



**CANDIDATE CHALLENGE FORM**  
**NORTH CAROLINA**  
**COUNTY OF**

COUNTY BOARD OF ELECTIONS

PHONE:  
 EMAIL:

FAX:

**FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY  
 UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.**

**TO: [COUNTY] COUNTY BOARD OF ELECTIONS**

Challenger's Name: Ronald Johnson  
 Challenger's Residence Address: 423 Westminster Drive Clayton, NC 27520  
 Challenger's Mailing Address (if different): \_\_\_\_\_  
 Challenger's Phone Number: 919 809 0363  
 Challenger's Email Address: ronjon1983@msn.com

Name of candidate being challenged: David Marshburn  
 Name of office sought: Board of Education District 7

Are you eligible to vote for the office for which the candidate has filed or petitioned?  Yes  No  
*If no, you are not eligible to file this candidate challenge.*

The above-named candidate does not meet the following constitutional or statutory qualification(s) for the office:  
 NCGS 163-57  
 NCGS 163-127.5  
 NCGS 163-275

This challenge is based on reasonable suspicion or belief of the following specific facts. (Attach evidence, if available.)  
 David Marshburn does not meet the residency requirement under North Carolina General Statute to seek the position of Johnston County Board of Education District 7 pursuant to NCGS 163-57, NCGS 163-127.5, NCGS 163-275

See attached document (6 pages)  
 See attached printouts of parcel report (2 pages)



*12:40 pm.  
 wap*

Challenger's Signature [Signature]

Sworn to and subscribed before me this the  
19<sup>th</sup> day of December, 2023

Tasha Q Harris  
 Official Signature of Notary Public

Tasha Q Harris  
 Printed Name of Notary Public

(Official Seal)

My commission expires: Nov 5, 2028

I, Ronald Johnson, am formally challenging the eligibility of Mr. David Marshburn to seek office in the 2024 Johnston County District 7 Board of Education Election. The challenge is based on the candidate, David Marshburn, not meeting the constitutional or statutory qualifications for the office, including residency.

### Legal Basis

Since 2018, Mr. Marshburn's address and place of domicile is 2095 Twin Oaks Rd. Clayton, NC 27520. He claims to have obtained a rental or lease in his name at 708 S. Robertson St. Clayton, NC 27520. Mr. Marshburn is not able to use the residence at 708 S. Robertson St. Clayton, NC 27520 for the purpose of seeking an elected position within Board of Education District 7, because it is a temporary residence.

***NCGS 163-57 (3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.***

Mr. Marshburn has misrepresented facts to meet the eligibility requirements outlined by the North Carolina General Statute. On a December 14, 2023, Facebook Live Broadcast, Mr. Marshburn made statements that are significant in proving his ineligibility to hold office as a District 7 Board of Education Representative. Mr. David Marshburn stated he obtained "residence" within District 7 for the purpose of running for the Board of Education.

North Carolina General Statute 163-127.5 dictates a candidate, whose residency has been challenged, must show by a preponderance of evidence that he or she is qualified to be a candidate for the office. Most importantly, if a challenge is made to the candidate to prove residency, the challenged candidate must show **ALL** of the following:

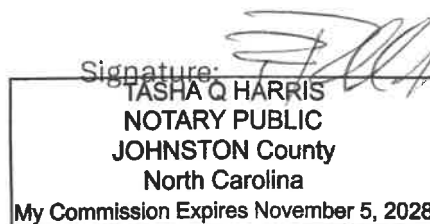
- (1) An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.
- (2) The acquisition of a new domicile by actual residence at another place.
- (3) The intent of making the newer domicile a permanent domicile.

I contend Mr. Marshburn is unable to show the above-mentioned criteria required by NCGS 163-127.5.

Name: Ronald Johnson

Notary Seal & Signature:

*Tasha Q Harris*



**Comments by Mr. Marshburn**

Mr. Marshburn wrongfully asserts if he has some type of association with property within District 7, he can seek an elected position representing the district. Mr. Marshburn has publicly stated “I know some media will try to turn things around like ‘oh you’re not living in the district.’ Well, yeah I am, I got a lease, I got a rental. I’m renting. It’s a residence. Look up the legal definition of residence and domicile.”

Mr. Marshburn is insinuating that a residency district only requires a residence and not domiciled occupancy.

**Social Media Activity Location**

Mr. Marshburn’s social media activity for 2023 indicates he still resides at 2095 Twin Oaks Rd. Clayton, NC 27520.

It is upon best belief, Mr. Marshburn has conducted several Facebook Live Broadcasts from 2095 Twin Oaks Rd. Clayton, NC 27520. Mr. Marshburn conducts these broadcasts usually between 8:00 PM and 11:00 PM EST. The background of Mr. Marshburn’s Facebook Live shows closet doors consistent with more modern interiors of homes. The residence at 708 S. Robertson St. was reportedly built in 1965. The residence at 2095 Twin Oaks Rd. Clayton, NC was reportedly built in 2001. The infrastructure in the background of the Facebook Live videos are more consistent with building designs and materials from 2001 instead of 1965.


