

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE PROTESTS OF JEFFERSON
GRIFFIN, ASHLEE ADAMS, FRANK
SOSSAMON, AND STACIE MCGINN

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ORDER

THIS MATTER CAME BEFORE THE STATE BOARD OF ELECTIONS in a remote meeting conducted via WebEx videoconference on November 20, 2024, upon its own motion, to consider actions by the Board to facilitate review of election protests filed by Jefferson Griffin regarding the Supreme Court Associate Justice contest, Ashlee Adams regarding the NC Senate District 18 contest, Frank Sossamon regarding the NC House District 32 contest, and Stacie McGinn regarding the NC Senate District 42 contest.

Pursuant to N.C.G.S. 163-182.12, the State Board ORDERS as follows:

1. The State Board takes jurisdiction over protests filed with the county boards of elections by Jefferson Griffin, Frank Sossamon, Ashlee Adams, and Stacie McGinn, where those protests allege that ballots were unlawfully counted for one of the following reasons:
 - a. Ballots were 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 were 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 were 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.
2. The State Board will schedule a time for preliminary consideration of the protests for which it has taken jurisdiction and will provide notice thereof to the relevant parties.
3. By taking jurisdiction over the aforementioned protests, the State Board is not ruling on the timeliness of any such protests or their facial validity otherwise.

4. The county boards of elections shall retain jurisdiction over all other protests that have been timely filed and shall proceed to consider those protests under Article 15A of Chapter 163 and Chapter 2 of Title 8 of the North Carolina Administrative Code.
 - a. At preliminary consideration, the county board shall advance the protest to a hearing to be conducted at a later date upon proper notice, if the protest was timely filed and otherwise substantially complies with G.S. 163-182.9. Because similar protests were filed in many counties, to ensure uniformity in the process for review of these protests, the county boards shall assume at preliminary consideration that the protests establish probable cause to advance to a hearing, per G.S. 163-182.10(a)(1). The county board shall not consider any evidence outside the protest documents at preliminary consideration.
 - b. When conducting a hearing, the board shall take evidence, which will likely include taking testimony from county board staff as to the contents of official county board records pertaining to the voters whose ballots have been called into question by the protests. At the conclusion of the hearing, the board shall vote on its findings of fact and conclusions of law.
 - c. Each county board conducting a hearing shall memorialize its findings of fact and conclusions of law in a written order, which shall be served on the relevant parties, with a copy provided to the State Board via legal@ncsbe.gov.
5. To facilitate adjudication of these protests, the protesters—Jefferson Griffin, Frank Sossamon, Ashlee Adams, and Stacie McGinn—shall file, by noon on Friday, November 22, 2024, with the State Board and with the respective county boards of elections copies of the lists of voters whose ballots are called into question by each protest filing in Excel file format, with the same labeling as displayed in the PDF versions of the protest filings.
6. For the protests that are now under the State Board’s jurisdiction, the protesters shall file legal briefs, if any, in support of the protests by 5 pm on Wednesday, November 27, 2024. The responding candidates shall file legal briefs, if any, in opposition to the protests by 5 pm on Friday, December 6, 2024.

IT IS SO ORDERED.

This the 20th day of November, 2024.



Alan Hirsch, Chair
STATE BOARD OF ELECTIONS