



SHANAHAN LAW GROUP, PLLC

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December 2, 2016

Via E-mail

(Joshua.Lawson@ncsbe.gov)

Joshua Lawson
General Counsel
North Carolina State Board of Elections
P.O Box 27255
Raleigh, North Carolina, 27611

RE: In re Protest of Election by Leslie McCrae Dowless, Jr., Bladen County

Dear Mr. Lawson,

I represent the McCrory Committee with regard to the election protest filed by Leslie McCrae Dowless, Jr. in Bladen County concerning possible absentee ballot fraud (the "Protest"). At 1:30 p.m. yesterday, December 1, 2016, the North Carolina State Board of Elections ("NCSBE") noticed its hearing on the Protest, to occur tomorrow, December 3, 2016, at 1:30 p.m. (the "Hearing").

N.C. Gen. Stat. §§ 163-182.10 and 182.11 allows the NCSBE to receive evidence from, *inter alia*, persons to whom notice of the hearing was provided. The McCrory Committee qualifies as a person to whom notice of the hearing was provided, and hereby notifies the NCSBE of its intent to present evidence at the Hearing.

As you know, the NCSBE has decided to hear the Protest on an accelerated timeline, only giving the 48-hour minimum statutory notice allowed under the North Carolina Open Meetings Act for the Hearing. Due to the compressed timeline, the number of witnesses identified in the Protest (as originally filed and amended) and the Expert Report of Charlotte W. Ware, and the fact that the NCSBE is itself conducting an investigation into the issues raised in the Protest, I expect that the NCSBE has *sua sponte* sought to secure the attendance of relevant witnesses and documents necessary for its full consideration of the Protest on the merits. This includes:

- Witness subpoenas, or otherwise securing the attendance of at least the following people:
 - Brian Hehl (Member of Bladen County Board of Elections);
 - Charlotte Ware (Handwriting Expert who submitted report in connection with the Protest);
 - Heather Register (Affiant who testified that she requested absentee ballot that she never received and was voted by someone else);
 - Debra Moore (person who apparently both signed as a witness and filled out the write-in part of absentee ballots);

- Lola Wooten (person who apparently both signed as a witness and filled out the write-in part of absentee ballots);
 - Mary Johnson (person who apparently both signed as a witness and filled out the write-in part of absentee ballots);
 - Any NCSBE, Bladen County Board of Elections, or other state employee involved in investigating the issues raised in the Protest.
- Document subpoenas, or otherwise obtaining for consideration as evidence at the Hearing at least the following:
 - The redacted copies of the absentee ballots at issue that the Bladen County Board of Elections allowed the members of the public to review;
 - The originals of the absentee ballots at issue for the Board to review in camera;
 - The original envelopes and redacted copies of the envelopes made available to the public for the absentee ballots at issue.

We note that Ms. Ware was not permitted to duplicate or retain copies of the redacted ballots or absentee envelopes that she was allowed to review and which substantially form the basis for her expert report. We also note that Ms. Ware's time to review the copies of the redacted ballots and absentee envelopes was limited to a few hours.

Please confirm whether or not the following people and documents will be available at the Hearing tomorrow. In addition, to the extent that the NCSBE has not subpoenaed or otherwise secured the attendance of the above people and documents at the hearing, please consider this as a request under N.C. Gen. Stat. § 163-182.10(c)(1) for a Board Member to issue subpoenas for people and documents. It is the McCrory Committee's position that securing these documents and people are necessary for its ability to be heard at the Hearing.

Sincerely,

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John E. Branch III