



June 7, 2024

VIA EMAIL

Alan Hirsch, Chair
North Carolina State Board of Elections
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Re: Failures of Counties to Verify Signatures on New Party Petitions

Dear Chair Hirsch and members of the North Carolina State Board of Elections:

We write on behalf of Clear Choice Action. We understand that the State Board of Elections recently received petitions purportedly seeking to form two new political parties: “We the People” and “Justice for All.” There are multiple problems with these petitions.

This letter addresses a very significant procedural problem that we have uncovered during our review: it appears that 76 of North Carolina’s 100 counties did not verify signatures on the petitions by comparing them to the exemplar signatures in voters’ registration records, as N.C. Gen. Stat. § 163-96(c)(1) expressly requires. As the Board may recall, this was a significant problem with counties’ review of the North Carolina Green Party’s new party petition two years ago. *See N.C. Green Party v. N.C. State Board of Elections*, 619 F. Supp. 3d 547, 555 (E.D.N.C. 2022). As the federal court explained then, “some county boards of elections were not properly verifying petitions because they did not check to see whether the signature itself resembled that of the voter.” *Id.* (quotation marks omitted). In particular, at least “three counties comprising approximately 40% of the Green Party’s approved signatures had not conducted the proper signature review.” *Id.* at 555 n. 6. The Board therefore returned the petitions to the counties to conduct the required signature review. *Id.* Throughout this year’s process, the Board has repeatedly told the county boards that they must verify signatures on the petitions by comparing them to the exemplar signatures in voters’ registration records.¹

The Board must do the same thing this year with the We the People and Justice for All petitions as it did with the Green Party’s petition in 2022. Our client’s review of petition materials for both new party petitions provided by each of North Carolina’s 100 counties in response to public records requests shows that 76 North Carolina counties, listed on **Exhibit A** hereto, *did not reject a single signature on either petition* for failing to match the signer’s exemplar signature. The problem is not limited to small counties; it includes Mecklenburg County, which accounted

¹ See **Exhibit B**, NCSBOE, 2024 Petition FAQs, Q. 3; **Exhibit C**, NCSBOE, STEPPs Petition Process at 5.

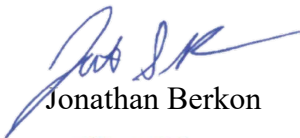
for almost 20,000 of the signatures submitted across the two petitions, but did not reject a single one based on the signature comparison.

A review of the statewide petition signer detail report for Justice for All shows the following:

- ***In the 22 counties that show at least one rejected signature (“Sig Rejected” code) for either Justice for All or We the People:*** 564 signatures were rejected out of a total of 11,180 signatures reviewed, for a rejection rate of 5.04%.
- ***In the other 76 counties:*** A total of 19,539 signatures were reviewed and *zero* signatures were rejected for a mismatch.

It is, to say the least, extremely implausible that every signature collected for both petitions in those counties adequately matched the exemplar, particularly where a very large number of signatures were rejected in many of those 76 counties for other reasons. Rather, the only explanation is that the required signature comparison simply was not done. The Board must therefore do again this year what it did two years ago with the Green Party petition: return the We the People and Justice for All petitions to the offending counties, listed on Exhibit A, and instruct them to conduct the statutorily required signature comparison by “check[ing] whether the signature itself resemble[s] that of the voter.” *N.C. Green Party*, 619 F. Supp. 3d at 555.

Very truly yours,



Jonathan Berkon

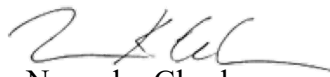


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Enclosures