

Case No.

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

Exhibit

7.1.2.4

Description: McCready correspondence to State Board.



NORTH CAROLINA

State Board of Elections & Ethics Enforcement



700 13th Street, NW
Suite 600
Washington, D.C. 20005-3960

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December 21, 2018

Marc E. Elias
Jonathan S. Berkon
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Mr. Joshua Malcolm
Chairman
North Carolina State Board of Elections
430 N. Salisbury Street
Raleigh, NC 27603-5918

Re: Congressional District 9: Request for Clarification

Dear Chairman Malcolm:

I write to you on behalf of our client, Dan McCready, regarding the Board's December 17, 2018 Order of Proceedings (the "Order") and to request clarification as to same.

The Order provides that our client, as an impacted candidate, will have the opportunity to present evidence and to call and cross-examine witnesses with first-hand knowledge regarding the absentee ballot fraud that has tainted the results of this election and called into question its basis fairness. *See also* N.C. Gen. Stat. Ann. § 163A-1178(c)(2). For example, the leadership of the North Carolina Republican Party (the "State Party"), including its Executive Director, as well as Mark Harris have made numerous remarks disclaiming any knowledge of Mr. Leslie McCrae Dowless, Jr., and his associates' alleged years-long history of absentee ballot fraud. It would be advantageous to this Board in completing its investigation, and of significant public interest to the people of North Carolina, to hear what these witnesses – and others that we identify – have to say under oath.

Accordingly, our client, through counsel, intends to formally request that the Board exercise its discretion in summoning witnesses to attend the January 11, 2018 hearing, though not necessarily to compel testimony. *See* N.C. Gen. Stat. § 163A-1391. Specifically, our client does not intend to request that the Board to compel testimony where that testimony might result in immunity from future prosecution; instead, our client respectfully suggests that summoned witnesses be afforded the opportunity to invoke their rights against self-incrimination under the Fifth Amendment to the United States Constitution, rather than being provided immunity under N.C. Gen. Stat. § 163A-1391, to allow for future prosecution where appropriate. Should summoned witnesses invoke their rights against self-incrimination under the Fifth Amendment to the United States Constitution, the Board should draw all logical inferences therefrom.

The Order does not, however, establish a deadline by which all interested parties must produce a list of witnesses in advance of the January 11, 2018 hearing. Similarly, the Order does not establish a deadline by which all interested parties must submit any requests that the Board

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exercise its discretion in issuing subpoenas and compelling attendance at the hearing. *See* N.C. Gen. Stat. § 163A-4; 8 N.C. Admin. Code 2.0110(e)(1); N.C. Gen. Stat. § 163A-1178(c)(2). We respectfully request that this Board supplement its Order to require that all noticed parties provide a list of anticipated witnesses *and* make any formal requests for the issuance of subpoenas on or before December 28, 2018 at 5:00 p.m.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Marc E. Elias", with a stylized flourish extending to the right.

Marc E. Elias*
Jonathan S. Berkon*

JSB

* Motions for Admission Pro Hac Vice Pending

BEFORE THE NORTH CAROLINA BOARD OF ELECTIONS**APPLICATION OF MARC E. ELIAS
TO APPEAR *PRO HAC VICE***

NOW COMES Marc E. Elias (“Petitioner”) and moves the North Carolina Board of Elections, pursuant to N.C. Gen. Stat. § 84-4.1(3)-(6), for admission *pro hac vice* so that he may represent Dan McCready for Congress before the North Carolina State Board of Elections & Ethics Enforcement *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*. In support of this application, Petitioner certifies that:

1. I am a practicing attorney with the law firm of Perkins Coie, LLP, 700 13th St. Suite 600, Washington D.C. 20005. I was admitted to the Washington D.C. Bar on June 30, 1994 and am an active member in good standing of the Washington D.C. Bar.

