



March 12, 2019

Kim Westbrook Strach  
Executive Director  
North Carolina Board of Elections  
Post Office Box 27255  
Raleigh, NC 27611

Re: Your correspondence of March 9, 2019  
Robeson and Bladen Counties

Dear Ms. Strach,

The North Carolina Republican Party is in receipt of your letter dated March 8, 2019 and sent at the direction of the members of the North Carolina State Board of Elections regarding our (NCGOP) nominees to the Bladen County Board of Elections. (attached for reference)

We are surprised and somewhat mystified as to the contents of your letter. It seems to call into question the integrity and moral character of our nominees to the Bladen County Board of Elections, with no reason as to why.

Beginning on March 4, 2019, it was our understanding that the State Board and its staff would conduct a thorough hearing into the problems in Bladen and Robeson counties, which would focus on two separate and distinct issues: The primary inquiry being did any voting irregularities occur in Bladen and Robeson counties, and did those irregularities occur to such a degree that the outcome of the race, as expressed by the voters on election day, was in doubt. The secondary inquiry being should NCSBE make referrals for criminal prosecution as to those individuals responsible for any intentional violations of the law.

Instead, the hearing was cut short due to Dr. Harris' stipulation that he would support a new election in the 9<sup>th</sup> Congressional District. This is an understandable political position of a candidate with compromised health; however, it is one that is not ultimately his decision. This was not Dan McCready's election, and it was not Mark Harris' election. This election belonged to the voters. The manner in which the hearing was conducted and concluded made the voters a footnote and an afterthought.

We must state for the record that we believe the hearing fell far short of the needs and expectations of the citizens of North Carolina, specifically the 283,000 citizens who cast legal votes in the 2018 9<sup>th</sup> District Congressional election. Those citizens witnessed the agency disregard the text of the law as administered for decades, the long-standing tradition in North Carolina, and virtually every elections administration principal that is known in the United States. Irregularities in elections must call the outcome of the race into question to justify new elections. The agency's actions in this matter have dramatically lowered the standard for throwing out legal votes and redoing elections.

Why should any voter have faith in elections when their legal votes are so easily wiped away? If elections don't mean anything, why do we have them?

The agency is well aware that a July or September off-year special election will only see the participation of a fraction of the original voters. This will result in several hundred thousand voters being disenfranchised due to no fault of their own. It does not seem like the Board even tried to make a good faith effort to save their votes.

Make no mistake, the hearing was a political hearing and not a legal proceeding by a compliance agency attempting to resolve disputed vote totals. This hearing should have been conducted so as to serve the dual public policy role of attempting to save every eligible vote while eliminating every ineligible vote. This methodology was adopted by NCSBE as recently as 2016, at the urging of the same law firm that represented Mr. McCready during the recent hearing.

Simply removing County Board members because it is expedient only serves to remove any institutional memory of the County Board of Elections Office. This action would appear to merely paint over the problem without providing any meaningful solution or guidance for future action. County Board's of Election are bi-partisan to provide meaningful oversight of the County Director and staff in those counties, and to instill confidence in the voting public that trusted people of their party are keeping watch on the staff and one another.

It is particularly concerning that you have suggested we replace our nominees to the County Board of Elections without providing me any reason to do so. As you are aware, the Director of Elections for Bladen County, prior to her retirement, exercised a month's worth of leave and vacation time during the midst of this investigation, and the Deputy Director has declined to accept an appointment to that position. Sweeping the office of everyone with any experience on how to run an election, with knowledge as to what issues need to be addressed, and foresight as to what warning signs to look for is a recipe for allowing outside parties to compromise the election process.

To be clear, if any of my nominees are implicated in any wrongdoing that occurred in Bladen County, we will be the first to call for their resignation and replacement. As you recall, the North Carolina Republican Party recently supported efforts to remove a local GOP BOE member for questionable actions, and we will not hesitate to do so again if warranted. The North Carolina Republican Party takes its responsibility to the voters extremely seriously. I have seen nothing, however, from the State Board of Elections or the State Board of Elections staff, nor have I heard anything at the hearing which would lead me to believe that my nominees are anything other than upstanding members of their community who have the support and trust of their local citizens.

