

November 5, 2024 Election Protest of Jefferson Griffin
North Carolina 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? x 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	734

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.

Following the completion of the machine recount conducted by the Randolph County Board of Elections, an irregular number of votes were changed in the Supreme Court Associate Justice Seat 6 race. Randolph County saw a 103-vote change from canvass to recount. That total was 43 more votes than any other county across the State. The county with the next largest number of discounted votes was Mecklenburg County. In Randolph County, the 103

changed votes comprised 0.14% of the total number of votes in the Supreme Court race for that county. By comparison, in Mecklenburg County, the 60 changed votes comprise .01% of the total number of votes in the Supreme Court race. In other words, on a percentage basis, the recount resulted in ten times the amount of changed votes in Randolph as in Mecklenburg County. The 103 vote change in Randolph County comprised 47% of the total statewide change from the canvass figures to recount figures. That is, the statewide total changed by 220 votes as a result of the recount and nearly half of that amount came from Randolph County. In sum, these disparities circumstantially suggest errors or defects occurred in the Randolph County recount to a much greater extent than elsewhere. The statewide county by county figures reflecting the recount results are attached as Exhibit 1.

Upon information and belief, the large number of discounted votes may have been caused by an issue with the tabulation machines used by Randolph County in counting absentee ballots, which led to votes being counted twice. Absentee votes in Randolph County make the issue even more alarming. Griffin won 58% of the absentee votes in Randolph County whereas he lost approximately 89% of the votes discounted following the Machine Recount.

08 NCAC 09 .0106(g) provides: "Any candidate shall have the right to file an election protest within 24 hours after a recount is completed or by noon of the next business day of the county board office, whichever is later, if the protest relates to the conduct of the recount. Allegations unrelated to the recount may not be included in the protest." *See also* NCSBE Election Protest Procedures Guide. Accordingly, Jefferson Griffin requests a complete hand-to-eye recount of all ballots cast in the Supreme Court race in Randolph County.

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.

Melissa T. Kirstner, the Executive Director of the Randolph County Board of Elections

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

08 NCAC 09 .0106(g); NCSBE Election Protest Procedures Guide

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: Full and complete hand-to-eye recount in Randolph County for the Supreme Court race

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>
Allison Riggs	1001 Wade Ave, Suite 323, Raleigh, NC 27605
	This information will be available in requested list

PROTESTOR CERTIFICATION

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

I, Jefferson Griffin, 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

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.

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

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

Date:

4 DEC 24

State of North Carolina, County of

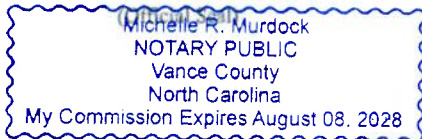
Wake

Sworn to (or affirmed) and subscribed before me this the

4th

day of

December, 2024



Michelle R. Murdock
Official Signature of Notary

Michelle R. Murdock Notary Public
Printed Name

My commission expires:

08/08/2028

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.

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

12/4/2024

Date

Exhibit 1

2024 November General Election Recount

NC Supreme Court Associate Justice Seat 6

Updated 12/03/2024 10:50 AM

of Counties Completed
100

Canvass Results		
County	Allison Riggs	Jefferson G. Griffin
ALAMANCE	41,926	46,116
ALEXANDER	4,459	15,537
ALLEGHANY	1,727	4,538
ANSON	5,411	5,165
ASHE	4,803	10,937
AVERY	2,287	6,841
BEAUFORT	9,428	16,494
BERTIE	5,251	3,658
BLADEN	6,816	9,359
BRUNSWICK	41,457	64,410
BUNCOMBE	99,096	56,471
BURKE	14,113	30,486
CABARRUS	55,777	60,642
CALDWELL	11,083	31,394
CAMDEN	1,604	4,463
CARTERET	13,313	31,209
CASWELL	4,610	7,020
CATAWBA	27,306	56,566
CHATHAM	29,219	21,873
CHEROKEE	3,957	13,537
CHOWAN	2,917	4,398
CLAY	1,963	5,500
CLEVELAND	17,645	32,623
COLUMBUS	9,074	16,509
CRAVEN	22,521	32,022
CUMBERLAND	79,589	56,816
CURRITUCK	4,785	12,659
DARE	10,193	13,966
DAVIDSON	26,145	65,933
DAVIE	7,429	19,044
DUPLIN	8,242	13,893
DURHAM	145,413	32,529
EDGECOMBE	15,115	8,901
FORSYTH	113,912	84,141
FRANKLIN	18,792	22,721
GASTON	45,963	69,824
GATES	2,320	3,326
GRAHAM	942	3,538
GRANVILLE	14,781	16,542
GREENE	3,573	4,639
GUILFORD	172,392	104,679
HALIFAX	14,185	9,186
HARNETT	24,580	37,632
HAYWOOD	14,672	22,456
HENDERSON	29,381	39,420
HERTFORD	6,106	3,378
HOKE	12,113	9,714
HYDE	959	1,379
IREDELL	38,046	69,560
JACKSON	10,050	11,356
JOHNSTON	49,460	70,848
JONES	2,096	3,230
LEE	12,606	16,369
LENOIR	12,967	13,854
LINCOLN	16,182	38,174
MACON	6,969	14,138
MADISON	5,518	7,795
MARTIN	5,562	6,126
MCDOWELL	6,287	16,749
MECKLENBURG	383,172	184,564
MITCHELL	1,985	6,476
MONTGOMERY	4,242	8,596

