

Something is Rotten in North Carolina

Federal Judge Rebukes North Carolina Attempt to Change Election Rules

Published: Monday, 05 October 2020 20:09



On September 30, U.S. District Court Judge William Osteen, Jr rebuked North Carolina's brand new policy for handling absentee ballots and ordered its implementation to cease. The North Carolina State Board of Elections (NCSBE) had issued the controversial policy change on September 22, which did not require a witness signature for absentee ballots and also extended the allowable receipt of absentee ballots to November 12. On August 4, Osteen had ruled against dropping the requirement for witness signature in another case. Yet North Carolina Democrat Attorney General Josh Stein and Governor Cooper's NCSBE Director Karen Brinson Bell flagrantly ignored or "misinterpreted" Osteen's ruling as allowing the witness signature to be dropped. Judge Osteen took harsh exception to their interpretation and was also deeply critical of making major election rule changes within six weeks of the November 3 election. Osteen's attention to these abuses was also aroused by a law suit filed by the NCGOP, the Trump Campaign, and several prominent Republican lawmakers.

According to NCGOP Chairman Michael Whatley, Osteen's September 30 order confirmed that "Attorney General Josh Stein and Governor Cooper's [NCSBE] Executive Director Bell ignored duly enacted North Carolina election law in an attempt to change absentee ballot protections after voting has already begun. Two days before Judge Osteen's stinging rebuke of Bell and Stein, Bell had sent an email to county boards claiming authority to fire local election board members who did not comply with what many thought correctly to be an unconstitutional order.

On October 1, however, the NCSBE immediately changed course, pending further judicial reviews. As of Friday, October 2, North Carolina election boards around the state had already mailed out over 600,000 absentee ballots.

There is more background to the NCSBE's attempt to weaken absentee ballot security requirements, which needs to be known. On September 22, less than six weeks before the November 3 election, the NCSBE issued controversial changes regarding absentee ballots that weaken the prevention of voter fraud by eliminating the witness signature provision and extending

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the date of receipt to November 12. Implementation was rushed through without consultation with the Republican dominated North Carolina General Assembly. It still had to be approved by a Democrat dominated panel of North Carolina judges, but absentee ballots without witness signatures were being set aside anticipating judicial approval. Since Judge Osteen's rebuke, they are still being set aside pending further court rulings. The NCSBE policies implemented on September 22 were justified (excused) as a "compromise" to settle a suit against the state by Democratic Party friendly plaintiff North Carolina Alliance for Retired Americans.

Of the five members of the NCBSE, the two Republican members resigned the next day, September 23, saying they had been misled on several facts and issues, especially the chances of winning the suit as evaluated by North Carolina's Democrat Attorney General, Josh Stein.

North Carolina Lieutenant Governor Dan Forest, the Republican candidate running against Governor Roy Cooper on November 3, called the September 22 changes an unconstitutional "collusion." This collusion was to bend North Carolina's election laws to favor the candidates and agendas of the Democratic Party in November and afterwards.

The State Board of Elections is charged with the administration of the elections process and campaign finance disclosure and compliance. The Governor appoints five members from a list of nominees submitted to the Governor **by the State party chair of each of the two political parties** having the highest number of registered affiliates. Not more than three members of the State Board can be members of the same political party. The state's 100 County Boards of Election conduct local elections, operate voting sites, maintain voter registration lists and handle numerous aspects of election administration. The office of the State Board works in conjunction with County Board of Elections offices to ensure that elections are conducted lawfully and fairly.

The three Democrat members are Damon Circosta, Chairman, and members Stella Anderson and Jeff Carmon. The two Republican members Ken Raymond and David Black resigned on September 23. In January 2019, Governor Cooper tried to appoint an entire new board without consulting the State Republican Chairman. He withdrew this attempt to make the NCSBE essentially 100 percent liberal and Cooper-obedient in the face of a Republican Party suit.

