



Memo by NC Values Coalition on Absentee Ballot Irregularities in Mecklenburg County NC9/HD103

I. Introduction—Research of Absentee Voting in Mecklenburg County NC9/HD103

Following December allegations of absentee by mail voting irregularities in Bladen and Robeson Counties, the NC Values Coalition (NCVC) began to look for other signs of irregularities in absentee by mail voting in other counties in North Carolina’s 9th Congressional District (NC9). NCVC utilized its sister organization, the Institute for Faith & Family (IFF), to conduct research into absentee balloting issues, because it is a non-partisan research organization. This report details the results of IFF’s research.

IFF’s efforts have been hampered and slowed by the refusal of county boards of elections to produce public records in accordance with North Carolina law. For example, when first requested to produce absentee by mail ballot request forms for inspection as public records, Mecklenburg County Board of Elections refused, claiming IFF must pay in excess of \$10,000 to obtain these public records from the county. IFF then asked the Mecklenburg County Board of Elections to produce only absentee by mail ballot requests forms received by the Board on one day—October 22, 2018. Although these requests are public records, and it would be fairly easy for the Board to produce them, IFF has not received a response to date.

Despite these obstacles IFF has found substantial evidence of absentee ballot irregularities and questionable conduct by the State Board of Elections in NC9 beyond the previously reported irregularities in Bladen and Robeson Counties.

II. Reasons to Examine Mecklenburg County Absentee Voting

IFF first examined absentee by mail ballots voting across the district on a county by county basis and compared to the statewide absentee by mail vote.

Statewide, absentee by mail ballots made up 2.6% of all votes.

Voter ID	Total	ED	1 Stop	Mail	Prov
Support	2,049,121	1,012,146	980,480	46,483	10,012
Oppose	1,643,983	627,259	960,260	48,881	7,583
Total	3,693,104	1,639,405	1,940,740	95,364	17,595
				2.6%	

In the portion of Mecklenburg County outside of the NC9, 2.7% of all votes were cast using absentee by mail ballots. This is completely in line with the percentage of voters utilizing absentee by mail ballots statewide.

NC 12 Candidate	Total	ED	1 Stop	Mail	Prov
Adams	203,974	87,616	110,413	5,212	733
Wright	75,164	38,495	34,094	2,352	223
Total	279,138	126,111	144,507	7,564	956
				2.7%	

After examining voting methods by county in NC9, it became clear that six NC9 counties had absentee by mail ballot voting utilization in line with the statewide numbers. Two counties, Mecklenburg and Bladen, had anomalous utilization of absentee by mail ballots.

County Method	McCreedy	Harris	Scott	Total	% by Method
Cumberland ED	5986	6618	252	12856	49.1%
Cumberland 1 Stop	7096	5437	133	12666	48.4%
Cumberland Mail	325	234	10	569	2.2%
Cumberland Prov	45	25	5	75	0.3%
Bladen ED	1687	2519	70	4276	45.5%
Bladen 1 Stop	1906	2471	53	4430	47.1%
Bladen Mail	258	420	6	684	7.3%
Bladen Prov	5	3	0	8	0.1%
Robeson ED	8,675	7,538	442	16655	53.9%
Robeson 1 Stop	8,010	4,779	303	13092	42.4%
Robeson Mail	403	259	18	680	2.2%
Robeson Prov	331	115	14	460	1.5%
Scotland ED	2,232	1,804	83	4119	39.0%
Scotland 1 Stop	3,485	2,541	106	6132	58.0%
Scotland Mail	147	95	6	248	2.3%
Scotland Prov	44	23	2	69	0.7%
Richmond ED	3,503	3,484	180	7,167	50.4%
Richmond 1 Stop	3,355	3,160	101	6,616	46.5%
Richmond Mail	180	98	8	286	2.0%
Richmond Prov	100	44	9	153	1.1%
Anson ED	2,037	1,992	69	4,098	51.4%
Anson 1 Stop	2,405	1,227	44	3,676	46.1%
Anson Mail	121	41	1	163	2.0%
Anson Prov	23	6	0	29	0.4%
Union ED	12,550	21,418	888	34856	39.9%
Union 1 Stop	19,923	29,065	638	49626	56.8%
Union Mail	1,471	944	46	2461	2.8%
Union Prov	182	218	17	417	0.5%
Meck ED	19,779	19,635	994	40408	42.0%
Meck 1 Stop	28,433	21,045	568	50046	52.0%
Meck Mail	3,566	1,936	58	5560	5.8%
Meck Prov	78	52	6	136	0.1%
Total	138,341	139,246	5,130	282,717	
	48.9%	49.3%	1.8%		

