

Rep. Johnson, Chair: [00:00:00](#)

...Thanking our Sergeant-At-Arms and I know their names are here. If you could just throw your hand up. Jonas Cherry, thank you. Warren Hawkins, thank you. David Leighton, thank you. And Stafford Young, thank you so much. First of all, thank you all the members for being here in person that could. Please remember to fill out your reimbursement forms and get those turned in as we move forward. We called this meeting here today to understand the State Board of Elections' decisions on whether to allow certain third party candidates to be on the ballot in November. The Constitution Party, the Justice For All Party, and the We The People Party submitted petitions to the State Board of Elections by the June 1st deadline to be recognized to have candidates on the ballot in North Carolina this fall. Each of the three parties had more signatures than required to be recognized.

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After multiple meetings and investigations, the Board has so far only recognized the Constitution Party and the We The People Party, but not the Justice For All Party. Back in March, the *New York Times* highlighted Democrat Party state-by-state efforts to deny ballot access to third party candidates, including North Carolina. We saw similar tactics in the past as Democrats aggressively challenged signers of petitions for the Green Party, before a federal judge stepped in and said the party could participate in the ballot. Statute outlines requirements political parties must meet to be recognized. There are clear thresholds that must be met. The Board of Elections must now follow the law in determining who can participate in our elections. We appreciate the Board and their staff being thorough with their work—that's something we've emphasized heavily in the past—but we question whether they have been selectively thorough. Did the Democrat Majority Board move the goalposts to keep the Justice For All Party off the ballot?

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Memos, directives, and guidance are not law. Our goal today is to determine if you have followed the law or followed your own processes that have not been vetted and that may not align with the law or may be in direct contradiction of it. The integrity of our elections has always been important. That integrity has been questioned in recent cycles. We've asked State Board Chair Alan Hirsch and Executive Director Karen Brinson Bell to help us understand the Board's process, the influence of outside actors, and the work of staff to ensure free and fair elections in North Carolina. It is vital that we understand what has occurred here and ensure that North Carolina elections are conducted fair and freely. We also have with us today Dr. Andy Jackson here in person, Director of the Civitas Center for Public Integrity

at the John Locke Foundation. Dr. Jackson is an expert in election policy and law and will be providing history and context for the recent decision.

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There has seemingly been a pattern of the Board stepping in for the Democrat Party, and we want to examine that further. As always, members, we will start with opening statements from our presenters. Then we'll jump into questions. You'll have five minutes for questions, and you will have time for follow-ups after all members who have wished to utilize their first five minutes have. If we see that, during the presentation, that time has been being eaten into, we will certainly take that into consideration on the clock up here. Representative Chesser often reminds us he reclaims his time, so now, that is a common practice here on the committee, to make sure that you have time to get all your questions answered as efficiently as possible. Dr. Jackson, thank you so much for being here with us. If you would stand and raise your right hand, do you affirm that your testimony is the truth, the whole truth, and nothing but the truth? Thank you so much. You're now officially sworn in. Dr. Jackson, you may begin your testimony at any time.

Dr. Jackson:

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Here we go. Thank you very much. Appreciate it. I thank the members of the House Oversight and Reform Committee for the opportunity to present this testimony. My name's Andy Jackson. I am the Director of the Civitas Center for Public Integrity at the John Locke Foundation in Raleigh, North Carolina. As part of my work at Locke, I advocate for election law and regulation reforms and investigate possible violations of election laws and other misconduct by election officials, campaigns, or political groups. That work aims to make North Carolina's democratic institutions more trustworthy and thereby increase public faith in those institutions. I'm joined today by Jessica Thompson, the Director of Government Affairs and General Counsel at Locke. I was asked to speak to the Committee on actions taken by the North Carolina State Board of Elections regarding the timely filing of petitions by We The People and Justice For All parties to be officially recognized and appear on the November ballot.

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Those actions by the Board were entirely predictable based on the Board's partisan nature. On June 10th, before the Board met to consider the petitions, I published an article on Locke's webpage entitled "Will the State Board of Elections Try Again to Stop Third Parties that Democrats Fear?" A summary of what I wrote then, along with some other information, provides context for what has transpired at the State Board of Elections

over the past few weeks. To be recognized as an official party, new parties must submit petitions with 13,865 valid signatures, and three parties met that threshold. They are the Constitution Party of North Carolina, with 14,504 valid signatures, Justice For All Party of North Carolina, with 17,385 valid signatures, and We The People, with 18,639 valid signatures. I then wrote and I quote, “The final step is for the State Board of Elections to officially recognize the parties in a vote in their upcoming meeting.

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While that may seem like a *fait accompli*, there are a couple of interconnected barriers for the parties with the [...] most valid signatures: the Democratic Party’s hostility to their efforts and the Board’s recent history of trying to put the kibosh on third parties.” Toward that end, Democrats have raised an army of lawyers to thwart the rise of third parties they believe might cost President Biden, now presumed candidate Harris, votes in November. Robert Lenhard, a lawyer for the Democratic Party and former White House Counsel for President Biden, telegraphed their plan of attack when he said that they would seek to ensure that third parties were not, “simply a single candidate wanting to circumvent the existing rules.” That is despite America’s long tradition of candidate centered parties, from Theodore Roosevelt’s Bull Moose Party to Ross Perot’s Reform Party. Those efforts have partially paid off in North Carolina. The State Board of Elections approved the petition of the conservative Constitution Party after a minor delay.

