

Case No.

*In re. Investigation of election irregularities affecting
counties within the 9th Congressional District*

Exhibit

7.1.2.1

Description: Brief in Support of Candidate Dan McCready
filed February 12, 2019.



NORTH CAROLINA
STATE BOARD OF ELECTIONS

IN THE NORTH CAROLINA STATE BOARD OF ELECTIONS

IN THE MATTER OF: Investigation of
election irregularities affecting counties
within the 9th Congressional District

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BRIEF IN SUPPORT OF CANDIDATE DAN MCCREADY

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I. INTRODUCTION

During the 2018 election cycle, Mark E. Harris personally sought the services of Leslie McCrae Dowless, Jr. *because* of Dowless' proven history of generating a strikingly high, and downright suspicious, share of absentee-by-mail ("ABM") votes for his clients. In the 2018 race to represent North Carolina's Ninth Congressional District ("CD-9"), evidence indicates that Dowless and his affiliates caused Harris's equally unusual ABM success by conducting a large scale, organized ballot tampering enterprise for Harris's benefit. Though the full scope of fraudulent activity may never be known, the record makes clear that the results of the entire election are tainted, and its fairness is in doubt. Moreover, the Harris Campaign should have known it was benefiting from fraud, and there is strong evidence that they did know and that local election officials aided the scheme. Therefore, the State Board of Elections (the "Board") should exercise its clear authority to order a new election.

II. STATEMENT OF FACTS

On November 27, the Board unanimously declined to certify the results of the 2018 general election in CD-9; when the Board reconvened on November 30, it again refused to certify the results, "in light of claims of numerous irregularities and concerted fraudulent activities related to absentee by-mail ballots and potentially other matters" and decided to hold a public evidentiary hearing. Ex. A.

On December 5, the Board began publishing evidence on its website related to fraud and irregularities in the 2018 CD-9 contest. The Board also confirmed that Dowless is a person of interest in its ongoing investigation; subpoenaed documents

from the Harris Campaign and Red Dome Group, a consulting firm hired by the Harris Campaign, Ex. B; interviewed over 100 witnesses, including Harris himself; and reviewed over 182,000 pages of subpoenaed documents. Ex. C at 7; Ex. D at 3:01. The limited evidence the Board has already made public along with evidence uncovered by journalists, including videotaped admissions by Harris and a handful of Dowless's agents, shows a concerted effort to steal an election.

A. Evidence of Dowless's Ballot Tampering Enterprise Before 2018

Dowless has a history of questionable involvement in elections in and around Bladen County, consistent with his criminal history involving dishonest acts and false statements. *See* Ex. E, F at 7, G at 3. In 2010, Dowless worked for District Attorney candidate Harold Pope, who won about 66% of the non-ABM ballots and over 80% of ABM ballots. Ex. H, O at 5. In 2014, Dowless worked on the campaign to elect Republican James A. McVicker as Bladen County Sheriff, and Dowless wrote in an affidavit that his team consisted of about 20 workers, whom he paid \$50 a day to help "get out the vote" for McVicker. *See* Ex. I at 5, J, K. Dowless also operated in Robeson County in 2014, on behalf of candidate Mickey Meekins. Ex. L.

In the 2016 Republican Primary for CD-9, Dowless worked for Todd Johnson, who ran against incumbent Representative Robert Pittenger and Harris. Ex. M, N, X. Districtwide, Johnson received about 30% of the vote. Ex. X. However, in Bladen County, Johnson carried 68% of the overall vote. *Id.* Most shockingly, and in a disturbing harbinger of Dowless's 2018 scheme, Johnson received 98% of all ABM votes, as compared with a single ABM vote for Pittenger and four for Harris. Ex. M

at 5. 98 percent. That is not a typo.

Dowless continued his activities through the 2016 General Election. The Board's own investigation revealed Dowless paid a group of individuals to solicit ABM request forms from voters, "push" votes for certain candidates while meeting with voters, and to collect and hand-deliver completed ABM ballots to Dowless. Ex. 2.2.2.1 at 1-2. One such individual, Matthew Matthis, admitted to Board investigators that Dowless specifically asked him whether each voter had cast their ABM ballot for the candidates Dowless was pushing. Ex. 2.2.2.1 at 93-96. Matthis also confirmed that Dowless would only pay him upon delivery of ABM ballots and told him to avoid African-American neighborhoods because those voters would vote for Democratic candidates. *Id.* Finally, Matthis stated that Dowless had concocted a "completely false" story regarding voted ABM ballots Matthis had delivered to Dowless and instructed Matthis to tell that false story to investigators. *Id.*

Working in tandem with former Governor McCrory's legal team, Dowless filed a protest after the 2016 election alleging that thousands of ABM ballots cast for Dowless's write-in opponent for Soil and Water District Supervisor were fraudulent and should be discarded (Ex. P), which the Board ultimately dismissed. Under questioning from the Board regarding his own ABM operation, Dowless admitted he had been contacted by Board investigators shortly after the election seeking information regarding his activities. *See* Ex. Q. at 162-64, 178:19-79:11. Dowless falsely claimed under oath he had never seen, handled, or filled out any ballots other than his own. *Id.* at 159:12-160:1; 164:5-15. In his sworn testimony, he

twice repeated the “completely false” story he had instructed his employees to tell investigators. *Id.* at 154:17-156:5; 183:19-184:12. He also attached to *his* protest (alleging wrongdoing by others) an affidavit by a voter whose ballot *his employees* had obtained, falsely signed, and delivered to him. Ex. 2.2.2.1 at 7. As the Board concluded, “it made no sense that Dowless would attach the Register complaint to his protest.” Dowless and his attorneys failed to correct this misrepresentation, even when directly questioned. Ex. Q at 146:2-23. Dowless explained he wrote initials on ABM request forms he submitted to enable former Bladen County Director of Elections Cynthia Shaw to identify him as the source of the form and contact him regarding any “problem[s],” and testified Ms. Shaw had contacted him regarding forms he turned in. *Id.* at 159:3-8, 165:3-166:22. At the end of the hearing, the Board unanimously voted to turn over its notes and other information to the U.S. Attorney’s Office. *Id.* at 217:10-24.

