November 28, 2018

The Honorable Roy A. Cooper Governor of North Carolina 20301 Mail Service Center Raleigh, N.C. 27699

Kim Strach, Executive Director North Carolina Board of Elections and Ethics Enforcement 430 N Salisbury St Raleigh, NC 27603

Dear Governor Cooper and Director Strach,

Free elections require a state elections authority which refrains from partisan behavior. If the authority responsible for governing campaigns and counting votes behaves in a partisan manner and neutral officials openly favor one side of the political debate, the people of North Carolina will rightly doubt that our elections and ethics laws are being conducted accurately and fairly.

To secure trust in our elections systems, North Carolina law requires the board governing our elections and ethics administration act fairly and without the appearance of bias in their public behavior. Specifically, "No person while serving on the State Board shall ... (3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office. (4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals."

The State Board staff routinely recommends removal of individuals from boards that make partisan statements—in fact, the Board recently removed an individual making partisan statements from a county board of elections.

Unfortunately, the Chairman of the State Board, Andrew Penry, has continuously and blatantly ignored these safeguards. Due to this behavior, he has clearly violated North Carolina law and must be removed from his post as Chairman and as a member of the State Board of Elections and Ethics Enforcement. His Twitter account, which at the time of this letter's writing is publicly viewable to anyone in North Carolina and the entire world, expresses clear public animus towards multiple declared and likely candidates who have appeared on North Carolina's ballots, clear public disapproval of multiple ballot initiatives that have appeared on the 2018 ballot for North Carolina voters, and ample public disgust with anyone who does not share his partisan Democrat views. While he remains in office, no one can trust that he will work in good faith to oversee elections, rule on ethics opinions, or otherwise conduct public business without favor towards his political ends.

Some highlights of his prolific Twitter account include:

- Telling a Republican voter that his beliefs were "a bad reason to vote for a crazy man," referring to the President, a declared candidate for the 2020 election.
- Telling the President he is "completely insane, not to mention heartless."
- Attacking the National Republican Congressional Committee, when there were 13 of its members on the ballot this year. The State Board has not certified one of those results at this time. He falsely implied that they had not commented regarding the then-impending arrival of Hurricane Florence, when they had done so.
- Mocking Congressman George Holding's physical appearance. Congressman Holding was on the ballot in 2018.
- Stating that the President needs a "diaper change."
- Multiple statements making arguments against a ballot referendum regarding the State Board of Elections.
- Calling the President a "despicable human being."
- Attacking and mocking many Republican elected officials.
- "Liking" tweets attacking ballot referenda despite guidance from the State Board staff on the appropriateness of "likes."
- "Liking" tweets attacking the Republican legislature.
- Attacking former Governor McCrory, who has publicly explored running for office again.
- Comparing Republican voters to "true believers in Scientology."
- Repeatedly attacking Bernie Sanders, stating he would be a terrible nominee.

These are only a smattering of examples of the behavior of Chairman Penry up to the conclusion of the election. I have copied staff from the State Board, who have experience dealing with similar cases of county elections board members who cross the line and who can inform you as to the State Board's social media policy. With the Board's lack of transparency regarding important election certification, I trust that you or the Board will act swiftly to remove him from office and replace him with a fair-minded individual who will act in the public interest and not show favoritism towards any party or clique. I have also attached dozens of additional examples of his violations of state law from his public Twitter account. These are not exhaustive and some may have been deleted, but they are illustrative of his contempt for the principle of public neutrality.

To avoid further destruction of the State Board's name, Chairman Penry must recuse himself from any investigation of his apparent misdeeds and must recuse himself from any other actions until this investigation is complete.

Sincerely,

Charles Hellwig

Chairman

Wake County Republican Party 811 Spring Forest Rd Suite 1200

Raleigh, NC 27609



Question Assumptions · 22h A lot of people supported Trump because they were sick of seeing their guys get unfairly knocked around by Democrats and the media and decided to pick that smash mouth New Yorker who would fight back and show no mercy to win despite his nastiness and questionable ethics.