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After further delay, the Board certified the petition of We The People Party by a four-to-one bipartisan majority vote, but only after Chairman Alan Hirsch all but requested the Democratic Party to sue the Board over its decision, saying that he believed “there has been subterfuge” regarding their petition and that, “If someone wants to challenge them in court, they’re welcome to do so. I think they have a good case.” Now, part of the justification for delaying approval of We The People and Justice For All petitions and the ultimate rejection of ~~We The People~~ [the Justice For All] petition was provided via opposition from Clear Choice Action backed by the Elias Law Firm Group and the North Carolina Democratic Party. According to a March 14th article in the *Washington Post*, Clear Choice Action was founded by Pete Kavanaugh, a strategist who served as deputy campaign manager for President Joe Biden’s 2020 presidential campaign.

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In a statement for that article, Kavanaugh laid out his group’s rationale for trying to stop We The People and Justice For All. He said, “It is imperative that this election is a clear choice

between President Biden and Donald Trump. No third party or independent candidate has any chance of winning a state in November, never mind reaching 270 electoral votes. They are spoilers, plain and simple. We are here to work with our allies, to ensure the candidates are held responsible and everything is on the table. Everything is on the table.”

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Clear Choice Action conducted what it called its own review of the petitions in North Carolina, and based on that review, urged the Board to conduct further verification procedures. The Board complied and attempted to contact 26 verified signers of We The People and 66 verified signers of Justice For All petitions based on the statement received from Clear Choice Action. Of those, 12 verified Justice For All petition signers claimed that they had not signed or do not remember signing it. Clearly, you cannot reject the petition based on a small sample from an organization that declared it had everything on the table to keep the parties targeted off the ballot. To their credit, the Board then conducted their own review of the Justice For All petition by attempting to contact a random sample of 250 verified signers. They were able to reach 49 people on the list, a response rate of 19.6%. Of those, 21 said they had not signed a petition or do not remember signing it.

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That is 42.9% of verified signers who were successfully contacted. Now, it may be tempting to extrapolate from those 21 cases and presume that over 40% of all verified signatures submitted by Justice For All are from people who did not actually sign the petition. There are two problems with making such a presumption. First, Board staffers asked people to remember signing a petition sometimes weeks or months after reportedly signing it. It is easy to understand that someone who signed a petition in a grocery store parking lot in February may not recall, when officials ask them about it in July. Those who said they do remember signing the petition were then subjected to a series of follow-up questions. And political science research has found, and this is a quote here, “The quality of information provided by individuals in response to recall questions can be influenced by several factors, notably the complexity of the question, deficiencies of memory, and the inclination to give socially acceptable answers.” Deficiency of memory may influence the ability for verified signers to recall having signed the petition.

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Research by Washington State University political scientist, John Pierce and Nicholas Lovrich found that, “Signers significantly underestimated signing petitions when questioned about it

several months after the ballot.” Since all the persons contacted by the Board staff were from the list of verified petition signers, any memory errors could only go in the direction of underreporting signing. In addition, a sample size of 49 from a population of 17,385 produces a margin of error of 14%. That is assuming that you’re willing to accept a confidence interval of 95%, meaning that one out of every 20 surveys is outside the margin of error. That may be an acceptable risk for public polling, but it may also be an unacceptable risk for denying people their political rights. If a 99% confidence level of the same survey is achieved, you have a margin of error of 18%. While the margin of error can go in both directions, it compounds the uncertainty caused by memory deficiency. In short, while the random sample conducted by the Board of Elections staff is a promising beginning for what could be a future method for verifying new party petitions, its application here is inadequate.

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We have previously seen the State Board of Elections acting against parties that the major party fears. In 2022, the Green Party submitted petitions with over 16,000 verified signatures by county boards of elections, well over the limit needed for recognition. But like We The People this year and Justice For All, the Greens faced opposition from the Democratic Party. Again, it was the Democratic Party and the Elias Law Group that spearheaded the effort to keep a progressive party off the ballot. They claimed that there were fraudulent signatures on the petitions and that signers were prepared to testify that they did not sign. They did not claim that there were enough fraudulent signatures to put the Green Party below the threshold of valid signatures required for certification. They also accused the Green Party of obscuring the purpose and intent of the party and pointed out that paid signature gatherers collected some signatures.

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Signers of the Green Party petitions faced similar treatment from a Democratic-affiliated group that signers for Justice For All petitioners faced this year. Here is how Matthew Hoh, the Green Party’s US Senate candidate, characterized that treatment: “They were calling people five times a day. Actually, one person told us his wife yesterday was called four times in three and a half hours. There were all kinds of levels of this. There was the harassment, there’s the misrepresentation, and then, there’s the bullying or the shaming.” As with Justice For All, the Board voted three–two along party lines not to certify the Green Party in time to get on the 2022 ballot.