2. McCready for Congress, PO Box 78855, Charlotte, NC 28277-9970, has retained me to represent them in this action. Attached hereto is a signed statement from the client pursuant to N.C. Gen. Stat. § 84-4.1(2).

3. Unless permitted to withdraw sooner by order of the Board, I will continue to represent the clients in this proceeding until its final determination, and with reference to all matters incident to this proceeding, agree to be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the General Court of Justice and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

4. I am admitted to practice in Washington D.C., a jurisdiction which grants similar out of state *pro hac vice* privileges to members of the Bar of North Carolina which are in good standing.

5. The Petitioner has associated with and is personally appearing in the proceeding with John Wallace, of the law firm Wallace & Nordan LLP, who is a resident of this State, and who is duly and legally admitted to practice in the General Court of Justice of North Carolina. Mr. Wallace has agreed to receive service on my behalf in all matters connected with these legal proceedings and in any disciplinary matter connected to these proceedings. Such service on Mr. Wallace would have the same effect as if it were personally made upon me North Carolina.

6. I am an attorney in good standing with the Bar of Washington D.C. and have not been subject to any public discipline by any Court or lawyer regulatory organization and any previous *pro hac vice* admission has not been revoked.

Therefore, I respectfully request that the Board grant this request for admission *pro hac vice* so that I may represent the interests of Democratic Governors Association and Democratic Action in these matters.

DATED this 21st day of December 2018.

PERKINS COIE, LLP



Marc E. Elias
Perkins Coie LLP
Washington D.C. Bar No. 442007
Perkins Coie, LLP
700 13th St. Suite 600
Washington D.C. 20005
202.434.1609
melias@perkinscoie.com

Attorney for McCready for Congress

December 21, 2018

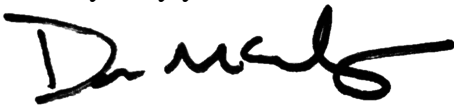
Re: Representation *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*

Dear Chairman Malcom and Members of the North Carolina State Board of Elections & Ethics Enforcement:

I have retained Marc E. Elias and Jonathan S. Berkon of Perkins Coie LLP to represent my campaign, McCready for Congress, in the proceeding entitled *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*. My legal address is P.O. Box 78855, Charlotte, North Carolina, 28277-9770.

Please do not hesitate to contact Jonathan at (202) 434-1669 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dan McCready", with a stylized, flowing script.

Dan McCready
McCready for Congress

BEFORE THE NORTH CAROLINA BOARD OF ELECTIONS**APPLICATION OF JONATHAN S. BERKON
TO APPEAR *PRO HAC VICE***

NOW COMES Jonathan S. Berkon (“Petitioner”) and moves the North Carolina Board of Elections, pursuant to N.C. Gen. Stat. § 84-4.1(3)-(6), for admission *pro hac vice* so that he may represent McCready for Congress before the North Carolina State Board of Elections & Ethics Enforcement *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*. In support of this application, Petitioner certifies that:

1. I am a practicing attorney with the law firm of Perkins Coie, LLP, 700 13th St. Suite 600, Washington D.C. 20005. I was admitted to the Washington D.C. Bar on March 26th, 2010 and am an active member in good standing of the Washington D.C. Bar.

2. McCready for Congress, PO Box 78855, Charlotte, NC 28277-9970, has retained me to represent them in this action. Attached hereto is a signed statement from the client pursuant to N.C. Gen. Stat. § 84-4.1(2).

3. Unless permitted to withdraw sooner by order of the Board, I will continue to represent the clients in this proceeding until its final determination, and with reference to all matters incident to this proceeding, agree to be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the General Court of Justice and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

4. I am admitted to practice in Washington D.C., a jurisdiction which grants similar out of state *pro hac vice* privileges to members of the Bar of North Carolina which are in good standing.

