

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 are not registered in the manner provided by law and who are therefore ineligible to vote.

To be eligible to vote, a person must register in accordance with North Carolina law. N.C. Const. art. VI, § 3; N.C.G.S. § 163-82.1(a). Since January 1, 2004, North Carolina law has required that, in order to be registered to vote, a person must complete a voter registration form and provide “the applicant’s . . . “[d]rivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant’s social security number.” N.C.G.S. § 183-82.4(a)(11). This information is used to validate the identity of the applicant. N.C.G.S. § 163-82.12(8), (9). If an applicant fails to provide their drivers license number or the last four digits of the applicant’s social security number, the county board must contact the voter to notify them of their omission and provide them an opportunity to complete the registration by 5:00 pm the day before the county canvass. N.C.G.S. § 163-82.4(f). If this omitted information is received by election day (and the board determines that the person is otherwise permitted to vote), then the person shall be permitted to vote; otherwise, the person shall be entitled to cast a provisional ballot that must be disregarded. N.C.G.S. § 163-82.4(f).

We have identified voters in the county who completed voter registration forms since January 1, 2004, and have cast a ballot in the contested election but have never provided their drivers license number or the last four digits of their social security number. EXHIBIT A is an affidavit that includes a list created from publicly available information that identifies such voters.

It appears the county board of elections has accepted, processed, and counted votes from the persons identified on the list. These actions violate North Carolina law and the state Constitution.

EXHIBIT B is an email from Paul Cox, General Counsel of the State Board of Elections, acknowledging that since “the State Board’s decision last December,” “new registrations going forward [are required] to include one of these numbers, unless the registrant affirms that they don’t have either number.” In the email, Mr. Cox also states that the State Board was “going to have our IT department run a list of new FPCA/FWAB registrants since the State Board’s order was released in December 2023, to flag any that may have been processed without one of these numbers[.]” Therefore, the identities of non-compliant registrants should be readily accessible to the State Board.

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

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

North Carolina Constitution Article VI § 3; North Carolina Constitution Article I § 10; N.C. Gen. Stat. §§ 163-82.3, -82.4, -82.11, -82.12; Numbered Memo 2023-05

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: The State Board of Elections should (1) notify all voters who registered by a voter registration form since January 1, 2004, and failed to provide a drivers license or social security number that their voter registration was deficient and, absent correction, their vote cannot be counted; (2) inform such voters that they have a cure period during which the voter can provide the missing information; (3), for all such voters who provide a validated drivers license or social security number during the cure period, count the ballots in the election contest

identified above; (4), for all such voters who fail to provide a validated drivers license or social security number during the cure period, not count the ballot in the election contest identified above; and (5), after the cure period, correct the vote count accordingly in the election contest identified above.

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

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.

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

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

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 19th 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
Attorney Name: Craig D. Schauer
Attorney Email: cschauer@dowlingfirm.com

Protestor County: Carteret (candidate challenge)
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.

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 B

From: Holland, Parker <Thomas.Holland@ncsbe.gov>
Sent: Wednesday, September 4, 2024 5:39 PM
To: Holland, Parker <Thomas.Holland@ncsbe.gov>
Subject: RE: PLEASE READ: UOCAVA Requests for new registrants

Directors (via BCC):

This is a follow up from the previous email by General Counsel Paul Cox. We have notified the impacted counties individually of those FPCA or FWABS processed without an identification number. Please follow the guidance below for any UOCAVA Requests for new registrants. If you have any questions, please feel free to reach out.

Best Regards,

Parker Holland, CERA
Elections Administration Manager

O: (919) 814-0727

M: (919) 480-9855



From: Cox, Paul <paul.cox@ncsbe.gov>
Sent: Wednesday, September 4, 2024 1:01 PM
To: SBOE_Grp - Legal <Legal@ncsbe.gov>
Subject: PLEASE READ: UOCAVA Requests for new registrants

Directors (via BCC):

I'm writing to clarify the requirement for identification numbers for new registrants who register via FPCA or FWAB. I addressed this briefly in the Huddle chat last Wednesday, but we've gotten some additional questions. So we wanted to be clear about the proper procedures, since UOCAVA ballots start going out Friday.

If a person is registering for the first time using an FPCA or FWAB, the requirement to provide driver's license/DMV number or, if they don't have it, last four of their social security number, applies to these voters—just like for all other new registrants. This requirement in HAVA applies to all new registrants, whether they are civilian or UOCAVA registrants. See [52 USC 21083\(a\)\(5\)\(A\)\(i\)](#).

These new registrants were included in the State Board's decision last December to require new registrations going forward to include one of these numbers, unless the registrant affirms that they don't have either number. We regret if that was not clear.

We are going to have our IT department run a list of **new** FPCA/FWAB registrants since the State Board's order was released in December 2023, to flag any that may have been processed without one of these numbers, and we'll share that data with your office for review and action. The list should not be very long, since most FPCA/FWAB voters come through the portal, and the portal doesn't allow a UOCAVA voter to submit their request without including one of these numbers.

