

NORTH CAROLINA COURT OF APPEALS

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JEFFERSON GRIFFIN	)	
	)	
v.	)	<u>From Wake County</u>
	)	
NORTH CAROLINA STATE BOARD	)	
OF ELECTIONS	)	

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STATE BOARD'S RESPONSE IN OPPOSITION TO THE PETITION FOR WRIT OF MANDAMUS

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TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

The North Carolina State Board of Elections respectfully submits this response in opposition to the Honorable Jefferson Griffin's petition for a writ of mandamus. For the reasons below, this Court should deny the petition.

**INTRODUCTION**

Judge Griffin seeks expedited consideration of his election protests challenging the 2024 General Election for an associate justice seat on the Supreme Court of North Carolina. The State Board has expedited consideration of those protests by exercising jurisdiction over three

categories of Judge Griffin's protests prior to determination by the county boards. The State Board will hold a hearing to consider those protests tomorrow, Wednesday, December 11, 2024. Judge Griffin asks this Court to order the State Board to rule on his protests today, Tuesday, December 10. This Court should deny his request.

Judge Griffin's petition is procedurally improper. Judge Griffin directed a similar petition to the Superior Court for Wake County. That court denied the petition. But rather than appeal that decision, Judge Griffin filed the same petition in this Court in the first instance. The Appellate Rules do not allow that. A petition for a writ of mandamus must be filed in the court from which an appeal of final judgment lies. Here, that is Wake County Superior Court, not this Court. The proper course would have been for Judge Griffin to have appealed the Wake County Superior Court's denial of his petition.

In any event, Judge Griffin is not entitled to a writ of mandamus. The State Board has no clear legal duty to decide Judge Griffin's protests on his preferred schedule. Judge Griffin's counsel conceded as much to the Superior Court, explaining that no statute or rule supports this petition. Moreover, because the State Board would violate the Open Meetings Act if it decided the protests today, Judge Griffin has no clear right to his requested relief.

Nor has Judge Griffin established that the State Board is failing to expeditiously resolve his protests. In fact, the State Board has already hastened resolution of this contest and is moving expeditiously to bring it to conclusion. Judge Griffin has shown no good reason for this Court to take the extraordinary and procedurally inapt measures he requests, all to decide an election protest a single day earlier than planned.

### **BACKGROUND**

#### **A. The State Board may exercise jurisdiction over protests filed with the county boards.**

The conduct of elections in North Carolina can be challenged by filing a complaint with a county board of elections referred to as a “protest.” N.C. Gen. Stat. §§ 163-182(4), -182.9(a). Election protest procedures are governed exclusively by statute and administrative rule. *See generally* N.C. Gen. Stat. § 163-182 *et seq.*, and 08 N.C. Admin. Code § 02 .0110, *et seq.*

After a protest is filed, the county board must conduct a “preliminary consideration.” N.C. Gen. Stat. § 163-182.10(a)(1); 08 N.C. Admin. Code § 02 .0110. At the preliminary consideration stage, the county board determines whether the protest was properly filed and establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred. If so, the protest advances to an evidentiary hearing; if not, it is

dismissed. *See* N.C. Gen. Stat. § 163-182.10(a)(1); 08 N.C. Admin. Code § 02 .0110.

Although the State Board usually reviews protests decisions by county boards on appeal, it also has authority to “intervene and take jurisdiction over protests pending before a county board” and decide protests in the first instance, as it has done here. N.C. Gen. Stat. § 163-182.12.

No certificate of election<sup>1</sup> may be issued to any apparent winner where an election protest in the contest is pending with the county board or State Board. *See id.* § 163-182.15; Cox Aff. ¶ 29 (Attachment). Most State Board decisions regarding protests, including protests challenging judicial races, are appealable to Wake County Superior Court. N.C. Gen. Stat. § 163-182.14.

**B. After the canvass, Judge Griffin files hundreds of protests.**

Judge Griffin was a candidate for associate justice of the Supreme Court of North Carolina in the 2024 General Election. Cox Aff. ¶ 4. After the county boards completed their canvass, Judge Griffin trailed his opponent by more than 700 votes. On November 19, the last day to submit protests, Judge Griffin filed around 300 election protests in nearly every county and

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<sup>1</sup> The certificate of election is the document that legally confers upon the candidate the right to assume elective office. N.C. Gen. Stat. § 163-182(2).

grounded in six separate issues. *Id.*, ¶¶ 4, 5.<sup>2</sup> Judge Griffin requested that he be allowed to present oral argument to the county boards on these protests at. *Id.*, ¶ 7.<sup>3</sup> Three state legislative candidates also filed protests in their respective counties based on the same issues Judge Griffin raised. *Id.*, ¶ 6.<sup>4</sup>

The day after Petitioner filed his protests, on November 20, 2024, the State Board held an emergency meeting at which it voted unanimously to exercise its authority under section 163-182.12 and take jurisdiction over three of the six categories of protests filed by Judge Griffin and the three General Assembly candidates. *Id.*, ¶ 8.<sup>5</sup> This meant that the State Board would consider these protests in the first instance, and the Board's decision could be immediately appealed to superior court, without requiring the typical intermediate administrative appeal, thus reducing the time it would take to

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<sup>2</sup> N.C. State Bd. of Elections Website, 2024 Election Protests; Griffin, available at <https://dl.ncsbe.gov/?prefix=Legal/Nov%202024%20Protests/Griffin/> (last visited Dec. 7, 2024).

<sup>3</sup> N.C. State Bd. of Elections Website, Griffin Protest Cover Letter, available at <https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Nov%202024%20Protests/Griffin/Griffin%20Protest%20Cover%20Letter.pdf> (last visited Dec. 7, 2024).

<sup>4</sup> N.C. State Bd. of Elections Website, 2024 Election Protests, available at <https://dl.ncsbe.gov/?prefix=Legal/Nov%202024%20Protests/> (last visited Dec. 7, 2024).

<sup>5</sup> N.C. State Bd. of Elections Website, Recording of Nov. 20, 2024 Bd. Mtg., available at <https://s3.amazonaws.com/dl.ncsbe.gov/State Board Meeting Docs/2024-11-20/State%20Board%20of%20Elections%20Meeting20241120.mp4>. (last visited Dec. 7, 2024).

reach a final resolution. *Id.*, ¶ 12.

The three protest categories the State Board will decide are as follows:

- a. Ballots cast by overseas citizens who have not resided in North Carolina but whose parents or legal guardians were eligible North Carolina voters before leaving the United States;
- b. Ballots cast by military or overseas citizens under Article 21A of Chapter 163, when those ballots were not accompanied by a photocopy of a photo ID or ID Exception Form; and
- c. Ballots cast by registered voters whose voter registration database records contain neither a driver's license number nor the last-four digits of a social security number.