B. Harris Personally Sought Dowless’s Services, Despite Indicia of Fraud

Harris admits he personally sought Dowless’s services and decided to hire him, *because* of the “unusual” Bladen County ABM vote totals in the 2016 Republican Primary. Ex. R at 2:2-18. Harris explained that Johnson defeated him “significantly in [Bladen] County, and with absentee ballots. And I remember looking at that, and going ‘Wow, that’s, that’s unusual.’” *Id.* at 2:7-18. Johnson’s results were so unusual that Harris asked his attorney to investigate “whether there was an outlier here [] because it was pretty substantial.” Ex. S at 11:13-17. Within weeks of noticing Johnson’s “unusual” ABM success, Harris learned Dowless

had been working for Johnson in Bladen County. Ex. R at 2:19-3:19. Harris met with Dowless when preparing to run in 2018, at which time Dowless explained his “absentee ballot and Get Out the Vote program,” which Harris admits “was the same thing I assumed [Dowless] had done to have the success that he had in the past.” *Id.* at 3:20-4:7.¹ And Harris admits he personally communicated with Dowless “frequently” during the campaign. Ex. D.

Harris claims the Board’s November 27, 2018 motion to delay certification in CD-9 was “the first [the Harris Committee] had heard of anything.” Ex. R at 9:10-17. Yet, Bladen County Republican Party Chairman Walter McDuffie warned the Harris Campaign about Dowless’s criminal record involving dishonest acts and false statements. Ex. Y at 3-4.² And “Harris was warned about possible fraud on primary day in June 2016 . . . according to people familiar with the conversation. . . The only explanation [for Johnson’s remarkable ABM success in Bladen County], advisers told Harris that night in Charlotte, was that something shady had occurred on [Johnson’s] campaign.” *Id.* at 2-3.

Indeed, Harris’s purported surprise stands in sharp contrast to other Republican candidates and officials in CD-9, who had long been aware of irregularities in Bladen County in connection with Dowless. For example,

¹ Dowless was hired by the Harris Committee through the Red Dome group. Ex. Y. Harris paid over \$500,000 to Red Dome, Ex. II, and has an outstanding debt to Red Dome Group of \$34,310 for “Reimbursement Payment for Bladen Absentee, Early Voting Poll Workers; Reimbursement Door to Door 9/[.]” Ex. JJ.

² Just yesterday, Harris unbelievably claimed that a background check by Harris’s political consultants somehow missed Dowless’s previous felony convictions for insurance fraud and perjury. Ex. BB.

Republican Congressman Pittenger explained, “We were aware of it in 2016. I mean I was told then that there’s a bad guy out there who delivered votes . . . I think most folks in Bladen County — politically oriented [people] and elected officials — are very much aware of Mr. Dowless and . . . what his actions were.” Ex. T. After speaking to Dowless for only a few minutes, Pittenger “didn’t want to do business with him . . . I just didn’t like the way it sounded.” Ex. W. “Two years later, Pittenger ignored the advice of his advisers to hire Dowless and have him do no work, just to keep him from working for his opponent[.]” *Id.*

Pittenger’s concerns were well supported, as what Harris describes as “unusual” and “outlier” ABM totals in the 2016 Republican Primary in Bladen County were facially implausible and bore clear indicia of absentee ballot fraud. Again, in that election, Johnson received a staggering *98% of the ABM vote* in Bladen County, despite only receiving 54% of votes cast in-person. Ex. X. Pittenger received over 50% of the ABM vote in the rest of CD-9 but *less than 1% in Bladen*. *Id.* And any remaining doubts about Dowless’s practices were laid bare during his 2016 testimony. Indeed, Board member Maja Kricker concluded from Dowless’s testimony that he was operating outside the law, and Board member James L. Baker said the ABM activities discussed “stunk to high heaven.” Ex. Y at 4.

C. Evidence of Dowless’s Ballot Tampering Enterprise in the 2018 Election

1. 2018 Republican Primary

After being shellacked in the Bladen County ABM vote in the 2016 primary at the hands of Dowless’s client, Harris’ fortunes reversed after luring Dowless to

his own team. While Harris had earned only four ABM votes in Bladen in the 2016 Primary compared to the 221 votes cast for Johnson, Harris garnered an incredible 437 ABM votes in the 2018 primary, compared to only 17 for Pittenger. Ex. Z. Indeed, Dr. Michael Herron described the 2018 primary results as “highly anomalous,” and several times greater than corresponding values for all other counties. Ex. KK at 28-33, 32 t.10(a). During an event prior to the 2018 primary, one affiant observed Dowless in possession of a stack of ABM ballots. Ex. 7.1.2.2 at 47 (Simmons Aff.). Dowless told this individual he had hundreds of ballots that he had not yet turned in to prevent opponents from knowing how many votes they had to make up. *Id.*

2. 2018 General Election

More than 282,000 ballots were cast in the CD-9 race in the 2018 General Election, including 10,651 ABM ballots. The uncertified results show a razor-thin margin of only 905 votes between Harris and McCready, far fewer than the total number of ABM ballots that were likely affected by Dowless’s multi-county ballot tampering scheme. And, election officials are implicated, tainting the entire race.

According to an affiant, Dowless stated he had over 80 people working for him between Cumberland County and Charlotte on the Harris race during the 2018 Primary. Ex. 7.1.2.2 at 39-40 (Dunn Aff.). In the 2018 General Election, at least fifteen individuals are associated with Dowless’s enterprise, whose names appear as witnesses on hundreds of ABM ballot envelopes as well as documents associated with hundreds of ABM requests. *See App’x A.*

Evidence reveals that Dowless’s large-scale enterprise involved at least three different tactics: (1) unlawfully harvesting and tampering with ABM ballots to increase Harris’ vote totals; (2) discarding ABM ballots likely to have been cast for McCready; and (3) colluding with local election officials in order to further benefit Harris’s election bid and avoid detection. Patterns of ABM voting in the 2018 General Election in Bladen and Robeson counties, which “differed significantly from the remainder of CD 9 and from elsewhere in the State,” reveal the impact and scope of Dowless’s enterprise. *See Ex. 7.1.2.2 at 49.* Indeed, the fraud that resulted under the enterprise was so pervasive and effective that, as Dr. Herron’s report demonstrates, Harris’s “mail-in absentee support [in Bladen County] was more extreme than the mail-in absentee support for *any* other comparable Congressional candidate” in *any* general election since 2012 in *both* North Carolina *and* three comparable states. *Ex. KK at 26-28, 27 t.8* (graph demonstrating that Bladen County 2018 ABM results were most extreme of 264 county-level election results).