Recount Results	
Allison Riggs	Jefferson G. Griffin
41,917	46,105
4,460	15,536
1,727	4,538
5,413	5,167
4,803	10,937
2,285	6,842
9,428	16,491
5,252	3,657
6,817	9,357
41,451	64,411
99,090	56,470
14,113	30,484
55,780	60,654
11,082	31,395
1,604	4,463
13,313	31,210
4,610	7,020
27,303	56,565
29,219	21,870
3,957	13,537
2,918	4,396
1,963	5,500
17,645	32,624
9,074	16,508
22,519	32,022
79,591	56,819
4,785	12,663
10,191	13,968
26,145	65,933
7,429	19,045
8,242	13,893
145,399	32,516
15,114	8,901
113,896	84,138
18,793	22,715
45,962	69,832
2,320	3,326
942	3,538
14,784	16,540
3,571	4,640
172,394	104,676
14,190	9,175
24,580	37,632
14,672	22,456
29,381	39,422
6,106	3,378
12,113	9,715
959	1,379
38,042	69,563
10,050	11,356
49,462	70,852
2,096	3,230
12,606	16,369
12,946	13,848
16,179	38,177
6,970	14,138
5,518	7,795
5,562	6,126
6,287	16,749
383,141	184,535
1,982	6,475
4,256	8,610

Vote Change After Recount*	
Allison Riggs	Jefferson G. Griffin
-9	-11
1	-1
0	0
2	2
0	0
-2	1
0	-3
1	-1
1	-2
-6	1
-6	-1
0	-2
3	12
-1	1
0	0
0	1
0	0
-3	-1
0	-3
0	0
1	-2
0	0
0	1
0	-1
-2	0
2	3
0	4
-2	2
0	0
0	1
0	0
-14	-13
-1	0
-16	-3
1	-6
-1	8
0	0
0	0
3	-2
-2	1
2	-3
5	-11
0	0
0	0
0	2
0	0
0	1
0	0
-4	3
0	0
2	4
0	0
0	0
-21	-6
-3	3
1	0
0	0
0	0
0	0
-31	-29
-3	-1
14	14

MOORE	21,667	38,042
NASH	26,007	25,354
NEW HANOVER	69,633	64,587
NORTHAMPTON	5,317	3,601
ONslow	26,797	50,305
ORANGE	65,371	20,195
PAMLICO	2,810	4,971
PASQUOTANK	9,724	10,124
PENDER	12,996	24,707
PERQUIMANS	2,338	5,236
PERSON	8,528	12,255
PITT	46,079	38,136
POLK	4,980	7,726
RANDOLPH	17,382	56,639
RICHMOND	8,185	11,002
ROBESON	17,734	26,463
ROCKINGHAM	16,551	31,746
ROWAN	25,005	48,046
RUTHERFORD	9,460	24,194
SAMPSON	9,833	16,939
SCOTLAND	6,796	7,288
STANLY	9,501	26,173
STOKES	5,997	20,441
SURRY	9,438	27,088
SWAIN	2,717	3,907
TRANSYLVANIA	9,164	11,196
TYRRELL	715	966
UNION	52,098	82,671
VANCE	11,447	8,078
WAKE	406,248	229,663
WARREN	6,090	3,854
WASHINGTON	3,212	2,617
WATAUGA	17,114	14,360
WAYNE	22,933	30,252
WILKES	7,831	27,429
WILSON	20,290	18,830
YADKIN	4,149	15,769
YANCEY	3,898	7,019
Statewide	2,770,522	2,769,788

21,667	38,042
26,008	25,353
69,627	64,591
5,319	3,601
26,792	50,295
65,362	20,191
2,811	4,970
9,726	10,126
12,999	24,708
2,338	5,236
8,530	12,263
46,076	38,134
4,980	7,726
17,371	56,547
8,179	11,001
17,729	26,462
16,551	31,745
25,001	48,049
9,460	24,198
9,831	16,937
6,794	7,288
9,501	26,174
5,997	20,441
9,438	27,094
2,717	3,906
9,164	11,196
715	966
52,103	82,672
11,448	8,079
406,254	229,669
6,090	3,854
3,212	2,617
17,120	14,363
22,935	30,253
7,831	27,432
20,290	18,829
4,149	15,769
3,898	7,019
2,770,412	2,769,678

0	0
1	-1
-6	4
2	0
-5	-10
-9	-4
1	-1
2	2
3	1
0	0
2	8
-3	-2
0	0
-11	-92
-6	-1
-5	-1
0	-1
-4	3
0	4
-2	-2
-2	0
0	1
0	0
0	6
0	-1
0	0
0	0
5	1
1	1
6	6
0	0
0	0
6	3
2	1
0	3
0	-1
0	0
0	0
-110	-110

**Recount results will be the official results in this contest*