*See* Mand. Pet. App. 1. These three categories present legal questions of statewide significance, while the remaining three focus on individual, fact-specific determinations of voter eligibility. Cox Aff. ¶ 8. As such, the State Board directed the county boards to retain jurisdiction over the remaining three categories, allowing those protests to proceed on the typical election protest track. *Id.* Currently, those protests are at various stages in the election protest process, with some still pending with, and yet to be finally decided by, the county boards. *See id.*, ¶ 13.

Because of the complexity of the three issues over which the State

Board took jurisdiction, and upon the suggestion of a Board member<sup>6</sup>, the Board directed the protestors to file legal briefs by Wednesday, November 27, 2024, and directed their respective opponents to file responses by December 6, 2024. *Id.*, ¶ 9. No party objected to the briefing schedule the State Board ordered on November 20, 2024. *Id.* Judge Griffin filed his brief on November 27, 2024, and his opponent filed her response on December 6, 2024. *Id.*, ¶ 26.

On the same day Judge Griffin filed his election protests, he requested a recount. *Id.*, ¶ 17; *see also* N.C. Gen. Stat. § 163-182.7. The recount required all 100 county boards to scan all 5.7 million ballots cast statewide back through voting tabulation machines. Cox Aff. ¶ 17; *see also* NCAC § 09 .0107. The machine recount was finalized on December 3, 2024, and did not change the election's outcome. Cox Aff. ¶ 21. Judge Griffin next requested a sample hand-to-eye recount. *Id.* That recount is currently underway, and it is anticipated that all counties will complete their recounts by December 10, 2024. *Id.*, ¶ 23. If the changes in the vote totals among the recounted ballots,

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<sup>6</sup> See N.C. State Bd. of Elections Website, Recording of Nov. 20, 2024 Bd. Mtg. at minutes 9:30 to 13:33., available at [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2024-11-20/State%20Board%20of%20Elections%20Meeting-20241120.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-11-20/State%20Board%20of%20Elections%20Meeting-20241120.mp4). (last visited Dec. 7, 2024).

when extrapolated to the entire electorate, would result in a change to the apparent winner of the contest, Judge Griffin may request that the county boards conduct a hand-to-eye recount of all 5.7 million ballots cast in the contest. *Id.*, ¶ 24; *see also* N.C. Gen. Stat. § 163-182.7A(a); 08 NCAC § 09 .0110. This would take weeks to complete. Cox Aff. ¶ 24.

**C. The State Board schedules a hearing to consider the protests over which it took jurisdiction.**

On December 2, 2024, nearly two weeks after the State Board set a briefing schedule, and four days prior to the close of that briefing, Judge Griffin filed a motion to expedite the State Board's final decision, requesting that the decision issue on Monday, December 9, 2024, the business day after briefing closed. *See* Mand. Pet. App. 38-42.

Three days later, State Board General Counsel Paul Cox notified all parties to the protests before the Board that the Board would call a meeting on Wednesday, December 11, 2024, at 12:30 pm, at which the Board would consider the pending protests. Cox Aff. ¶ 16; Mand. Pet. App. 43. At the same time, Mr. Cox informed the parties that, as they had initially requested when first filing their protests, they would all be allowed to present oral argument before the Board at the December 11 meeting. Cox Aff. ¶ 16. The next day, Judge Griffin's counsel informed Mr. Cox for the first time that Judge Griffin wished



to waive oral argument. *See* Mand. Pet. App. 43.

Because the State Board is a public body subject to North Carolina's Open Meetings Act, the Board can only act in a public meeting, attended by a quorum of members, and publicly noticed at least 48 hours in advance. Cox Aff. ¶ 15; N.C. Gen. Stat. §§ 143-318.10(a),(d), 143-318.12(b)(2). The Board cannot rule on requests without scheduling and properly noticing a meeting. Cox Aff. ¶ 15; *see* N.C. Gen. Stat. §§ 143-318.12(a)-(b). Typically, when the State Board considers election protests, usually in an appellate posture, it schedules a meeting with sufficient time for the parties and staff to prepare the Board for consideration of the issues. Cox Aff. ¶ 15. The Board considers the matter in an open meeting and then staff work with the members to memorialize the decision in a written order over the course of a few days following the meeting. *Id.* Consistent with the Open Meetings Act, the State Board noticed the December 11 meeting on Sunday, December 8.<sup>7</sup>

**D. Judge Griffin files petitions for a writ of mandamus, and the Superior Court denies his petition.**

Last Friday, Judge Griffin filed a petition in Wake County Superior

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<sup>7</sup> *See* Notice of Meeting, N.C. State Bd. of Elections (Dec. 8, 2024), <https://www.ncsbe.gov/news/press-releases/2024/12/08/state-board-meeting-dec-11-2024>.

Court seeking a writ of mandamus compelling the State Board to resolve the three categories of protests he has pending before it by 5 p.m. on Tuesday, December 10. He filed a similar petition in this Court that same day.

The Superior Court denied the petition following a hearing. Notice, Attach. at 2. The court found that the State Board was “following the legislatively required process” for resolving the protests and that Judge Griffin had made “no allegations to the contrary.” *Id.* at 1. Thus, it concluded that Judge Griffin “has no legal right to have” the Board act “by a certain time arbitrarily set by him.” *Id.* at 2. Judge Griffin has not appealed this decision.

Yesterday afternoon, Judge Griffin filed a “notice of adverse ruling by trial court” that informed this Court of the Superior Court’s decision denying his petition. Notice at 1. Judge Griffin also “renew[ed] his request for immediate relief from this Court.” *Id.* at 2.

## **REASONS WHY THE WRIT SHOULD NOT ISSUE**

### **I. The Petition Is Procedurally Improper.**

This Court lacks original jurisdiction to rule on a petition for a writ of mandamus of this kind in the first instance. Our Constitution allows this Court only to issue such “writs [as are] necessary to give it general supervision and control over the proceedings of the other courts.” N.C.

Const. art. IV, § 12(1). A writ of mandamus sought for another purpose must be brought to superior courts, which have “original general jurisdiction throughout the State.” *Id.* § 12(3). Similarly, N.C. Gen. Stat. § 7A-32(b) grants this Court authority to issue writs of mandamus only “in aid of its own jurisdiction or in exercise of its general power to supervise and control [judicial] proceedings.”