First, the evidence shows that Dowless and associates were unlawfully harvesting and tampering with ABM ballots in at least Bladen and Robeson counties, where 1,364 ABM ballots were cast (*see Ex. AA*). This was an apparent continuation of the practices he employed during the 2018 primary, when, on one occasion he claimed to have more than 800 ballots in his possession. *See Ex. 7.1.2.2 at 47* (Simmons Aff.). Red Dome Group consultant Andy Yates admitted Dowless called him regularly to give him updates on the number of ABM requests he had collected, and that another Red Dome Group contractor provided Dowless lists of

voters who had been sent ballots. Ex. U at 5-6. As a result, Dowless and his associates knew when ballots would be received and when to deploy his team of harvesters. Indeed, at least two of Dowless's associates, Ginger Eason and Cheryl Kinlaw, admitted in videotaped interviews that they were paid by Dowless to push votes for Harris, and to return harvested ballots to Dowless, who had stacks of ballots on his desk throughout the general election. *See App'x. A.*

Among the returned ABM ballots in Bladen and Robeson, voting patterns deviated greatly from ABM voting patterns elsewhere in the State, in favor of Harris. Ex. 7.1.2.2 at 49. Elsewhere in CD-9, McCready's ABM vote share was approximately 22 percentage points higher than the percentage of registered Democrats voting ABM. But in Bladen County, McCready somehow received *fewer* ABM votes than the number of registered Democrats voting ABM; by contrast, Harris received an ABM vote share *41 percentage points higher* than the number of registered Republicans voting ABM. *See id.* at 72-77. Assuming McCready and Harris won all ABM ballots cast by registered voters of their respective parties, Harris would have had to have won *100%* of ABM ballots cast by unaffiliated voters to achieve these results, which would have been particularly strange since McCready won two-thirds of ABM ballots cast by unaffiliated voters elsewhere in CD-9. *See id.* at 75, 77; *see also* Ex. KK at 23-28, 24 t.7, 27 t.8 (Harris's ABM versus election day vote share in Bladen was most extreme result in N.C. in past 8 years).

Unsurprisingly, Dowless's affiliates were prolific witnesses on ABM ballot envelopes. In total, Dowless affiliates witnessed hundreds of absentee ballots

submitted in Bladen and Robeson. *See* App'x. A. Multiple affiants and other witnesses report that Dowless and his associates harvested or attempted to harvest ABM ballots, including unsealed and/or unvoted ballots.³ In some cases, ballots that had been collected unsealed and unvoted were returned to the county board bearing witness signatures and were accepted and counted.⁴ Relatedly, Dowless's associates completed ABM witness affidavits outside the presence of voters. *See* Ex. CC, at 5.

Dowless and associates also submitted well over 700 ABM requests in Bladen County alone. Ex. 4.2.3.1.1; *see also* App'x. A. And, at least some of these ABM requests appear to have been forged. Two affiants stated that, after declining a Dowless affiliate's in-person solicitation to complete an ABM request, someone submitted signed request forms on their behalf. In both cases, Dowless's associate Jessica Dowless submitted the request forms to Bladen County.⁵ When the Board sent informational mailings to all ABM requestors in Bladen County shortly before the election warning, likely in response to allegations and suspicions of fraud, 184 letters were returned as undeliverable,⁶ suggesting that some of the 184 associated ABM requests may have been fraudulent.

Second, Dowless and associates discarded unlawfully harvested ABM ballots.

³ *See, e.g.*, Ex. 7.1.2.2 at 7-8 (Eason Aff.); *id.* at 9 (Montgomery Aff.); *id.* at 13-15 (Shipman Aff.); *see also* Ex. L, at 4 (statements by Kirby Wright and Doris Hammonds).

⁴ Ex. 7.1.2.2 at 7-8 (Eason Aff.); Ex. L, at 4 (statements by Kirby Wright and Doris Hammonds).

⁵ *See, e.g.*, Ex. 7.1.2.2 at 10-12 (D. Bullard Aff.); *id.* at 18-20 (L. Bullard Aff.); Ex. 4.2.3.1.2(a), at 1753, 1761, 1791; *see also* Ex. 7.1.2.2., at 21-22 (Young Aff.); Ex. 4.2.3.1.2(a), at 859, 866 (request submitted by Jessica Dowless).

⁶ Ex. 4.2.1.1; Ex. 4.2.1.1.1; Ex. 4.2.1.1.2.

More than 1,169 ABM ballots went unreturned in Robeson and Bladen alone.

7.1.2.2 at 60 t.4, 61 t.5. Dr. Stephen Ansolabehere's report shows that the rate at which voters who requested an ABM ballot and who neither returned their ballot, nor voted in some other way, was "exceedingly high" in the two counties as compared with elsewhere in CD-9 and the State. *Id.* at 49. And, Bladen and Robeson counties' rates are dramatically higher among new voters and frequent voters alike. *Id.* at 66-68. Elsewhere in CD-9, only 9% of frequent voters who requested an ABM ballot did not return it or vote another way, but that rate was a staggering 41% among frequent voters in Bladen and Robeson. *See id.* at 67 t.7. And multiple witnesses corroborate the statistics, showing that Dowless and associates did not submit all ballots they collected.⁷ Jeneva Legions of Bladenboro, whose ABM request form was submitted to the Bladen County Board of Elections by Dowless himself,⁸ told reporters she gave her ballot to a group of women going door-to-door in her public housing complex in October. "Are you Jeneva?" a woman asked her, "I've come to pick up the ballots." "I just gave it to her," Legions said. "I thought she worked for the county." An unaffiliated African American voter who typically votes a straight Democratic ticket, Legions eventually found out her ballot was never received. "Turns out I didn't vote for nobody," she said. Ex. DD at 4-5.⁹ Indeed, one

⁷ *See, e.g., id.* at 44-45 (Lutz Aff.), *id.* at 35-36 (Snyder Aff.).

⁸ Ex. 4.2.3.1.2(a), at 726, 733.

⁹ Six voters who live in Ms. Legion's public housing complex told reporters that they were approached this fall by a woman who asked them to hand over their absentee ballots. Two other voters in other parts of Bladen County told The Post similar stories. Ex. U, at 3-6; *see also* Ex. 2.2.2.1 at 93-96 (In 2016, Dowless told his

affiant was aware that Dowless had told former Bladen County Board of Elections Director Cynthia Shaw that he had developed a new tactic during the 2018 general election—throwing ballots in the trash. Ex. 7.1.2.2 at 35-36 (Snyder Aff.).

