

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO: 24 CVS \_\_\_\_\_

In Re: Protest of LACY L. CUMMINGS,  
Robeson County Commissioner Democrat  
Primary.

Respondents-Appellees:

NORTH CAROLINA STATE BOARD OF  
ELECTIONS; ROBESON COUNTY  
BOARD OF ELECTIONS; TINA  
BLEDSOE, Director; LARRY  
TOWNSEND, Board Chairman;  
GRETCHEN LUTZ, Board Member;  
MARION THOMPSON, Board Member;  
and PATRICIA DOW, Board Member.

**PETITION TO STAY CERTIFICATION**  
**and APPEAL of the**  
**STATE BOARD of ELECTION'S**  
**DENIAL of PROTEST**  
**In the 2024**  
**ROBESON COUNTY COMMISSIONER**  
**PRIMARY**

(N.C. Gen. Stat. §163-182.14)

NOW COMES Petitioner, Lacy L. Cummings, by and through his undersigned counsel, and hereby appeals to this Court from an N.C. State Board of Election's Administrative Denial of his protest and appeal to the Robeson County Board of Elections, pursuant to N.C. Gen. Stat. §163-182.14(b), and hereby alleges and says as follows:

**PARTIES:**

1. Petitioner-Appellant, Lacy L. Cummings ("Cummings"), is a citizen and resident of Robeson County, North Carolina.
2. Respondents-Appellees, North Carolina State Board of Elections ("N.C. BOE"); Robeson County Board of Elections ("Robeson County BOE"), Tina Bledsoe, Director of Robeson County BOE ("Bledsoe"); Larry Townsend, Robeson County BOE Board Member ("Townsend"); Gretchen Lutz, Robeson County BOE Board Member ("Lutz"); Marion Thompson, Robeson County BOE Board Member ("Thompson"); and Patricia Dow, Robeson County BOE Board Member ("Dow") are named and will be

served with these proceedings in their official capacities only; and are not named for, nor is relief sought in, their respective individual capacities.

**JURISDICTION & VENUE:**

3. The transaction giving rise to this action, as more fully set forth below, occurred in Robeson County, North Carolina.

4. This action concerns certain violations surrounding voter tampering, election fraud, and election irregularities, *inter alia*, in the March, 2024 Democrat Primary for the Robeson County Commissioner Race for District 5.

5. The Court has subject matter jurisdiction over this action under N.C. Gen. Stat. §§ 163-182 and 163-182.14, et. seq., and other applicable law.

6. Venue is proper in Wake County, North Carolina, pursuant to N.C. Gen. Stat. §163-182.14.

**FACTUAL ALLEGATIONS:**

7. Cummings is one of two democrat candidates vying for a primary election for the County Commissioner seat for District 5 of Robeson County, North Carolina.

8. Cummings opponent is incumbent, Judy Oxendine Sampson (“Sampson”).

9. After early votes, general election, and a purported completed canvassing of provisional ballots; the results currently stand at:

a. 875 votes for Sampson

b. 870 votes for Cummings

10. On or about March 15, 2024, Cummings filed a protest form, on his own and appearing *pro se*, utilizing the statutory form as provided for in N.C. Gen. Stat. §163-182.9(c) (“Initial Protest”). A complete and accurate copy of the Initial Protest marked as **Exhibit A** is attached hereto and incorporated herein by reference.

11. Therein, in short, Cummings briefly describes two incidents involving voters in his district being directed to vote more than once and out of district by a sitting County Commissioner believed to be working for Sampson's campaign, who also incidentally also drove these voters to the two different polls to cast two different ballots per the Initial Protest.

12. In his Initial Protest, Cummings also details that he and his team called and asked to be included on the agenda for the provisional canvassing meeting of the Robeson County BOE at its meeting therefore.

- a. Cummings and his team did call and ask to be placed on said agenda, where it was their intention to outline the two aforementioned irregularities *as well as speak to and have others speak to* a myriad of additional irregularities.
- b. Cummings and his team, and their witnesses, attended the Robeson County BOE meeting, but none were allowed to speak, ask questions, present issues, or review provisional ballots that were or were not counted during said canvassing.
- c. Cummings' issues were not included on the Robeson County BOE's agenda as promised.

13. On March 29, 2024, a county office holiday, Cummings received a notice from the Robeson County BOE and Bledsoe that Bledsoe had, on March 27, 2024, administratively dismissed Cumming Initial Protest Form as provided for in 08 NCAC 02.0114(a). ("Robeson County BOE Dismissal"). A complete and accurate copy of the

Robeson County BOE Dismissal marked as **Exhibit B** is attached hereto and incorporated herein by reference.

14. This means Cummings's protest was never considered by the Board.

15. On Monday, April 1, 2024, Cummings timely and properly appealed the dismissal by Bledsoe to the N.C. BOE. ("Cummings Appeal to N.C. BOE"). A complete and accurate copy of the Cummings Appeal to N.C. BOE marked as **Exhibit C** is attached hereto and incorporated herein by reference.

16. In the appeal, Cummings alluded to the additional and more irreverent irregularities that he had uncovered but had not yet been given an opportunity to explain to the Robeson County BOE by the virtue of a hearing.

17. Upon information and belief, on Friday, April 5, 2024, the Director of the N.C. BOE reached a decision to also administratively deny Cummings appeal based on the Initial Protest Form, Bledsoe's dismissal, and Cummings's appeal.

18. Upon information and belief, that Friday, April 5, 2024, the board members of the N.C. BOE were provided a copy of those same documents and the Director's denial, and were given *the weekend* until Monday, April 8, 2024 to raise any objections to the Director's recommendation as provided for by statute.

19. No objections were raised based on the documentation at hand at that time.

20. On Wednesday, April 17, 2024, Cummings, via certified mail, was served notice of the denial of his appeal pursuant to the service requirements of N.C. Gen. Stat. §163-182.14(a). ("N.C. BOE Administrative Denial"). A complete and accurate copy of

the N.C. BOE Administrative Denial marked as **Exhibit D** is attached hereto and incorporated herein by reference.

21. While Cummings appeals were pending in the Robeson County BOE and the N.C. BOE, Cummings and his team continued to be approached by members of the electorate and continued work to uncover additional instances of voter irregularity, or worse. The more they asked around the District, the more appalling the instances which came to light. In fact, some citizens began reaching out to Cummings directly with reports of possible impropriety and/or fraud.

22. While these testimonials were not available to Cummings at his Initial Protest filing on March 15, 2024, those that have come forward since **and that continue to come forward shock the conscience.**

23. On Thursday, April 11, 2024, Cummings was presented with six (6) sworn affidavits from unaffiliated parties attesting to at least nine (9) instances that occurred on or before the general election, *sub judice*. (“Voter Attestations”). A complete and accurate copies of the Voter Attestations received to date marked as **Exhibit E1 through E9** are attached hereto and incorporated herein by reference.

