

November 5, 2024 Election Protest of Jefferson Griffin  
N.C. Supreme Court Associate Justice, Seat 6

PROTESTOR

1. Provide your preferred contact information:

Name: Jefferson Griffin County of Residence: Carteret  
Email: jefferson@jeffersongriffin.com Phone: contact counsel  
Mailing Address: PO Box 99780 Raleigh, NC 27624

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel? ☒ Yes ☐ No

NOTE: If you answered Yes, above, your counsel must complete and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

- ☒ Candidate for the office of Seat 6 of the Supreme Court of North Carolina  
☐ Registered voter eligible to participate in the protested election contest  
☐ Neither of the above\*

*\*If you select this option, you are not eligible to file a protest.*

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
N.C. Supreme Court Associate Justice, Seat 6	625

5. This protest alleges (*select at least one*):

- ☐ A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.  
☒ A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

It appears the county board of elections has counted ballots cast by voters who were deceased on election day.

North Carolina law conditions eligibility to vote upon being alive on the date of the election. N.C.G.S. § 163-82.1(c)(2). Therefore, a ballot cast by absentee-by-mail or early voting is only valid if the voter is still alive and

otherwise eligible to vote on election day. If a person casts a ballot but dies before election day, the ballot should be challenged by the board or elections staff. *See* N.C. State Board of Elections, Reminders for One-Stop and Absentee by Mail Challenges (Mar. 2, 2020, updated Nov. 2, 2020).

We have identified voters in the county who appear to have cast a ballot but died before election day. EXHIBIT A is an affidavit that includes a list that identifies likely voters that was created from information provided in response to public records requests. It appears that some, if not all, of these ballots were accepted, processed, and counted by the county board of elections. These actions violate North Carolina law.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Ryan Bonifay

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8. Cite any statute or case, administrative rule or decisions, and election policy or procedure that supports your claim set out under Prompt 5.

N.C. Gen. Stat. §§ 163-183-82.1(c)(2), -82.14(b).

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#### RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

☐ The electoral outcome of the protested contest(s) will change.

☐ The electoral outcome of the protested contest(s) will not change.

☒ I am uncertain whether the outcome of the contest(s) will change. **(Due to other pending protests, these votes may be determinative of the outcome.)**

☐ Other \_\_\_\_\_

10. What relief do you seek?

☒ Correct the vote count

☐ A new election

☐ Other: \_\_\_\_\_

#### ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:

See Counsel Certification Addendum

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Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. *See* 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

☐ Yes

☒ No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

☐ Yes

☒ No

## AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at [www.ncsbe.gov](http://www.ncsbe.gov).

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
<u>Allison Riggs</u>	<u>1001 Wade Ave, Suite 323, Raleigh, NC 27605</u>
<u>See list attached to EXHIBIT A</u>	<u>See list attached to EXHIBIT A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

PROTESTOR CERTIFICATION

15. By signing this protest application, you affirm the following:

I, Jefferson Griffin (full name), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(initial)

JG  
JG  
JG  
JG

I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

My protest must originate with a filing at the county board of elections.

I must timely serve all Affected Parties.

I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

It is a crime to interfere unlawfully with the conduct and certification of an election.

It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

JG  
JG  
JG

The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

**Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.**

Signature of Protestor: \_\_\_\_\_

Date: 19 NOV 24

(This signature must be signed in the presence of a notary)

State of North Carolina, County of WAKE

Sworn to (or affirmed) and subscribed before me this the 19<sup>th</sup> day of NOVEMBER, 2024.



Gregory M. Fornshell

Official Signature of Notary

GREGORY M. FORNSHELL, Notary Public  
Printed Name

My commission expires: DECEMBER 6, 2027

.....  
Date/Time Filed with County Board \_\_\_\_\_

(completed by the county board)

**NOTE:** The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

**COUNSEL OF RECORD ADDENDUM**

*If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.*

Attorney Must complete all of the following:

Protestor Name: Jefferson Griffin

Protestor County: Carteret (candidate challenge)

Attorney Name: Craig D. Schauer

Attorney Email: cschauer@dowlingfirm.com

Attorney Phone: 919-529-3351

☒ I am a member in good standing with the North Carolina State Bar

☐ I am not licensed to practice law in North Carolina but am a member in good standing in \_\_\_\_\_ (State or District of Columbia), and do hereby apply to appear pro hac vice and certify that I have or will file all appropriate documents required under G.S. 84-4.1.

Law Firm: Dowling PLLC

Bar Number: 41571

I (choose one) ☐ am ☒ am not:

Subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.

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I represent the Protestor whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163 and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.

  
\_\_\_\_\_  
Attorney Signature

11/19/2024

\_\_\_\_\_  
Date

# **EXHIBIT A**

STATE OF NORTH CAROLINA )  
COUNTY OF WAKE )  
 )  
 )  
**AFFIDAVIT OF RYAN BONIFAY** )  
 )  
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I, Ryan Bonifay, being duly sworn, depose and say as follows:

**Background and Experience**

1. I am over 18 years of age and competent to make an affidavit.
2. I have personal knowledge of the matters described herein.
3. I am a citizen of the United States and a resident of Lexington, Davidson County, North Carolina.
4. I am employed as Director of Data and Analytics at Coldspark, a political consulting and strategy firm. I have been so employed since January 2023. Previously, I have been employed by the Republican Party as Regional Analytics Director and State Analytics Director for North Carolina, as Data Director for Engage Texas, and as Data Director on U.S. Senate, congressional, and gubernatorial campaigns. Altogether I have approximately 10 years of experience as a data analyst for political campaigns and parties, all of them Republican. I have previously worked on North Carolina elections during the 2016 and 2020 election cycles.
5. I was retained by the North Carolina Republican Party to review and compile publicly-available information from the North Carolina State Board of Elections, either on their website or received through public records requests, in connection with the filing of election protests.

