

STATE OF NORTH CAROLINA

CATAWBA COUNTY

COUNTY OF CATAWBA

BOARD OF ELECTIONS

In Re: Hearing for Challenge of )  
Candidacy of Derek L. Slaughter )  
Candidate for Catawba County Sheriff )

**ORDER**

---

The five members of the Catawba County Board of Elections (“Board”), including Chair Barry Cheney, Secretary David Hood, Jason White, Felicia Culbreath-Setzer and Thomas Luckadoo held a hearing on August 17, 2022 to consider the challenge to the candidacy of Derek L. Slaughter filed by Jeffrey L. Eddins. Present at the hearing was the challenger, Jeffrey Eddins. The candidate did not appear.

The Board, having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT:


1. On August 12, 2022, the Catawba County Board of Elections received a challenge by Jeffrey Eddins, a qualified voter in Catawba County, to the qualifications for candidacy of Derek Slaughter for the office of Catawba County Sheriff, specifically that Derek Slaughter was not a resident of Catawba County at the time he filed on August 5, 2022, as required by statute.
2. Pursuant to N.C.G.S. § 163-127.4(b), notice of hearing was timely sent to the candidate, the challenger, and the other statutorily required parties.
3. At the hearing, the candidate and challenger 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.
4. The record showed that, on November 9, 2021, Derek Slaughter registered to vote in Catawba County providing his place of residence as 908 3<sup>rd</sup> Street Place NE, Conover, NC.
5. Evidence presented by the challenger indicated that, subsequent to November 9, 2021, the candidate’s actual place of residence was 154 Avalon Circle, Apt 303, Mooresville, NC.
6. The challenger testified that he had no further information except what was in his original written challenge, which was that the candidate did not live within the County at the time he filed to be a candidate on August 5, 2022.
7. The candidate presented no evidence that he had established residence at a place within Catawba County with the intent to make that place a permanent domicile at the time he filed to be a candidate.

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. A person may have only one residence for purposes of filing as a candidate, and that residence is defined by statute as the place where the person's habitation is fixed and to which, whenever that person is absent, the person has the intent of returning. (N.C.G.S. §163A-842(1))
3. Further, a person shall not be considered to have lost a residence if the person goes into another election district of this state for temporary purposes only. Similarly, a person shall not be considered to have gained residence in any election district into which that person comes for temporary purposes only, without the intention of making that election district a permanent place of abode. (N.C.G.S. §163A-842(2)(3))
4. N.C.G.S. § 163-127.5, places the burden of proof on the candidate to show by a preponderance of the evidence that he is qualified to be a candidate for office. If a challenge is based on residency, the candidate must show:
  - An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.
  - The acquisition of a new domicile by actual residence at another place.
  - The intent of making the newer domicile a permanent domicile.
5. As such, the candidate failed to meet his burden of proving by a preponderance of the evidence that he is qualified to be a candidate for the office of Catawba County Sheriff.

Therefore, by a Motion made by board member David Hood to sustain the challenge, the Board voted by a vote of 5 to 0 that candidate Slaughter has not shown by a preponderance of the evidence that, based upon the residency requirements, he was qualified to file as a candidate for election to the office sought.

This Order was announced at the conclusion of the hearing, and is signed and filed this the 17<sup>th</sup> day of August, 2022.

  
Barry Cheney, Chair  
Catawba County Board of Elections