Additionally, hundreds of ABM ballots in Bladen and Robeson were spoiled,¹⁰ whereby a returned ABM ballot was canceled by the voter, often when the voter cast a subsequent ballot through other means. The record strongly suggests that some spoiled ballots occurred when voters cast a legitimate ballot after a ABM ballot had already been fraudulently requested, voted or returned in their name. These voters include targeted African American voters, like Emma Shipman and Datesha Montgomery, who discovered that their harvested ballots had not been returned in time to vote another way. *See* Ex. 7.1.2.2 at 9 (Montgomery Aff.); *id.* at 13-15 (Shipman Aff.). Ms. Legions and others, on the other hand, were successfully disenfranchised by Dowless’s scheme. *See* Ex. DD.

Third, Dowless colluded with local elections officials to garner further unfair advantage for Harris *and* to avoid detection of his enterprise. Evidence shows that Bladen election officials aided Dowless by improperly tabulating and releasing early voting results to him, by providing him unredacted ABM request forms from past elections, and by providing him regular “correspondence reports” containing the name, address, and race of voters who had just been mailed their ABM ballot.¹¹

employees to avoid African American neighborhoods because those voters would support Democratic candidates).

¹⁰ *See, e.g.*, BLADEN_absentee_20181106.csv; ROBESON_absentee_20181106.csv, available at dl.ncsbe.gov/ENRS/2018_11_06/absentee_county_20181106.zip.

¹¹ *See, e.g., id.* at 33-34 (Willis Aff.); *id.* at 44-45 (Lutz Aff.); *see also* Ex. 4.1.1.

Early release of ABM results would confer a clear competitive advantage, Ex. EE at 1-2, access to past years' unredacted request forms could facilitate forged requests, and correspondence reports would allow Dowless to send his associates to visit voters immediately after their ballots arrived. State Republican Party Director Dallas Woodhouse admitted, "We're almost sure those early vote totals were leaked out[,]" justifying a new election. Ex. FF.

Bladen elections officials also appear to have helped Dowless avoid detection by law enforcement, by alerting Dowless when voters targeted by his scheme filed complaints. Voter Emma Shipman filed a complaint with the Bladen Board of Elections after learning that a young woman who collected her ABM ballot was not a county official and that her ballot had not been returned to the Board. Within days, the young woman returned to Shipman's home with her completed ballot. There is no explanation for this other than coordination between Dowless and election officials. *See* Ex. 7.1.2.2 at 13-15 (Shipman Aff.); *id.* at 44-45 (Lutz Aff.).¹²

In sum, the evidence already in the public record establishes that Dowless's ABM operation affected an unknown number of, at minimum, the 1,364 ABM ballots cast in the CD-9 election in Bladen and Robeson counties, as well as the 1,169 voters to whom an ABM ballot was sent, but whose ballot was never returned

¹² Relatedly, the Department of Homeland Security concluded in a July 2018 security risk assessment that the Bladen Board of Elections Office is lax with respect to storage of ABM ballots, flagging access to sensitive voting materials by non-elections personnel, an inoperative interior camera system, and the absence of cameras or an alarm system in ballot storage areas. Ex. GG at 15; *see also* Ex. 7.1.2.2 at 44-45 (Lutz Aff.).

and who did not vote by another method. Ex. AA; Ex. 7.1.2.2 at 60 t.4, 61 t.5.¹³

While only Dowless may ever know the breadth of his scheme, the evidence is conclusive: Dowless's operation tainted a far greater number of ballots than the apparent margin in the CD-9 race, and he was aided and abetted by elections officials along the way.

III. ARGUMENT

A. A New Election is Appropriate When Irregularities or Improprieties Taint the Results of the Entire Election and Cast Doubt on its Fairness

It is beyond dispute that when fraud or corruption taint the results of an election, the Board possesses broad authority to take appropriate action—including ordering a new election. G.S. § 163-182.12 (the Board has the power to “take any other action necessary to assure that an election is determined without taint of fraud or corruption and without irregularities that may have changed the result of an election”); *Ponder v. Joslin*, 262 N.C. 496, 502 (1964) (“[The] board of elections has authority, judicial in its nature, to examine the returns and decide upon their regularity, correctness and sufficiency, and to accept or reject them.”); *Appeal of Judicial Review by Republican Candidates for Election in Clay Cty.*, 45 N.C. App. 556, 571 (1980) (“*Clay County*”) (recognizing special authority of Board when proceeding under Board-initiated complaint).

G.S. § 163-182.13(a) provides that: “The State Board may order a new

¹³ Further, each and every vote that Dowless and associates manipulated away and stole from McCready has a twofold impact on the margin, such that only 453 tainted votes improperly tallied for Harris would cause the apparent margin of 905.

election, upon agreement of at least four of its members, in the case of *any one* or more of the following[.]” (emphasis added). Subsections (1) through (3) each describe different situations in which irregularities conclusively affected votes sufficient in number to change the outcome of the election. *Id.* at -(a)(1)-(3). By contrast, G.S. § 163-182.13(a)(4) (“subsection (4)”) does not contain the “sufficient in number to change the outcome of the election” condition of subsections (1) through (3). Rather, subsection (4) pertains to situations in which “[i]rregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.” *Id.* Accordingly, under subsection (4), the Board need not conclusively determine that a sufficient number of votes were affected by irregularities or improprieties to change the outcome of the election; rather, the plain text simply requires a showing that irregularities occurred to such an extent that the results of the election are tainted, and the election’s fairness is in doubt.¹⁴

B. At Minimum, Dowless’s Enterprise Taints the Results of the Election and

¹⁴ The legislative history of G.S. § 163-182.13(a) and *Clay County*, further support the Board’s clear duty to order a new election when fraud taints the entire election, even where the Board cannot conclusively determine whether the outcome would have changed. Unlike G.S. § 163-182.13, G.S. § 163-22.1, which *Clay County* was decided under, contained no *explicit* provision permitting the Board to order a new election without a finding that the fraud changed the election’s outcome. However, the Court of Appeals recognized that the “broad provisions of G.S. § 163-22.1” afforded the Board precisely such authority. Indeed, though “there [was] no showing that the violations contained in the findings of fact were sufficient to change the outcome of the election,” given the fraudulent activity and irregularities at issue in *Clay County*, the Court of Appeals found that the Board had not only the power but the duty to act: “the State Board would have been *derelect in its duty* had it failed to call a new election.” *Clay Cty.*, 45 N.C. App. 556, 573-74 (1980) (emphasis added). When the legislature amended and recodified G.S. § 163-22.1 to G.S. § 163-182.13 in 2001, it expressly codified into subsection (4) what courts had long held.