24. The Voter Attestations speak for themselves, but in summary allege:

- a. A member of Sampson’s campaign team and a sitting Robeson County Commissioner, Wixie Stephens (“Stephens”), paid potential voters between \$15 and \$60 to cast at least 9 votes in favor of Ms. Sampson (See Voter Attestations);
- b. During early voting, Stephens approached and then drove the grandson, since deceased, of Paul Hunt to the Lumbee Tribal Building to procure a “tribal card” to present as identification, which he did a

- voted for Sampson in exchange for \$40.00 from Stephens (See Exhibit E1);
- c. On March 1, 2024, Stephens approached Kalen Sampson and offered him \$60.00 to cast a vote for Sampson. Stephens then offered Kalen Sampson another \$80.00 to distribute to four (4) other voters at \$20,00 to cast their votes for Sampson. Each of these five (5) persons casted a vote for Sampson in District 5 (See Exhibit E2);
  - d. On March 5, 2024, the day of the general election, Stephens drove Paula Ann Hunt to a poll at the Raft Swamp polling site and completed the young woman's ballot for her because she allegedly could not read the ballot, and paid her \$25.00 for this. Additionally, Stephens, a bail bondswoman by trade, offered to bail Ms. Hunt out for free should she be arrested if she would cast her vote for Sampson. Hunt did cast her vote for Sampson (See Exhibit E3);
  - e. Trent Locklear was approached during early voting by Stephens to accept \$15.00 to cast his vote for Sampson. When he explained that he did not have proper identification, Stephens told him to vote using Locklear's twin brother's identification. He did refuse, but Trent Locklear witnessed his brother and several others accepting cash money to cast a vote for Sampson (See Exhibit E5);
  - f. Stephens was contracted to bail Kaitlyn Woods from the Robeson County Detention Center for \$750.00 and an additional \$200.00 per month for an additional twelve (12) months. Stephens offered to waive

February's \$200.00 deposit if Ms. Woods would cast her vote for Sampson, and Ms. Woods did cast her vote for Sampson (See Exhibit E1).

25. Unfortunately, more of these sworn testimonials continue to come to Cummings.

26. As one can glean from the brief explanations in Cummings Initial Protest, the citizens had been trying to tell him what had been occurring and that is why Cummings took it upon himself to draft and file the Initial Protest.

27. Had Cummings had more time and/or these allegations had been sussed out even a little bit more, the Initial Protest Filing would almost certainly have received a hearing from either the Robeson County BOE and certainly from the N.C. BOE; but Cummings believed he would have a chance during a hearing or the canvassing to explain these budding claims to the Robeson County BOE. He did not get that chance.

28. Even though the Initial Protest did not yet have the teeth and thoroughness of the actualities, nor the accumulated affidavits, it was not given the attention it obviously and justly deserves.

29. Applicable North Carolina law allows for the reviewing bodies on these appeals to "receive additional evidence and then decide the appeal on the basis of the record from the county board, and then decide the appeal on the basis of that supplemental record." N.C. Gen. Stat. §163-182.11(b)(3).

30. The Initial Protest did allude to two of same stories in the attached Voter Attestations, but was unable to yet fully depict the accuracy of what transpired and the accuracy of the various voter accounts that paint the full picture.

31. Cummings is now able to properly supplement the record to include the Voter Attestations and a more thorough depiction of what transpired.

32. **These allegations, if true, would each substantiate the probable occurrence of an outcome-determinative defect in the manner in which voters were counted or results tabulated, and also the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.**

33. **Only one or two of these allegations, if true, would almost certainly substantially and directly affect the outcome of a 5-vote difference election.**

**FIRST ISSUE ON APPEAL**  
**PETITION TO STAY CERTIFICATION**  
**(N.C. Gen. Stat. §163-182.14(b))**

34. Cummings repeats and incorporates by reference the allegations contained in Paragraphs 1 through 34 of this Petition.

35. Cummings has timely appealed the administrative denial of Cummings Appeal to the N.C. BOE.

36. Cummings, as a candidate for the race, *sub judice*, is an aggrieved party.

37. In light of the above and further evidence to be presented at hearing, Cummings has shown a likelihood to prevail on this appeal.

38. This Court shall issue a stay of certification of the race, *sub judice*, if the petitioner shows unto the Court that the petitioner has appealed the decision, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail in the appeal.

39. If the results have been certified during the pendency of these timely and properly filed appeals and petitions, then this Court shall set aside said results pending the adjudication of this appeal.



**SECOND ISSUE ON APPEAL**  
**(Hearing Before the Board of Elections)**

40. Cummings repeats and incorporates by reference the allegations contained in Paragraphs 1 through 39 of this Petition.

41. As can be ascertained by the evidence above, there are issues of irregularity and potential fraud that would each substantiate the probable occurrence of an outcome-determinative defect in the manner in which voters were counted or results tabulated, and also the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.

42. Therefore, Cummings should be afforded the opportunity to present this and additional evidence to the Robeson County BOE or N.C. BOE pursuant to applicable North Carolina law.

**THIRD ISSUE ON APPEAL**  
**(Finding of Felonious Fraud)**  
**N.C. Gen. Stat. §163-275**

43. Cummings repeats and incorporates by reference the allegations contained in Paragraphs 1 through 43 of this Petition.

44. The acts and actions described hereinabove, and to be further presented at hearing, of certain individuals associated with Cummings opponent in the election *sub judice* constitute *prima facie* evidence of felonious election fraud as prescribed in N.C. Gen. Stat. §163-275, to wit:

- a. “For any person fraudulently to cause that person's name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure that person's name or that of any other

person to be placed upon the registration books in any precinct when registration in that precinct does not qualify the person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of the other voter.” N.C. Gen. Stat. §163-275(1).

b. “For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector.” N.C. Gen. Stat. §163-275(2).

c. “For any person with intent to commit a fraud to register or vote at more than one precinct or more than one time, **or to induce another to do so**, in the same primary or election, or to vote illegally at any primary or election.” N.C. Gen. Stat. §163-275(7). (emphasis added).

d. “For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to G.S. 163-275 Page 2 any person the privilege of voting...” N.C. Gen. Stat. §163-275(13).

45. Cummings is entitled to an investigation into these individuals for their apparent fraud and criminal conduct.

WHEREFORE, Cummings respectfully requests this Court:

1. Enter an Order Staying the Certification of the results of the Robeson County District 5 race for County Commissioner until a time subsequent to the

adjudication of this appeal or upon further direction of this Court or other governing body;

2. In the alternative, if the results of this election have been certified, enter an Order setting aside those results pending the adjudication of this appeal or upon further direction of this Court or other governing body;
3. Enter an Order allowing for or providing an opportunity on the record for Cummings to present the issues he raised in his Initial Protest and those uncovered and presented during the pendency of Cummings appeal;
4. Make findings of felonious fraudulent activity by Stephens, Sampson, and any others acting in contravention to N.C. Gen. Stat. §163-275 in the election process for the race *sub judice*;
5. Remand that the votes currently tabulated in the race *sub judice* be recounted giving any and all proper deference to the irregularities and improprieties described hereinabove; and
6. For any and other such relief as this Court deems necessary and proper.

