

THE BUNCOMBE COUNTY BOARD OF ELECTIONS will conduct a Candidacy Challenge hearing at its scheduled meeting on March 20th, 2018.

The hearing will take place at 5:30 p.m. in the Election Board room at Election Services, 77 McDowell Street, Asheville, NC. Any other election business will be conducted immediately after the hearing.

FOR FURTHER INFORMATION, CONTACT 250-4200.

BUNCOMBE COUNTY BOARD OF ELECTIONS

'18 MAR 14 PM 4:43

Name: John Courtland White)
Address: 19 Cedar Summit Road)
City, State, Zip: Asheville, NC 28803-9415)
Phone/Email: (828)299-9112, montague7040@yahoo.com)
Petitioner,)
vs.)
David Nathan West,)
Respondent.)

SWORN AFFIDAVIT OF VOTER AND CANDIDACY CHALLENGE

INTRODUCTION

NOW COMES THE PETITIONER, John Courtland White, on this the 14th day of March 2018 and alleges the following pursuant to North Carolina General Statutes §163-127 and §163-85:

- 1. The Petitioner, John Courtland White, is a voter and resident of Buncombe County, North Carolina and State House District 115.
2. The candidate filing period for election to the North Carolina House of Representatives commenced on the 12th day February 2018.
3. On the 27th day February 2018 David Nathan West filed for the North Carolina House of Representatives (hereafter the "Candidate").
1. The Candidate stated that he was a resident of Buncombe County using his current voter registration data and his Notice of Candidacy.
4. N.C. Const. Art. II section seven states, "Each Representative, at the time of his election, shall be a qualified voter of the State, and shall have resided in the district for which he is chosen for one year immediately preceding his election."
5. In its final judgment entered on July 31, 2017 in Covington v. State of North Carolina (1:15CV399), the United States District Court for the Middle District of North Carolina ordered:

“Any citizen having established their residence in a House or Senate district modified by the General Assembly under the remedial redistricting plans as of the closing day of the filing period for the 2018 election in that district, shall be qualified to serve as Senator or Representative if elected to that office, notwithstanding the requirement of Sections 6 and 7 of Article II of the North Carolina Constitution, which provide that each Senator and Representative, at the time of their election, shall have resided “in the district for which he is chosen for one year immediately preceding his election.”

6. The Candidate does not meet the requirements outlined in Paragraphs 5 and/or 6 above, and Petitioner therefore challenges the voter registration and the qualification of Candidate to run for election in House District 115.
7. Petitioner offers the following evidence to sustain its challenge:
 - a. The candidate is registered to vote at 103 Virginia Rd. in Black Mountain, NC 28711.
 - b. The candidate filed for office from PO Box 696 in Black Mountain, NC 28711.
 - c. The candidate had a criminal offense on 1/19/18 and used 89 Old Haw Creek Rd in Asheville, NC 28805 as his address.
 - d. There is no tax record for 103 Virginia Rd. in Black Mountain, NC 28711.
 - e. Mail sent to 103 Virginia Rd. in Black Mountain, NC 28711 was returned to sender.
 - f. Per North Carolina General Statutes § 163-82.7 subsections (c), (e), and (f) U.S. Postal Service return as undeliverable is grounds for denial of registration.
8. Based on the foregoing, the Petitioners believe the Candidate is unqualified by North Carolina to run for the Office of North Carolina House of Representatives.

WHEREFORE THE PETITIONER prays the board:

1. Deny the Candidate’s position for the North Carolina House of Representatives.
2. Tax the Cost of this Petition to the Respondent.
3. For such other relief as the Board deems just and proper.

I, John Courtland White, do solemnly swear that the statements and information given above are true and accurate to the best of my knowledge.

SWORN THIS 14th day of March 2018.

John Courtland White
Signature of Petitioner

Name: John Courtland White
Address: 19 Cedar Summit Road
City, State, zip: Asheville, NC 28803-9415
Phone: (828) 299-9112
Email: montague7040@yahoo.com

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

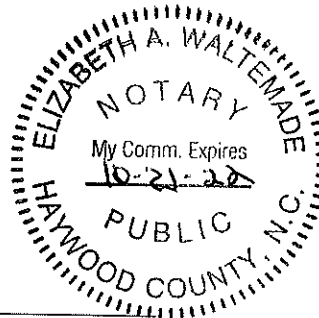
SWORN TO (or affirmed) and subscribed before me this day by JOHN COURTLAND WHITE

Date: 3-14-18

Elizabeth A. Waltemade
Official Signature of Notary Public

ELIZABETH A. WALTERMADE
Notary's Printed or Typed Name

My Commission Expires: 10-21-22



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EXHIBIT A

Voter Details



DAVID NATHAN WEST
103 VIRGINIA RD
BLACK MOUNTAIN, NC 28711

County: BUNCOMBE
Status: ACTIVE
Voter Reg Num: 000000176441
NCID: AL92003
Party: REP
Race: WHITE
Ethnicity: UNDESIGNATED
Gender: MALE
Registration Date: 05/10/1995
NCDMV Customer: Yes

(North Carolina Board of Elections, retrieved [3/8/18](#))

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EXHIBIT B

NC HOUSE OF REPRESENTATIVES DISTRICT 115 (REP)

WEST, DAVID NATHAN

Nathan West

REP 02/27/2018

110 BOX 696

BLACK MOUNTAIN, NC 28711

EVANS, AMY MABLE

Amy Evans

REP 02/28/2018

9 WHITE PINE DR

BLACK MOUNTAIN, NC 28711

(North Carolina Board of Elections, retrieved 3/8/18)

EXHIBIT C

North Carolina Court Report

Offender information

Name: WEST, DAVID NATHAN
Address: 89 OLD HAW CREEK RD
ASHEVILLE, NC 28805-1813
BUNCOMBE COUNTY
Case Number: 1002018CR 700658
Case Filing Date: 01/19/2018
Case Type: CRIMINAL
DOB: 04/1977
SSN: 230-47-XXXX
Race: WHITE
Sex: Male

Offenses

Case Filing Date: 01/19/2018
Court Case Number: 1002018CR 700658
Court Offense: NOT SPECIFIED

Court Activity
[NONE FOUND]

EXHIBIT D



BUNCOMBE COUNTY
Tax Lookup

Buncombe County NC
94 East Avenue
Asheville, NC 28801
(828) 259-4910 or 25

Tax Department | **New Lookup** | New Download | Appeal | Exemption | Extension | Present Use Value | GIS | ROD | PIN History | Discover Bunc

Number: 103 Direction: Name: virginia Type: rd

Search Bills - Street Name: 103 virginia Rd

No Results Found. Execute A New Search. [New Search](#)

(Buncombe County Tax Lookup, retrieved 3/8/18)

EXHIBIT E

10/1/00
10/1/00



Black Mountain, NC 27713

Black Mountain, NC 27713