Casts Serious Doubt on its Fairness

Evidence of a large-scale, organized ballot tampering enterprise in Bladen and Robeson counties, operating for Harris’s benefit during the 2018 election cycle, requires the calling of a new election under subsection (4).¹⁵ As set forth above, evidence of ballot tampering performed by Harris’s handpicked operative casts a “cloud of suspicion [. . .] on all the [ABM] ballots cast in the election” in these counties, *see Clay Cty.*, 45 N.C. App. at 573, as well as all the ABM ballots that were never returned in these counties, tainting the results of the election and casting serious doubt on its fairness.

Clay County makes clear that evidence of widespread irregularities and fraud committed by candidates and their campaign workers is “more than sufficient to justify the [Board . . .] to call a new election for the [] offices affected”—indeed, the Board would have been “derelict in its duty had it failed to do so.” 45 N.C. App. at 573-74. *Clay County* involved the organized collection of ABM ballots by candidates or their employees on “numerous occasions,” an “undetermined number” of ballots cast with unlawful assistance rendered by candidates and campaign workers, the unsecured storage of ABM ballots by the local board, and eleven discrete instances of vote buying or unlawful voting. 45 N.C. App. at 563-68. Except for those eleven

¹⁵ While the Board has express authority to order a new election regardless of whether it can determine that the outcome would have been different, the evidence may reveal that a sufficient number of votes to change the outcome were affected here, further requiring a new election under G.S. §§ 163-182.13(a)(1)-(3). *See, e.g.*, Ex. 7.1.2.2. at 60 t.4, 74 t.10 (1,366 ABM requestors and 684 counted ballots in Bladen) *id.* at 61 t.5, 74 t.10 (2,314 ABM requestors and 680 counted ballots in Robeson).

discrete instances, the Board did not conclude any particular number of ballots were tampered with or fraudulently cast. Rather, the Board concluded “[i]rregularities *could have been* substantially and significantly associated with the perpetration of fraud and corruption in said election; [t]hat, [. . .] the voters of Clay County were denied the opportunity to participate in a free and fair election [. . . and] [t]hat the occurrence of such a large number of irregularities, *in itself, and absent the direct proof of any willful wrongdoing*, is sufficient[.]” to warrant a new election. 45 N.C. App. at 569 (emphasis added).

The facts here are on all fours with *Clay County*, specifically the fact that the fraud was carried out by agents of the campaign and that election officials added and abetted the scheme. The evidence shows Dowless and his associates willfully discarded and tampered with ballots, and that evidence is buttressed by a long history of anomalously favorable results for Dowless’s clients among ABM voters. Moreover, as in *Clay County*, the evidence suggests that Dowless may have had access to Bladen County election offices and records and was almost certainly aided and provided unlawful insider information by Bladen elections officials. Indeed, Harris’s ABM performance in the 2018 General Election was more anomalous than any other comparable Congressional contest in any of the last four general elections in North Carolina *or* three comparable states. Only a new election can clear the cloud Harris’s handpicked agent has cast over the 2018 election in CD-9.

In re the Caldwell County Election Protests of Roger Lee Hutchings and

William F. Wall, Jr.,¹⁶ an unpublished Superior Court decision whose legal conclusions were never subject to appellate review, does not counsel otherwise. *Caldwell* was decided under an appellate standard of review that required the Superior Court to find that the results of the election “would be changed in the petitioner’s favor[.]” “[I]rregularities in the election which would not change the results of the election” were not sufficient. S.L. 2003-278, § 8; *see* G.S. § 163-182.14 (eff. until June 27, 2003). This standard was flatly inconsistent with the then-applicable standard for the Board to order a new election, which, like the version in effect today, contained no such requirement. *See* G.S. § 163-182.13 (eff. until June 27, 2003). The General Assembly acted immediately to repeal the appellate standard of review applied by the *Caldwell* court, and made clear that the standard for calling a new election is the same on appeal as before the Board. *See* S.L. 2003-278, § 8; Ex. HH. Given the confusing and inconsistent standards between the then-applicable versions of G.S. § 163-182.13 and G.S. § 163-182.14—which the *Caldwell* court’s analysis failed to recognize, let alone reconcile—any conclusions reached by *Caldwell* regarding the Board’s authority and obligations under the current version of G.S. § 163-182.13 should be afforded no precedential or persuasive weight.¹⁷

¹⁶ No. 03-CVS-841 and 03-CVS-984, 2003 WL 25476411 (N.C. Super. Ct. Wake Cty., Feb. 21, 2003).

¹⁷ The facts of *Caldwell* are also readily distinguishable. First, in *Caldwell*, “[t]here is no evidence that any of the . . . candidates participated in the election misconduct which has given rise to these protests.” 2003 WL 25476411 at 1 (emphasis added). Here, Harris personally made the decision to hire Dowless *because* of Dowless’s “unusual” ABM results for his clients in other races, Harris’s campaign assisted Dowless’s operation, and the record shows that the Harris Campaign either knew or

C. If the Board Determines that Irregularities Have Tainted the Results of the Election and Cast Serious Doubt on its Fairness, but Cannot Reach Agreement on Calling a New Election, the Board Should Refer the Record to the U.S. House of Representatives for Further Review

We are hopeful the Board can act in unison. However, if a majority of the Board determines that irregularities tainted the results of the CD-9 election and cast serious doubts on its fairness, but a sufficient number of Board members are unable to reach agreement on calling a new election, the Board should vote to (1) send its findings of fact, its record of proceedings, and its investigatory records to the U.S. House of Representatives and (2) defer making a final determination on the underlying protest until the U.S. House of Representatives communicates whether it intends to undertake its own review.

Ultimately, the House is “the Judge of the Elections, Returns, and Qualifications of its own Members.”¹⁸ The Chair of the House Administration Committee has stated that “the House may become involved in determination of the

should have known that Dowless’ practices were fraudulent and unlawful. Second, unlike here, there was no evidence in *Caldwell* that election officials were involved in the irregularities. Third, the universe of potentially tainted ballots in *Caldwell* was several hundred votes fewer than the margin, where here, the universe of potentially tainted ballots is far greater than the margin. When such irregularities and fraud potentially affected significantly more ballots than the apparent margin of the race, it would be both arbitrary and capricious for the Board to certify the results of such an election, regardless of whether the Board is able to conclusively determine the precise number of ballots impacted. Indeed, such a decision would not be supported by substantial evidence in the record and incorrect as a matter of law. *Cf. Clay Cty.*, 45 N.C. App. at 573-74 (given evidence presented, Board would be “derelict in its duty” to fail to call a new election).