0: 12 0



Andy Penry @andy\_penry · 22h ~ Bad reason to vote for a crazy man for President.

Oi ta

O Ť

Question Assumptions - 21h 💮 🗸 By what measure is it objectively bad? One can talk about noble principles endlessly but the

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Tweet



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Josh Lawson @lash\_lawson - Sh ~ September surprise: Cruise and O'Rourke are just two years apart. #mindblown

Q1 13



Mark Ezzell @MarkEzzell - Sh 🔻 Ted Cruz: the George Holding of

Texas. O i



Andy Penry @andy\_penry

Replying to @MarkEzzell and @josh\_lawson

No, he is in better shape than George.

9/8/18, 6:31 PM

Tweet



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Oliver Darcy  $\odot$  @sliverdarcy  $\cdot$  td  $\ \lor$  had a drink tonight at a bar overlooking the White House and couldn't help but wonder what was going on in that building tonight pic twitter.com/G0P83joOol

Q465 13.169 Q2.164 £



Andy Penry Gandy\_penry

Replying to Coliverdarcy

A diaper change for sure.

ta.

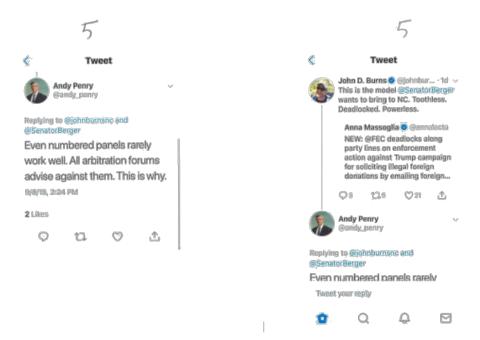
9/6/18, 5:50 AM

1 Like



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£





Replying to @andy\_pency@josh\_lawson and 2 others

Just think of whether a neutered or hopelessly deadlocked Board could protect the voters of our state.

9/7/18, 8:34 PM



Replying to @gercohen and @BrentWoodcox

I think we all learned in law school that deliberative bodies, if they are serious about resolving disputes, have an odd number of members. 1 or 3 arbitrators, not 2. A 3 judge panel, not 2 or 4.

7/12/18, 7:18 PM

1 Retweet 2 Likes

state "voted along party lines" to make a decision ever again. #NCPOL Q1 Ø3 10 £. Gerry Cohen @gerschen · Th So a 4-4 vote with 4Ds and 4Rs isn't party line? 173 C):1 ش Andy Penry @andy\_penry Replying to @gercohen and @BrentWoodcox Ask the FEC how that is working

out.

7/12/18, 5:55 PM





Andy Penry @andy\_penry · 30m ~

Replying to @BrentWoodcox and

Maybe we should go back and add

**O**1 Andy Penry @andy\_penry · 189 ~

bicycling to the hunt n' feesh

amendment. And golf. Why does

amendment passes there will be heck to pay for anyone who messes with streams, rivers, meadows where quail hang out,

estuaries, or woodlands. I am sure

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this is what the authors of the amendment have in mind because

what else could it be?

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@dcox4council

the GA hate golf?

And if that hunt n' feesh

Q1 t3



Replying to @bradley/bannon and @cbarrowood

Where was McCrory in December 2016?









Doug Abrams @dabram... •29m v that is nonsense. NK is not at the table. NK embarrassed the United States. Ask any expert in NK. The economy is not humming along other than for the rich who have passive income. The President does not make the U.S. economy do what it does. It is a global economy.

Ken Rabideau @KenRabideau Replying to @dabrams2021 That Batshit crazy guy has the economy pumping and North Korea at the table. So what does that say about Obama?

O1

O1 10

2

Andy Penry @andy\_penry · Sm 🔍 You can't argue with these people Doug, it's like talking true believers out of Scientology.