Respectfully submitted this the 18<sup>th</sup> day of April, 2024.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'M. Porter', written over a horizontal line.

Michael R. Porter,  
N.C. State Bar No.:  
37000

**The Michael Porter Law Firm**  
Attorney for Petitioner  
5851 Ramsey Street  
Fayetteville, NC 28311  
Telephone: (910) 339-3131  
Facsimile: (910) 339-3132  
[michael@michaelporterlaw.com](mailto:michael@michaelporterlaw.com)

**VERIFICATION**

I, Lacy L. Cummings, having first been duly sworn, do state on oath: that I am of legal age; that I am under no legal disability; that I have read the foregoing Petition and Appeal of the State Board of Election's Denial of Cummings Appeal; that the foregoing Petition and Appeal is true to my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

*Lacy L. Cummings*  
Lacy L. Cummings

Sworn to and subscribed before me  
this 18<sup>th</sup> day of April, 2024.

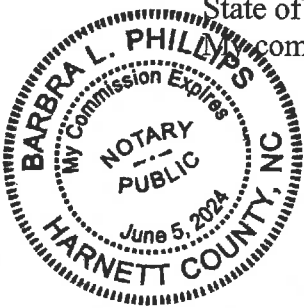
*Barbra L. Phillips*

NOTARY PUBLIC

County of Cumberland

State of North Carolina

My commission expires: 6-5-2024



All persons bringing an election protest under Article 15A shall complete and timely file the following form. For the purposes of this Rule, "timely" means within the time required by G.S. 163-182.9(b). Please note this form shall not be used to challenge the registration of an individual voter or to report an incident other than an irregularity affecting the outcome of an election.



**ELECTION PROTEST**

(Use of this form is required by G.S. 163-182.9(c))

This form must be filed with the county board of elections within the timeframes set out in G.S. 163-182.9(b)(4). Please print or type your answers. Use additional sheets if needed to answer the below questions fully. Number the pages of all additional sheets. Please note that filings will be a public record. Please redact all confidential information, such as date of birth, Social Security number, and driver's license number.

Respond to all prompts. Failure to complete this form as required may result in the dismissal of your protest. Attach additional sheets as necessary, including all exhibits and supplemental documents. All attachments are deemed incorporated and covered under the Protest Certification.

**PROTESTOR**

1. Provide your preferred contact information:

Name: Lacy Cummings County of Residence: Robeson  
Email: [cummingspoultry@yahoo.com](mailto:cummingspoultry@yahoo.com) Phone: 910-827-1211  
Mailing Address: 75 Genes Rd. Pembroke NC 28372

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel?  Yes  No

NOTE: If you answered Yes, above, your counsel must complete, and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

- Candidate for the office of County Commissioner District 5
- Registered voter eligible to participate in the protested election contest
- Neither of the above\*

*\*If you select this option, you are not eligible to file a protest.*

**PROTEST SCOPE**

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
County Commissioner District 5	4

5. This protest alleges (select at least one):

- A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
- A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

**FACTUAL BASIS & LEGAL ARGUMENT**

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

Provisional Voter, Anna Lambert of 224 Beam Rd Lumberton NC. Ms. Lambert voted at the Lumberton Early Voting site on 3/2/24 using the address of 224 Beam Rd which is not in District 5. On that same day she voted at the Pembroke Early Voting site using a different address, 993 Beam Rd. Lumberton NC, which is in District 5. 993 Beam Rd. Lumberton NC is the address of Ms. Beulah Oxendine. See attached affidavit. It is alleged that Commissioner Wixie Stephens transported her to vote in both locations. It appears that there may have been possible misconduct with this voter. Mrs. Anna Lambert was allowed to vote twice on the same day using two different addresses. Provisional voter Jamie Lynn Oxendine resided at 3057 Lowe Rd. Lumberton NC. This address was the address on record using the NC Voter Search tool on the NCSOE website. Mr. Oxendine was allowed to vote on a provisional ballot using the address of 671 Beam Rd. Lumberton, NC during early voting on 3-

1-24. Again, it has been alleged that Commissioner White Stephens transported Mr. Osborne to early vote provisional vote tallying, who voted on 2-26-24 also had address discrepancies. During the Provisional counting process candidates were not allowed to speak or review provisional ballots. Concerned citizens were told to call RCBOE on 3-13-24 if they would like to speak on behalf of their provisional ballot so they could be placed on the agenda. The citizens who requested to speak were not on the agenda and were not given the opportunity to speak. The provisional votes appear to have irregularities and there are several that are in question of their validity.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Mike Lowery, Lacy Cummings, Ryan Cummings

8. Cite any statute or case, administrative rule or decisions, and election policy or procedure that supports your claim set out under Prompt 5.

163-182.2. (4) 163-182.13

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change.
- Other \_\_\_\_\_

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: \_\_\_\_\_

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided: N/A

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. See 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

- Yes
- No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

- Yes
- No

AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at [www.ncsbe.gov](http://www.ncsbe.gov).

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
N/A _____	_____

PROTESTOR CERTIFICATION

15. By signing this protest application, you affirm the following:

I, Lacy Cummings (*full name*), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(initial)

ll  
ll  
ll  
ll

I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

My protest must originate with a filing at the county board of elections.

I must timely serve all Affected Parties.

I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

ll  
ll

It is a crime to interfere unlawfully with the conduct and certification of an election.

It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

ll

The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

Signature of Protestor: *Lacy Cannon*  
(This signature must be signed in the presence of a notary)

Date: 3-15-24

State of North Carolina, County of Robeson

VERANDA DIAL OXENDINE  
Notary Public, North Carolina  
Robeson County  
My Commission Expires  
August 14, 2028

Sworn to (or affirmed) and subscribed before me this the 15<sup>th</sup> day of March, 2024.

Official Seal: VERANDA DIAL OXENDINE  
Notary Public, North Carolina  
Robeson County  
My Commission Expires  
August 14, 2028

*Veranda Dial Oxendine*  
Official Signature of Notary

Veranda Dial Oxendine, Notary Public  
Printed Name

My commission expires: August 14<sup>th</sup>, 2028

Date/Time Filed with County Board

(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

RECEIVED  
MAR 19  
3:19 pm



3-13-24

To Whom it may concern:

I Beulah Oxendine confirm that Anna Lambert does not live with me at 993 Beam Rd.