It is upon best belief, On June 28, 2023 David Marshburn posted a picture of his dog, “Debo” from the inside of 2095 Twin Oaks Rd. Clayton, NC 27520. Pets require basic needs to be attended to on a daily basis (i.e. bathroom, feeding, and exercise). Mr. Marshburn has repeatedly made social media posts regarding his animals. These social media posts appear to be made from 2095 Twin Oaks Rd. Clayton, NC 27520. David Marshburn’s presence at 2095 Twin Oaks Rd, at night with his dog “Buck” lends credibility to the fact he is domiciled at 2095 Twin Oaks Rd. and this address would be the location of his normal sleeping area.

On August 30, 2023 David Marshburn made a Facebook post regarding removing a snake from his residence. Mr. Marshburn also stated his wife was running approximately 200 feet away from the snake. It is upon best belief that this incident occurred at 2095 Twin Oaks Rd. Clayton, NC 27520. It should also be noted his wife’s voter registration has not been changed like Mr.

Name: Ronald Johnson

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Marshburn's registration. Her voter registration is still showing the address of 2095 Twin Oaks Rd. Clayton, NC 27520 (District 5).

On September 19, 2023, David Marshburn is seen on Facebook within the enclosure of a white vinyl fence with his dog "buck". This enclosure is consistent with photos from the aerial map of the property located at 2095 Twin Oaks Rd. Clayton, NC 27520. There is no white vinyl fence in the photos of 708 S. Robertson St. Clayton, NC 27520. This particular Facebook post was taken at night, which would be the time most people are preparing to sleep.

***NCGS 163-57 (1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning [, subject to the following:]. a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.***

In a November 2023 Facebook Live Broadcast, Mr. Marshburn discussed the drawing and adopting of voting districts for the Johnston County Board of Education. Marshburn stated there was one potential drawing of districts where Mr. Marshburn could challenge me in an election. I am unaware of the particular map he is referencing but it seems evident that particular map was not adopted.

On December 16, 2023, David Marshburn posted a video to his Facebook page. The video identifies an individual in the immediate family of David Marshburn present and engaged in physical activity at 2095 Twin Oaks Rd. Clayton, NC 27520. The fact Mr. Marshburn's family remains at 2095 Twin Oaks Rd. Clayton, NC 27520 proves he has no intention of relocating his family from their deeded home to the rental property located 708 S. Robertson St. Clayton, NC 27520.

On December 18, 2023, David Marshburn posted a video to his Facebook page. It is upon best belief, the video was recorded live at 8:00 PM EST and at 2095 Twin Oaks Rd. Clayton, NC 27520. During the broadcast, David Marshburn stated he was getting tired and going to sleep.

***NCGS 163-57 (1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning [, subject to the following:]. a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.***

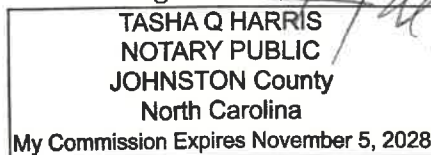
Name: Ronald Johnson

Signature: 

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Notary Seal & Signature:





Mr. Marshburn has indicated he plans to abandon a position on the Board of Education to seek election as the Johnston County Sheriff. Mr. Marshburn announced his plans to run for Sheriff in 2026 after reportedly losing by at least 49,000 votes in 2022. His own commentary indicates seeking the elected position to The Board of Education is temporary, and I contend the temporary seeking of an office would correlate with his temporary seeking of a lease for a secondary property to fraudulently assert his eligibility to run for office in Board of Education District 7.

According to NCGS 163-57 residency is governed by the following rules: (1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning. **In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.**

### **Intentions and Motives**

Mr. Marshburn stated his motive for improperly seeking the elected position of Board Member for Johnston County Public Schools. During a recorded Facebook Live Broadcast, Mr. Marshburn stated "Paying money out of pocket for another residence to be in a district to get out a bad apple is a small price to pay to help Johnston County. I spent a lot more money on poker than what I'm having to pay rent." Regardless of his motives, Mr. Marshburn has not abandoned 2095 Twin Oaks Drive Clayton, NC (Board of Education District 5) and his residency at 708 S. Robertson St. Clayton, NC 27520 (Board of Education District 7) has been challenged.

### **Request for Additional Investigations**

NCGS 163-275 has governing laws regulating voter registration when a voter is not qualified to vote or participate in a specific precinct. It is upon best belief, Mr. Marshburn has taken actions to obtain documentation of residency in Board of Education District 7 to seek an office where he is not qualified based on his true residency.