¹⁸ See U.S. Const., art. 1, § 5 (“Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members[.]”); see also *Roudebush v. Hartke*, 405 U.S. 15, 19 (1972) (“Which candidate is entitled to be seated in the Senate is, to be sure, a nonjusticiable political question” and “[not] the business of this Court.”).

rightful claimant to the seat [for CD-9] and may ... proceed to investigate the matter on its own.” Ex. 7.2.2.1 at 1-2. Were the same Board majority that supported a new election to then vote to certify these election returns following a 3-2 deadlock, the Board would be endorsing results it has expressly determined to be tainted by fraud and irregularities. Such a determination would provide the certified winner with an improper “presumption of regularity” as the House begins its investigatory process.

Instead, pursuant to its authority to “take any other action necessary to assure that an election is determined without taint of fraud or corruption and without irregularities that may have changed the result of an election,” a deadlocked Board should delay a formal determination on the underlying protest to allow the House an opportunity to resolve the matter, and send its findings of fact, record of proceedings, and investigatory records to the House to assist the review.

CONCLUSION

For the foregoing reasons, affected Candidate McCready respectfully requests this Board exercise its clear authority under G.S. § 163-182.13(a) to order a new election in the race to represent the Ninth Congressional District.

Dated: February 12, 2019

Respectfully submitted,

By: 

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ATTORNEYS FOR AFFECTED
CANDIDATE DAN MCCREADY

**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on February 12, 2019, the foregoing document and all attachments thereto were served upon the North Carolina State Board of Elections by filing same electronically via email to legal@ncsbe.gov.

/s/ Jonathan Berkon
Jonathan Berkon

Appendix A

- Upon information and belief, Leslie McCrae Dowless, Jr. is a resident of Bladenboro, North Carolina. Mr. Dowless is listed in at least 14 entries on the Bladen County Absentee Request Form Return Log, bearing dates between August 22 and October 29, 2018, associated with a total of approximately 592 absentee ballot request forms.¹⁹ Voter Christopher Eason wrote in an affidavit that Dowless came to his residence and collected his signed, unsealed absentee ballot envelope, along with his blank ballot.²⁰ Voter Hazel Guyton wrote in an affidavit that Dowless, who was accompanied by an unidentified woman, came to Ms. Guyton's residence to pick up her sealed absentee ballot and told her that he was collecting ballots from people who live in the Bladenboro Apartments.²¹ Ginger Eason told a reporter that Mr. Dowless paid her \$75 to \$100 a week to go around and pick up finished absentee ballots, and that she gave the absentee ballots that she picked up to Mr. Dowless.²² Cheryl Kinlaw stated to a reporter that she was paid \$100 by Mr. Dowless to pick up absentee ballots, that she dropped off the ballots to Mr. Dowless at an office building on the NC 410 highway, and that Mr. Dowless had stacks of absentee ballots on his desk.²³ Jessica Dowless stated to a reporter that she worked part-time about six days a week in Mr. Dowless's office, that Mr. Dowless's workers "would come to your house, they would get you to fill out an absentee ballot to be sent to your house. They would go back and pick it up and then seal it and then find two witnesses. They [brought] them in and said for me to witness them and I told McCrae I didn't want to do that but we had no else[.]"²⁴ Dowless was hired by

¹⁹ See Ex. 4.2.3.1.1.

²⁰ See Ex. 7.1.2.2 at 7-8 (Eason Aff.).

²¹ *Id.* at 16-17 (Guyton Aff.).

²² Joe Bruno, *Channel 9 uncovers similarities between absentee ballots in U.S. House District 9 race*, WSOCTV.COM (Dec. 4, 2018), <https://www.wsoc.tv.com/news/local/channel-9-uncovers-similarities-between-absentee-ballots-in-us-house-district-9-race/882660808>.

²³ Joe Bruno, *Second woman claims she was paid to pick up ballots in U.S. House District 9 race*, WSOCTV.COM (Dec. 5, 2018), <https://www.wsoc.tv.com/news/local/second-woman-claims-she-was-paid-to-pick-up-ballots-in-us-house-district-9-race/883177036?nowrap>.

²⁴ Ex. CC.

the Mark Harris for Congress Committee through the Red Dome Group to run an absentee ballot program in 2018.²⁵ The Bladen County Republican Party Executive Committee paid Mr. Dowless a total of \$940 by check issued October 17, 2018 for “GOTV.”²⁶

- Upon information and belief, Ginger Eason is a resident of Bladenboro or Elizabethtown, North Carolina. On or around December 3, 2018, Ms. Eason stated to a reporter that “I was helping McCrae pick up ballots,” that Mr. Dowless paid her \$75 to \$100 a week to go around and pick up finished absentee ballots, that Mr. Dowless was working for Mr. Harris and Mr. McVicker, and that she gave the absentee ballots that she picked up to Mr. Dowless. Ms. Eason stated that Mr. Dowless never told her what she was doing was illegal.²⁷ Ms. Eason appears as a witness on 35 absentee ballots from Bladen County in the 2018 General Election.²⁸ Ms. Eason appears as a witness on absentee ballots with the following persons: Cheryl Kinlaw (at least 14 ballots), Lisa Britt (at least 9 ballots), James Singletary (at least 3 ballots); and Kelly Hendrix (at least 1 ballot). Bladen County voters Kirby Wright and Doris Lee Hammonds stated to a reporter that Ms. Eason solicited them for their blank, absentee ballots, and that she told them “No, I’ve got to pick up all the empty ballots.” Ms. Hammonds stated that she never filled out or signed her absentee ballot, but state records show Ms. Hammonds cast an absentee ballot by mail.²⁹
- Upon information and belief, Cheryl Kinlaw is a resident of Bladenboro, North Carolina. On or around December 5, 2018, Ms. Kinlaw stated to a reporter that she was paid \$100 by Mr. Dowless to pick up absentee ballots. She said that she dropped off the ballots to Mr. Dowless at an office building on the NC 410 highway, and that Mr. Dowless had stacks of absentee ballots

²⁵ Ex. Y; Ex. R at 3:22-4:7.

