

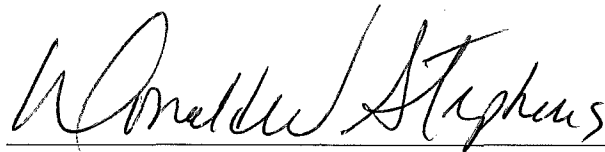
Upon review of the whole record, the Court makes the following conclusions:

1. Under the unique circumstances in this case, Respondent's early voting plan for Watauga County is subject to judicial review by the Wake County Superior Court under N.C. Gen. Stat. § 163-22(1).
2. The Court has jurisdiction to exercise judicial review of this matter.
3. Upon review, questions of law are considered *de novo*.
4. The early voting plan Respondent adopted for Watauga County affects not only a substantial right, but a constitutional right of young voters in that county who are students at Appalachian State University (ASU).
5. The majority plan of the Watauga County Board of Elections on its face appears to have as a major purpose the elimination of an early voting site on the ASU campus. Based on this record, the court can conclude no other intent from that board's decision other than to discourage student voting. A decision based on that intent is a significant infringement of students' rights to vote and rises to the level of a constitutional violation of the right to vote.
6. The early voting plan submitted by the majority members of the Watauga County Board of Elections was arbitrary and capricious. All the credible evidence indicates that the sole purpose of that plan was to eliminate an early voting site on campus so as to discourage student voting and, as such, it is unconstitutional.

IT IS THEREFORE ORDERED that Defendant's Motion To Dismiss is DENIED in its entirety, that this matter is REMANDED to Respondent and that, upon remand, Respondent is

directed to adopt an early voting plan for Watauga County for the 2014 November general election that includes at least one early voting site on the ASU campus.

This the 13th day of October, 2014.

A handwritten signature in cursive script, reading "Donald W. Stephens". The signature is written in black ink and is positioned above a horizontal line.

Donald W. Stephens, Presiding Superior Court Judge

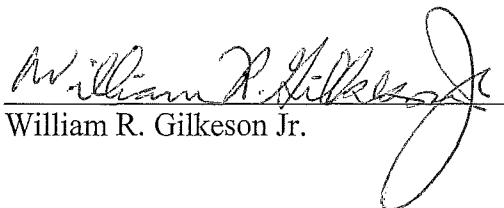
CERTIFICATE OF SERVICE

The undersigned attorney for Petitioners hereby certifies that on this day the foregoing Order was served upon counsel for Respondent by electronic service at the following address:

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This the 13th day of October, 2014.



William R. Gilkeson Jr.