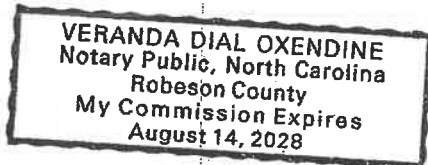
Please contact me with any questions. 910316-8484.

Sincerely,

*Beulah Oxendine*

Beulah Oxendine

*Veranda Dial Oxendine*  
Notary





**Robeson County Board of Elections**  
Post Office Box 2159  
Lumberton, North Carolina 28359



**Robeson County Board of Elections**  
800 North Walnut Street  
Lumberton, NC 28358  
**Larry Townsend, Chairman**  
**Gretchen Lutz, Secretary**  
**Marion Thompson, Member**  
~~Krystle Melvin, Member~~ *JMB*  
**Patricia Dow, Member**

**Mailing**  
PO Box 2159  
Lumberton, NC, 28359  
**(910) 671-3080 Phone**  
**(910) 737-5094 Fax**  
**Director**  
**Tina M. Bledsoe**

~~March 27, 2024~~

As the Director of the Robeson County Board of Elections, I have reviewed the protest filed by Mr. Lacy Cummings in the March 5, 2024 Robeson County Commissioner Election District 5. I recommend that Mr. Cummings Protest be administratively dismissed for the following reasons, pursuant to N.C.G.S. §163-182.9:

- The election protest fails to include evidence which, if true, would substantiate the probable occurrence of an outcome-determinative defect in the manner in which voters were counted or results tabulated, or the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.
  - The protest form lacked any factual evidence supporting the allegations set forth by the protesting party. Specifically, he alleges that a voter, Ms. Lambert, did not live at the address she used to be eligible to vote in the District 5 election. However, Ms. Lambert's eligibility is moot due to the Robeson County Board of Elections not accepting Ms. Lambert's provisional ballot and counting her earlier vote which was outside of the election relative to this protest.
- The election protest, including all subsequent submissions, fails to allege facts sufficient to constitute substantial evidence of the occurrence of an outcome-determinative violation of election law, irregularity or misconduct.
  - The protest form lacked any factual evidence supporting the allegations set forth by the protesting party. He specifically says, Mr. Jamie Lynn Oxendine resides at 3057 Lowe Road, Lumberton, N.C. and was allowed to vote a provisional ballot using the address of 671 Beam Road, Lumberton, N.C. However, the protestor failed to provide the required documentation to support said allegation.
  - Furthermore, the protestor alleges that provisional voter Nancy Maynor "also had address discrepancies". However, the protestor fails to provide any evidence with his protest to support or explain alleged discrepancies.
- As to any further alleged violations, the protestor again has filed to provide the required evidence or documentation.

For this reason, pursuant to 08 NCAC 02.0114(a), it is my recommendation that the Robeson County Board of Elections is statutorily required to administratively dismiss this protest.

Sincerely,

Tina Bledsoe, Director



HIGH PERFORMANCE LAW™

Hilton T. Hutchens, Jr. | Partner, Attorney at Law
Phone: 910-864-6888
Fax: 910-864-6848
Email: Hilton.Hutchens@HutchensLawFirm.com

HUTCHENS LAW FIRM LLP
4317 Ramsey Street
Fayetteville, NC 28311

April 1, 2024

North Carolina State Board of Elections
P.O. Box 27255
Raleigh NC 27611-7255

Re: Protest Filed by Lacy Cummings - Robeson County Commissioner Primary
Appeal of Dismissal of Protest

To whom it may concern:

My law firm has been retained by Mr. Lacy Cummings to represent his and his campaign's interests in a protest filed by Mr. Cummings with the Robeson County Board of Elections enumerating several irregularities in both the voting process and in the canvassing of the provisional ballots conducted last week.

Please see Mr. Cummings Form Appeal here submitted pursuant to 8 N.C.A.C. 2.0114:

- 1) I am appealing from an administrative dismissal of a matter that I filed at the Robeson County Board of Elections on Wednesday, March 27, 2024. County offices were closed Friday, March 29, 2024.
2) I received an administrative notice of dismissal on Friday, March 29, 2024.
3) I have enclosed a copy of my original materials filed with the county board of elections.
X YES
4) I have enclosed a copy of the written notice of administrative dismissal.
X YES

5) This matter should be heard for the following reasons:

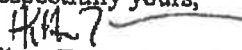
The candidate has and presented evidence of nine (9) voter irregularities in the Democrat primary last month, ranging from voters submitting two ballots at two separate precincts (both of which may have been counter after the canvassing of provisional ballots) to voters being denied a ballot of their prescribed party to be counted at the canvassing, among other issues. This race resulted in a 5-vote difference, so the effect of any of these irregularities could substantially affect the outcome of this race.

6) I request notice of any action on this appeal at the following address:

Hilton T. Hutchens, Jr.  
Hutchens Law Firm  
Attorney for Lacy Cummings  
P.O. Box 2505  
Fayetteville, North Carolina 28302  
(910)864-6888  
[Hilton.Hutchens@hutchenslawfirm.com](mailto:Hilton.Hutchens@hutchenslawfirm.com)

Thank you in advance for your consideration. Please do not hesitate to contact me directly with any questions or concerns. Until then, I am

Respectfully yours,

  
Hilton T. Hutchens, Jr.

Cc: Lacy Cummings  
Encl: (2)

08 NCAC 02 .0111 ELECTION PROTEST FORM

All persons bringing an election protest under Article 15A shall complete and timely file the following form. For the purposes of this Rule, "timely" means within the time required by G.S. 163-182.9(b). Please note this form shall not be used to challenge the registration of an individual voter or to report an incident other than an irregularity affecting the outcome of an election.

ELECTION PROTEST

(Use of this form is required by G.S. 163-182.9(c))

This form must be filed with the county board of elections within the timeframes set out in G.S. 163-182.9(b)(4). Please print or type your answers. Use additional sheets if needed to answer the below questions fully. Number the pages of all additional sheets. Please note that filings will be a public record. Please redact all confidential information, such as date of birth, Social Security number, and driver's license number.

Respond to all prompts. Failure to complete this form as required may result in the dismissal of your protest. Attach additional sheets as necessary, including all exhibits and supplemental documents. All attachments are deemed incorporated and covered under the Protest Certification.

PROTESTOR

1. Provide your preferred contact information:

Name: Lacy Cummings

Email: [cummingspoultry@yahoo.com](mailto:cummingspoultry@yahoo.com)

Mailing Address: 75 Genes Rd. Pembroke NC 28372

County of Residence: Robeson

Phone: 910-827-1211

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel?  Yes  No

NOTE: If you answered Yes, above, your counsel must complete, and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

Candidate for the office of County Commissioner District 5

Registered voter eligible to participate in the protested election contest

Neither of the above\*

\*If you select this option, you are not eligible to file a protest.

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
County Commissioner District 5	4

5. This protest alleges (select at least one):

A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.

