

# Cumberland County Board of Elections

## Election Protest Hearing

### Dec 2, 2025

The Invocation was offered by Member Bree Eldridge.

The Evidentiary Hearing was called to order by Chair Devore at 10:00AM.

Members in attendance: Devore, Grimes, Eldridge, Johnson

Others in attendance: Director of Elections Angie Amaro and County Attorney Helen Nelson

Chair Devore opened the hearing of the Election Protest of Dennis C. Smith, Sr in the Town of Godwin Board of Commissioners election. Chair Devore stated probable cause was found during the preliminary hearing that was held on November 19<sup>th</sup>, 2025 to proceed to a full evidentiary hearing and notice was served to all the effected parties on November 25<sup>th</sup>, 2025.

Chair Devore stated that this is a quasi-judicial hearing and evidence received today will be in the form of affidavits, supporting documents, and live witness testimony. The Chair added this meeting will be recorded.

Dennis Smith, Sr (protestor) and all other witnesses for the Godwin municipal election were present and identified: Willie Burnette, Shirley Burnette, Joseph Smith, Iasia Wells, Ronald McNeill, George Cooper, Jacqueline Cooper-Kelly, Bonnie McIntyre, and Scarlet Hall.

Chair Devore swore in the protestor, Dennis C. Smith, Sr.

Dennis Smith, Sr gave his opening statement. In summary, he said the town clerk texted other voters and instructed them to select the same board of commissioners (incumbents) and not to vote for Dennis Smith for the Godwin municipal election. He stated the town clerk texted multiple people while on duty and he was made aware of this fact the day after the election. He stated the only witnesses he had to testify today are Mayor Burnette and his wife. He stated he had two other witnesses that did not show up today.

Chair Devore swore in Mayor Willie Burnette.

Willie Burnette answered questions presented to him by Dennis C. Smith. In summary, he stated he was told by his wife, Shirley Burnette, that a voter, Ann Phillips, inquired whether anyone could tell a voter who to vote for, and Mr. Burnette stated she could vote for whomever she wanted.

Chair Devore swore in Shirley Burnette (wife of Mayor Willie Burnette)

Shirely Burnette gave her statement. In summary, she stated Mr. Joseph Smith stopped by at her home on election day, and while there, received a phone call from Jackie Cooper-Kelly (town clerk). While on speaker phone the clerk told Mr. Joseph Smith to call his sister (Ann Phillips) and to vote for the same

people on the Board of Commissioners. Shirley told Joseph you have a snake in the grass, and the clerk wants to keep the same people on the board.

Chair Devore swore in Mr. Joseph Smith.

Joseph Smith gave his statement. In summary, he stated his sister (Ann) did not understand what the text message was about and he told her (Ann) that Ms. Cooper-Kelly was campaigning for the ones on the board. He stated he told his sister, Ann, she could vote for whomever she wanted. He went to the town hall and confronted Ms. Cooper-Kelly and asked if she sent the text message to Ann along with others. Joseph also stated Jackie confirmed to him she texted multiple people, but he did not know how many people Ms. Cooper-Kelly texted.

Mr. Dennis C. Smith read the text message that was sent from the clerk to Ann (Joseph's sister) into evidence.

Chair Devore swore in Dr. Iasia Wells.

Dr. Iasia Wells gave her statement. In summary, she was approached by Ms. Ann Phillips, while in the company of Mr. Dennis Smith. Ann told her that Ms. Cooper-Kelly had told her who to vote for and not to vote for Dennis. Dr. Wells stated she saw the text message that Ann had received.

Chair Devore swore in Mr. Ronald McNeill.

Mr. Ronald McNeill gave his statement. In summary, he stated he had no knowledge of any text messages or who may have received them. He stated he had not observed any of the text messages.

Chair Devore swore in Mr. George Cooper, Jr.

Mr. George Cooper, Jr gave his statement. In summary, he saw the text message provided to him by a reporter and did not see the message until after the election.

Chair Devore swore in Ms. Jacqueline Cooper-Kelly.

Ms. Jacqueline Cooper- Kelly answered questions presented to her by Mr. Dennis Smith and the board members. In summary, she stated she sent a text message to Ann telling her to vote for the sitting board members and keep the board the same. She sent the text message to two people (Ann and Curtis) on her personal phone while at work.

Chair Devore swore in Ms. Scarlet McIntyre Hall.

Ms. Scarlet McIntyer Hall gave her statement. In summary, she stated the community building (polling site) and town hall are attached but are two separate places with separate entries.

Mr. Willie Burnette added to his earlier testimony by stating the building is designed in a way that you can see people entering the building from the town hall to the community building addition.

Mr. Dennis Smith, Sr. gave his closing statement summarizing that the text message was sent out to several individuals and he just wants a free and fair election.

Chair Devore read NC General Statute 160A-169 City Employee Political Activity, which states that no employee while on duty or in the workplace may use his or her official authority or influence for the purpose of interfering with or affecting the result of an election.

Next, the board members discussed the evidence and testimony presented. The board members agreed to the following facts.

1. Ms. Cooper-Kelly (town clerk) did attempt to influence two voters while on duty by text message.
2. There was no evidence presented that these text messages were relied upon by voters that may have influenced their votes.
3. The number of voters texted would not have changed the outcome of the election. (Note, the Chair stated the difference between 4<sup>th</sup> and 5<sup>th</sup> place was 5 votes, requiring at least 3 voters to change the outcome.

**ACTION:** Member Eldridge made a motion finding that there was not substantial evidence of a violation of election law, irregularity, misconduct adequate to support a conclusion that results of the election were swayed and order that the protest be dismissed. The motion was seconded by Member Johnson and approved unanimously.

**ACTION:** Member Grimes moved to adjourn the meeting at 10:53pm. Seconded by Member Johnson and approved unanimously.

Respectfully submitted,



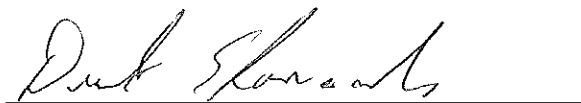
Brenda M Eldridge  
Secretary



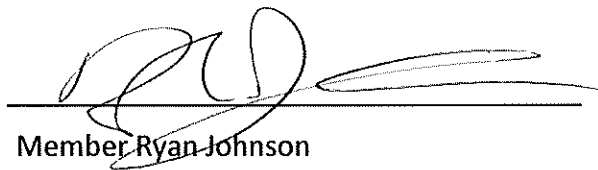
Chair Linda Devore



Member Irene Grimes

A handwritten signature in black ink, appearing to read "Derek Edmonds", written over a horizontal line.

Member Derek Edmonds

A handwritten signature in black ink, appearing to read "Ryan Johnson", written over a horizontal line.

Member Ryan Johnson