay of Certification of Primary Election Pending Appeal (“Emergency Motion”) of Adrian L. Bowen (the “Candidate-Appellant”), a candidate for the Democratic nomination for Bertie County Sheriff, from an adverse ruling of the Bertie County Board of Elections (“Bertie Board”) upon a challenge brought by Vivian Clarke (“Challenger-Appellee”).

The State Board heard argument from counsel for the Candidate-Appellant, M. Brad Hill; counsel for the Challenger-Appellee, Paul Faison Winborne; and counsel for the Bertie Board, Lloyd C. Smith. Having considered the arguments from the parties and relevant statutes, the State Board by the unanimous vote of eight members in the affirmative, hereby finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Challenger-Appellee timely challenged the qualification of Candidate-Appellant by a verified affidavit in the manner prescribed under Part 3 of Article 19 of Chapter 163A of the North Carolina General Statutes (the “Challenge”).
2. The Bertie Board found the Candidate-Appellant failed to meet his burden following a duly noticed hearing. Candidate-Appellant timely appealed to the State Board, but the Bertie Board was unable immediately to produce a transcription of proceedings.

CONCLUSIONS OF LAW

1. The State Board possesses general supervisory authority over the administration of elections and over proceedings pending on appeal. G.S. §§ 163A-741(a) and 163A-1030(a).

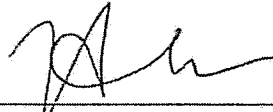
2. Considering the totality of the circumstances, emergency relief is appropriate and necessary to preserve appropriate appellate review by the State Board.

IT IS THEREFORE ORDERED:

The Emergency Motion for Stay of Certification of Primary Election Pending Appeal is **GRANTED**.

The Bertie Board is enjoined from canvassing votes for the primary election for the Democratic nomination for Sheriff of Bertie County and from issuing any certificate of nomination in that contest until the tenth day following the State Board's issuance of a written decision on this matter.

This the tenth day of May, 2018.



J. Anthony Penry, Chair
STATE BOARD OF ELECTIONS &
ETHICS ENFORCEMENT

CERTIFICATE OF SERVICE

I, Josh Lawson, general counsel to the North Carolina State Board of Elections & Ethics Enforcement, do hereby certify that I have this day served the foregoing document upon the party to this action by depositing the same into the care and custody of Federal Express for delivery to the recipients below:

M. Brad Hill
for Adrian L. Bowen, Candidate-Appellant
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Paul Faison Winborne
for Vivian Clarke, Challenger-Appellee
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Lloyd C. Smith, Jr.
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This the eleventh day of May, 2018.

A handwritten signature in black ink, appearing to read "Josh Lawson", with a long horizontal flourish extending to the right.

Josh Lawson, General Counsel
N.C. State Board of Elections &
Ethics Enforcement