

BOARD MEETING MINUTES
MARCH 19, 2026 – 5:00 PM
PRELIMINARY CONSIDERATION MEETING

The Rockingham County Board of Elections held a meeting on Thursday, March 19, 2026, at 5:00 p.m. at the Rockingham County Governmental Center, Commissioners Chambers.

Board Members Present: Don Powell, Chairman; Bert Jones, Secretary; Sarah Totten, Member; Wally White, Member; and Ophelia Wright, Member.

Staff Members Present: Paula Seamster, Director and Brian Ferrell, Attorney, via Telephone.

MEETING CALLED TO ORDER

Chairman Powell called the Board meeting to order at 5:00 p.m.

PRELIMINARY CONSIDERATION OF PROTESTS

This is a consideration meeting to hear of the protest from Philip E Berger, Senate District 26. For the purposes of this hearing, we will be looking to see if there is probable cause to move this into an evidentiary hearing based solely upon the application. We will not be taking oral arguments or presenting any evidence in this meeting, it will be based simply on the protest forms that were sent to this office. We will have Director Seamster read those into the record and then discuss each one individually and cast our vote based on all three collectively.

This protest concerns three Unaffiliated voters in Rockingham County – Russell Lee Collins, John Phillip Murphy, and Michael Aaron Baker – who appeared to vote in the March 2026 primary, initially selected a Democratic ballot, and then later changed their minds and requested a Republican ballot. Each voter was permitted to cast a provisional Republican ballot, and those votes were counted in the Republican primary.

The official Authorization-to-Vote (“ATV”) records reflect that each of the three voters is registered as Unaffiliated and, at check-in, selected a Democratic ballot. The election official issued each voter an ATV reflecting the Democratic ballot selection. After that point, each voter requested a Republican ballot instead. Election officials cancelled the Democratic ATV and issued the voter a provisional Republican ballot, which the voter cast and which was later counted. *See Exhibit A* (ATV records and provisional records for each voter).

The Cancelled Democratic ATVs and the associated provisional Republican records established that, for each of the three voters, the voter’s official ballot selection for the election transaction was Democratic, but the voter ultimately cast and had counted a Republican ballot via the provisional process.

Chairman Powell requested the legal argument also be read into record.

Unaffiliated voters are entitled to participate in a party primary only by selecting one party’s ballot for that election. NCGS §163-119; NCGS §163-166.7 (a). That selection is reflected in the voter’s Authorization-to-Vote and governs which party primary the voter may participate in for that election transaction.

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Here, the official ATV records show that each voter selected a Democratic ballot and executed an ATV reflecting that choice. *See* Exhibit A. Election officials then cancelled those Democratic ATVs and issued provisional Republican ballots, which were counted in Republican primary contests. *See* Exhibit A. This procedure effectively allowed the voters to cast votes in Republican primary contests notwithstanding their initial Democratic ballot selection documented in the official ATV.

Provisional voting exists as a fail-safe when eligibility cannot be confirmed at the voting site, not as a mechanism to allow a voter to switch party primaries after executing an ATV and receiving a ballot. *See* NCGS §163-166.11 The “act of voting” rule further underscores why party-ballot switching must be handled through controlled procedures rather than ad hoc conversion to a provisional ballot. 08 NCAC 10B.30104. Allowing these votes to count in the Republican primary undermines the integrity of the party-ballot selection and results in illegal votes being counted in Republican primary contests.

Accordingly, the Board should sustain this protest and order that the three provisional Republican ballots issued under these circumstances be disapproved and removed from the Republican primary totals for any affected contests (including the SD26 Republican primary, if applicable). The Board should further require preservation and production of the cancelled Democratic ATVs and related records for these voters so that the official record reflects the voters’ initial party-ballot selections and the manner in which the provisional Republican ballots were issued and counted. NCGS §163-119; NCGS § 163-166. NCGS § 163-166.11; 08 NCAC 10B .0104.

Chairman Powell requested Director Seamster to read the Requested Relief into record.

I am uncertain whether the outcome of the contest(s) will change. (Due to other pending protests and recounts, this vote may be determinative of the outcome. Therefore, this protest is contingent on the votes at issue becoming determinative based on the outcome of the recount and other protests filed.)

Also, number 10, what relief does the campaign seek?

The Rockingham BOE should retrieve and discount the ballots of these three voters.