Because this Court does not have original jurisdiction over this matter, Judge Griffin seeks review under Appellate Rule 22. Mand. Pet. 1, 7. But this, too, is procedurally improper. Rule 22 directs that petitions for writs of mandamus be filed with the court to which one would appeal a decision from the respondent. N.C. R. App. P. 22(a). The State Board’s decisions on election protests are appealable to the Superior Court for Wake County, not this Court. N.C. Gen. Stat. § 163-182.14. Thus, this petition could not have been originally filed with this Court. Instead, Judge Griffin needed to appeal the Superior Court’s December 9, 2024, decision denying his petition. He failed to do so, choosing instead to renew his procedurally improper petition in this Court. Notice at 2.

Nor does Rule 2 authorize this Court to grant the petition. “Rule 2 relates to the residual power of our appellate courts to consider, *in*

*exceptional circumstances*, significant issues of importance in the public interest or to prevent injustice which appears manifest to the Court and only in such instances.” *State v. Campbell*, 369, N.C. 599, 603, 600, 602 (2017) (citation omitted). North Carolina appellate courts’ power to suspend the Appellate Rules “is to be invoked . . . only on ‘rare occasions.’” *Reep v. Beck*, 360 N.C. 34, 38, 619 S.E.2d 497, 500 (2005) (quoting *Blumenthal v. Lynch*, 315 N.C. 571, 578, 340 S.E.2d 358, 362 (1986)). “A jurisdictional default . . . precludes the appellate court from acting in any manner other than to dismiss the appeal.” *Dogwood Dev. & Mgmt. Co., LLC v. White Oak Transp. Co.*, 362 N.C. 191, 197, 657 S.E.2d 361, 365 (2008).

Thus, “in the absence of jurisdiction, the appellate courts lack authority to consider whether the circumstances of a purported appeal justify application of Rule 2.” *Dogwood*, 362 N.C. at 198, 657 S.E.2d at 365. Lacking proper jurisdiction, this Court may not consider whether this matter poses the sort of “exceptional circumstances” that justify invoking Rule 2.

As such, Judge Griffin’s reliance on *Harper v. Hall*, 379 N.C. 656, 865 S.E.2d 301 (2021) is misplaced. In *Harper*, the Supreme Court ordered a *trial court* to issue a written ruling regarding the constitutionality of electoral maps. 379 N.C. at 658, 865 S.E.2d at 303. Because our state Constitution gives

the Supreme Court the power to issue “writs [as are] necessary to give it general supervision and control over the proceedings of the other courts,” N.C. Const. art. IV, § 12(1), the Supreme Court had jurisdiction to require the lower court to enter its order by a specific date. But Judge Griffins asks this Court to expedite a decision of the State Board of Elections—a government agency, appeals of which are directed to superior court, not this Court. This Court has no jurisdiction over such a petition nor is there precedent for an appellate court to invoke Rule 2 to expedite a decision on an election protest.

## **II. Judge Griffin Is Not Entitled to a Writ of Mandamus.**

“A writ of mandamus is an extraordinary court order to ‘a board, corporation, inferior court, officer or person commanding the performance of a specified official duty imposed by law.’” *In re T.H.T.*, 362 N.C. 446, 453, 665 S.E.2d 54 (2008) (quoting *Sutton v. Figgatt*, 280 N.C. 89, 93, 185 S.E.2d 97 (1971)). To obtain mandamus relief, a petitioner must show: (1) a clear right to the act requested, (2) that the respondent had a clear duty to perform the act but refused or neglected to do so, and (3) the absence of other adequate remedies. *See id.* at 453-54, 665 S.E.2d at 59 (collecting cases); *Morningstar Marinas v. Warren County*, 233 N.C. App. 23, 27, 755 S.E.2d. 75, 78 (2014). Judge Griffin cannot make that showing.

**A. The State Board has no legal duty to decide Judge Griffin's protest on his preferred schedule, and Judge Griffin has not established a clear right to that relief.**

Mandamus is proper only when the respondent has "a legal duty to perform the act requested." *In re T.H.T.*, 362 N.C. at 453, 665 S.E. 2d at 59. That legal duty "must be clear and not reasonably debatable." *Id.* at 453-54, 665 S.E.2d at 59. And the requested act "must be ministerial," not discretionary. *Id.* When the respondent is duty-bound to exercise his or her discretion, a writ of mandamus can "compel[] the official to make a discretionary decision," but the court cannot "require a particular result." *Id.*

Here, Judge Griffin has not identified any "clear," undebatable legal duty the State Board has to resolve his protests on a particular timeline. In Superior Court, his counsel conceded that no rule or statute dictates that the State Board resolve an election protest on a party's proposed schedule. *See* Notice, Attach. at 1 ("The Board appears to be following the legislative required process and there are no allegations to the contrary.").

In his notice, Judge Griffin argues for the first time that no rules governing the time for deciding protests exist because the State Board defied a statutory mandate to issue such rules. Notice at 1-2. Judge Griffin waived

this argument by failing to make it until now. He is also mistaken that such a mandate exists.

Judge Griffin argues that N.C. Gen. Stat. § 163-127.4(e) requires the State Board to adopt rules regarding the timing of election protests.<sup>8</sup> But that statute appears in Article 11B, which governs challenges to candidates' qualifications, not election protests. *See generally* N.C. Gen. Stat. § 163-127.1, *et. seq.* Election protests are governed by a separate article, Article 15A. *See generally id.* § 163-182, *et seq.* Thus, Judge Griffin is incorrect that section 163-127.4(e) required the State Board to promulgate rules governing the timing of the Board's resolution of election protests.

The statute governing election protests, meanwhile, requires the State Board to promulgate rules concerning *county boards'* resolution of election protests. N.C. Gen. Stat. § 163-182.10(e). The State Board has promulgated those rules. *See* 08 N.C. Admin. Code § 02. 0110 *et seq.* But the General Assembly notably did not direct the State Board to issue rules governing the

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<sup>8</sup> Shortly before the Board's response was due to this Court, Judge Griffin served an amended notice correcting this citation to N.C. Gen. Stat. § 163-182.10(e). But the new citation changes little. As explained above, section 163-182.10(e) requires the Board to promulgate rules for *county boards'*, not the State Board's, resolution of election protests. And the State Board has promulgated those rules. 08 N.C. Admin. Code § 02. 0110 *et seq.*

timing of the State Board's own resolution of election protests, even though it knew how to do so. N.C. Gen. Stat. §§ 163-182.11, 163-182.12. Judge Griffin has therefore failed to identify any clear legal duty of the State Board to resolve his election protests on his schedule.

Even if Judge Griffin identified a clear legal duty, moreover, he has not established that he has a clear right to the relief he seeks. Judge Griffin asks for an order compelling the State Board to decide three categories of protests by day's end. But that relief would cause the Board to violate state law.

