

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

CATAWBA COUNTY
BOARD OF ELECTIONS

In Re: Hearing for Challenge of)
Candidacy of Ivey Lucille Robinson)
Candidate for Newton-Conover Schools)
Board of Education Newton District)

ORDER

The five (5) 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 December 20, 2023 to consider the challenge to the candidacy of Ivey Lucille Robinson filed by Aaron Bradley Scott (“Brad Scott”). Present at the hearing were Ivey Lucille Robinson; Brad Scott; Amanda Duncan, Director of Elections; and Jodi Stewart, County Attorney.

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

1. On December 15, 2023, the Catawba County Board of Elections received a challenge to the qualifications for candidacy of Ivey Lucille Robinson for a seat on the Newton-Conover Schools Board of Education, specifically that Ms. Robinson erroneously filed in the Conover District instead of the Newton District and the error was corrected after the filing deadline.
2. Pursuant to NCGS § 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 challenger testified that Ms. Robinson incorrectly filed for candidacy in the Conover District instead of the Newton District, and even though the clerical error was made and corrected by Elections staff, the correction was made after the filing deadline.
5. The challenger testified that he had no further information.
6. The candidate stated she lives in the district, is at least 21 years old and otherwise meets the qualifications to be a candidate. Ms. Robinson further testified that listing the incorrect district on the Notice of Candidacy form was human error; Elections staff did not intentionally list the incorrect district; and staff corrected the error once it was discovered.

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. NCGS § 163-127.5, places the burden of proof on the candidate to show by a preponderance of the evidence that she is qualified to be a candidate for office.
3. It is undisputed that the Ms. Robinson meets the qualifications to be a candidate.
4. As such, the candidate met her burden of proving by a preponderance of the evidence that she is qualified to be a candidate for a seat on the Newton-Conover Schools Board of Education, and the Board finds the clerical error in this case had no correlation to the candidate's qualifications for candidacy.

Therefore, by a Motion made by David Hood and seconded by Thomas Luckadoo, the Board voted by a vote of 5 to 0 that candidate Robinson has shown by a preponderance of the evidence that she is 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 20th day of December, 2023.

Barry Cheney, Chair
Catawba County Board of Elections