²⁶ Bladen County Republican Executive Committee, *Disclosure Report*, at 9 (Oct. 20, 2018), available at <https://cf.ncsbe.gov/CFOrgLkup/ViewDocumentImage/?DID=225304>.

²⁷ Joe Bruno, *Channel 9 uncovers similarities between absentee ballots in U.S. House District 9 race*, WSOCTV.COM (Dec. 4, 2018), <https://www.wsoctv.com/news/local/channel-9-uncovers-similarities-between-absentee-ballots-in-us-house-district-9-race/882660808>.

²⁸ See e.g., Ex. 4.2.6.2.1.1(a).

²⁹ Ex. L.

on his desk. She said that Mr. Dowless instructed her to boost Mr. Harris and Mr. McVicker when talking to voters. Ms. Kinlaw stated that at the time, she did not know what she was doing was illegal.³⁰ Ms. Kinlaw appears as a witness on 15 absentee ballots from Bladen County in the 2018 General Election.³¹ Ms. Kinlaw appears as a witness on absentee ballots with the following persons: Ginger Eason (at least 14 ballots) and Kelly Hendrix (at least 1 ballots).

- Upon information and belief, Jessica Dowless is a resident of Elizabethtown, North Carolina. On or around December 5, 2018, Ms. Dowless stated to a reporter that she worked part-time about six days a week in Mr. Dowless's office. She stated that Mr. Dowless's workers "would come to your house, they would get you to fill out an absentee ballot to be sent to your house. They would go back and pick it up and then seal it and then find two witnesses. They [brought] them in and said for me to witness them and I told McCrae I didn't want to do that but we had no else[.]"³² She also stated that "[m]y job was at the office and I read emails and counted how many Republicans and Democrats and non-affiliated people voted every day... I added up how many voted that day and wrote it on a piece of paper and then they read it and then I don't know what it did with it. McCrae was the only one who saw it. I would go down each page and count how many black Republicans, white Republicans and I did the opposite, black unaffiliated, black Democrats, and add them up and then calculate the percentage of how many people voted that way each day." She stated that there were times that she did not quite understand what she was doing or what the grand purpose was. The Bladen County Republican Party Executive Committee paid Ms. Dowless a total of \$240 by checks issued October 9, 2018 and October 15, 2018 for "GOTV."³³ Ms. Dowless appears as a witness on at least 15 absentee ballots from Bladen

³⁰ Joe Bruno, *Second woman claims she was paid to pick up ballots in U.S. House District 9 race*, WSOCTV.COM (Dec. 5, 2018), <https://www.wsoc.tv.com/news/local/second-woman-claims-she-was-paid-to-pick-up-ballots-in-us-house-district-9-race/883177036?nowrap>.

³¹ Ex. 4.2.6.2.1.1(a).

³² Ex. CC.

³³ Bladen County Republican Executive Committee, *Disclosure Report* at 7 (Oct. 20, 2018), *available at* <https://cf.ncsbe.gov/CFOrgLkup/ViewDocumentImage/?DID=225304>.

County in the 2018 General Election.³⁴ Ms. Dowless appears as a witness on absentee ballots with the following persons: Sandra Dowless (at least 7 ballots), Jonathan Judson (at least 3 ballot), and Kelly Hendrix (at least 1 ballot). Ms. Dowless is recorded as having dropped off 185 absentee ballot request forms to the Bladen County Board of Elections on October 5, 2018.³⁵

- Upon information and belief, Lisa Britt is a resident of Shallotte, North Carolina. On or around December 12, 2018, Ms. Britt stated to a reporter that worked for Mr. Dowless to sign up voters to receive absentee mail ballots, and to go to absentee mail voters' homes to witness their absentee ballots.³⁶ Ms. Britt appears as a witness on at least 42 absentee ballots from Bladen County and 28 ballots from Robeson County in the 2018 General Election.³⁷ Ms. Britt appears as a witness on absentee ballots with the following persons: Jennifer Boyd (at least 28 ballots), James Singletary (at least 26 ballots), Ginger Eason (at least 9 ballots), and Kelly Hendrix (at least 1 ballot). Voters Lonnie Bullard and Douglas Bullard identified Ms. Britt as the person who came to their homes to solicit absentee ballot applications. After they declined to submit an absentee ballot application to Ms. Britt, a signed and complete absentee ballot application was submitted to the Bladen County Board of Elections. Neither Lonnie Bullard nor Douglas Bullard filled out or signed such applications.³⁸ Voter Datesha Montgomery stated to a reporter that Lisa Britt was the woman who collected her ballot and failed to return it to the Bladen County Board of Elections.³⁹ Voter Lacy Allison of Bladenboro stated to a reporter that Lisa Britt had filled out an application for an absentee ballot for him. Allison said Britt had told him she'd bring it

³⁴ Ex. 4.2.6.2.1.1(a).

³⁵ Ex. 4.2.3.1.1 at 2.

³⁶ Nick Ochsner, 'I haven't committed any crimes.' Woman at center of voter fraud allegations breaks her silence, WBTB 3 (Dec. 12, 2018), <http://www.wbtv.com/2018/12/13/i-havent-committed-any-crimes-woman-center-voter-fraud-allegations-breaks-her-silence/>.

³⁷ Ex. 4.2.6.2.1.1(a); Ex. 4.2.6.2.2.1.

³⁸ See Ex. 7.1.2.2 at 10-12 (D. Bullard Aff.); *id.* at 18-20 (L. Bullard Aff.).

³⁹ WECT Staff, *NC elections board again delays certifying congressional race, to hold hearing over Bladen 'irregularities'*, WECT NEWS 6 (Nov. 28, 2018), <https://www.wect.com/2018/11/30/nc-elections-board-again-delays-certifying-congressional-race-hold-hearing-over-bladen-irregularities/>.

back for him to sign -- but he never saw her again.⁴⁰ However, Mr. Dowless submitted a signed absentee request form in Mr. Allison's name.⁴¹