A violation of election law, irregularity or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

Provisional Voter, Anna Lambert of 224 Beam Rd Lumberton NC. Ms. Lambert voted at the Lumberton Early Voting site on 3/2/24 using the address of 224 Beam Rd which is not in District 5. On that same day she voted at the Pembroke Early Voting site using a different address, 993 Beam Rd. Lumberton NC, which is in District 5. 993 Beam Rd. Lumberton NC is the address of Ms. Beulah Oxendine. See attached affidavit. It is alleged that Commissioner Wixie Stephens transported her to vote in both locations. It appears that there may have been possible misconduct with this voter. Mrs. Anna Lambert was allowed to vote twice on the same day using two different addresses. Provisional voter Jamile Lynn Oxendine resided at 3057 Lowe Rd, Lumberton NC. This address was the address on record using the NC Voter Search tool on the NCBOE website. Mr. Oxendine was allowed to vote on a provisional ballot using the address of 671 Beam Rd. Lumberton, NC during early voting on 3-

1-24. Again, it has been alleged that Commissioner Wixie Stephens transported Mr. Oxendine to early vote. Provisional voter Nancy Maynor, who voted on 2-26-24 also had address discrepancies. During the Provisional counting process candidates were not allowed to speak or review provisional ballots. Concerned citizens were told to call RCBOE on 3-13-24 if they would like to speak on behalf of their provisional ballot so they could be placed on the agenda. The citizens who requested to speak were not on the agenda and were not given the opportunity to speak. The provisional votes appear to have irregularities and there are several that are in question of their validity.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.  
Mike Lowery, Lacy Cummings, Ryan Cummings

8. Cite any statute or case, administrative rule or decisions, and election policy or procedure that supports your claim set out under Prompt 5.  
163-182.2. (4) 163-182.13  
RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change.
- Other \_\_\_\_\_

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: \_\_\_\_\_

#### ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided: N/A

Note: For protestors represented by an attorney this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. See 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

- Yes
- No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

- Yes
- No

#### AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at [www.ncsbe.gov](http://www.ncsbe.gov).

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

Affected Party  
N/A

Service Address

#### PROTESTOR CERTIFICATION

15. By signing this protest application, you affirm the following:

I, Lacy Cummings (full name), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(Initial)

LC  
LC  
LC  
LC

I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

My protest must originate with a filing at the county board of elections.

I must timely serve all Affected Parties.

I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

LC  
LC

It is a crime to interfere unlawfully with the conduct and certification of an election.

LC

It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

Signature of Protastor: [Handwritten Signature]  
(This signature must be signed in the presence of a notary)

Date: 3-15-24

State of North Carolina, County of Robeson

VERANDA DIAL OXENDINE  
Notary Public, North Carolina  
Robeson County  
My Commission Expires  
August 14, 2028

Sworn to (or affirmed) and subscribed before me this the 15<sup>th</sup> day of March, 2024.

(Official Seal) OXENDINE  
Notary Public, North Carolina  
Robeson County  
My Commission Expires  
August 14, 2028

[Handwritten Signature]  
Official Signature of Notary

Veranda Dial Oxendine Notary Public  
Printed Name

My commission expires: August 14<sup>th</sup>, 2028

Date/Time Filed with County Board

(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

RECEIVED  
MAR 19  
3:19 pm

3-13-24

To Whom it may concern:

I Beulah Oxendine confirm that Anna Lambert does not live with me at 993 Beam Rd.

Please contact me with any questions, 910316-8484.

Sincerely,

*Beulah Oxendine*

Beulah Oxendine

*Veranda Dial Oxendine*  
Notary

VERANDA DIAL OXENDINE  
Notary Public, North Carolina  
Robeson County  
My Commission Expires  
August 14, 2028





**Robeson County Board of Elections**  
Post Office Box 2159  
Lumberton, North Carolina 28359

Robeson County Board of Elections  
800 North Walnut Street  
Lumberton, NC 28358  
Larry Townsend, Chairman  
Gretchen Lutz, Secretary  
Marion Thompson, Member  
~~Kristle Melvin, Member~~  
Patricia Dow, Member

Mailing  
PO Box 2159  
Lumberton, NC 28359  
(910) 671-3086 Phone  
(910) 737-5094 Fax  
Director  
Tina M. Bledsoe

March 27, 2024

As the Director of the Robeson County Board of Elections, I have reviewed the protest filed by Mr. Lacy Cummings in the March 5, 2024 Robeson County Commissioner Election District 5. I recommend that Mr. Cummings Protest be administratively dismissed for the following reasons, pursuant to N.C.G.S. §163-182.9:

- The election protest fails to include evidence which, if true, would substantiate the probable occurrence of an outcome-determinative defect in the manner in which voters were counted or results tabulated, or the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.
  - The protest form lacked any factual evidence supporting the allegations set forth by the protesting party. Specifically, he alleges that a voter, Ms. Lambert, did not live at the address she used to be eligible to vote in the District 5 election. However, Ms. Lambert's eligibility is moot due to the Robeson County Board of Elections not accepting Ms. Lambert's provisional ballot and counting her earlier vote which was outside of the election relative to this protest.
- The election protest, including all subsequent submissions, fails to allege facts sufficient to constitute substantial evidence of the occurrence of an outcome-determinative violation of election law, irregularity or misconduct.
  - The protest form lacked any factual evidence supporting the allegations set forth by the protesting party. He specifically says, Mr. Jamie Lynn Oxendine resides at 3057 Lowe Road, Lumberton, N.C. and was allowed to vote a provisional ballot using the address of 671 Beam Road, Lumberton, N.C. However, the protestor failed to provide the required documentation to support said allegation.
  - Furthermore, the protestor alleges that provisional voter Nancy Maynor "also had address discrepancies". However, the protestor fails to provide any evidence with his protest to support or explain alleged discrepancies.
- As to any further alleged violations, the protestor again has filed to provide the required evidence or documentation.

For this reason, pursuant to 08 NCAC 02.0114(a), it is my recommendation that the Robeson County Board of Elections is statutorily required to administratively dismiss this protest.

Sincerely,

Handwritten signature of Tina Bledsoe in cursive script.

Tina Bledsoe, Director

UPS CampusShip: View/Print Label

1. Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2. Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. GETTING YOUR SHIPMENT TO UPS

Customers with a Daily Pickup

Your driver will pickup your shipment(s) as usual.

Customers without a Daily Pickup

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages. Hand the package to any UPS driver in your area.