The State Board is a public body subject to North Carolina's Open Meetings Act. Cox. Aff. ¶ 15; *see also* N.C. Gen. Stat. § 143-318.10(b). Thus, the Board can only act in a public meeting, attended by a quorum of the Board, and publicly noticed at least 48 hours in advance. N.C. Gen. Stat. §§ 143-318.10(a), (d), 143-318.12(b)(2). Judge Griffin would either have the State Board resolve his protests without a meeting or hold a meeting that the State Board has not yet noticed. Either option violates the Open Meetings Act.

No legal duty compels the State Board to resolve the protests at issue on Judge Griffin's timeline, and in fact, the requested relief would violate the Board's statutory obligations. This Court should therefore deny his petition.



**B. Judge Griffin cannot establish that the State Board has failed to act.**

Mandamus is only appropriate when the petition establishes that the official has “neglected or refused to perform the requested act.” *In re T.H.T.*, 362 N.C. at 454, 665 S.E.2d at 59. Because the State Board has expeditiously considered Judge Griffin’s protests, he is not entitled to mandamus.

Election protests are accelerated proceedings by design. But the State Board has taken further steps to expedite consideration of these protests. *Cox. Aff.* ¶¶ 12-13. For example, the State Board exercised its authority under N.C. Gen. Stat. § 163-182.12 to take jurisdiction of the protests at issue on November 20, nearly two weeks before Petitioner moved for expedited consideration. *Id.*, ¶ 8. By taking jurisdiction, the State Board removed a significant procedural step, thereby expediting ultimate resolution of those protests. *Id.*, ¶ 12. The State Board will consider these protests in the first instance, and its decision on those protests may be immediately appealed to this Court, without requiring an intermediate administrative appeal. *Id.* Because it was proactive, the State Board will take up these issues on December 11, just one day after Judge Griffin’s requested deadline. *Id.*, ¶ 16.

The State Board’s process appropriately balances the need for speedy resolution with the need for careful consideration of the complex legal issues

involved in the protests by permitting the parties to submit briefs and present argument. This structure, providing the parties additional briefing and oral presentation to the Board, is justified by the complexity of the issues raised by Judge Griffin. *Id.*, ¶¶ 9, 29.

And, considering its immense workload, the State Board has acted diligently. In addition to helping resolve the protests at issue here, State Board staff has been advising and developing materials to assist the county boards in adjudicating the more than 100 remaining protests Judge Griffin has pending before the county boards, as well as the protests filed by other candidates; analyzing and issuing recommendations on protests for which the State Board serves in an appellate capacity; and providing assistance regarding the recounts requested by, among others, Judge Griffin. *Id.*, ¶¶ 6, 10, 13, 18-24, 27.

**C. Judge Griffin's remaining arguments are unpersuasive.**

Judge Griffin makes two additional arguments for mandamus. Neither is persuasive.

First, he suggests that because the United States Supreme Court issued an opinion in the Florida recount dispute during the 2000 United States presidential election on December 12, the State Board should more quickly

resolve his protests. But Judge Griffin overlooks that the Supreme Court issued its decision on December 12 because the Electoral Count Act required Florida to appoint its electors six days in advance of the meeting of the electors on December 18. *Bush v. Gore*, 531 U.S. 98, 110-11 (2000) (citing 3 U.S.C. § 5). Judge Griffin's election, however, is not subject to that federal statute, and there is no equivalent provision in our laws.

Second, Judge Griffin insists that the delay in certifying a winner undermines "the public's trust in the electoral process." Mand. Pet. 1, 7. But granting Judge Griffin's petition would not provide finality here. No certificate of election can issue in a contest until *all* recounts and protests in that contest are resolved. N.C. Gen. Stat. § 163-182.15. Judge Griffin has several other protests pending, including some before the county boards. *Id.* His requested sample hand-to-eye recount is still pending, too. *Id.* And if he is entitled to and requests a full hand-to-eye recount, that process could take several more weeks to complete. *Id.*, ¶ 24. Thus, the State Board's decision on the protests at issue in this petition will not result in the immediate issuance of a certificate of election for the contested race. *Id.*, ¶ 29.

## CONCLUSION

For the foregoing reasons, this Court should deny Judge Griffin's petition for a writ of mandamus.

Electronically submitted this the 10th day of December, 2024.

Electronically Submitted

South A. Moore  
Deputy General Counsel  
N.C. State Bar No. 55175  
[smoore@ncdoj.gov](mailto:smoore@ncdoj.gov)

N.C. R. App. P. 33(b) Certification:  
I certify that the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

Mary Carla Babb  
Special Deputy Attorney General  
N.C. State Bar No. 25713  
[mcbabb@ncdoj.gov](mailto:mcbabb@ncdoj.gov)

Terence Steed  
Special Deputy Attorney General  
N.C. State Bar No. 52809  
[tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)

North Carolina Department of Justice  
Post Office Box 629  
Raleigh, North Carolina 27602  
Telephone: (919) 716-6373  
Facsimile: (919) 716-6050

*Counsel for the State Board of Elections*

**CERTIFICATE OF SERVICE**

I certify that I served this Response in Opposition to the Petition for a Writ of Mandamus on the Petitioner by email addressed to his Attorneys of Record as follows:

Troy Shelton  
[tshelton@dowlingfirm.com](mailto:tshelton@dowlingfirm.com)  
Craig D. Schauer  
[cschauer@dowlingfirm.com](mailto:cschauer@dowlingfirm.com)  
W. Michael Dowling  
[mike@dowlingfirm.com](mailto:mike@dowlingfirm.com)  
Dowling PLLC  
3801 Lake Boone Trail  
Suite 260  
Raleigh, NC 27607

*Counsel for the Hon. Jefferson Griffin*

Ray Bennett  
[Ray.Bennett@wbd-us.com](mailto:Ray.Bennett@wbd-us.com)  
Samuel Hartzell  
[Sam.Hartzell@wbd-us.com](mailto:Sam.Hartzell@wbd-us.com)  
Womble Bond Dickinson  
555 Fayetteville Street  
Suite 1100  
Raleigh, NC 27601

*Counsel for the Hon. Allison Riggs*

This the 10th day of December, 2024.

Electronically Submitted  
South A. Moore  
Deputy General Counsel

# **ATTACHMENT**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
24CV039050-910

JEFFERSON GRIFFIN,

Petitioner,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS,

Respondent.

**AFFIDAVIT OF  
PAUL COX**

I, Paul Cox, swear under penalty of perjury, that the following information is true to the best of my knowledge and state as follows:

1. I am General Counsel for the North Carolina State Board of Elections (“State Board”). I have served as legal counsel for the State Board since September 2021.
2. In my role, I have knowledge about the election protest process and have access to the State Board’s records related to election protests, including the protests at issue in this case, the State Board’s correspondence with the parties, and the steps the State Board is taking to expeditiously administer post-election proceedings regarding the November 5, 2024 election.
3. Following a general election, all county boards of elections engage in a 10-day “canvass” period, when they ascertain the correct vote totals from all voting sites and absentee ballot groups, and adjudicate any provisional ballots, remaining absentee ballots, or challenged ballots. They also conduct audits to ensure the voting equipment recorded votes accurately and that there were no instances of unauthorized ballots being introduced into the vote count. The culmination of the county canvass is the certification of the vote totals for every contest within the county.