# Replying to @nytpolitics

When you know your client will lie, ignore your advice, not pay the bill, blame you for everything that goes wrong, and subject you to being indicted or sanctioned by the Bar, that's an engagement you decline.

3/26/18, 8:36 AM











Kaitlan Collins 💿 @kaitla... - 32m 😾 Now reporters have exited their varis too, indicating Trump has changed his mind about wherever he was going, (it's a sunny, hot day here in Washington and he was wearing a bright red pole and a white Make America Great Again hat. Draw your own conclusions.)

Kaitlan Collins O @kahlahsol... Unusual. Reporters were called to gather for an outing with President Trump. Once in the vans, he emerged from the White House and boarded th....

Q46 1374 7287 A



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Andy Penry @andy\_serry  $\cdot$  10m  $\,\sim\,$  Not feeling golf today, Back to the bedroom for some Fox, Twitter, and six Big Macs.

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10.







Josh Marshall (a) @Joshtpm · 2d ~ this is getting a bit meta

Donald J. Trump @ @reaiDo... STATEMENT FROM THE WHITE HOUSE

President Donald J. Trump feels strongly that North Kore... Show this thread

Q20 1218 C)119 &



Andy Penry @andy\_penry

Replying to @joshtom

Totally nutty.

8/29/18, 6:22 PM



Replying to @brithume.

You are just now realizing that Trump is a despicable human being?

e/25/18, 9:11 PM



#### Tweet



John Harwood @ @Jeffut.l... 1d 
Harward's Alan Dershowitz says
defending Trump has made him a
discrimination victim: "I have
experienced this firsthand on
Martha's Vineyard. Old friends are shunning me and trying to ban me from their social life."

Q9,714 1],4,072 (C24,7K A



Andy Penry @andy\_penry

Replying to @John/Harwood

Boo hoo.

7/2/18, 7:34 PM

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kyle Griffin & @kylegriffint od Incoming NRA president Oliver North seems to link mass shootings to the taking of Ritalinthe ADHD medication—claiming that shooters have "been drugged in many cases" and taking Ritalin "since they were in kindergarten," (via Fox) pic.twitter.com/REPCR72LW

Q1726 13:001 Q1498 &



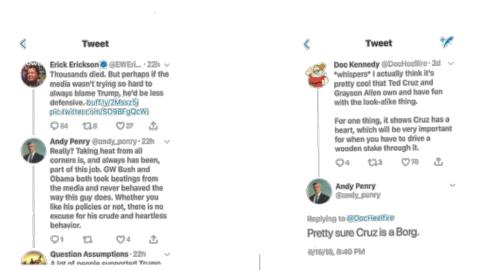


Andy Penry @andy\_penry

Replying to @kylegriffint Jailbird.

5/20/18, 11:59 AM



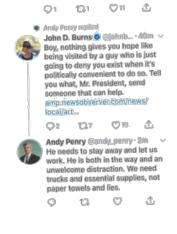




Tweet

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MOTO 19-69 BM



topic of sideline conversation will

be up on Rockville Pike.





Tweet

Andy Penry

BCJ	Amby Formy conting.  Brennan Center Spars 24m  Will Brett Kavanaugh, President Trump's nominee, stand up to presidential abuses? Or will he roll over? aydn.us/2NF2Yam  6 128 V 1 1  Andy Penry Sparsy, penry 7m He will not. That is why Trump nominated him.			Kaitlan Collins (a) (a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c			
				Q.69 1374	(C) 2007 £		
				Andy Penry @andy_penry 10m  Not feeling golf today. Back to the bedroom for some Fox, Twitter, and six Big Macs.			
				O 13	© <u>&amp;</u>		
BCJ	Brennan Center @ @@ronn Will Brett Kavanaugh, Presid Trump's nominee, stand up t presidential abuses? Or will t over? oydn.us/2NT2Yom  3 1330 \$34	ent co	BCJ	wrennan Lenter & With a supine Cor President who inco the law, an indepe Supreme Court is than ever. bit.ly/2	igress and a reasingly flouts indent and strong more important		
	Andy Penry @andy_penry	٧		Andy Penry @andy_penry	V	ý	
Replying to @BrennanCenter			Replying	Replying to @BrennanCenter			
Roll over			Heist	He is the wrong choice for the			
9/1/18, 8	SSI PM		reasor	ry. He is nomina n and one reas at Donald Trum a it.	on only: to		