In the meantime, please review your pending FPCAs before ballot transmission on Friday, to ensure that they included one of these numbers. Be sure to include that number when you enter data into VoterScan. If the record doesn't result in a database match, the FPCA (registration and ballot request) must still be processed. Unlike civilian voters, North Carolina law expressly exempts UOCAVA voters from the requirement to provide HAVA ID if the number fails to match across agency databases. See [GS 163-166.12\(f\)\(3\)](#).

If any new FPCA/FWAB registrant did not include DL/DMV number or last four of their SSN as of December 14, 2023, and they do not state in writing that they lack these numbers, you will need to reach out to the registrant to obtain one of these numbers before processing their registration/ballot request. Please email the voter the attached letter requesting this information. If you do not have an email address for the voter, contact the voter by any other means you have available to obtain the information. Should the letter be returned, you will need to scan in the letter as VOTER CHANGE/UPDATE DOCUMENT in the web scanning app. If the voter does not return the request for information the FPCA request will need to be spoiled. Please include in the comments "Spoiled-ID not provided." Spoiling a ballot will need to occur before ballots go out on Friday, for any pending requests that did not include one of the required numbers.

Best regards,

Paul Cox
General Counsel
NORTH CAROLINA STATE BOARD OF ELECTIONS
RALEIGH, NC 27611
919.814.0700
www.ncsbe.gov

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)
)
)
AFFIDAVIT OF RYAN BONIFAY)
)
)
)
_____)

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, 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 National Committee 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 a list of individuals who satisfied the following criteria: they (1) registered to vote after Jan. 1, 2004, (2) never provided the last four digits of their Social Security Number nor a North Carolina drivers license number to their local board of elections in conjunction with their voter registration, and (3) cast a ballot in the November 2024 general election, all based on publicly available data.

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 as of Election Day. The process for doing so is described in more detail below.

10. As to voters who registered and voted without providing a driver's license number or the last 4 digits of their Social Security Number, the North Carolina Republican Party made the following public records request to the North Carolina State Board of Elections on November 12, 2024:

- a. A list of all currently registered voters in Active, Inactive, or Temporary Status that do not contain data in one or more of the following data fields: (1) Driver's License Number; or (2) Last Four Digits of Social Security Number.

11. In response, NCSBE produced a file entitled No_SSN_or_DL_Active_Inactive_and_Temporary_Status.csv. As the filename suggests, it appears to be the NCSBE's list of North Carolina registered voters who did not provide a drivers license number or Social Security Number when registering.

12. I matched voters identified by the NCSBE who never provided a drivers license number or the last four digits of their SSN to the list of voters who cast a ballot in the November 2024 election based on the statewide voter list, filename ncvoter_Statewide.zip, and absentee voter list, filename absentee_20241105.zip.

13. I matched the list of individuals who never provided a drivers license number or the last four digits of their Social Security Number to the statewide voter list and absentee voter list based on the voter registration number and NCID number.

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) never provided a North Carolina driver's license number nor the last 4 digits of their Social Security Number to their county board of elections. 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.

17. Attachment 1 also does not include whether the voters identified by the NCSBE who never provided a drivers license number or the last four digits of their SSN voted on election day, November 5, 2024, as the information on who voted on election day has not yet been released 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: 11/19/24



[Official Signature of Notary]

[Official Seal]



GREGORY M. FARNSWORTH

Notary Public
[Notary's printed or typed name]

My commission expires: 12/6/27

Attachment 1

NC Incomplete Reg With Votes - HYDE

county_name	county_id	voter_reg_num	ncid	first_name	middle_name	last_name	status_cd	registr_dt	voter_status_desc	voter_status_reason_desc	ballot_rtn_status
HYDE	48	7151	CF7845	REBECCA	ERIN	JONES	A	10/8/2010	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	9345	CF9228	MICHELLE		ANDERSON	A	9/14/2022	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	5971	CF6880	RONALD	ALLEN	GABRIEL	A	10/8/2004	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	7834	CF8332	ROSHAWN	DEVON	WASHINGTON	A	10/10/2014	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	6198	CF7101	JACQUELINE	MURRAY	HARRIS	A	4/5/2006	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	7016	CF7756	TAMARA	POWELL	HIBBARD	A	3/24/2010	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	5783	CF6692	DAVID	VINCENT	HILTON	A	4/23/2004	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	5877	CF6786	MARK	DEE	O'NEAL	A	4/16/2004	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	9081	CF9067	JAYLON	KEYSHAWN	MCCULLOR	A	2/5/2021	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	9687	CF9443	STEPHEN	WAYNE	LASSIER	A	9/16/2024	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	8350	CF8640	ELSA	ARACELY	SCHMITT	A	1/12/2018	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	5860	CF6769	JENNIE		BROWN	A	7/20/2004	ACTIVE	VERIFIED	ACCEPTED
HYDE	48	8774	CF8909	MATTHEW	ALLEN	CLAYTON	A	3/18/2020	ACTIVE	VERIFIED	ACCEPTED