4. Upon the conclusion of the canvass of the November 2024 general election by the county boards of elections, the results of the contest for Supreme Court Associate Justice were that Allison Riggs received more votes than Jefferson Griffin. Because the difference in votes between the two candidates was less than 10,000 votes, Griffin was entitled to request a recount under G.S. § 163-182.7. Almost all counties completed their canvass on the tenth day of that period—Friday, November 15, 2024.

5. On Tuesday, November 19, 2024, Griffin filed a series of election protests in nearly all 100 county boards of elections. Some counties received two such protests; others received as many as six.

6. On the same day, three legislative candidates—Ashlee Adams (NC Senate 18), Stacie McGinn (NC Senate 42), and Frank Sossamon (NC House 32)—filed protests that were structured and pleaded in the same fashion as the Griffin protests.

7. In his submissions to the county boards with the protests, Griffin requested to be able to present oral argument during the preliminary consideration of their protests. His counsel stated, “In the interests of fairness and a complete consideration of this matter by this Board, we respectfully request notice and an opportunity to be heard through counsel at any such meeting of the Board under N.C. Gen. Stat § 163-182.10(a)(1).”

8. On Wednesday, November 20, 2024, the State Board held a meeting, noticed on an emergency basis under G.S. § 143-318.12, to consider whether to take jurisdiction over some of the protests that Griffin, Adams, McGinn, and Sossamon filed the day before with the county boards. The State Board has this authority under G.S. § 163-182.12. The Board voted unanimously to take jurisdiction over three of the six categories of protests, which presented legal questions of statewide significance, and instructed the county boards of elections to retain



jurisdiction to consider the remaining three categories of protests, which were more focused on individual, fact-specific determinations of voter eligibility.

9. Because the State Board took jurisdiction before the county boards conducted preliminary considerations of the three categories of protests, the State Board will itself conduct the preliminary consideration in accordance with G.S. § 163-182.10(a)(1) for the protests now under its jurisdiction. Briefing at the preliminary consideration stage is not provided for by statute or rule. Nonetheless, due to the complexity of the legal issues presented in those three categories of protests, the Board voted to direct the protesters to file legal briefs with the State Board by Wednesday, November 27, 2024, and directed the respective opposing candidates to file responsive legal briefs by Friday, December 6, 2024. In light of the impending Thanksgiving holiday, this schedule afforded each party to the protest five business days to draft their briefs. The State Board made clear in the meeting that, following the submission of briefs, the Board would conduct a preliminary consideration meeting on the protests under its jurisdiction.<sup>1</sup> The State Board received no objection from the parties regarding this briefing schedule.

10. State Board legal staff immediately began working on guidance to provide to all county boards on conducting these protests proceedings. Protest proceedings are quasi-judicial. After an election, typically only a handful of protests are filed. Many county boards have relatively new staff and/or board members. Almost no county board staff are attorneys. And while some county board members are attorneys or retired attorneys, many are not and have no legal training. County attorneys who advise these boards also typically lack extensive experience managing an election protest proceeding. Because of this, many county boards sought guidance

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<sup>1</sup> See Minutes 9:30–13:33 at [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2024-11-20/State%20Board%20of%20Elections%20Meeting-20241120.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-11-20/State%20Board%20of%20Elections%20Meeting-20241120.mp4).

from the State Board about how to proceed to consider the protests. State Board staff therefore distributed comprehensive answers to frequently asked questions on November 21, 2024, with an update on November 22, 2024, to assist the county boards in managing these legal proceedings. State Board staff also distributed a template order that could be used in memorializing decisions after an evidentiary hearing on November 25, 2024. Between the day these protests were filed, November 19, 2024, and today's date, State Board staff have been fielding questions regularly from the county boards on the conduct of these complex legal proceedings.

11. Under our statutes and administrative rules,<sup>2</sup> an election protest proceeds as follows:

- a. A county board schedules a “preliminary consideration” meeting within two business days of the filing of the protest.
- b. If the board determines that the protest satisfies the threshold pleading requirements at the preliminary consideration meeting, the board must advance the protest to a hearing to be held within five business days of that meeting. The affected parties must be given notice of the hearing no later than three business days in advance of the hearing.
- c. If the board determines the protest does not satisfy the threshold pleading requirements, the board must dismiss the protest and issue a written decision within two business days of the preliminary consideration meeting.
- d. Whether a protest is decided by dismissal at preliminary consideration or in a post-hearing decision, the county board's decision may be appealed to the State

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<sup>2</sup> See Article 15A of the Chapter 163 of the North Carolina General Statutes, G.S. §§ 163-182, et seq., and Chapter 2 of Title 8 of the North Carolina Administrative Code, 08 NCAC 02.0110, et seq.

Board. Notice of appeal must be given to the county board within 24 hours of the filing of the decision. And the appeal itself must be delivered to the State Board or deposited in the mail within five calendar days of the county board's decision.

- e. There are no statutory or rule-based timelines for the State Board to consider protest appeals, but the State Board typically schedules a meeting as soon as possible to consider such appeals. The State Board will decide the appeal in an open meeting and then issue a written decision.
- f. For contests within the State Board's jurisdiction, the certificate of election is issued to the prevailing candidate 10 days after the final decision of the State Board on the election protest (13 days if the final decision is served on the protestor by mail), unless a stay is issued by superior court.
- g. A State Board decision on an election protest may be appealed to the Superior Court of Wake County. The appeal does not itself prevent the State Board from issuing the certificate of election. Instead, the State Board will issue the certificate absent a ruling from the Superior Court on the protest or the entry of a stay.<sup>3</sup>

12. By taking jurisdiction of the three categories of protests filed by the protesters, the State Board expedited resolution of Griffin's protests by removing a significant procedural step. The State Board will consider these protests in the first instance and the decision the Board reaches on those protests may be immediately appealed to superior court, without requiring an intermediate administrative appeal.

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<sup>3</sup> The certificate of election is the document that legally confers upon the candidate the right to assume elective office. G.S. § 163-182(2); *see also In re Election Protest of Fletcher*, 175 N.C. App. 755, 759, 625 S.E.2d 564, 567 (2006); *In re Protest of Whittacre*, 228 N.C. App. 58, 59, 743 S.E.2d 68, 69 (2013).