6. In my professional work I have become familiar with public sources of data on voter registration and voter turnout in North Carolina, and with the inputs to and limitations of such sources.

### Assignment

7. I was asked to submit this affidavit in support of election protests filed with county boards of elections across North Carolina.

8. I was asked by counsel to generate lists of individuals who cast a ballot during early voting or cast an absentee ballot, but passed away before Election Day, based on publicly-available data.<sup>1</sup>

9. In aid of compiling this data, lawyers for the North Carolina Republican Party made numerous requests for information under North Carolina's Public Records law. Once the relevant public agencies produced their responses, I attempted to match the produced records to public voting records to identify voters who may have cast a ballot but were ineligible to do so as of Election Day. The process for doing so is described in more detail below.

10. On November 18, 2024, NCSBE produced two files: (1) one entitled "2024-11-12 Audited Data.xlsx" that contains a tab entitled "DHHS 2024 With Votes" containing 182 entries, and (2) a second file entitled "2024-11-07 Audited Data.xlsx" that contains a tab entitled "Deceased with Votes" containing 329 entries. I understand this to be NCSBE's internal audit of voting records relating to early and absentee voters who passed away ("DHHS 2024 With Votes" and "Deceased with Votes") before Election Day. This data was more complete and usable than previous productions, so I primarily relied on it.

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<sup>1</sup> All references in this affidavit to Election Day refer to November 5, 2024; similarly, references to voting, casting a ballot, voting early or absentee, etc. refer to doing so in the November 2024 general election.



11. I combined the information contained in both of the November 18, 2024 files received from the NCSBE and de-duplicated the records (so the same individuals did not appear multiple times in the dead voters list) in order to generate the combined list of deceased voters from the NCSBE.

12. I attempted to match names on the combined list of dead voters to the statewide voter list, filename ncvoter\_Statewide.zip, and absentee voter list, filename absentee\_20241105.zip. Both are available on the NCSBE's file transfer protocol site, [dl.ncsbe.gov/?prefix=data/](https://dl.ncsbe.gov/?prefix=data/) and [https://dl.ncsbe.gov/?prefix=ENRS/2024\\_11\\_05/](https://dl.ncsbe.gov/?prefix=ENRS/2024_11_05/).

13. I matched the deceased individuals against the statewide voter list and the absentee voter list using the NCID (a unique identifier issued by NCSBE) and the voter's name.

14. This process resulted in a list of likely matches in this county, which is attached as **ATTACHMENT 1**.

15. Accordingly, Attachment 1 contains a list of people who (1) attempted to vote in the 2024 General Election before November 5, 2024 (via early vote, absentee by mail, etc.), (2) had their vote accepted by their applicable county board of elections, and (3) died on or before November 4, 2024. Attachment 1 contains additional information about each individual which was contained in the information from the NCSBE.

16. Attachment 1 does not include whether the applicable county boards of election challenged each of these voters, as that information has not yet been made available by the NCSBE.

Further, the affiant sayeth not.

This 19 day of November, 2024.

  
RYAN BONIFAY

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Signed and sworn to (or affirmed) before me by RYAN BONIFAY.

Date: 11/19/21

  
[Official Signature of Notary]

[Official Seal]

GREGORY M. FORNSHELL  
Notary Public  
[Notary's printed or typed name]

My commission expires: 12/6/21



# **Attachment 1**

NC DHHS Deceased With Votes - HENDERSON

CountyID	CountyName	VRN	NCID	FullName	RemovedReason	RemovedDate	DeathDate	SDR	VotedDate	VoteStatus	SourceType	ballot_rtn_status
45	HENDERSON	38519	CC32912	BIETERMAN, PATRICIA WILMA	VERIFICATION PENDING	12/31/1899	10/30/2024		11/1/2024	OK	ABS	ACCEPTED
45	HENDERSON	194117	CC156003	NORLING, CHARLES DOUGLAS	VERIFIED	12/31/1899	10/25/2024		10/18/2024	OK	ABS	ACCEPTED
45	HENDERSON	25308	CC22761	SMITH, ROBERT OLIVER	VERIFIED	12/31/1899	10/23/2024		10/25/2024	OK	ABS	ACCEPTED
45	HENDERSON	137733	CC118960	SCHEEL, FREDERICK EMANUEL III	VERIFIED	12/31/1899	10/27/2024	N	10/24/2024	OK	ABS	ACCEPTED
45	HENDERSON	202024	CC160591	MARTIN, ELIZABETH J	VERIFIED	12/31/1899	10/21/2024		10/19/2024	OK	EV	ACCEPTED
45	HENDERSON	116407	CC101725	FEARS, LEE LEONARD	VERIFIED	12/31/1899	11/4/2024		10/23/2024	OK	EV	ACCEPTED