Director Seamster requested to make a comment: There is no way to retrieve which one is which. The only thing on provisional ballots is provisional or a “P”. It is not voter specific. I just wanted to put that into the record.

Chairman Powell said that would be something for the State Board to determine. Director Seamster was asked if the protest was filed in a timely manner? Director Seamster responded that yes, it was. Director Powell then opened the floor to discussion regarding this specific protest application.

Member Wright asked, on page 1 it states that: “You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.” Member Wright was wondering why the email was left off, or if the email address is listed somewhere else on the protest.

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Member White stated the email addresses are included in the attached addendums.

Chairman Powell asked the Board Attorney, Brian Ferrell if Member Wright's question was something to be considered for probable cause?

Attorney Ferrell stated it was common practice to list it the way it was on the protest and that the counsel email addresses are listed in the Counsel of Record Addendum attached to this protest.

Chairman Powell asked Member Wright if that satisfied her question to which she stated, "No." Chairman Powell then asked Attorney Ferrell if not having the email address on the first page of the protest made the entire protest defective? To which Attorney Ferrell stated, it did not.

Member Wright then stated she would accept the answer from counsel.

Member White stated that in reading NCGS § 163-166.7(a) states that one option allows for a ballot to be spoiled. Which would provide for an opportunity to not be "stuck" but be able to "undo" a vote.

Chairman Powell stated that would be evidentiary and would have no basis on trying to determine probable cause today. He stated probable cause must be decided off the face of the application.

Member White said that is why his question is for the attorney, because this is the legal basis of this going forward at all. So that is my question is whether there is a legal basis for this complaint at all.

Chairman Powell reiterated that again he believes this is not the proper venue to ask that question.

Member White requested an answer from the attorney.

Attorney Farrell agreed that the information requested would be evidentiary and brought up again during the evidentiary hearing.

Member White thanked Attorney Farrell, then asked his second question: Number 7 says to 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. Member White asks since there are none listed in Number 14, were the three people served?

Attorney Ferrell explains the "affected" party is not the individual voter, but the candidate who is listed in party 14. The officials who assisted those voters would be witnesses to the facts of the voting.

Member White asks, since John Phillip Murphy's ATV is not signed, is it still considered an Executed Ballot? The lack of signature does not show he ever accepted the ballot.

Attorney Farrell stated that document would be admissible during the evidentiary hearing, if there is one.

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Chairman Powell stated since there is no further discussion, the Board will move on to the second protest.

Director Seamster read into record:

The contact is Philip E. Berger. The Factual Basis: Courney Charmaine Dillard is a longtime Rockingham County voter who timely submitted an update to her voter registration to change her party affiliation from Democrat to Unaffiliated on February 6, 2026, before the registration deadline for the March 3, 2026, primary election. Exhibit A (Updated Registration Form). Ms. Dillard completed the party-change form with assistance from Trevor Hale; Dillard completed the form in Hale's presence and left it in his possession. *See Exhibits B and C.*

On February 6, 2026, Diane Parnell, the Chair of the Rockingham County Republican Party, requested that Maxine "Dale" Rosenberg-Warren hand-deliver Ms. Dillard's party-affiliation change form for the March 3, 2026, primary election. Ms. Rosenberg picked up Ms. Dillard's completed form from Mr. Hale, and hand-delivered Ms. Dillard's completed change of party form to the Rockingham BOE. Specifically, Rosenberg handed the form to staff member Tina Massey. Additionally, Rosenberg asked staff member Polly Makins whether Ms. Dillard's party change would be reflected in the Board of Elections records as received before the deadline and thus effective for the 2026 primary election. Polly Makins assured Ms. Rosenberg that it would be. *See Exhibit D.*

Ms. Dillard then presented to vote during early voting on February 27, 2026. Ms. Dillard intended to vote a Republican ballot and attempted to do so. Specifically, Ms. Dillard requested a Republican ballot from election officials. However, election officials informed Ms. Dillard that her party affiliation had not changed and that she was required to vote as a Democrat. Election officials did not provide Ms. Dillard with a Republican ballot. Rather, Ms. Dillard was forced to vote a Democrat ballot, against Ms. Dillard's expressed wishes. Additionally, Ms. Dillard was not offered a provisional Republican ballot to preserve her claimed party status pending verification, and she was thereby deprived of the opportunity to cast the ballot she sought to cast for the Republican primary.

