

NORTH CAROLINA  
WAYNE COUNTY

BEFORE THE BOARD OF ELECTIONS

IN THE MATTER OF:  
THE PROTEST OF THE ELECTION OF CONSTANCE BRYANT CORAM AS THE WAYNE  
COUNTY REGISTER OF DEEDS

ORDER

THIS MATTER CAME BEFORE THE WAYNE COUNTY BOARD OF ELECTIONS (hereinafter referred to as Board), on November 13, 2020 upon preliminary consideration of an election protest of Tina Arnder (hereinafter referred to as Protestor), filed November 13, 2020, to protest the Wayne County Register of Deeds contest.

Present were all Board of Election members with counsel, Andrew J. Neal and Elections Director Anne C. Risku. Protestor was present and represented by Attorney Henry C. Smith of Warren, Kerr, Walston, Taylor & Smith, LLP and Constance Bryant Coram appeared pro se.

Based upon review of the Protest and information presented to the Board in this matter and taking into account the totality of the circumstances, the Board makes the following Findings of Fact and Conclusions of Law and enters the following Order:

FINDINGS OF FACT

1. Constance Bryant Coram was the Democratic candidate for the November 3, 2020 contest of the Wayne County Register of Deeds.
2. No Republican candidate appeared on the ballot in the Register of Deeds contest.
3. Tina Arnder was a certified write-in candidate for Register of Deeds pursuant to NCGS § 163-123(c)(3).
4. The outcome of the November 3, 2020 election for Register of Deeds was as follows:

<b>Name</b>	<b>Votes</b>	<b>Percent</b>
Constance Bryant Coram	24,557	54.90%
Tina Arnder (Write-In)	19,426	43.43%
Write-In (Miscellaneous)	751	1.68%
Total	44,734	

5. 55,712 total ballots were cast county wide in all races during the November 3, 2020 general election.
6. On November 13, 2020 Tina Arnder, through counsel, filed an election protest pursuant to NCGS § 163-182.9 prior to the Board's election canvass meeting.

7. The protest was filed on the form prescribed in 08 NCAC 02 .0111.
8. Pursuant to NCGS § 163-182.10(a)(2) the Board must resolve any protests concerning counting and tabulating of votes before the final canvass is completed.
9. The protest alleged a defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
10. During preliminary consideration, both Tina Arnder and Constance Bryant Coram were given an opportunity to speak during the preliminary consideration.
11. The Protest provided an exhibit containing "Total Votes Counted" for twenty-three county wide contests for the November 3, 2020 election.
12. The Protest alleged that a large number of votes in the Register of Deeds contest were not counted as a result of one or more of the following reasons:
  - a. The tabulators were not properly programmed or did not work properly so that some ballots that should have been diverted or been marked were not;
  - b. There were errors by poll workers in not locating all marked ballots and including them in the hand count;
  - c. Voters chose not to vote in this race, despite voting in almost every other county-wide race; or
  - d. Voters wrote in a name on the write-in line but failed to color in the dot beside the write-in name.
13. The Protest requested that the Board "order a hand-to-eye recount, initially in a limited number of precincts to see if the vote count changed, either because properly marked ballots were missed or because a substantial percentage of the voters wrote in Tina Arnder on their ballot but failed to fill in the dot".
14. The Protest contained affidavits of registered voters who stated that they wrote in Tina Arnder's name on their ballot and they intended to vote for Tina Arnder, however, they could not recall if they filled in the oval.
15. The Protest did not contain any affidavits or other factual information with respect to poll workers improperly handling ballots or tabulators being programmed inconsistent with State or vendor regulations.

FROM THE FOREGOING FINDINGS OF FACT, THE BOARD MAKES THE FOLLOWING CONCLUSIONS OF LAW:


1. The Protestor is a registered voter in Wayne County and is a candidate for the contest of Wayne County Register of Deeds thereby making her eligible to file an election protest.

2. The Protest was timely filed pursuant to NCGS § 163-182.9(b)(4)(a).
3. The Protest substantially complied with NCGS § 163-182.9 and 08 NCAC 02 .0111.
4. The matter fails to contest the manner in which the votes were counted or results tabulated, or fails to allege a violation of election law or irregularity or misconduct sufficient to cast doubt on the results of the election.

IT IS THEREFORE ORDERED, by a 5-0 vote of the Wayne County Board of Elections,  
that:

1. The Protest is hereby dismissed as unsubstantiated and without probable cause that an outcome determinative violation of election law, irregularity, or misconduct occurred and further proceedings are not warranted.

Entered the 17<sup>th</sup> day of November, 2020.

  
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Bridgette Cowan, Chairman  
Wayne County Board of Elections

Voting For this Order:  
Bridgette Cowan  
Eddie L. Edwards, III  
Rick Moore  
Jimmy Hull  
M. Bryan King