

DAVIDSON COUNTY BOARD OF ELECTIONS

June 14, 2022

The Davidson County Board of Elections met on Tuesday, June 14, 2022 at 6:00 p.m. at Davidson County Government Building in the Commissioners Rooms at 913 Greensboro Street Lexington, North Carolina 27292.

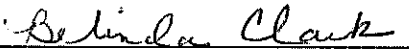
Mr. Cunningham called the meeting to order at 6:00 p.m. with the following members present: Belinda Clark, Secretary and Board Members Kathy Wall, Richard Johnson, and Chad Freeman. Director Andrew Richards and Deputy Director Adam Moore were present along with County Attorney Charles E. Frye III.

The Board considered the Election Protest regarding Lexington City Ward 5 School Board race filed by Ms. Vanita Faye Boger.

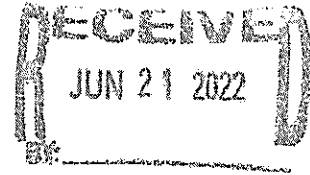
After hearing from witness testimony, the board voted 5-0 in favor of dismissing the Election Protest. An order which was written in accordance to State Law following the Election Protest dismissal. That order is included in these minutes.

Mr. Freeman made the motion to adjourn was seconded by Ms. Clark. It was unanimously approved.

Respectfully Submitted,

 Belinda Clark, Secretary

DAVIDSON COUNTY BOARD OF ELECTIONS



NORTH CAROLINA  
DAVIDSON COUNTY

BEFORE THE DAVIDSON COUNTY  
BOARD OF ELECTIONS

IN THE MATTER OF:	)	
	)	
ELECTION PROTEST OF VANITA FAYE	)	ORDER
CRAVEN BOGER,	)	
Candidate for the Office of Lexington City School	)	
Board- Ward 5	)	

This Election Protest, coming on to be heard and being heard before the Davidson County Board of Elections on June 14, 2022, pursuant to North Carolina General Statute §163-182.9 *et seq.*, and the Board makes the following:

FINDINGS OF FACT

1. That when this matter was called for consideration the following persons were present: J. Calvin Cunningham, Davidson County Board of Elections Chairman; Iley Belinda Clark, Davidson County Board of Elections Secretary; Kathy Davis Wall, Chad C. Freeman and Richard (Dick) Johnson, members of the Davidson County Board of Elections; Andrew Richards, Board of Elections Director; Adam B. Moore, Board of Elections Deputy Director; Vanita Faye Craven Boger, Protestor; Chimeaka White, Attorney representing the Protestor; and Davidson County Attorney Charles E. Frye III.
2. An election protest was filed by Vanita Faye Craven Boger, candidate for the office of Lexington City School Board of Education – Ward 5 (hereinafter “protestor”), with the Davidson County Board of Elections on May 31, 2022. Said protest was timely filed by said protestor.

3. The election protest filed with the Board of Elections by protestor was in the correct format prescribed by the North Carolina State Board of Elections and G.S. §163-182.9. There are no irregularities within the election protest submitted that would warrant or require an administrative dismissal of the protest.

4. The Davidson County Board of Elections issued a Notice of Public Hearing on June 8, 2022. Notice was sent to the Davidson County Manager's Office for publication with the sunshine list; to both candidates (Vanita Faye Craven Boger and Angela McDuffie); to the Davidson County Republican Chairman, Christopher Jessup; to the Davidson County Democratic Party Chairman, Jacquez Johnson; and to Eastside Chief Judge, Yolanda Bellamy.

5. The protestor has substantially complied with the form requirement set out in law. Said protestor is eligible to file a protest; is a resident of North Carolina; is a candidate to the contest of Lexington City School Board of Education – Ward 5; and is designated on the ballot.

6. The election protest form filed by the protestor has calculated "the margin of votes separating the apparent winner from the runner-up as of the date of filing." Said form alleges that there is a current vote margin of 37 votes separating the protestor from the apparent winner.

7. At hearing the protestor, through counsel, called the following persons to testify: Mildred Simmons; Veronica Simmons; Kelly Wall; Kalijah Boger; Dexter Boger; James Craven; Sandra Craven; Tammy Smith; Emily Lewis; Eloise Akwuba; and Garrett Holloway.

8. The testimony of the witnesses called by the protestor was generally consistent with the allegations made by the protestor in the Election Protest form. If the allegations of misconduct or irregularity made by each of the witnesses called by the protestor were to be considered in a light

most favorable to the protestor said protest would not result in a change of the vote sufficient to impact the election results.

9. At the conclusion of the presentation of evidence by the protestor Board Member Freeman made a motion, pursuant to North Carolina General Statute §163-182.10 that the protest in this matter should be dismissed because there is not substantial evidence of any violation, irregularity, or misconduct sufficient to cast doubt on the results of the election. This motion was seconded by Board Member Wall. Upon vote the motion passed, 5-0.

Based upon the foregoing FINDINGS OF FACT, Board makes the following CONCLUSIONS OF LAW:

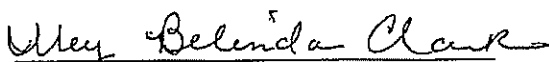
1. North Carolina General Statute §163-182.10 establishes the various sets of conclusions of law that a county board may reach following the findings of fact based on the evidence presented and the matters officially noticed
2. Pursuant to G.S. §163-182.10(d)(2) the protest in this matter should be dismissed because there is not substantial evidence of any violation, irregularity, or misconduct sufficient to cast doubt on the results of the election.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the protest is dismissed.

This the 21 day of June, 2022.



J. Calvin Cunningham, Chairman  
Davidson County Board of Elections



Wley Belinda Clark; Secretary  
Davidson County Board of Elections