§ 163-275. Certain acts declared felonies. Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

Name: Ronald Johnson

Notary Seal & Signature:

*Tasha Q Harris*

Signature: 

TASHA Q HARRIS  
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JOHNSTON County  
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(1) For any person fraudulently to cause that person's name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure that person's name or that of any other person to be placed upon the registration books in any precinct when registration in that precinct does not qualify the person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of the other voter

(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to G.S. 163-275 Page 2 any person the privilege of voting, including declarations made under this Chapter, G.S. 130A-93.1(c), and G.S. 161-10(a)(8).

### Conclusion

By his own commentary, Mr. Marshburn stated he obtained “another residence” meaning he has maintained the residence of 2095 Twin Acres Rd. Clayton, NC 27520 and added the residence located at 708 S. Robertson St. Clayton, NC 27520. Based on North Carolina General Statute 163-127.5, Mr. Marshburn must show he has abandoned the first domicile, acquired a new domicile, and intended on making the new domicile his permanent abode.

There is prima facie evidence based on Mr. Marshburn’s social media post that he still has immediate family to include his wife and children living at 2095 Twin Oaks Rd. Clayton, NC 27520. Prima facie evidence also exists that he is still living at 2095 Twin Oaks Rd. Clayton, NC 27520. Mr. Marshburn is unable to prove the first requirement of NCGS 167-127.5 (b).

NCGS 167-127.5 (b) If the challenge is based upon a question of residency, the candidate must show all of the following:

(1) An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.

I contend Mr. Marshburn is also unable to show proof of subsections (2) and (3) of NCGS 167-127.5 (b).

(2) The acquisition of a new domicile by actual residence at another place.

(3) The intent of making the newer domicile a permanent domicile.

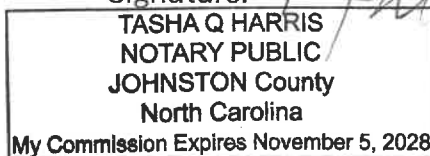
If there is an appeal to the challenge, I am prepared to provide additional information and give a list of names of individuals to be subpoenaed and questioned under oath on the relevant subject matter regarding Mr. Marshburn’s residency.

Name: Ronald Johnson

Notary Seal & Signature:

*Tasha Q Harris*

Signature: 



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Ronald Johnson, MBA  
423 Westminster Drive  
Clayton, NC 27520  
Board of Education District 7

Name: Ronald Johnson

Notary Seal & Signature:

*Tasha Q Harris*

Signature:



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or the information represented here.

### Parcel Report

**X Coordinate:** 2156700.92975  
**Y Coordinate:** 676864.97959763  
**id:** 05G04004Y  
**Tag:** 05G04004Y  
**NCPin:** 165702-66-6840  
**Mapsheet No:** 165702  
**Owner Name 1:** MARSHBURN, DAVID THOMAS  
**Owner Name 2:**  
**Mail Address 1:** 2095 TWIN ACRES RD  
**Mail Address 2:**  
**Mail Address 3:** CLAYTON, NC 27520-0000  
**Site Address 1:** 2095 TWIN ACRES RD  
**Site Address 2:** CLAYTON, NC 27520-  
**Book:** 05237  
**Page:** 0179  
**Market Value:** 248640  
**Assessed Acreage:** 1.520  
**Calc. Acreage:** 1.520  
**Sales Price:** 0  
**Sale Date:** 2018-10-22  
**Township:** Clayton  
**Water District:** Little Creek Water District  
**ETJ:** Clayton  
**City Limits:** N/A  
**Town Zoning:** R-E  
**County Zoning:** N/A  
**OverLay Zoning:** N/A

 [ick6.johnstonnc.com](http://ick6.johnstonnc.com) 





\*\*\* DISCLAIMER \*\*\*  
Jennings County assumes no legal responsibility for the information represented here.



**Parcel Report**

X Coordinate: 2150760.15  
 Y Coordinate: 704147.18  
 Parcel ID: 01662041  
 Page: 01662041  
 Map Sheet No: 06730  
 Owner Name 1: MARSHBURN, DAVID IRVING  
 Owner Name 2:  
 Mail Address 1: 2005 TWIN ACRES RD  
 Mail Address 2:  
 Mail Address 3: CLAYTON, IN 47520-0680  
 Site Address 1: 2005 TWIN ACRES RD  
 Site Address 2: CLAYTON, IN 47520  
 Book: 06337  
 Page: 0179  
 Market Value: 244646  
 Assessed Acreage: 1.526  
 Calc. Acreage: 1.526  
 Sale Date: 2/15/2012  
 Township: Union  
 Water District: Little Creek Water District  
 ETL# Union  
 City/County: N/A  
 Term Zoning: N/A  
 County Zoning: N/A  
 Overlay Zoning: N/A

Scale: 1:249 = 1 in. = 70.75 feet  
(This scale is only accurate when printed landscape on a 10 x 17 size sheet with no page folding.)