

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN THE MATTER OF: PROTEST OF)
ELECTION TO TOWN OF BENSON)
COMMISSIONER DISTRICT 2 BROUGHT)
BY CURTIS DEAN McLAMB)

ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS upon the request of the Johnston County Board of Elections (“Johnston Board”) from their hearing of a protest brought by Curtis Dean McLamb (“Petitioner”) regarding the election for the Benson Town Commissioner District 2 (“Protest”). The State Board of Election heard this mater on January 15, 2016 in Raleigh, during which the Petitioner, candidate John Bonner, Johnston County Attorney Jennifer Slusser, Johnston County Elections Director Leigh Anne Price, and Johnston County Board of Elections Chair John Shallcross appeared.

This Board conducted a review of all issues of law and based its decision on the record as a whole to determine whether there was substantial evidence to believe a violation of election law or other irregularity or misconduct occurred that might affect the outcome of the election or was sufficiently serious to cast doubt on the apparent results of the election. After reviewing the record and applicable precedent, and after hearing argument from the parties, the State Board finds, concludes and orders as follows:

FINDINGS OF FACT

1. Petitioner filed his Protest before the Johnston Board on November 8, 2015 pursuant to G.S. 163-182.9; and
2. The Johnston Board heard the Protest on November 19, 2015 and issued its order on the same day; and
3. Seven votes separated the candidates in the Town of Benson Commissioner District 2 race; and
4. Thirty-seven voters received incorrect ballots due to an administrative error; and
5. The State Board of Elections noticed all parties of its January 15, 2016 hearing.


CONCLUSIONS OF LAW

1. This State Board of Elections has jurisdiction to decide this matter and order an appropriate remedy pursuant to G.S. §§ 163-22, 163-182.12; and
2. The order of the Johnston Board, its findings of fact, and conclusions of law contained no reversible error; and
3. There is substantial evidence to believe an irregularity occurred that affected the outcome of the election and was sufficiently serious to cast doubt on the apparent results of the election.

It is, therefore, **ORDERED**:

The Johnston Board is ordered to hold a new election on March 15, 2016.

This the twentieth day of January, 2016.


A. Grant Whitney, Jr., Chair
State Board of Elections