Take your package to any location of The UPS Store®, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

FOLD HERE

<p><b>LTR</b> <span style="float: right;">1 OF 1</span></p> <p><b>SHIP TO:</b>        NORTH CAROLINA STATE BD OF ELECTION        DOBBS BUILDING/THIRD FLOOR        6400 MAIL SERVICE CENTER        430 N. SALISBURY STREET  <b>RALEIGH NC 27603-1362</b></p> <p><small>KIM MARTUSCELLI        910-864-6888        HUTCHENS LAW FIRM        4317 RAMSEY ST        FAYETTEVILLE NC 28311</small></p>	<p><b>NC 276 9-02</b></p>  	<p><b>UPS NEXT DAY AIR</b></p> <p><b>1</b></p> <p>TRACKING #: 1Z F53 3A7 01 9346 4896</p>		<p><b>BILLING: P/P</b></p> <p>Hutchens Law Firm: 101 - FAY - Lit        Case #: CMS# 1376322  <small>CS 24.9.00. WNTNV50 14.DA.04/2024*</small></p> 
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# NORTH CAROLINA STATE BOARD OF ELECTIONS

P.O. Box 27255  
Raleigh, NC 27611  
(866) 522-4723  
[www.ncsbe.gov](http://www.ncsbe.gov)

Administrative Denial Recommendation  
(08 NCAC 02 .0114)



## In the Matter of Election Protest of Lacy Cummings

I am recommending administrative denial of the above-captioned protest appeal because the protest filing, taking into account the totality of the circumstances, fails to include evidence which, if true, substantiates the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.

### Background

On March 19, 2024, Lacy Cummings, a candidate in the Democratic Party primary for Robeson County Commissioner District 5, filed an election protest with the Robeson County Board of Elections. Although the protest was dated March 15, 2024, the date stamp on the protest filing shows the filing was received by the Robeson County Board of Elections on March 19.

In the protest, he alleged that there was both a defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election, and a violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election. Specifically, he alleged that a voter (voter #1) voted a provisional ballot at one site not in District 5 and then voted again at a voting site in District 5, after being driven to the voting sites by a candidate in a different contest, and that “it appears that there may have been possible misconduct with this voter.” He further alleged that a second voter (voter #2) voted twice on the same day using two different addresses. He further alleged that a third voter (voter #3) voted a provisional ballot with an address that was different from the address in the voter’s record, as shown by the State Board website’s voter search tool, and was driven to the voting sites by the same candidate. He further generally alleged that a fourth voter (voter #4) “had address discrepancies.” Finally, he alleged that candidates in the contest were not permitted to speak at the County Board meeting in which provisional ballots were considered by the Board. Attached to the protest was one exhibit: a notarized letter stating that the first voter did not reside with the signer of the letter.

Cummings’s protest form indicated the vote margin was 4 votes. In this contest, Judy Oxendine Sampson prevailed by 5 votes, as shown in the official results of the contest:

NAME ON BALLOT	BALLOT COUNT	PERCENT
Judy Oxendine Sampson	875	50.14%
Lacy Cummings	870	49.86%

A recount was timely requested by Cummings, and on March 27, 2024, a recount in this contest was conducted by the Board. The protest does not involve the conduct of the recount.

Following the completion of the recount and on that same date, the Director of the Robeson County Board of Elections issued a recommendation of administrative dismissal of the protest, premised on two grounds. First, that the protest failed to contain factual evidence supporting the allegations pertaining to the four voters. Specifically in regard to the one voter whose residence is called into question by the notarized letter, the Director noted that voter’s provisional ballot involving this contest was not counted by the Board and therefore had no effect on the outcome. Second, that the protest failed to allege facts sufficient to constitute substantial evidence of any irregularity or misconduct. Specifically in regard to the other voter who Cummings alleged voted using an address different from the one listed in the voter search tool, the Director noted that no documentation was provided supporting such an allegation. Specifically in regard to the voters with “address discrepancies,” the Director noted that was a bare-bones allegation with no factual or documentary support.

The county director transmitted the recommendation to the county board and to the Executive Director of the State Board on that same date. Thereafter, no county board member or the Executive Director of the State Board raised an oral or written objection to the recommendation. As such, the county director issued a written notice of administrative dismissal to Cummings. There is no transcript of the proceeding because this was an administrative dismissal.

Cummings timely noticed his appeal on April 1, 2024, and the State Board timely received Cummings’s appeal on April 3, 2024. In the appeal, Cummings’s counsel contends the following errors occurred in the administrative dismissal. First, he now claims that there were nine “voter irregularities,” including the allegation in the original protest that certain voters cast multiple ballots. For the first time, however, he alleges that an unnamed number of voters were “denied a ballot of their prescribed party to be counted at canvassing, among other issues.” Second, he claims that “the effect of any of these irregularities could substantially affect the outcome of this race.”

Analysis

Pursuant to 08 NCAC 02 .0114(d), the Executive Director of the State Board is required to review all appeals of protests subject to an administrative dismissal by a county board of elections that are submitted to the State Board, and is further required to make an administrative determination whether to grant or deny the appeal.

When conducting this review, the Executive Director must provide the administrative determination to the State Board within two business days of receiving the filing. If granting the appeal, 08 NCAC 02 .0114(d)(1) provides that the matter is remanded to the county board for a hearing on the protest. If denying the appeal, 08 NCAC 02 .0114(d)(2) provides that if any State Board member raises any oral or written objection within three calendar days, the Executive Director must grant the appeal, issue a written notice, and remand the matter to the county board; however, if no State Board member timely raises any oral or written objection, the Executive Director must issue a written notice to the appealing party and to the county board stating that the appeal is denied.

As an initial matter, while Cummings checked the box on the protest form that his protest was based on a defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election, neither the protest nor the appeal actually allege a defect in how the votes were counted or tabulated. The allegations are instead properly characterized as relating to the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct. Furthermore, even if the allegations did involve the manner in which the votes were counted or tabulated, the protest would be untimely as it was not received by the County Board until after the canvass. *See* N.C.G.S. § 163-182.9(b)(4)a. (“If the protest concerns the manner in which votes were counted or results tabulated, the protest shall be filed before the beginning of the county board of election's canvass meeting.”).

Regarding the factual allegations in the protest, Cummings’s allegations in the protest are primarily that certain ballots should not have been counted because of discrepancies between a voter’s address of record and address given when voting. His claims, however, are that at most four voters’ ballots should not have been counted in the contest when the vote margin was five votes. Even assuming all four ballots were votes for his opponent and should not have counted, that would still be one vote shy of changing the outcome of the election. That fact alone was sufficient grounds for the Director to dismiss the protest.

In addition to the lack of an *outcome-determinative* issue, the protest does not necessarily allege a violation of election law, irregularity, or misconduct in regard to those four contested ballots. After all, voters are permitted to update their address at a voting site. *See* N.C.G.S. §§ 163-82.15(d) and (e) (voting after an unreported move within the same precinct or county). Therefore, the allegation that a voter #3’s address on the voter search tool did not match the address given when voting is not, on its own, sufficient to support a protest. Furthermore, Cummings only makes general allegations of “discrepancies” in as to voter #4’s addresses. The Director rightfully concluded that such allegations lacked sufficient detail to meet the probable cause standard for an election protest.