Since the alleged irregularities in Bladen County were being closely examined by many people, IFF decided to focus its attention on that part of NC9 located in Mecklenburg County, where voting absentee by mail made up 5.8% of the votes which is more than double the average statewide. Because of the volume of votes in Mecklenburg County and the hurdles the county board of elections created to accessing these public records, **IFF ultimately decided to focus its attention on North Carolina State House District 103 where Rachel Hunt had defeated Bill Brawley by 68 votes as a result of winning the absentee by mail vote by 480 votes.**

III. Voting Irregularities Discovered at Board of Elections

During the course of work, IFF discovered many registered Democrats and Democratic leaning unaffiliated voters received pre-filled out absentee ballot requests from a Raleigh and Washington DC based dark money group called the “Center for Voter Information”. Media reports indicate this outside group sent out over 200,000 unsolicited absentee by mail ballot requests to voters (<https://abc11.com/politics/voters-question-absentee-ballot-applications-showing-up-in-their-mailboxes/4385548/>). The group was likely illegally engaged in electioneering activity targeting voters likely to support only one party in violation of IRS rules governing non-profits. More troubling, the group potentially committed serious violations of North Carolina and Federal campaign finance disclosure laws by claiming on their mailings that a 501 c (4) funded the letters but using a 501 c (3) non-profit postage paid return mail envelope for voters to use. (See attachments.)

Though the county board of elections has refused to allow IFF to review absentee ballot by mail request forms, they did allow IFF to review but not copy the envelopes used to submit accepted absentee by mail ballots on December 12-14, 2018.

A. Witnessing Multiple Voters’ Signatures

IFF reviewed the ballot envelopes looking for irregularities. Specifically, IFF was looking for patterns of people witnessing multiple signatures.

IFF did not find any evidence of individuals witnessing an abnormally high number of absentee by mail ballots without explanation.

B. Voter Signatures

Even though the county board of elections is required by law to affirm signature matches for all absentee by mail ballots, the county board of elections did not allow IFF access to the public records necessary to affirm the voter signature on file with the board matched signature on the absentee by mail ballot envelope.

C. Failure to Mark and Attest Ballot in Presence of Witnesses

IFF did, however, find that a substantial number of absentee by mail ballots cast in HD103 were not marked and attested as prescribed by statute, thereby making them illegally counted votes. NCGS § 163A-1310 requires people who cast absentee by mail ballots to mark their ballots in the presence of two witnesses or, alternatively, in the presence of a notary public who then

notarizes the document. Below is the text of the Statute governing the procedure for voting by absentee ballots by mail:

163A-1310. Voting absentee ballots and transmitting them to the county board of elections.

(a) Procedure for Voting Absentee Ballots. - In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or G.S. 163A-1317(c), the voter shall do all of the following:

- (1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.
- (2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence.
- (4) Make the application printed on the container-return envelope according to the provisions of G.S. 163A-1307(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163A-1307(b).
- (5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

IFF's hand examination of the absentee by mail ballot envelopes found over 300 absentee by mail ballots cast in NC9 that had discrepancies between the date the voter signed the ballot envelop and one or both of the witnesses or notary signed the envelope. This indicates that the voter failed to comply with N.C.G.S. 163A-1310A requiring that the voter mark his/her ballot in the presence of the witnesses or a notary and sign the certificate. Discrepancies in the dates indicates that the ballot was not marked and attested in the presence of the witnesses. While IFF is focused on NC9, there is reason to believe that if these votes were, in fact, cast illegally, the outcome of NC House District 103 would change. **If these illegal ballots were thrown out, Rep. Bill Brawley would most likely have won re-election, instead of Rachel Hunt.**