13. In the ten business days since the State Board bifurcated these protest decisions (which is eleven business days since the protests were filed), the county boards have been busy conducting preliminary meetings and evidentiary hearings, and most counties have issued final decisions. Some decisions have been appealed. Some decisions have been referred to the State Board for action—this is the appropriate remedy when a county board determines there are some ineligible ballots in the count but cannot determine whether the overall results would change, due to the contest being statewide and there being dozens of similar protests involving the same contest pending in other counties. *See* G.S. § 163-182.10(d)(2)d. Additionally, where some protests were dismissed at preliminary consideration and that was appealed, the State Board is able to adjudicate that appeal on an expedited basis using an administrative review by staff, without requiring a meeting. *See* 08 NCAC 02 .0114(e). State Board staff have already reversed six administrative dismissals and remanded those protests back to those counties for evidentiary hearings.

14. On December 2, 2024, Petitioner filed a motion to expedite the State Board’s final decision, asking the Board to retain the briefing schedule it had already set which would have briefing close at 5 pm on Friday, December 6, 2024, and have the Board issue a final written decision on the protests “no later than” the next business day, Monday, December 9, 2024. In my experience working at the State Board over the course of 13 elections, this is the first time I recall a party to an election protest requesting a decision by a date certain, which is not something provided for in the General Statutes or the Administrative Code. The Board has not had a meeting at which it has had an opportunity to rule on the request to expedite its decision.

15. As a public body, the State Board is subject to North Carolina’s Open Meetings Act. That Act requires Board action to be taken in a public meeting, attended by a quorum of the

Board, and publicly noticed at least 48 hours in advance (unless emergency circumstances warrant shorter notice). The Board cannot rule on requests filed with it without scheduling and properly noticing a meeting. Typically, when the State Board considers election protests, usually in an appellate posture, it schedules a meeting with sufficient time for the parties and staff to prepare the Board for consideration of the issues. The Board considers the matter in an open meeting, receiving oral argument more often than not, and then staff work with the members to memorialize the decision in a written order over the course of a few days following the meeting.

16. On Thursday, December 5, 2024, I notified all parties to the protests via email that the Chair of the State Board planned to call a meeting of the Board for next Wednesday, December 11, at 12:30 pm, in the State Board's office, to consider the pending protests. I added that the parties will be allowed to present oral argument regarding the protests pending before the Board, as the parties requested, and that more details of the meeting would be forthcoming. The responses of counsel, all of which were received on Friday, December 6, 2024, are attached to this affidavit as Exhibit A.

17. On Tuesday, November 19, 2024, the same day that the protests were filed, Griffin also requested a recount of the Supreme Court Justice contest. That was the last day allowed under law to request the recount. G.S. § 163-182.7. Such a recount requires all 100 county boards of elections to scan every ballot cast statewide back through voting tabulation machines—a total of over 5.7 million ballots.

18. On the same day or the day prior, the three protesting legislative candidates requested recounts of their contests. Other recounts were also requested and conducted in other county-jurisdiction contests in Bladen, Cumberland, Nash, New Hanover, Pitt, Rowan, and Wilson counties.

19. In anticipation of the recount requests, the State Board had already been working in advance to provide a comprehensive memo to the county boards of elections on how to properly conduct recounts. That memo was distributed to the county boards four days prior to the actual recount request from Griffin and the protesting legislative candidates. That proactive step afforded the counties additional time to secure the space, resources, and workers necessary to accomplish this significant undertaking.<sup>4</sup>

20. Under provisions of the Administrative Code that the State Board promulgated this summer to expedite the conduct of recounts, the counties were required to begin their recounts within three business days of the receipt of a request for a recount and to provide public notice of the recount at least 48 hours before it is to begin. 08 NCAC 09 .0106(a); 08 NCAC 09 .0107. The State Board collecting schedules for the recounts and publicly posted those schedules,<sup>5</sup> and provided regularly updated results of each county's recount.<sup>6</sup>

21. On Wednesday, November 27, 2024, Griffin requested a secondary, sample hand-to-eye recount. That request was premature, because the counties had not yet completed their recount, and a sample recount may be requested only after the initial machine recount is complete. *See* G.S. § 163-182.7A(a). Nearly all counties had completed their recount, but Wilson County experienced a technical issue that preventing them from reporting their recounted results by voting site, as required to complete the canvass of the contest, and had to redo their recount the following Monday, December 2, 2024. The recounted results were finalized on the morning

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<sup>4</sup> <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2024/Numbered%20Memo%202024-08%20Statewide%20Recount.pdf>.

<sup>5</sup> <https://www.ncsbe.gov/news/press-releases/2024/11/19/county-boards-elections-conduct-statewide-recount-supreme-court-contest>.

<sup>6</sup> <https://www.ncsbe.gov/news/press-releases/2024/11/21/state-board-releases-recount-results-report>.

of Tuesday, December 3, 2024, and resulted in no change to the apparent winner of the contest. At that point, Griffin confirmed that he still requested the sample hand-to-eye recount.

22. In anticipation of a potential sample hand-to-eye recount, State Board staff had already composed a memo to provide comprehensive guidance to the county boards on how to conduct such a recount. That guidance was distributed on December 2, 2024,<sup>7</sup> the day before the sample recount request became effective, to provide the county boards time to prepare for this significant effort.

23. Under our Administrative Code, the county boards were required to begin their recounts no later than two business days after the recount was requested. The rules also require county board member participation in recounts. Because elections board members are part-time appointees, not full-time staff, securing attendance of the requisite board members can be a challenge, especially when those board members otherwise have fulltime jobs. Nonetheless, as of today, almost all counties have finished their sample recount. Two counties are completing their sample recounts and are expected to be finished on Tuesday, December 10, 2024.

24. When these results are finally submitted to the State Board, which is expected to occur sometime Tuesday afternoon, the State Board staff will conduct a calculation to determine whether the differences in the vote totals among the recounted ballots, when extrapolated to the entire electorate, would result in a change to the apparent winner of the contest. If so, the county boards would have to conduct a full hand-to-eye recount of all 5.7 million ballots cast in the contest. Such an effort would take weeks to complete.

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<sup>7</sup> <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2024/Numbered%20Memo%202024-09%20Hand-to-Eye%20Recount.pdf>.

25. On December 4, 2024, following the initial machine recount, Griffin filed a new protest in Randolph County over that county's conduct of the recount. That protest has not yet been resolved, to my knowledge.

26. Petitioner and the other protestors filed their briefs on November 27, 2024, and the opponents their responses on December 6, 2024. Three other interested parties also filed legal briefs in opposition to the protests.<sup>8</sup> Also, during the pendency of the election protests with the State Board, Griffin has filed papers seeking to amend and supplement the protests on multiple occasions—including as recently as 6:22 p.m. on Friday, December 6, 2024, and 5:11 p.m. on Saturday, December 7, 2024.