On September 24, Republican North Carolina Lieutenant Governor Dan Forest formerly requested U.S. Attorney General William Barr to investigate the collusive efforts of the North Carolina State Board of Elections and North Carolina Attorney General Josh Stein. Forest's letter is quoted in entirety below:

Letter dated September 24, 2020 from NC Lt. Gov. Dan Forest to U.S. Attorney General William Barr:

"Dear Attorney General Barr,

I am formerly requesting that the United States Department of Justice investigate the collusive

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attack on the integrity of North Carolina elections by the North Carolina State Board of Elections and the office of North Carolina Attorney General Josh Stein
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By Mike Scruggs

As you may be aware, liberal groups from Washington, D.C. have swarmed into North Carolina to file a lawsuit after law suit against North Carolina, seeking to change, by judicial and executive fiat, laws that were constitutionally passed by our General Assembly. This week, in the case of North Carolina Alliance for Retired Americans et al. v. North Carolina Board of Elections et al. the Democratic Attorney General and the Democratic-controlled Board of Elections entered into a collusive agreement with the Democratic plaintiffs to enact, without the consent of the legislature, wholesale changes to the absentee ballot laws of North Carolina. They have effectively gutted provisions that ensure a quick resolution to the election, witness requirements for absentee ballots, and the requirement that in in-person drop-off be by the voter or the voter's near relative. These provisions of our election law were put into place by wide bi-partisan margins to prevent the disaster that happened in the 2018 election for North Carolina's 9th U.S. House District, which was voided because of illegal ballot harvesting.

This is especially concerning because our Democratic Governor, Roy Cooper, has fought tooth-and-nail against the Board of Elections being an independent body rather than a partisan body under his complete control. The fact that an executive agency would dare enter into an agreement that attempts to make substantial changes into our election law less than six weeks before the election raises serious concerns about the motives of all involved. It also raises serious legal concerns.

I am requesting that the Department of Justice review these actions to determine whether any federal laws have been violated, as these actions will no doubt impact the Presidential, Senatorial, and Congressional elections in North Carolina. Further, I am requesting that the Department of Justice review whether this election interference necessitates federal intervention under the Guarantee Clause of Article IV Section IV of the United States Constitution.

Please feel free to reach out to me or my office if we can be of assistance in this matter.

Sincerely,

Dan J. Forest

Lieutenant Governor of North Carolina"

I have also quoted excerpts from the resignation letters of Republican NCSBE members Ken Raymond and David Black on September 23

Ken Raymond, excerpt from NCSBE resignation letter dated September 23, 2020:

"Regarding the settlement agreement with the plaintiffs in the lawsuit filed by the North Carolina Alliance for Retired Americans against the State Board of Elections, **attorneys from AG Josh**

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Stein's office did not advise us of the fact that a lot of the concessions made in the settlement have already been denied in a prior case by a federal judge and another case by a state court three-judge panel. Secondly, we were led to believe that refusal to make a deal that included the extension of mail in absentee ballots, past the legal acceptance date, would also result in the elimination of the one witness requirement for residents voting absentee by mail.

Additionally, we were led to believe the effective administration of the election itself rested upon a settlement. And if a judicial order were issued as voters cast their ballots, the effective administration of the election would be impossible. To preserve the trust of the voters, I acted to keep the one-witness requirement and mitigate the possibility of the election being disrupted by a judicial order by compromising on the acceptance date of absentee ballots. It is impossible to have true bipartisanship when both sides of the political aisle do not have the important and vital information needed to make the right decisions.”

David Black, excerpt from NCSBE resignation letter dated September 23, 2020:

“My understanding was the witness requirement would stay as it is currently with the exception that only one witness signature would be required. Not only was I taken aback by this but I am sure many county directors will be too. **Many of the new rules for the elections this year have been brought about by lawsuits filed against the NCBOE and the opinion from the NC Attorney General's Office that the likelihood of prevailing in court would be slim.**[and that] A negotiated settlement would be the best option for our agency to pursue.”

The NCSBE has done well in making provisions to count absentee ballots before November 3, so as not to be overwhelmed for days or weeks after the election. However, the proposed changes, blasted by Judge Osteen, would have multiplied the probability of voter fraud, including ballot harvesting. These proposed changes were dangerous enough, but the suspicious surrender and compromise in which they were born, and which was cause for dramatic alarm to the two Republican NCSBE members who resigned, certainly smell like blatant collusion. All this appears to fit nicely with the National Democratic Party scheme to win the 2020 elections by expanding opportunities for mail-related vote fraud, delaying certification of election results, tying up elections by means of election lawfare, and bullying an anxious public by mob rule and orchestrated public disorder.

Fair elections are essential for healthy democratic societies, but compromised election security is a widening path to fraudulent elections, public disorder, and the disintegration of freedom.