There are two remaining allegations of voters #1 and #2 casting two ballots and being driven to a voting site by a candidate, which carry the potential of being a violation of an election law. Specifically, voting twice in one election, or inducing someone to do so, can indeed be a violation of an election law. *See* N.C.G.S. § 163-275(7) (“It shall be unlawful . . . [f]or any

person with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election.”). But as the Director noted regarding voter #1’s provisional ballot, it was not approved by the County Board and this voter’s only ballot that was counted was one without this contest on it. This leaves at most only the alleged two ballots cast by voter #2 in question. There could be a plausible explanation for voter #2 allegedly voting at two locations, because many voters show up at the wrong site on Election Day and, rather rely on a provisional ballot of the wrong ballot style, may choose to go to their correct precinct to vote a regular ballot. In that instance, the voter should not cast a ballot, provisional or otherwise, and then go to their assigned site and vote again. The circumstances regarding this allegation of double voting, however, are not clear from the face of the protest filing, because the allegation as to voter #2 only states that the voter “was allowed to vote twice on the same day using two different addresses.” Even if this allegation is treated as true and a single voter did somehow vote two regular ballots that were ultimately counted, which would be an irregularity that could affect the results, that still would not be an *outcome-determinative* irregularity in light of the totality of the circumstances of this protest. Further, in regard to the candidate transporting two voters to two different voting sites, the protest only states that “it is alleged” that the candidate in question transported the two voters to different voting sites. As such, the protest lacks sufficient detail to show how voter #1’s and voter #2’s ballots, or the actions of the candidate in another contest, affected this contest in an outcome-determinative way.

Finally, Cummings takes issue with the fact that he was not permitted to address the County Board in regard to the provisional ballots at the Board’s provisional meeting. But a county board’s review of a provisional ballot is not a proceeding in which someone can question the eligibility of a voter to cast a ballot. “Any member of the public” shall be allowed to “witness the vote count at any level,” but “shall not participate in the official counting of official ballots.” N.C.G.S. § 163-182.2(a)(3). The General Statutes authorize the “county board” to review the provisional ballots and approve them upon the appropriate findings, with no authority provided for public challenge during the provisional meeting. *Id.* § 163-182.2(a)(4); *see also* 08 NCAC 06B .0105(e) (“Provisional official ballots shall be counted by the county board of elections before the canvass.”). Candidates have no role to play in the Board’s review and approval, or disapproval, of a provisional ballot. If, however, a candidate believes provisional ballots were not counted in accordance with the law, the lawful procedure to challenge those ballots is through an election protest. Accordingly, this allegation of a procedural defect in the counting of provisional ballots fails to state any violation of an election law, irregularity, or misconduct in the conduct of the election.

Cummings raises an additional issue in his appeal aside from reiterating the allegations in his original protest. For the first time, he alleges that an unidentified number of unnamed voters were “denied a ballot of their prescribed party to be counted at canvassing, among other issues.” This allegation, like those in the original protest, does not contain sufficient detail to meet even the probable cause standard required to withstand dismissal at the preliminary stages of an election protest. Similarly, simply stating that there are now nine “voter irregularities” in his

appeal, with no further elaboration or substantiation, is insufficient to show the probable occurrence of an outcome-determinative violation of election law, irregularity, or misconduct.

Having reviewed Cummings's protest appeal, I find and conclude the following:

- The protest was properly dismissed by the Robeson County Director for a failure to include factual evidence supporting the allegations in the protest and, accordingly, that the protest failed to establish probable cause to believe that an outcome-determinative violation of election law or irregularity or misconduct occurred. *See* N.C.G.S. § 163-182.10(a); 08 NCAC 02 .0114(a).
- Even if the additional allegations in the protest appeal were considered and assumed to be true, the protest still fails to include allegations that establish probable cause to believe that an outcome-determinative violation of election law or irregularity or misconduct occurred. *See* N.C.G.S. § 163-182.10(a); 08 NCAC 02 .0114(a).

For these reasons, as Executive Director, I recommend that the appeal should be DENIED.

If no State Board member raises any oral or written objection to the recommendation within three calendar days (on or before Monday, April 8, 2024), the protest appeal will be denied, and Mr. Cummings and the Robeson County Board of Elections will be notified accordingly.

Issued by Karen Brinson Bell, Executive Director, this 5th day of April, 2024.





In re: Election Violations - Robeson County Commissioner Democrat Primary, District 5. Lacy Cummings vs. Judy Sampson	<b>AFFIDAVIT OF</b>
---	---------------------

I, Paul Hunt, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at retired and being first duly sworn, deposes and says:

During the one stop voting period Comm. Wixie Stephens transported my grandson, Brandigan Hunt, recently deceased to the Lumbee Tribe of N.C. (Turtle Bldg) to get a tribal card. Ms. Stephens paid Brandigan Hunt \$40.00 to vote for Comm. Judy Sampson.

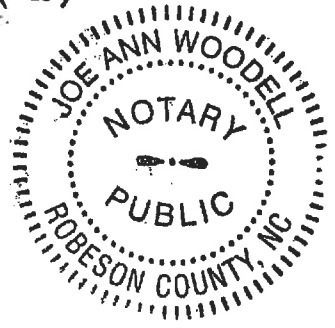
Further this Affiant Sayeth Not.

This the 11 day of April, 2024.

By Paul Hunt

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027





In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

AFFIDAVIT OF

I, Kalem Sampson being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at Construction and being first duly sworn, deposes and says:

On or about 3/1/24 Commissioner Wixie Stephens approached me and offered me \$60.00 to vote for Comm. Judy Sampson. Ms. Stephens also offered me \$80.00 to pay four other voters to vote for Comm. Judy Sampson. Comm. Wixie Stephens used my personal Cash App. Ms. Stephens Cash Apped two different transactions to my account, \$60.00 + \$80.00. I gave \$20.00 Each from the money received to Jamie Lynn Oxendine, Jessie Locklear, Jayden Oxendine and Annah Lambert. All voters mentioned including myself are voters of Dist. V. All named voters were paid by Ms. Wixie Stephens to vote for Comm. Judy Sampson.

Further this Affiant Sayeth Not.

This the 11 day of April, 2024.

By: Sholan Damp

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell, Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

I, Paula Ann Hunt, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at SSI and being first duly sworn, deposes and says:

On election Day, 3/5/24 Ms. Wixie Stephens transported me to the RAFT SWAMP polling site to vote. Ms. Stephens paid me \$25.00 to vote for Ms. Judy Sampson. Ms. Stephens also purchased a seafood plate for me from Get N Go Grill located near the RAFT SWAMP polling site. This was additional payment for voting for Comm. Judy Sampson. Lastly, Ms. Stephens told me I ever went back to jail she would bail me out for free if I voted for Comm. Judy Sampson.