Registration of Voter	# Ballots with Date Irregularity	Estimated Percentage of Votes for Democratic Candidate	Estimated Percentage of Votes for Republican Candidate	Estimated Democratic Votes	Estimated GOP Votes
Democratic	133	7.5%	92.5%	123	10
Republican	92	85.0%	15.0%	14	78
Unaffiliated	77	35.0%	65.0%	50	27
Libertarian	3	50.0%	50.0%	1	2
				188	117
Estimated Brawley Vote Gain: 71					

Even more disturbing, in the course of IFF's work, they obtained a State Board of Elections memo (see below) that appears to direct county boards of elections to disregard state law on absentee by mail ballot witnesses and to count votes that were illegally cast outside of the presence of two witnesses or a notary. IFF was told by the Mecklenburg County Board of Elections that the training conducted by the State Board of Elections was even more explicit that date discrepancies were to be disregarded. This throws every close election across the State into question, as illegally cast absentee by mail ballots that were not properly marked and witnessed in the presence of the witnesses should be thrown out, instead of counted.



NORTH CAROLINA
State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173

KIM WESTBROOK STRACH
Executive Director

NUMBERED MEMO 2018-04

TO: County Boards of Elections
FROM: Kim Westbrook Strach, Executive Director
RE: Absentee Witness Certification and 2016 Election Records Retention
DATE: April 20, 2018

Absentee Witness Certification

The Agency revised its Absentee Application and Certificate Form in response to feedback and investigation activities following the 2016 general election cycle. The Form now provides clearer notice of applicable legal requirements. Among other things, the Witnesses' Certification section now permits each witness to provide the date on which he or she affixed a signature—an opportunity already provided to voters.

County boards have inquired what procedures are appropriate if they identify a discrepancy between the date of the Voter's Certification and the date of the Witnesses' Certification. Under statute, county boards are required to meet and consider all Absentee Applications and Certificates, rejecting an Application if it is facially defective or if the voter has been successfully challenged. Board members are encouraged to consider that date fields are not required by statute, that each witness has certified that the "Voter marked the enclosed ballot in my presence," and that it is possible a witness may have simply written the wrong date. Agency investigators request that Forms displaying date discrepancies be uploaded to <https://goo.gl/forms/muFT2Y79XTebK01d2>.

2016 General Election Records Retention

Due to a series of ongoing investigations, county boards are hereby directed to retain the following records from the 2016 general elections until otherwise instructed:

- Voted ballots (including Election Day, absentee/one-stop, and provisional ballots)
- iVotronic tapes and tabulator tapes
- Provisional voting applications/envelopes
- Absentee ballot applications/envelopes

This directive from the State Board of Elections to County Boards of Elections shows that the Board is encouraging selective enforcement of state laws regarding the procedure for voting absentee ballots, and it casts doubt on whether the State Board of Elections and its staff can credibly and accurately investigate absentee by mail voting in Bladen County or any other County, when it has shown so little regard for following the statute. Although the memo from the State Board of Elections requests county boards upload ballots displaying date discrepancies to a state database, NCVS has been unable to obtain access to any records uploaded to the domain on the letter even though they should be public records.

IV. Affidavits Proving Absentee Ballot Irregularities

A. Ballots Not Marked and Attested in Presence of Witnesses

After finding the over 300 ballots with apparent witnessing irregularities, IFF began the daunting task of obtaining affidavits from voters and witnesses who may have committed, intentionally or unintentionally, criminal voter fraud. Though IFF was attempting to talk to these people over Christmas and New Years when many people are out of town, IFF was able to obtain 11 affidavits from witnesses and voters attesting to various irregularities including voters marking their ballots outside the presence of witnesses, people who were listed as witnesses to ballots that attest they did not witness the ballot, voters who voted by absentee ballot but no longer live at the address where they are registered to vote, and other significant irregularities.