As of March 17, 2026, Ms. Dillard's voter registration record still reflects a Democratic affiliation, confirming that her timely party-change submission was not processed as represented. *See Exhibit E.*

The Legal Argument:

Ms. Dillard timely submitted a party-affiliation change from Democrat to Unaffiliated on February 6, 2026, the registration deadline for the March 3, 2026, primary. The Rockingham BOE had a duty to accept and process that registration update. NCGS §§ 163-82.1(b); -82.6(a). Ms. Dillard then presented to vote during early voting on February 27, 2026, and sought to vote a Republican ballot. As an Unaffiliated voter, she was entitled to choose the party primary ballot she wished to vote. NCGS §§ 163-119; -166.7(a). Instead, she was told she had to vote as a Democrat.

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Een if election officials believed on February 27, 2026, that Ms. Dillard's registration record still reflected "DEM", the law required that she be offered a provisional ballot to preserve her claimed status and requested ballot choice pending verification. NCGS § 163-166.11. State Board rules likewise treat provisional voting as the fail-safe mechanism and require election officials to inform voters of the option to vote provisionally and to ensure a voter receives the appropriate assistance when eligibility or ballot-style questions arise. 08 NCAC 10B .0103(d); 08 NCAC 10B .0101(g)(10). Forcing Ms. Dillard to vote a Democratic ballot rather than offering a provisional Republican ballot was inconsistent with these requirements and deprived a known voter of the ability to case the ballot she was entitled to cast as an Unaffiliated voter.

This irregularity involves a known voter and a ballot-type error that can be remedied in a targeted, non-speculative way. The State Board has general Supervision over elections and authority to address failures by county boards to comply with election-law duties. NCGS §§ 163-2(a) and (c). In addition, the State Board has authority to take action necessary to ensure the election is determined without irregularities that may have changed the result, including authorizing recasting procedures where a known voter or known group of voters was given an incorrect ballot. NCGS § 163-182.12.

Accordingly, to ensure Ms. Dillard's vote is counted once, correctly, and not twice, the appropriate relief is as follows: (1) the county board should identify Ms. Dillard's February 27, 2026, early-vote ballot and discount it from the vote totals for the affected contest(s); and (2) the State Board should authorize, and the Rockingham BOE should implement, a procedure allowing Ms. Dillard to recast a ballot consistent with her lawful ballot choice as an Unaffiliated voter, with the recase vote added to the returns and included in the canvass under State Board-approved procedures.

Chairman Powell as that Number 9 and Number 10 also be read into record:

Number 9: I am uncertain whether the outcome of the contest(s) will change. (Due to other pending protests and recounts, this vote may be determinative of the outcome. Therefore, this protest is contingent on the votes at issue becoming determinative based on the outcome of the recount and other protests filed.)

Number 10: The Rockingham BOE should retrieve and discount the Democrat ballot Ms. Dillard was forced to vote and the State Board of Elections should instruct the Rockingham BOE to allow Ms. Dillard to cast a ballot of her choosing pursuant to NCGS § 163-182.12.

Chairman Powell asked Director Seamster if this protest was filed in a timely manner with the North Carolina Statutes and appears to be complete at its face? Director answered affirmatively to both questions.

Chairman Powell asked the Board if they had any questions or discussion regarding this specific protest. Since there was no discussion or questions, the third and final protest will be read.

Director Seamster read:

The person filing this protest is Philip E Berger by legal counsel. Factual Basis:

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Kara Millsaps Price, a Rockingham County resident domiciled within Senate District 26, was eligible to vote in the March 2026 primary election to select Republican candidates for the upcoming 2026 general election. Mrs. Price was, however, forced to vote a provisional ballot and her vote was not counted.

Mrs. Price and her husband, James Brian Price, are both registered Republicans and have been consistent voters in North Carolina for the last twenty-four years. *See* Exhibits A and B (voter histories). They voted in Forsyth County from 2002-2008 and then in Guilford County from 2010-2024. *Id.* In late 2024, the couple moved from Summerfield (Guilford County) to a new home in Madison (Rockingham County). *See* Exhibits C and D (Declarations of Kara Millsaps Price and James Brian Price, respectively)

In late 2024, the couple completed NC Voter Registration Applications to change their voter registration from Guilford County to Rockingham County. They mailed their applications in the same envelope.

In August 2025, Ms. Price made an in-person visit to the DMV to renew her drivers license and update her address to her new Rockingham County residence. At the DMV, she was asked whether she would like to update her voter registration. Despite knowing she had earlier mailed her voter registration form, she instructed the DMV staff to proceed with updating her voter registration as well.