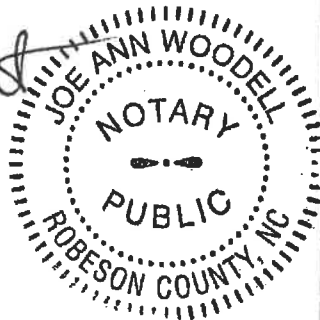
Further this Affiant Sayeth Not.

This the 11 day of April, 2024.

By: Paula Ann Hunt

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell, Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

I, Christy Jones, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at unemployed and being first duly sworn, deposes and says:

I was paid by Comm. Wixie Stephens to transport voters to vote for Comm. Judy Sampson. I received \$15.00 from Ms. Stephens for each voter transported by me.

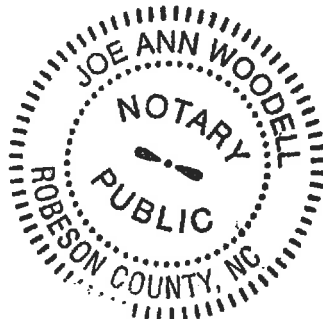
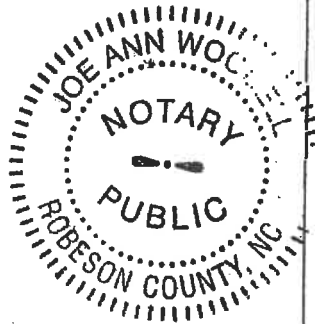
Further this Affiant Sayeth Not.

This the 11 day of April, 2024.

By: Christy Jones

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

I, Trent Locklear, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at Social Security and being first duly sworn, deposes and says:

Comm. Wixie Stephens offered me \$15.00 during one stop to vote for Comm. Judy Sampson. I did not have any form of ID. Ms. Stephens took my picture with her phone and stated she could use it as a form of ID to vote provisionally. I refused to get in her vehicle. My twin brother, Brent Locklear was paid by Ms. Stephens to vote for Comm. Judy Sampson. Ms. Stephens then asked if I would use my twin brother's ID to vote for Ms. Judy Sampson. Again, I refused. I witnessed Ms. Stephens paying several voters to vote for Ms. Judy Sampson.

Further this Affiant Sayeth Not.

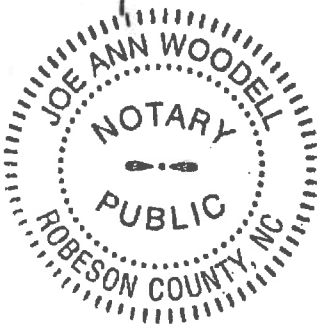
This the 11 day of April, 2024.

By:

Trent Locklear

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell, Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

AFFIDAVIT OF

I, Kaitlyn Woods, being of sound mind, am over the age of eighteen, am  
under no legal disability, am currently employed at unemployed and  
being first duly sworn, deposes and says:

ON JAN 2024 Comm. Wixie Stephens bailed me out of jail. (Robeson County  
Detention Center). I paid Ms. Wixie Stephens \$750.00 for bail with  
the understanding that I would pay an additional \$200.00 every month  
for 12 months. Ms. Stephens stated that if I voted for Ms. Judy Sampson  
I would not have to pay my February payment of \$200.00. I voted  
for Judy Sampson as requested by Comm. Wixie Stephens and I did not  
have to pay my \$200.00 bail payment for the month of Feb/2024.

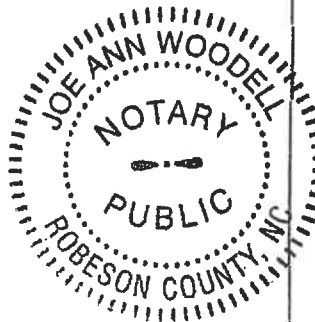
Further this Affiant Sayeth Not.

This the 11 day of April, 2024.

By: Kaitlyn Woods

Sworn to and subscribed before me,  
this 11 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

Gwen Woods, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at Unemployed and being first duly sworn, deposes and says:

During one stop voting Ms. Wixie Stephens gave me a personal check of \$160.00. The personal check was from Judy Sampson. I do not have a bank account, I cashed the check @ Wal Mart in Lumberton, N.C. The check was given to me to pay 11 voters that I told Ms. Stephens I had taken to vote.

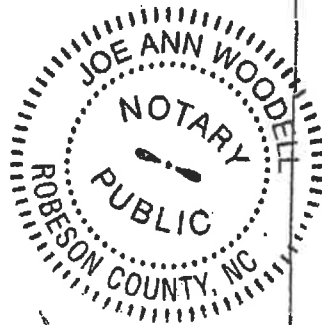
Further this Affiant Sayeth Not.

This the 13 day of April, 2024.

By: Gwen Woods

Sworn to and subscribed before me,  
this 13 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

Maggie Woods, being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at Social Security and being first duly sworn, deposes and says:

During one stop voting Mr. Paul Hunt and I transported Greanna Locklear of 993 Beam Road to vote at the Penbrooke voting site. While voting one of the poll workers (curbside) attempted to sway me to vote for Ms. Judy Sampson. Later I learned that this poll worker is an in law to Mr. Jason King, Deputy Director/County Manager of Robeson County and a supporter of Wixie Stephens & Judy Sampson. On Election Day Ms. Wixie Stephens gave me \$60.00 cash to vote for Judy Sampson.

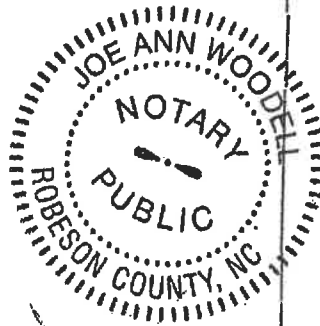
Further this Affiant Sayeth Not.

This the 13<sup>th</sup> day of April, 2024.

By: Maggie Woods

Sworn to and subscribed before me,  
this 13 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027



In re: Election Violations - Robeson County  
Commissioner Democrat Primary, District 5.  
Lacy Cummings vs. Judy Sampson

**AFFIDAVIT OF**

I, Jamie Oxendine being of sound mind, am over the age of eighteen, am under no legal disability, am currently employed at Unemployed and being first duly sworn, deposes and says:

During one stop voting Wixie Stephens promised \$20.00 per voter for voting for Ms. Judy Sampson. We had four voters. The money was cash added to either Kaleb Sampson or his mother, Ms. Kay Franc. Malloy. The four voters were myself, Jessica Locklear, my son Jmiden Oxendine and Ms. Anna Lambert.

Further this Affiant Sayeth Not.

This the 13 day of April, 2024.

By: Jamie Oxendine

Sworn to and subscribed before me,  
this 13 day of April, 2024.

Joe Ann Woodell Notary Public  
My Commission Expires: 9-9-2027