27. During the eleven business days since Griffin requested the initial recount, the State and county boards have been diligent in completing these two statewide recounts and some other local recounts, while at the same time managing dozens of protests, from Griffin and other candidates.

28. Also during this time, the State Board met on Tuesday, November 26, 2024, to canvass the statewide results of the November 2024 general election and consider a separate protest appeal.<sup>9</sup> During that meeting, vote totals were certified for every contest in the general election that did not have a recount pending. The State Board issued certificates of election to all certified contest winners in state jurisdiction contests, pursuant to statutory requirements, on Monday, December 2, 2024. *See* G.S. § 163-182.15.

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<sup>8</sup> All such briefs are available at [https://dl.ncsbe.gov/?prefix=State\\_Board\\_Meeting\\_Docs/2024-12-11/Election%20Protests/](https://dl.ncsbe.gov/?prefix=State_Board_Meeting_Docs/2024-12-11/Election%20Protests/).

<sup>9</sup> See materials from meeting, including video, at [https://dl.ncsbe.gov/?prefix=State\\_Board\\_Meeting\\_Docs/2024-11-26/](https://dl.ncsbe.gov/?prefix=State_Board_Meeting_Docs/2024-11-26/).



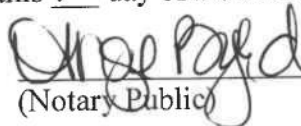
29. Pursuant to G.S. § 163-182.15, no certificate may be issued to any apparent winner where an election protest is pending in the contest. Additionally, because a recount prevents the certification of vote totals, following the conclusion of a recount, the State Board would need to meet again to ultimately certify those vote totals, and then, only six days after that meeting may the State Board issue a certificate of election, but only if there were no protest pending. *See id.* If a protest is still pending, even if a contest's vote totals are certified after all required recounts are exhausted, a certificate of election still may not issue. Accordingly, regardless of what the State Board does this week with the three categories of protests over which it assumed jurisdiction, Griffin still has dozens of protests pending, with numerous appeals to the State Board, and a potential statewide recount, all of which prevent the final resolution of this election contest. In other words, the State Board can only issue a certificate of election after every pending protest related to this contest is resolved.

This concludes my affidavit.

This the 9th day of December, 2024.

  
\_\_\_\_\_  
Paul Cox

Sworn to and subscribed before me this 9<sup>th</sup> day of December, 2024.

  
\_\_\_\_\_  
(Notary Public)

My commission expires: 1/9/2025



# EXHIBIT A

**From:** [Bennett, Ray](#)  
**To:** [Will Robertson](#); [Alyssa Riggins](#); [Craig Schauer](#); [Cox, Paul](#); [John Wallace](#); [NCGOP Legal](#); [Phil Thomas](#); [Hartzell, Samuel](#); [Shana Fulton](#); [James W. Whalen](#); [Jordan Koonts](#); [Phil Strach](#); [Cassie Holt](#); [RYAN.BROWN@RYANBROWNNC.ORG](#); [info@ryanbrownnc.org](#)  
**Cc:** [SBOE Grp - Legal](#); [Bell, Karen B](#)  
**Subject:** [External] RE: State Board Meeting - Wednesday, Dec. 11, 12:30 pm  
**Date:** Friday, December 6, 2024 12:34:11 PM  
**Attachments:** [image927982.png](#)  
[image638020.png](#)  
[image392419.png](#)

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Paul,

On behalf of Justice Riggs, we also take no position, and defer to the Board, as to whether it wants oral argument, and regarding whatever schedule it believes is appropriate.

We do think it would be helpful if protesters would explain why they believe it is important for the Board to meet Monday rather than Wednesday. We have not heard any specific explanation for that request, either in the motion to expedite or in the emails below.

Ray

## Ray Bennett

He/Him

Partner

Womble Bond Dickinson (US) LLP

d: 919-755-2158

m: 919-522-2141

e: [Ray.Bennett@wbd-us.com](mailto:Ray.Bennett@wbd-us.com)

555 Fayetteville Street

Suite 1100

Raleigh, NC 27601

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**From:** Will Robertson <[WRobertson@BrooksPierce.com](mailto:WRobertson@BrooksPierce.com)>

**Sent:** Friday, December 6, 2024 12:07 PM

**To:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Craig Schauer

## EXHIBIT A

<cschauer@dowlingfirm.com>; Cox, Paul <paul.cox@ncsbe.gov>; John Wallace <jrwallace@wallacenordan.com>; NCGOP Legal <legal@ncgop.org>; Phil Thomas <pthomas@chalmersadams.com>; Bennett, Ray <Ray.Bennett@wbd-us.com>; Hartzell, Samuel <Sam.Hartzell@wbd-us.com>; Shana Fulton <SFulton@BrooksPierce.com>; James W. Whalen <JWhalen@BrooksPierce.com>; Jordan Koonts <jordan.koonts@nelsonmullins.com>; Phil Strach <phil.strach@nelsonmullins.com>; Cassie Holt <cassie.holt@nelsonmullins.com>; RYAN.BROWN@RYANBROWNNC.ORG; info@ryanbrownnc.org  
**Cc:** SBOE\_Grp - Legal <Legal@ncsbe.gov>; Bell, Karen B <Karen.Bell@ncsbe.gov>  
**Subject:** RE: State Board Meeting - Wednesday, Dec. 11, 12:30 pm

Paul,

We are available if the Board wants to hear from us, but we defer to the Board as to whether it wants oral argument. We take no position in that regard. In light of protestors' representations below, further direction from the Board would be appreciated.

With respect to protestors' requests to expedite, we defer to the Board's determination of what schedule is appropriate. Our understanding is that the Board needs to convene to consider the protests and vote on preliminary consideration before issuing a decision. Presumably the Board will also want time to review the responsive briefs that are being filed today. The motion to expedite does not provide a compelling justification for why the Board needs to meet Monday instead of Wednesday.