The couple presented to vote in Rockingham County on primary election day (March 3, 2026). Mr. Price's registration change had been properly processed, and he was allowed to vote without incident. However, unexpectedly, Mrs. Price was informed that she was not registered in Rockingham County and therefore could not vote there. She was told she was registered to vote in Guilford County. Mrs. Price even presented her driver's license that showed her Rockingham County address. Knowing she had attempted twice to update her registration (once via mail and once in person at the DMV) and believing this must be a mistake (as she was a resident of Rockingham County), Mrs. Price voted a provisional ballot in Rockingham County.

The Rockingham BOE was unable to locate any record of Mrs. Price's registration update, either the mailed application or the DMV submission. When Mrs. Price's provisional ballot came before the BOE for adjudication, the BOE disapproved her provisional ballot.

Mrs. Price was otherwise qualified to vote in Rockingham County as of March 3, 2026, primary; she is a US citizen over 18, and not disqualified by felony, and she had established her domicile in Madison well more than 30 days before the election. North Carolina law broadly construes residence to provide qualified citizens with the opportunity to register and vote, and a voter's residence is the place where her habitation is fixed and to which she intends to return.

Accordingly, the only reason Mrs. Price was unable to cast a regular ballot in her correct precinct was not any failure of eligibility on her part, or a failure of diligence, but an apparent

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administrative error by government officials in the processing of her registration update – either through the DMV transaction, the county or state board’s receipt/processing of the mailed application, or both – despite her diligent, redundant efforts to update her registration.

Thus, due to no fault of her own and despite her diligent efforts, Mrs. Price was unable to participate in the primary election for Senate District 26.

Legal Argument:

Mrs. Price’s provisional ballot should be approved and county because she was a qualified voter domiciled in Rockingham County and Senate District 26 at the time of the March 3, 2026, primary, and the only reason she was not issued a regular ballot was an administrative failure to process her timely registration update.

The North Carolina Constitution guarantees the right to vote to qualified citizens. N.C. Const. art. VI, § 1. The Constitution also provides that a person who has resided in the precinct or election district for 30 days proceeding the election is entitled to vote. N.C. Const. art. VI, § 2(1). The Election Code likewise requires 30 days’ residence and provides that qualified electors are eligible to vote. NCGS § 163-55(a). Residence is determined by domicile and “shall be broadly construed to provide all persons with the opportunity to register and to vote.” NCGS § 163-57(1).

North Carolina law also places an affirmative duty on county boards to register qualified voters who apply, and to accept voter registration applications submitted through authorized methods and agencies, including the DMV NCGS §§ 163-82.1(b)_; -82.3(c)_.

Mrs. Price took the steps the statutes contemplate to update her registration after moving counties, including submitting a voter registration application by mail. NCGS § 163-82.6(a). Critically, the General Assembly has directed that DMV voter-registration applications accepted by the deadline “shall be treated as timely made” and that “no person who completes an application at that drivers license office shall be denied the vote in that election for failure to apply earlier than that deadline.” NCGS § 163-82.19(a).

Mrs. Price is an otherwise qualified voter who was required to vote provisionally solely because her timely registration update was not processed through no fault of her own. The Rockingham BOE should not refuse her the franchise due to an administrative error. Instead, the BOE should approve and count her provisional ballot.

Relief Sought Number 9 and Number 10:

I am uncertain whether the outcome of the contest(s) will change: (Due to other pending protests, this vote may be determinative of the outcome. Therefore, this protest is contingent on the votes at issue becoming determinative based on the outcome of the recount and other protests filed.)

Retrieve the 2026 primary provisional ballot of Kara Millsaps Price, count her ballot, and add it to the vote totals.

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Chairman Powell asked the Board for any concerns or questions regarding this protest.

Member White said he had a question for Attorney Ferrell. However, it concerns all three so I would rather wait to see if there is any discussion regarding this specific protest first.

Chairman Powell asked again to see if there was any further discussion. Hearing none, he requested Member White to proceed with his question to Attorney Ferrell.

On Number 9, all three of the protest state: “Due to the other pending protests, this vote may be determinative of the outcome. Therefore, this protest is contingent on the votes at issue becoming determinative based on the outcome of the recount and other protests filed.” Recounts are completed and the numbers have not changed. We are looking at a total of five votes here and with Guilford County having seven votes possible; is there anything determinative here that would change anything and if that would qualify any of these to move forward?

