

STATE OF NORTH CAROLINA

CATAWBA COUNTY

COUNTY OF CATAWBA

BOARD OF ELECTIONS

In Re: Hearing for Challenge of)
Candidacy of Amanda Drum Stewart)
Candidate for Catawba Town Council)

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 August 1, 2019 to consider the challenge to the candidacy of Amanda Drum Stewart filed by fellow candidate Donald J. Allen. Ms. Stewart and Mr. Allen represented themselves. Having heard all of the evidence and arguments presented at the hearing, the Board makes the following FINDINGS OF FACT:

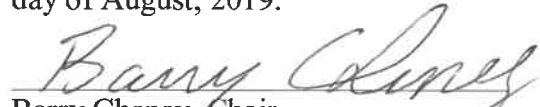
1. The candidate and challenger were given the opportunity to present evidence in the form of documents and testimony, as well as to cross examine witnesses or provide any rebuttal testimony.
2. The candidate currently claims her address to be 203 2nd St. SE. She spent part of her years as a child in that same house.
3. The boundary line for the town limits of Catawba runs through the house in question. The Town of Catawba lies wholly within the boundaries of Catawba County, North Carolina.
4. The bedroom in which the candidate sleeps is in that portion of the house within the town limits of Catawba.
5. 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 town limits at the time she filed on July 5, 2019.

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. North Carolina’s law provides that in the event that a person’s habitation is divided by a boundary line for a particular municipal election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as to the residency of that person. N.C.G.S. §163A-842.
3. The only evidence presented as to the location of the candidates’ bedroom or usual sleeping area is that her bedroom is located on the side of the boundary line within the Town of Catawba’s town limits.

Therefore, by a Motion made by Jason White, the Board voted by a vote of 5 to 0 that candidate Stewart is qualified to run as a candidate for election to the office sought based upon the residency requirements.

This Order was announced at the conclusion of the hearing, and is signed and filed this the 19th day of August, 2019.


Barry Cheney, Chair
Catawba County Board of Elections