Although they refused to sign affidavits, many voters whose ballots had date discrepancies talked candidly with IFF's canvassers at their doors and admitted that they had not marked their ballots in the presence of the witnesses or notary and that the attestation on the ballot envelope was false. It is understandable why these voters would not sign an affidavit, because it would be an admission of a felony voter violation. IFF observed that very few voters are actually marking their ballot, sealing it, and signing the absentee application and certificate before two witnesses or a notary. This failure to adhere to the statutory requirements for voting by absentee by mail ballots should have invalidated almost all of the 300+ ballots IFF found with date discrepancies in HD103.

One particularly perplexing problem IFF uncovered is 46 absentee by mail ballots cast by residents at the Plantation Estates Retirement community in Matthews, NC within HD103 which had date discrepancies between the voter's marking of the ballot and the witnesses attestation. Stephen Messer, Campus Executive Director initially promised to provide IFF entry to meet any residents who wanted to voluntarily participate in IFF's survey and talk about the absentee ballot process. However, when IFF's team arrived at 9:45 a.m. on Monday, December 31st, Messer refused entry and told IFF that a few residents had said they would "protest and picket" outside the meeting room. We can only speculate that something inappropriate and perhaps illegal has taken place in absentee by mail voting behind the gates at Plantation Estates.

B. Voters Who Have Moved

Another problem uncovered by IFF during its canvassing operation is that numerous absentee by mail ballots were cast by voters who were registered at an address where they no longer live. Affidavits are attached verifying that some voters who cast absentee by mail ballots no longer live at the address where they are registered to vote, although they verified their address on the application for an absentee ballot and voted the ballot as if they currently reside at that address. These ballots should not have been counted by the Mecklenburg Board of Elections, and excluding such illegal ballots in addition to the ones which weren't properly witnessed and attested might have changed the results of the already-certified election in HD103. Because Rachel Hunt only won that election by 68 votes, the absentee ballot irregularities uncovered by IFF would certainly have impacted the outcome.

Additionally, N.C.G.S. 163A-877 requires that county boards of elections conduct periodic list maintenance to detect and purge voters who have moved out of the county. One of the tools they are required to utilize is a confirmation mailing sent to the voters' address listed on their voter registration. The statute specifically requires a confirmation mailing after every Congressional election. If the Mecklenburg County Board of Elections is sending out confirmation mailings, why did IFF uncover voters who voted in this last election by absentee by mail ballots who have not lived at the residence at which they are registered for some time? One of the attached affidavits shows a voter who has not lived at the address at which they are registered for over three years!

IFFNC has also sent a postcard mailing to over 525 voters who registered the same day they voted during the early voting in Mecklenburg County. The state board of elections is required to mail a postcard within two days of the registration to verify the addresses of the voter. We conducted the mailing right before the Christmas holiday and have so far have received 3 postcards back indicating the post office was unable to deliver the mail but the County Board of election has accepted these same-day registrations in House Race 103.

V. Conclusion: A Complete Review of Absentee Ballots Would Expand Harris' Lead; State Board of Elections Part of the Problem

We believe that a complete review of all absentee ballots in CD9 would yield similar results. Because the Democratic candidate won absentee by mail ballots so dramatically – likely as a result of the legally questionable electioneering activity on behalf of Democratic candidates by the dark money group the “Voter Education Center” – the disqualification of illegal ballots would certainly expand the lead of the Republican candidate.

NCVC (utilizing the research of its sister organization, the IFF) undertook this investigation in Mecklenburg County, because the State Board of Elections has failed to investigate the irregularly high number of absentee ballots that were cast in that part of NC9 located in Mecklenburg County. What we have learned only increases our distrust of the integrity and professionalism of the State Board of Elections and its ability to oversee fair elections. When the Board has engaged in selective enforcement of elections laws and has directed county boards of elections to disregard the law that governs proper marking and witnessing of absentee by mail ballots, how can it be trusted to ascertain the truth in its investigation into

Bladen County absentee by mail ballots? The State Board of Elections' investigation of NC9 has been politicized to the point that the public no longer believes it can reach a just result. Mark Harris won the popular vote in NC9, and his election should be certified. Once the outcome of NC9 is certified, some other body—a court, the U.S. Justice Department, or the General Assembly—should conduct a thorough investigation (in all counties) not only of absentee by mail voting irregularities but also of the State Board of Elections itself and its malfeasance.