

Board of Elections Press Release Regarding Kathy Falls Lawsuit ! –Report by Robert A. Williams

Shelby – There was a hearing today in Cleveland County Superior Court today regarding School Board Member Kathy Falls' lawsuit against the Cleveland County Board of Elections, Director Dayna Causby and Board Members Wayne King, Allen Langley and Doug Sharpe.

Judge Robert T. Sumner signed an order today upholding the Cleveland County Board of Elections position regarding the application of recently passed NC Law that would end up requiring Kathy Falls, as a registered "Unaffiliated" and anyone else not running in the Party Primary Process to obtain 2,535 valid signatures (4% of registered voters in Cleveland county) on a petition to have their name put on the General Election Ballot. Judge Sumner also extended the filing date to 12-noon sharp on August 1, 2017. The Court will again review this matter on July 31, 2017. The deadline for submitting the petition and signatures is still September 22, 2017.

I would recommend Kathy Falls and anyone else wanting to run for a partisan office using the Petition Process to get their behind in gear and start collecting signatures. I am also supposing the NC General Assembly, after all the heated words and a lawsuit from Kathy Falls, will not be inclined to reduce the 2,535 signatures to 500 in the August Session.

A Press Release has been issued by the Cleveland County Board of Elections and is noted below.

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Press Release:

7/20/2017

For Immediate Release

Session Law 2017-78 established that the Cleveland County Board of Education Members would be elected on a partisan basis beginning in 2017. This session law was signed June 28. If a registered voter who wished to participate in this election had either: recently changed their party affiliation (within the past 90 days); are registered with the Cleveland County Board of Elections as a Unaffiliated voter; and/or wishes to run without declaring their party affiliation would have until the last Friday in June to collect the required 4% of the county's registered voters signatures to have their names be listed on the ballot. The Cleveland County Board of Elections met on July 11, 2017 to address this issue, and to meet their constitutional duties to rectify a solution for the voters of Cleveland County. The board voted unanimously to apply NC General Statute 163-296 to this election cycle. That statute allows for cities who conduct partisan elections a process to ensure unaffiliated voters the opportunity to have their name included on the ballot. The Cleveland County Board of Elections extended the deadline for the required 4% of the county's registered voters' signatures to September 22, 2017 by applying this law to this election cycle.

A Temporary Restraining Order was filed this afternoon. Judge Sumner signed the order, and the order is now effective. The order affirms the Board of Elections actions, and extends the filing period until August 1, 2017 at 12 noon. The court will review this matter via a hearing on July 31, 2017.

Any questions should be addressed our attorney Brian King at King Law Offices 828-286-3332.