Sincerely,

**Will Robertson**



t: 919-573-6210  
f: 336-232-9210

1700 Wells Fargo Capitol Center  
150 Fayetteville Street  
Raleigh, NC 27601  
P.O. Box 1800 (27602)

---

**From:** Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>

**Sent:** Friday, December 6, 2024 10:44 AM

**To:** Craig Schauer <[cschauer@dowlingfirm.com](mailto:cschauer@dowlingfirm.com)>; Cox, Paul <[paul.cox@ncsbe.gov](mailto:paul.cox@ncsbe.gov)>; John Wallace <[jrwallace@wallacenordan.com](mailto:jrwallace@wallacenordan.com)>; NCGOP Legal <[legal@ncgop.org](mailto:legal@ncgop.org)>; Phil Thomas <[pthomas@chalmersadams.com](mailto:pthomas@chalmersadams.com)>; Ray Bennett <[ray.bennett@wbd-us.com](mailto:ray.bennett@wbd-us.com)>; Sam Hartzell <[sam.hartzell@wbd-us.com](mailto:sam.hartzell@wbd-us.com)>; Shana Fulton <[SFulton@BrooksPierce.com](mailto:SFulton@BrooksPierce.com)>; Will Robertson

## EXHIBIT A

<[WRobertson@BrooksPierce.com](mailto:WRobertson@BrooksPierce.com)>; James W. Whalen <[JWhalen@BrooksPierce.com](mailto:JWhalen@BrooksPierce.com)>; Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; [RYAN.BROWN@RYANBROWNNC.ORG](mailto:RYAN.BROWN@RYANBROWNNC.ORG); [info@ryanbrownnc.org](mailto:info@ryanbrownnc.org)

**Cc:** SBOE\_Grp - Legal <[Legal@ncsbe.gov](mailto:Legal@ncsbe.gov)>; Bell, Karen B <[Karen.Bell@ncsbe.gov](mailto:Karen.Bell@ncsbe.gov)>

**Subject:** RE: State Board Meeting - Wednesday, Dec. 11, 12:30 pm

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Paul,

As counsel for Representative Sossamon, we likewise rely on the arguments made in our briefing and waive oral argument in the interest of expediency. We also request to have a final decision by Monday.

Best Regards,



---

ALYSSA RIGGINS **SENIOR ASSOCIATE**  
[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)  
301 HILLSBOROUGH STREET | SUITE 1400  
RALEIGH, NC 27603  
T 919.329.3810 F 919.329.3799  
[NELSONMULLINS.COM](http://NELSONMULLINS.COM) [VCARD](#) [VIEW BIO](#)

---

**From:** Craig Schauer <[cschauer@dowlingfirm.com](mailto:cschauer@dowlingfirm.com)>

**Sent:** Friday, December 6, 2024 10:31 AM

**To:** Cox, Paul <[paul.cox@ncsbe.gov](mailto:paul.cox@ncsbe.gov)>; John Wallace <[jrwallace@wallacenordan.com](mailto:jrwallace@wallacenordan.com)>; NCGOP Legal <[legal@ncgop.org](mailto:legal@ncgop.org)>; Phil Thomas <[pthomas@chalmersadams.com](mailto:pthomas@chalmersadams.com)>; Ray Bennett <[ray.bennett@wbd-us.com](mailto:ray.bennett@wbd-us.com)>; Sam Hartzell <[sam.hartzell@wbd-us.com](mailto:sam.hartzell@wbd-us.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Shana Fulton <[SFulton@BrooksPierce.com](mailto:SFulton@BrooksPierce.com)>; [wrobertson@brookspierce.com](mailto:wrobertson@brookspierce.com); [jwhalen@brookspierce.com](mailto:jwhalen@brookspierce.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; [RYAN.BROWN@RYANBROWNNC.ORG](mailto:RYAN.BROWN@RYANBROWNNC.ORG); [info@ryanbrownnc.org](mailto:info@ryanbrownnc.org)

**Cc:** SBOE\_Grp - Legal <[Legal@ncsbe.gov](mailto:Legal@ncsbe.gov)>; Bell, Karen B <[Karen.Bell@ncsbe.gov](mailto:Karen.Bell@ncsbe.gov)>

**Subject:** RE: State Board Meeting - Wednesday, Dec. 11, 12:30 pm

Paul,

Thanks for advance notice of the hearing. As counsel for Judge Griffin, Ashlee Adams, and

## EXHIBIT A

Stacie McGinn, we waive oral argument in the interest of expediency. We will rely on the arguments in our brief. We also reiterate the request to have a final decision by Monday.

Regards,  
Craig Schauer

---

**From:** Cox, Paul <[paul.cox@ncsbe.gov](mailto:paul.cox@ncsbe.gov)>  
**Sent:** Thursday, December 5, 2024 5:39 PM  
**To:** Craig Schauer <[cschauer@dowlingfirm.com](mailto:cschauer@dowlingfirm.com)>; John Wallace <[jrwallace@wallacenordan.com](mailto:jrwallace@wallacenordan.com)>; NCGOP Legal <[legal@ncgop.org](mailto:legal@ncgop.org)>; Phil Thomas <[pthomas@chalmersadams.com](mailto:pthomas@chalmersadams.com)>; Ray Bennett <[ray.bennett@wbd-us.com](mailto:ray.bennett@wbd-us.com)>; Sam Hartzell <[sam.hartzell@wbd-us.com](mailto:sam.hartzell@wbd-us.com)>; Alyssa Riggins <[alyssa.riggins@nelsonmullins.com](mailto:alyssa.riggins@nelsonmullins.com)>; Shana Fulton <[SFulton@BrooksPierce.com](mailto:SFulton@BrooksPierce.com)>; [wrobertson@brookspierce.com](mailto:wrobertson@brookspierce.com); [jwhalen@brookspierce.com](mailto:jwhalen@brookspierce.com); Jordan Koonts <[jordan.koonts@nelsonmullins.com](mailto:jordan.koonts@nelsonmullins.com)>; Phil Strach <[phil.strach@nelsonmullins.com](mailto:phil.strach@nelsonmullins.com)>; Cassie Holt <[cassie.holt@nelsonmullins.com](mailto:cassie.holt@nelsonmullins.com)>; [RYAN.BROWN@RYANBROWNNC.ORG](mailto:RYAN.BROWN@RYANBROWNNC.ORG); [info@ryanbrownnc.org](mailto:info@ryanbrownnc.org)  
**Cc:** SBOE\_Grp - Legal <[Legal@ncsbe.gov](mailto:Legal@ncsbe.gov)>; Bell, Karen B <[Karen.Bell@ncsbe.gov](mailto:Karen.Bell@ncsbe.gov)>  
**Subject:** State Board Meeting - Wednesday, Dec. 11, 12:30 pm

Counsel for candidates involved in protests pending before the State Board:

For your planning purposes, the Chair of the State Board plans to call a meeting of the Board for next Wednesday, December 11, at 12:30 pm, in the State Board Meeting Room, 3<sup>rd</sup> floor of the Dobbs Building, 430 N. Salisbury, Raleigh, NC. At that meeting, the parties will be allowed to present oral argument regarding the protests pending before the Board. More details will be forthcoming.

Best regards,

**Paul Cox**  
General Counsel  
NORTH CAROLINA STATE BOARD OF ELECTIONS  
RALEIGH, NC 27611  
919.814.0700  
[www.ncsbe.gov](http://www.ncsbe.gov)

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