- Upon information and belief, Jennifer Boyd is a resident of either Saint Pauls or Bladenboro, North Carolina. On or around December 6, 2018, Ms. Boyd responded "No comment" when she was asked by a reporter whether she was working with Mr. Dowless.⁴² Ms. Boyd turned in at least 231 absentee mail ballot request forms to the Robeson County Board of Elections.⁴³ Ms. Boyd also appears as a witness on at least 58 absentee ballots from Robeson County in the 2018 General Election.⁴⁴ Ms. Boyd appears as a witness on absentee ballots with the following persons: Lisa Britt (at least 28 ballots), Joseph Boyd (at least 9 ballots), and Rhonda Strickland (at least 19 ballots). Ms. Boyd is listed in at least three entries on the Robeson County Absentee Request Form Return Log, bearing dates September 10, 24, and 27, 2018, associated with a total of 231 voter registration forms. *Id.* Although Ms. Boyd listed an address in St. Pauls when signing Robeson County absentee ballots as a witness or assistant, Ms. Boyd listed 3251 NC Hwy 410 in Bladenboro as her address on the three entries in the Robeson County Absentee Request Form Return Log. *Id.* Voter Yomayra Torres Rosado of Robeson County told a reporter that Ms. Boyd witnessed and collected her husband's absentee ballot.⁴⁵

⁴⁰ Eric Bradner, Adam Levy, Drew Griffin and Curt Devine, *Man at center of North Carolina election fraud probe turned in hundreds of absentee ballot requests*, CNN POLITICS (updated Dec. 5, 2018), <https://www.cnn.com/2018/12/04/politics/north-carolina-house-race-mccrae-dowless-absentee-ballots/index.html>.

⁴¹ Ex. 4.2.3.1.2(a), at 1036 (Bladen County Board of Elections absentee request batch header), 1041 (Allison request form).

⁴² Paul Boyd, *Channel 9 looks into claims of absentee ballot fraud in Robeson County*, WSOCTV.COM (updated Dec. 6, 2018), <https://www.wsoc9.com/news/channel-9-looks-into-claims-of-absentee-ballot-fraud-in-robeson-county/884696699>.

⁴³ Allison Latos (@AllisonWSOC9), TWITTER (Dec. 29, 2018), <https://twitter.com/AllisonWSOC9/status/1079121232476491783> ("Just got @NCSBE records I requested in #NC09 investigation. Jennifer Boyd turned in 231 absentee ballot request forms in Robeson Co. @wsoc9").

⁴⁴ Ex. 4.2.6.2.2.1.

⁴⁵ Brian Murphy, Josh Shaffer, and Richard Stradling, *Robeson County sounded alarms last summer-now satte is investigating election*, THE CHARLOTTE OBSERVER

- Upon information and belief, Joseph Boyd is a resident of Saint Pauls, North Carolina. Mr. Boyd appears as a witness on at least 9 absentee ballots from Robeson County in the 2018 General Election.⁴⁶ Mr. Boyd appears as a witness on absentee ballots with Jennifer Boyd (at least 9 ballots).
- Upon information and belief, Rhonda Strickland is a resident of either White Oak, Lumberton, or Maxton, North Carolina. Ms. Strickland appears as a witness on at least 19 absentee ballots from Robeson County in the 2018 General Election.⁴⁷ Ms. Strickland appears as a witness on absentee ballots with Jennifer Boyd (at least 19 ballots).
- Upon information and belief, Ashley Pate is a resident of Saint Pauls, North Carolina. On or around December 7, 2018, Ms. Pate stated to a reporter that she was paid by Jennifer Boyd to sign up voters to request absentee mail ballots, and that she communicated with Ms. Boyd through Facebook Messenger.⁴⁸
- Upon information and belief, Jonathan Judson is a resident of Bladenboro, North Carolina. Mr. Judson appears as a witness on at least 4 absentee ballots from Bladen County in the 2018 General Election.⁴⁹ Mr. Judson appears as a witness on absentee ballots with the following persons: Jessica Dowless (at least 3 ballots) and Sandra Dowless (at least 1 ballot).
- Upon information and belief, Sandra Dowless is a resident of Bladenboro, North Carolina. Ms. Dowless appears as a witness on at least 10 absentee ballots from Bladen County in the 2018 General Election.⁵⁰ Ms. Dowless appears as a witness on absentee ballots with the following persons: Jessica Dowless (at least 8 ballots) and Jonathan Judson (at least 1 ballot).

(updated Jan. 26, 2019), <https://www.charlotteobserver.com/news/politics-government/article222616460.html>.

⁴⁶ Ex. 4.2.6.2.2.1.

⁴⁷ Ex. 4.2.6.2.2.1.

⁴⁸ Travis Fain, *State inquiry into 9th Congressional District extends into Robeson*, WRAL.COM (Dec. 7, 2018), <https://www.wral.com/state-inquiry-into-9th-congressional-district-extends-into-robesson/18045420/>.

⁴⁹ Ex. 4.2.6.2.1.1(a).

⁵⁰ Ex. 4.2.6.2.1.1(a).

- Upon information and belief, James Singletary is a resident of Bladenboro, North Carolina. Mr. Singletary appears as a witness on at least 37 absentee ballots from Bladen County in the 2018 General Election.⁵¹ Mr. Singletary appears as a witness on absentee ballots with the following persons: Lisa Britt (at least 26 ballots); Woody Hester (at least 2 ballots); Ginger Eason (at least 3 ballots); and Kelly Hendrix (at least 2 ballots).
- Upon information and belief, Woody Hester is a resident of Bladenboro, North Carolina. Mr. Hester appears as a witness on at least 36 absentee ballots from Bladen County in the 2018 General Election.⁵² Mr. Hester appears as a witness on absentee ballots with the following persons: James Singletary (at least 2 ballots), Deborah Edwards (at least 7 ballots), and Tonya Long (at least 9 ballots). Mr. Hester is recorded as having dropped off 7 absentee ballot request forms to the Bladen County Board of Elections between October 4 and 17, 2018.⁵³
- Upon information and belief, Deborah Edwards is a resident of Lumberton, North Carolina. Ms. Edwards appears as a witness on at least 12 absentee ballots from Bladen County in the 2018 General Election.⁵⁴ Ms. Edwards appears as a witness on absentee ballots with the following persons: Woody Hester (at least 7 ballots) and Tonya Long (at least 1 ballot).
- Upon information and belief, Tonya Long is a resident of Bladenboro, North Carolina. Ms. Long appears as a witness on at least 13 absentee ballots from Bladen County in the 2018 General Election.⁵⁵ Ms. Long appears as a witness on absentee ballots with the following persons: Woody Hester (at least 9 ballots) and Deborah Edwards (at least 1 ballot).

⁵¹ Ex. 4.2.6.2.1.1(a).

⁵² Ex. 4.2.6.2.1.1(a).

⁵³ See Ex. 4.2.3.1.1.

⁵⁴ Ex. 4.2.6.2.1.1(a).

⁵⁵ Ex. 4.2.6.2.1.1(a).