keep getting away with it. That needs to be changed or this is not a good deal for Florida or America. newsherald.com/news/20180828/

Q398 17,247 Q599 1.

Replying to @marcorubio and @POTUS That's your boy! Horrible deal.

Andy Penry

@andy\_penry

8/28/18, 7:20 PM





Brennan Center @ @Bren... - 5d ~ BCJ Kavanaugh has previously written that, for the President, criminal investigations would be "distracting" and "time-consuming." bit ly/20ENkt3



Andy Penry @andy\_penry

Replying to @BrennanCenter

Is he the get out of jail free card? That would be a disaster for the Court and the country.

7/29/18, 10:12 PM

40 1 04

Donald J. Trump @ @real... - 18h ~ Lebron James was just interviewed by the dumbest man on television, Don Lemon. He made Lebron look smart, which isn't easy to do. I like

Q 101K 1384K ♥ 128K ₺

Andy Penry @andy\_penry 16m ~ Accusing LeBron of being successful while Black.

13 2

#### Tweet



I have strongly opposed Trumps immigration policies and especia immigration policies and especially the separation of families. Do people not understand the difference between supporting everyone's civil liberties and supporting a president's policies?

Q 3,724 12,1,041 (76,718 A



Andy Penry @andy\_penty

Replying to @AlanDersh

You do not understand the current existential threat to the civil liberties of every person in this country.



#### Tweet

As it turned out, that was only part of the problem. His ethical failings are too numerous to recount, & I'm glad that he is finally stepping

Otass thas Ozare &



Andy Penry @andy\_penry

Replying to @SenatorCollins.

Show some courage. What did you do once the multiple ethical issues were apparent to all? Nothing.

7/5/18, 7:32 PM



#### Replying to @AriFleischer

This guy got shot down in WW 2. He has more character in his pinky toe than the entire Trump family combined. Ari, how can you ever support this clown? 7/5/18, 9:04 PM



#### Tweet



become a major impediment & necessitated a leadership change. I am hopeful that under new leadership the agency will be in a better position to carry out the important work of protecting our natural environment.

Q4,301 17,255 (71,094 A



Andy Penry

Replying to @marcorubio and @EPA Way to take a bold stand.

