

STATE OF NORTH CAROLINA

CATAWBA COUNTY

COUNTY OF CATAWBA

BOARD OF ELECTIONS

In Re: Hearing for Challenge of)
Candidacy of Barbara Gale Beatty)
Candidate for Catawba County)
Board of Commissioners)

ORDER

The five members of the Catawba County Board of Elections, including Chair Barry Cheney, Secretary David Abernethy, Jason White, Geniey Yang and David Hood held a hearing on January 14, 2020 to consider the challenge to the candidacy of Barbara Gale Beatty filed by fellow candidate Thomas William Dees. Ms. Beatty and Mr. Dees represented themselves. Having heard all of the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

1. Ms. Beatty and Mr. Dees were given the opportunity to present evidence in the form of documents and testimony, as well as to cross examine witnesses or provide any rebuttal testimony.
2. Candidate Beatty’s legal name is “Barbara Gale Beatty” as shown on her driver’s license, a copy of which was presented to the Board. She stated she spelled her middle name “Gail” until she applied for a passport prior to the 2016 election filing period. Upon applying for the passport, she discovered her middle name is spelled “Gale” on her birth certificate.
3. Ms. Beatty’s middle name is spelled “Gale” on her driver’s license and the Notice of Candidacy she filed with the Catawba County Board of Elections for the 2020 Catawba County Board of Commissioners election.
4. Mr. Dees, the challenger, testified that Ms. Beatty provided an incorrect name on the Notice of Candidacy she filed for the 2020 Catawba County Board of Commissioners election. Mr. Dees presented a copy of Ms. Beatty’s Notice of Candidacy dated February 13, 2012 and various Catawba County real property tax records reflecting Ms. Beatty’s middle name as “Gail”. He also presented Ms. Beatty’s Notice of Candidacy filings dated December 1, 2015 and December 2, 2019, in which Ms. Beatty’s middle name is spelled “Gale.”
5. Ms. Beatty has styled her name correctly after she discovered the correct spelling of her name and has not intended to deceive or defraud the voting public in so doing.

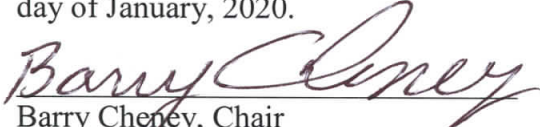
Based on these FINDINGS, the Board makes the following CONCLUSIONS OF LAW:

1. The matter is properly before the Board, and the Board has jurisdiction to hear the matter.
2. Candidates for Catawba County Board of Commissioners must swear or affirm that the information contained in the Notice of Candidacy filed with the Catawba County Board of Elections is true, correct and complete.

3. The evidence presented as to the spelling of candidate Beatty's name is that her middle name is spelled "Gale" on her North Carolina driver's license and her testimony included an explanation of how she discovered the spelling of her middle name when applying for a passport prior to 2016. Ms. Beatty utilized the spelling "Gale" on her current Notice of Candidacy. The Board found no intent to defraud or deceive on the part of Ms. Beatty.

Therefore, upon call for a vote made by Chair Cheney, the Board voted 5 to 0 to dismiss the challenge of candidacy of Barbara Gale Beatty, candidate for Catawba County Board of Commissioners.

This Order was announced at the conclusion of the hearing, and is signed and filed this the 23 day of January, 2020.


Barry Cheney, Chair
Catawba County Board of Elections