5. The Petitioner has associated with and is personally appearing in the proceeding with John Wallace, of the law firm Wallace & Nordan LLP, who is a resident of this State, and who is duly and legally admitted to practice in the General Court of Justice of North Carolina. Mr. Wallace has agreed to receive service on my behalf in all matters connected with these legal proceedings and in any disciplinary matter connected to these proceedings. Such service on Mr. Wallace would have the same effect as if it were personally made upon me North Carolina.

6. I am an attorney in good standing with the Bar of Washington D.C. and have not been subject to any public discipline by any Court or lawyer regulatory organization and any previous *pro hac vice* admission has not been revoked.

Therefore, I respectfully request that the Board grant this request for admission *pro hac vice* so that I may represent the interests of Democratic Governors Association and Democratic Action in these matters.

DATED this 21 day of December, 2018.

PERKINS COIE, LLP



Jonathan S. Berkon
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Attorney for McCready for Congress

December 21, 2018

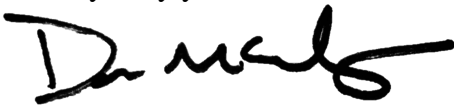
Re: Representation *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*

Dear Chairman Malcom and Members of the North Carolina State Board of Elections & Ethics Enforcement:

I have retained Marc E. Elias and Jonathan S. Berkon of Perkins Coie LLP to represent my campaign, McCready for Congress, in the proceeding entitled *In the matter of: Investigation of election irregularities affecting counties within the 9th Congressional District*. My legal address is P.O. Box 78855, Charlotte, North Carolina, 28277-9770.

Please do not hesitate to contact Jonathan at (202) 434-1669 if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dan McCready", with a stylized, flowing script.

Dan McCready
McCready for Congress



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December 30, 2018

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VIA EMAIL

Mr. Joshua Malcolm, Chairman
Mr. Joshua Lawson, Board Counsel
North Carolina State Board of Elections
430 N. Salisbury Street
Raleigh, NC 27603-5918

Re: Congressional District 9: Request for Issuance of Subpoenas

Dear Chairman Malcolm and Mr. Lawson:

We write to you on behalf of our client, Dan McCready, in response to the Board's December 23, 2018 Order of Proceedings, First Supplement (the "Supplemental Order"), which requires that all requests to compel attendance be made by no later than noon on Sunday, December 30, 2018.

Our client respectfully requests that the Board issue subpoenas to compel only the attendance of the witnesses described herein, rather than their testimony. Consistent with Paragraph 16 of the Board's December 17, 2018 Order of Proceedings (the "Order"), our client does not request that any witnesses named herein be compelled to testify; instead, our client respectfully suggests that summoned witnesses be afforded the opportunity to invoke their rights against self-incrimination under the Fifth Amendment to the United States Constitution, rather than being provided immunity under N.C. Gen. Stat. § 163A-1391, to allow for future prosecution where appropriate.¹ Should summoned witnesses fail to attend the hearing or invoke their rights against self-incrimination under the Fifth Amendment to the United States Constitution if called upon to testify, the Board should draw all logical inferences therefrom. *See* Order at ¶ 16 ("The failure of an individual . . . to attend the hearing pursuant to the terms of the State Board's subpoena may permit the State Board members to draw adverse inferences against those individuals or entities.") (citing *Nantz v. Employment Sec. Comm'n*, 290 N.C. 473, 478, 226 S.E.2d 340, 343 (1976) (citing *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976))).

¹ *See* Supplemental Order at ¶22(2) (citing Subpoena Template, https://s3.amazonaws.com/dl.ncsbe.gov/Requests/Template_Form_InReCD9.pdf ("THIS SUBPOENA IS ISSUED PURSUANT TO G.S. § 163A-4. THE PROVISIONS OF G.S. §§ 163A-1391 AND 163A-1447 ARE EXPRESSLY MADE INAPPLICABLE TO THIS SUBPOENA. ATTENDANCE COMPELLED BY THIS SUBPOENA DOES NOT CONFER ANY KIND OF IMMUNITY ON ANY PERSON OR ENTITY."))).