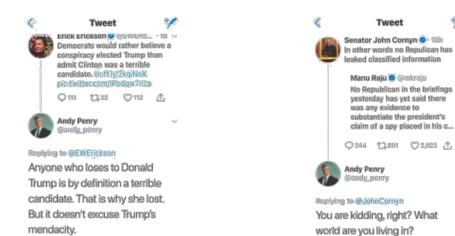
7/8/18, 9:13 PM



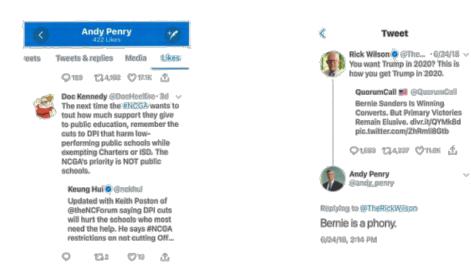
Replying to @marcorubio and @NATO

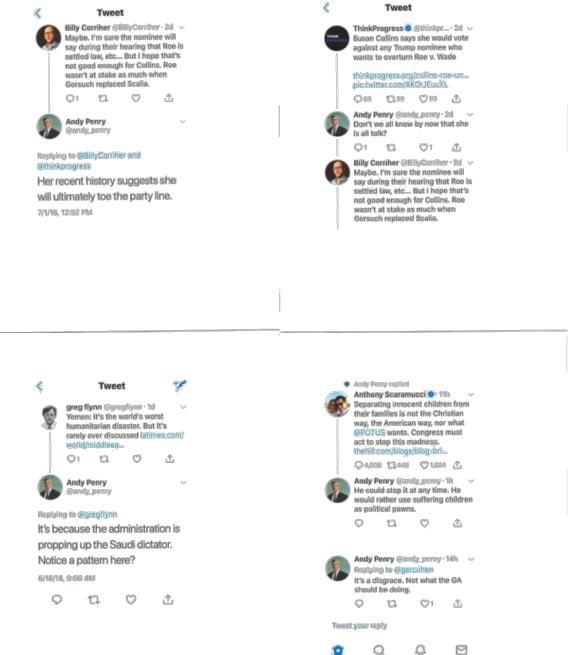
And we all see your bold, brave and courageous activities to support our allies. Not.

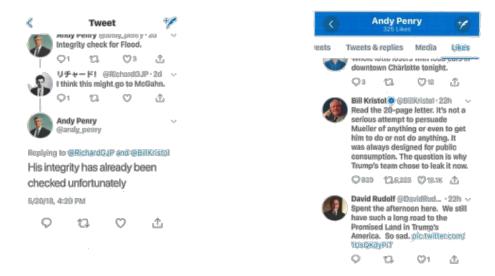


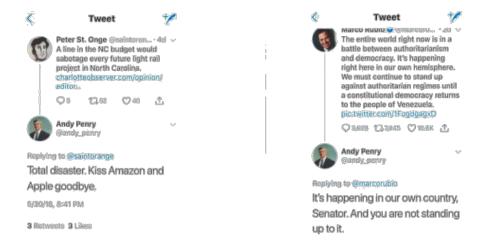


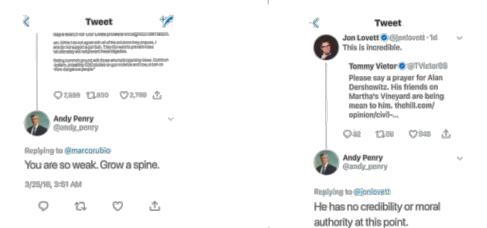












7/2/18, 5:12 PM



9/27/18, 10:30 AM Tweet your reply

## Tweet Senator John Cornyn 💇 🕍 On 9/11/2001 I was talking on the phone to then-Governor Perry about the US Senate race to succeed Senator Phil Gram when the first plane hit the World Trade Center. When I hung up my wife Sandy said "you need to see this." Then the second plan hit....

#911Neverforget OSE THE OWN A



Replying to @JohnCornyn Yes. But take a look at your President's tweets today. Sad!

9/11/18, 12:57 PM

# Tweet



Replying to @BenSasse and @EWErickson

It was a random blip before the Great Divider. The sorry state of American discourse is largely his fault.

9/8/18, 9:30 AM

12



1





Jake Tappér 🥥 @jaketapper - 4h 🔍 Leahy accusing Kavanaugh of perjury

> Sen. Patrick Leahy 🥥 @Sena... Untruthful testimony, under oath and on the record. twitter.com/nytopinion/sta...

Q682 13,768 \$\text{2126K} \tag{5}



Replying to @jaketapper

He has the same relationship with the truth as the guy who nominated him.

### €



Sen Dianne Feinstein 💁 🐃 Brett Kavanaugh used materials stolen from Democratic senators to advance President Bush's judicial nominees. He was asked about this in 2004, 2006 and this week. His answers were not true. bit ly/2wTenfR

Tweet

Q2,049 13,28.6K ♥47.5K Å



Andy Penry

Replying to @SenFeinstein

He is dishonest just like the guy who nominated him.

9/9/18, 2:09 PM