

NORTH CAROLINA

WAYNE COUNTY

The Wayne County Board of Commissioners met in reconvened session on Wednesday, July 14, 2020 at 1:00 p.m. in the Commissioners Meeting Room in the Wayne County Courthouse Annex, Goldsboro, North Carolina, after due notice thereof had been given.

Members present: E. Ray Mayo, Chairman; Joe Daughtery, Vice-Chairman; George Wayne Aycock, Jr.; Edward E. Cromartie; William H. Pate; and Adrian Worrell.

Members absent: None

Call to Order

Chairman E. Ray Mayo called the meeting of the Wayne County Board of Commissioners to order.

Motion to Fill the Vacancy on the Board of Commissioners for the District 4 Seat

Upon motion of Vice-Chairman Joe Daughtery, the Board of Commissioners unanimously approved the appointment of Freeman Hardison, Jr. to fill the vacancy on the Board of Commissioners for the District 4 seat.

Closed Session

At 1:03 p.m., upon motion of Vice-Chairman Joe Daughtery, the Board of Commissioners unanimously declared itself in closed session to consider business in Wayne County, to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public office or employee, and to consult with attorneys employed or retained by the public body in order to preserve the attorney-client privilege between the attorneys and the public body, which privilege is hereby acknowledged.

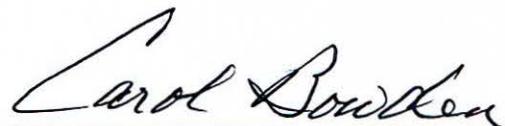
At 2:03 p.m., upon motion of Vice-Chairman Joe Daughtery, the Board of Commissioners unanimously declared itself in regular session.

Motion to Authorize the Chairman to Execute and Sign a Letter to the State Board of Elections

Upon motion of Vice-Chairman Joe Daughtery, the Board of Commissioners unanimously approved to authorize the Chairman to execute and sign a letter to the State Board of Elections, as attached hereto as Attachment A.

Adjournment

At 2:07 p.m. Chairman E. Ray Mayo adjourned the meeting of the Wayne County Board of Commissioners..



Carol Bowden, Clerk to the Board
Wayne County Board of Commissioners

WAYNE COUNTY BOARD OF COMMISSIONERS



WAYNE COUNTY
NORTH CAROLINA
Phone: (919) 731-1435
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WAYNE COUNTY
BOARD OF COMMISSIONERS

July 10, 2020



WAYNE COUNTY
NORTH CAROLINA
Phone: (919) 731-1435
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NC State Board of Elections
P.O. Box 27255
Raleigh, NC 27611-7255

Re: Democratic Primary for the Wayne County Board of Commissioners
District 3

Dear Members of the NC State Board of Elections:

The Wayne County Commissioners are extremely concerned about what appears to us as the unfairness to Greg Batts, Mia Barnett, and Myelle Thompson in the primary for the 3rd District of the Wayne County Board of Commissioners. This seat had been held by John M. Bell for almost 20 years prior to his death in the Spring. These three individuals were interested enough in County Government to file and spend considerable time, efforts, and money in the primary election.

Mr. Bevan J. Foster received 40.78% of the votes. Mr. Greg Batts received 39.97% of the votes. Ms Mia Barnett received 11.91% of the votes and Ms. Myelle Thompson received 7.33% of the votes.

A protest was filed on March 17, 2020, pursuant to NCGS 163-182.9. The protest contended that Bevan J. Foster did not reside at his house whose address is 610 Deveraux Street in Goldsboro. The Wayne County Board of Elections voted to schedule a full evidentiary hearing because it found that there was probable cause. At the full

THE GOOD LIFE. GROWN HERE.

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PO BOX 227
GOLDSBORO, NC 27533

evidentiary hearing on June 10, 2020, upon Motion of the candidate, Bevan Foster, the Board voted 3 to 2 along party lines to dismiss the protest. That was appealed to the NC State Board of Elections by the protestor. The State Board of Elections held that it had jurisdiction and concluded that the Wayne County Board of Elections erred in dismissing the protest. The State Board remanded the matter to the Wayne County Board of Elections to determine whether or not Mr. Bevan J. Foster was eligible to be a candidate in the contest, specifically whether he resides in Commissioner District 3.

After the County Board held a full evidentiary hearing on July 7, 2020, at a special meeting, the Board concluded by a bipartisan majority of 3 to 2 that there is substantial evidence that the candidate, Bevan Foster, did not reside within Wayne County Commissioner District 3 at the time that he filed as a candidate for District 3. It further concluded that there is substantial evidence that the candidate, Bevan Foster, was ineligible to file as a candidate for the County Commissioner District 3 in the March 17, 2020, democratic primary and that there is substantial evidence to believe that a violation of the election law or other irregularity or misconduct did occur and that it was sufficiently serious to cast doubt on the apparent results of the election.

The local Board sent the protest and the County Board's decision to the NC State Board of Elections for action by it.

The Wayne County Commissioners believe that not only were the other candidates harmed, but that the citizens in Wayne County Commissioner District 3 have suffered not knowing whether they will have elected representation on the Wayne County Board of Commissioners as a result of the primary.

The Wayne County Commissioners urge the NC State Board of Elections to act pursuant to NCGS 163-182.13 (e) that requires that there be a new primary with the candidates who were initially on the ballot except for the candidate that has been determined by the local Board and the State Board to be ineligible.

The Wayne County Board of Commissioners urges the NC State Board of Elections to approve the findings of the Wayne County Board of Elections and order a new primary as soon as possible.

Thanking you for serving the people of North Carolina in Wayne County.

Sincerely,



E. Ray Mayo, Chairman