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Pursuant to Paragraph 22(1) of the Board's Supplemental Order, what follows is a list of witnesses and a brief description of the basis for our client's request for subpoena. Any references herein to "alleged ballot tampering" or "ballot tampering allegations" includes allegations regarding the illegal collection, marking, discarding and/or failure to return the absentee ballots of voters, the submission of absentee ballot forms on behalf of voters without their consent and/or knowledge, and any other illegal conduct with respect to the handling of ballots and forms:

1. Leslie McCrae Dowless, Jr., should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) the nature of the services he and his agents provided to the 2018 Mark Harris congressional campaign, the 2018 James McVicker sheriff campaign, the Pete Givens 2017 city council campaign, and any other campaign that he provided services to for the 2017-2018 election cycle in Congressional District 9; and (3) the operations of Patriots for Progress IE PAC.

2. Mark Harris should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) his decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) any recommendations he made of Mr. Dowless to other candidates in other races.

3. Andy Yates should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) his decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) any recommendations he made of Mr. Dowless to other candidates in other races.

4. Jason Williams should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) his decision to hire Mr. Dowless in 2018; and (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign.

5. James McVicker should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other

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election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) his decision to hire Mr. Dowless in 2018; and (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign.

6. Peter Givens should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) conversations with Mark Harris regarding Leslie McCrae Dowless Jr. and the nature of the services provided by Mr. Dowless; (2) his decision to hire Mr. Dowless in 2017; and (3) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign.

7. Walter McDuffie should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) the Harris campaign's decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) any contacts between himself and the Harris campaign regarding or involving Mr. Dowless.

8. Dallas Woodhouse should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) the Harris campaign's decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) conversations with representatives of Robert Pittenger's campaign regarding election irregularities with the 2018 Republican primary.

9. Robin Hayes should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) the Harris campaign's decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) conversations with representatives of Robert Pittenger's campaign regarding election irregularities with the 2018 Republican primary.

10. Tyler Foote should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) the Harris

Mr. Joshua Malcolm
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Page 4

campaign's decision to hire Mr. Dowless in 2018; (4) his understanding of services provided by Mr. Dowless and his affiliates at the time of the hire and during the campaign; and (5) conversations with representatives of Robert Pittenger's campaign regarding election irregularities with the 2018 Republican primary.

11. Jeff Smith should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) ballot-tampering allegations involving Mr. Leslie McCrae Dowless, Jr.; (2) his understanding of services provided by Mr. Dowless; and (3) Patriots for Progress IE PAC, generally.

12. Sheila Kinlaw should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) ballot tampering allegations involving Mr. Leslie McCrae Dowless, Jr.; (2) her understanding of services provided by Mr. Dowless; and (3) Patriots for Progress IE PAC, generally.

13. Cynthia Shaw should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when she first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) absentee-by-mail ballot handling practices and procedures in Bladen County; (4) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections; and (5) the release of vote totals in connection with the 2018 election.

14. Gina Ward should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when she first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) absentee-by-mail ballot handling practices and procedures in Bladen County; (4) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections; and (5) the release of vote totals in connection with the 2018 election.

15. Valeria Peacock McKoy should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) when she first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) absentee-by-mail ballot handling practices and procedures in Bladen County; (4) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections; and (5) the release of vote totals in connection with the 2018 election.

16. Bobby Ludlum should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other

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Page 5

election fraud, misconduct, or irregularities in Congressional District 9; (2) when he first became aware of such allegations involving Mr. Leslie McCrae Dowless, Jr. and his affiliates; (3) absentee-by-mail ballot handling practices and procedures in Bladen County; (4) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections; and (5) the release of vote totals in connection with the 2018 election.

17. Agnes Willis should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) absentee-by-mail ballot handling practices and procedures in Bladen County; (2) voting tabulation practices and procedures in Bladen County; (3) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections; and (4) the release of vote totals in connection with the 2018 election.