Attorney Ferrell states, because this is a multi-county election it is not clear what the other county may do. Ferrell asked if Guilford County was going to move their protest forward?

Member White stated because Guilford County was unsure of Rockingham County’s recount, they recommended their protest be moved forward.

Attorney Ferrell stated that because there are other live protests, it is a tough question to answer whether or not it will be determinative. The total protested votes in both counties falls short of the 23 vote differential. However, because you do not know, it is difficult on that to make a decision. That is something the Board will have to wrestle with.

Chairman Powell asked if there were any further questions regarding these three protests before we move on to the discussion about our vote? So, hearing none during the discussion at this time, the Board should direct all questions to the Chair, of course our attorney is available to us. The purpose of this consideration is to determine if there is probable cause based on the facts and legal arguments set forth in these protests to move this to an evidentiary hearing. This is not a hearing where we decide whether these are true or baseless or anything else. It is to decide the probable cause. The probable cause is defined as a legal standard that uses reasonable grounds based on objective facts and evidence to believe that an error has been committed, or violation of election laws has been committed. The definition is it is a fair probability or a substantial chance; is what probable cause is. It is more than a gut feeling, but it is less than a standard it is or it is not. It is a reasonable effort to make sure there’s not frivolous protests that we move forward, but that there is some belief in the fact that some of this could be true and have affected or affect going forward through this entire process, the election at hand. Having said that, what conversation do we have prior to taking a vote to allow this to go to an evidentiary hearing or not.

Member Wright, does our vote have to be unanimous?

Chairman Powell stated that he does not believe so.

Attorney Ferrell stated that the Board is majority rule.

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Member White asked if the plan is to vote on the three protests separately or collectively?

Chairman Powell responded, collectively.

Member White said he would ask for separation from the Chair.

Chairman Powell agreed to that request. Chairman Powell asked Attorney Ferrell if he could make motion in this proceeding?

Attorney Ferrell said, yes, he does.

Chairman Powell suggested they review the first protest concerning Ronald Lee Collins, John Phillip Murphy and Michael Aaron Baker. Is there a motion to accept or reject this for evidentiary hearing?

Member Jones stated in light of what has been said and what our attorney comments as well, I would move that we do recommend an evidentiary hearing. Member Totten seconded the motion.

The decision to proceed with an evidentiary hearing passed 4-1, with Member White voting against. This motion carried.

Chairman Powell stated the next protest to be taken up will be Mrs. Price; Kara Millsaps Price.

Member Totten made a motion based on the information provided we move forward with an evidentiary hearing. Member Jones seconded the motion.

The decision to proceed with an evidentiary hearing passed unanimously. This motion carried.

Chairman Powell said the third and final protest would be Charmain Dillard.

Member Jones made a motion to move forward with an evidentiary hearing. Member Totten seconded the motion.

The decision to proceed with an evidentiary hearing passed 4-1; with Member Wright voting against. This motion carried.

Chairman Powell asked Director Seamster if there was any further business for the Board to consider?

Director Seamster said a hearing date needs to be set within seven business days and five business days will be required to send out notices to the affected parties.

Chairman Powell said it seems the earliest we could have it would be next Friday, correct?

Member White said that after watching the Guilford County live stream, he knew one of the attorneys might have a schedule conflict.

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Chairman Powell requested both parties' attorneys come to the podium to give their preference for a hearing date. After discussion with Attorney Paul Cox for Sam Page and Attorney Trevor Stanley for Philip Berger gave their schedule.

Chairman Powell then stated if there was no conflict, Friday, March 27, 2026, would work for both sides as well as the Board. The evidentiary hearing will be held on Friday, March 27, 2026, at 2:00 p.m.

Paul Cox stated that the administrative code allows for subpoenas to be sent. Does the Board require a subpoena for the Board staff?

Chairman Powell requested that subpoenas be issued to the staff, so they are on notice that they must be in attendance and not work around schedules. Both attorney's need to send their list of witnesses to Director Seamster so she can prepare and send out the subpoenas.

Member White agreed that BOE staff need to be subpoenaed so that we have every t crossed and every I dotted.

At 5:52 p.m. Member Wright moved, seconded by Member White to adjourn. The motion carried unanimously.

Respectfully submitted,

Polly Makins, Deputy Director

Don Powell, Chairman