**If you have any information as to their failure to follow the law please provide it to me expeditiously.** If this is simply an effort to remove from office anyone with any memory of these problems, I see that as a mistake which would contribute to a lack of oversight rather than increase it.

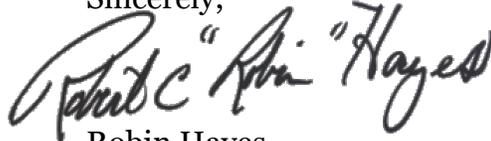
I agree with the motion of one Democratic Board Member of the State Board of Elections, who wanted the State Board of Elections staff to provide a presence in these two counties and assist in elections oversight. I am at a loss as to why the Chairman of the State Board of Elections did not allow that motion to be heard, as it provides an additional layer of security and trust for the citizens of North Carolina in their elections process.

In conclusion, I support our nominees for the Bladen and Robeson County Boards of Election and call upon you and your office to provide meaningful answers to the questions detailed above. We have had a systematic failure at the State Board level to effectively conclude its investigations in a timely manner and to provide the citizens of this State with the answers they deserve. It is time for the State Board of Elections to provide leadership and answers rather than sweep this problem under the rug.

We will be communicating our ideas to the General Assembly on how to improve these systematic failures going back many years. Clearly, this is a multi-layered issue that needs long term solutions. We do not believe that making our Bladen BOE nominees sacrificial lambs achieves anything. Our nominees remain unchanged.

We thank you and your staff for your service to the State, and hope someday to have restored confidence in the State Board of Elections.

Sincerely,

A handwritten signature in black ink that reads "Robin Hayes". The signature is written in a cursive style with a large, stylized initial "R".

Robin Hayes  
Chairman

North Carolina Republican Party



# NORTH CAROLINA STATE BOARD OF ELECTIONS

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VIA EMAIL

Mr. Wayne Goodwin  
Chair, State Democratic Party

Mr. Robin Hayes  
Chair, State Republican Party

March 8, 2019

Re: Recommendations for appointment to the Bladen County Board of Elections under N.C.G.S. § 163-30 (fmr. G.S. § 163A-766(a))

Dear Chairmen Goodwin and Hayes,

Thank you for all your efforts these past few months to recommend nominees for North Carolina's one hundred county boards of elections. Based on your recommendations, the North Carolina State Board of Elections has appointed members to ninety-eight county boards.

The State Board of Elections voted unanimously at its March 4, 2019 meeting to instruct Executive Director Strach to transmit correspondence to you confirming whether the parties' nominations for the Bladen County Board of Elections remain current given the evidence presented at its hearing into Congressional District 9 in February. This letter is intended to address outstanding concerns regarding these nominations.

The Chair of each political party has the right to recommend registered voters for appointment to the county boards of elections pursuant to N.C.G.S. § 163-30 (fmr. G.S. § 163A-766(a)). However, as you know, the State Board of Elections has the duty and responsibility to ensure that all appointees are qualified persons of good moral character. The county boards of elections exercise significant powers with regards to election administration and play an important role in maintaining public trust in our system.

The agency has significant concerns about reappointing board members who presided over operations of the Bladen County Board of Elections when these issues arose. In order to restore public trust in Bladen County's elections, we believe it is time for new leadership. We appreciate your continued partnership in these efforts to ensure that Bladen County can conduct fair and accurate elections.

We ask that you please review your prior recommendations for the Bladen County Board of Elections and confirm to us by close of business on March 12, 2019 whether you intend to provide substitute nominations.

Thank you. As always, we look forward to working with you and your staff in the coming weeks to finalize all recommendations and appointments.

Sincerely,

A handwritten signature in blue ink that reads "Kim Westbrook Strach". The signature is written in a cursive, flowing style.

Kim Westbrook Strach  
Executive Director