18. Ginger Eason should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

19. Cheryl Kinlaw should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

20. Lisa Britt a/k/a Lisa Britt-Gray a/k/a Lisa Gray should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

21. Woody Hester should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

22. Jessica Dowless should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to

Mr. Joshua Malcolm
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Page 6

campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

23. Jennifer Boyd should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

24. James Singletary should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

25. Ashley Pate should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

26. Deborah Edwards should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

27. Rhonda Strickland should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

28. Joseph Boyd should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of his employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

29. Sandra Dowless should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other

Mr. Joshua Malcolm
December 30, 2018
Page 7

election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

30. Tonya Long should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

31. Kelly Hendrix should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) alleged ballot tampering and other election fraud, misconduct, or irregularities in Congressional District 9; (2) services provided to campaigns by Mr. Leslie McCrae Dowless, Jr. and his affiliates; and (3) the nature of her employment by and/or voluntary services for, if applicable, Mr. Dowless and/or his agents.

32. Callie S. Locklear should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

33. Cetire Retamar should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

34. Christopher Eason should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding his experience voting in the 2018 General Election.

35. Datesha Montgomery should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

36. Douglas Bullard should be subpoenaed to *attend*, as is believed to have personal knowledge, relevant to the Board's investigation, regarding his experience voting in the 2018 General Election.

37. Emma Shipman should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

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38. Hazel Guyton should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

39. Lonnie I. Bullard should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

40. Lucy M. Young should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

41. Melissa Williams should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

42. Nichole M. Nimmons should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

43. Stephanie E. Page should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

44. Jeneva Legions should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

45. Ron Hayes should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

46. Avery Carroll should be subpoenaed to *attend*, as she is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

47. Ryan Deaver should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

48. Kirby Wright should be subpoenaed to *attend*, as he is believed to have personal knowledge, relevant to the Board's investigation, regarding her experience voting in the 2018 General Election.

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Pursuant to Paragraph 22(2) of the Board's Supplemental Order, enclosed are proposed subpoenas for each witness identified above. Where public records have indicated that a witness has more than one possible place of residence, additional subpoenas have been included for such witnesses at each known address.

In addition, our client does not request that the following witnesses be subpoenaed, but does reserve the right to call such witnesses, if necessary, to testify regarding the following, without limitation:

1. Jens Lutz may be called to testify as he is believed to have personal knowledge, relevant to the Board's investigation, regarding fraud, irregularities, or misconduct in the conduct of the 2018 General Election in Congressional District 9 involving current or former members and/or staff of the Bladen County Board of Elections and/or Mr. Leslie McCrae Dowless, Jr., as set forth in the affidavit submitted to the Board on December 21, 2018.

2. Veronica Degraffenreid may be called to testify as she is believed to have personal knowledge, relevant to the Board's investigation, regarding: (1) ballot-tampering allegations involving Mr. Leslie McCrae Dowless, Jr.; (2) services provided by Mr. Dowless; (3) absentee-by-mail ballot handling practices and procedures in Bladen County; and (4) any assistance provided to Mr. Dowless by current or former staff or members of the Bladen County Board of Elections.

3. Ben Snyder may be called to testify as he is believed to have personal knowledge, relevant to the Board's investigation, regarding the information contained forth in the affidavit submitted to the Board on December 21, 2018.

4. Dr. Stephen Ansolabehere may be called to testify regarding his research and conclusions as set forth in his Report on Absentee Ballots in the 2018 North Carolina Congressional District 9 General Election submitted to the Board on December 21, 2018.

We understand that time limits may make it impracticable to seek testimony from all of the witnesses listed here. Accordingly, after consultation with the Board as to the format of the hearing and the expected number of witnesses, we may choose to not serve all of the witnesses with the issued subpoenas.

Very truly yours,



Marc E. Elias*
Jonathan S. Berkon*

**Admitted pro hac vice*