[00:15:02](#) They eventually certified the party, but only after the July 1st deadline to place candidates on the ballot. It was only after the Green successfully sued the State Board of Elections that they could get on the 2022 ballot. The No Labels Party faced a delay in certification after State Board of Elections Chairman Alan Hirsch stated that No Labels needed to do more to prove that they satisfied another provision of the statute that organizers and petition signatures shall inform signers of the general purpose and intent of the new party.

[00:15:35](#) However, unlike the Justice For All and Green Party petitions, the delay was insufficient to deny them ballot access. So, this raises the question, would the Constitution Party's petition this year have survived the same level of scrutiny that the State Board of Elections gave the other party petitions over the past several years? We'll never know, because the State Board did not treat the Constitution, We The People, and Justice For All parties equally. What we have left is a board that gave a relatively smooth process to a conservative party to get on the ballot, made it a little more difficult for two relatively moderate parties to get certified (No Labels and We The People), and acted to keep two progressive parties, Greens and Justice For All, off the ballot. Conservatives might like to think that this is evidence that they are brighter than progressives. However, that is more likely an indication of unequal treatment by the Board.

[00:16:39](#) A large part of that inequality was that the moderate and especially progressive parties were targets of campaigns by one of the major parties and its army of lawyers to keep them off the ballot. In the cases of the progressive parties, the State Board of Elections was receptive to those campaigns. And I'm not willing to let Republicans off the hook just because Republican Board members have been consistent in their support of certifying all the party petitions including the right-leaning Constitution Party. The question is, would that party have faced more headwinds if Republicans had a majority on the Board, giving them the power to stop the Constitution Party, just like the current Board majority stopped Justice For All? Given the nature of partisan politics and motivated reasoning, I worry that they would have. So, there are several things that can be done, I believe, to improve the party process over what is being done now.

[00:17:39](#) First, if several parties allegedly encounter the same problems with managing the expectations regarding informing petition signers of their purpose and intent, then at some point, we have

to see that it's the State Board of Elections that may not be properly communicating these expectations to the parties. And the Board could also make some determinations regarding purpose and intent earlier in the process and leave the June meeting for doing research on the required number of valid signatures and use that first meeting to make decisions regarding those signatures. Second, given that extensive problems in the party petition process have become a new norm at the State Board of Elections, the General Assembly may consider moving the deadline to submit petitions from June 1st to May 1st, to give the Board more time to complete its work. Third, any time you have people gathering signatures, registering voters, or getting people out to vote and getting paid to do that, you increase the likelihood of fraud.

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That is especially true if you pay people on a per unit basis. Of the 26 states that have initiative and referendum processes, nine ban payment per signature. The General Assembly should consider per unit payment bans. Fourth, the current process leaves small parties vulnerable to interference by the two major parties whenever the latter is willing to hire an army of lawyers to stop them. While I have noted problems with the random sample of the Justice For All petition signers this month, it is a method that could provide promise of giving election officials data on signers of those independent of that provided by major party attorneys.

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Ideally, the process would be systematic, so that all parties are treated equally, done earlier to mitigate deficiencies in memory and with a larger sample size to increase statistical validity. Such a process would also account for false negatives, people who sign petitions but do not remember doing so. We should be careful about that last recommendation however, while having these parties meet the valid signature requirement in one year is unusual, there is no guarantee that this will not become more common. If such a random sample review process is required by law, the State Board of Elections should be given the resources to conduct those reviews.

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The events of the past several years have taught us that the party certification process is, if not broken, susceptible to manipulation by groups that believe that everything is on the table when it comes to preventing minor parties from gaining access to the ballot. The State Board of Elections and the General Assembly should take action to ensure that the ability of new parties to get on the ballot is not unduly influenced by

how strongly one of the major parties wants to keep them off the ballot. Thank you.

Rep. Johnson, Chair: [00:21:00](#) Thank you, Dr. Jackson, for your testimony. At this time, I will open it up to questions from members of the committee, if you will make known. McNeely, Dahle, Cervania, Cleveland, and Torbett. Are there any other wishing to be recognized? And Willingham. And if we could keep these questions relatively short and to the point, I know we have two other presenters that still have to go through testimony and questions. So, if we could keep these to the point and we will try to move along as quickly as possible. Thank you so much. Representative McNeely, you are recognized.

Rep. McNeely: [00:21:41](#) Thank you, Mr. Chairman. Dr. Andy Jackson, thank you for coming and talking to us today. I have a couple questions for you. Can you please tell us, in your own personal opinion, about the leadership of Karen Brinson Bell, her time as director on the North Carolina State Board of Elections, your opinion of how she's led that group?

Dr. Jackson: [00:22:08](#) Well now, I have said publicly before that she should be removed from the position. That was especially after the collusive lawsuit settlement in 2020. Now, she is an able administrator; I don't think anybody would argue with that. I believe that she has allowed, for example, on her watch, in addition to that lawsuit settlement, there were times when the State Board of Elections has twice, and I'm doing this from memory here, tried to illegally prevent observers from doing their jobs, observing elections. Once was in the process of 2020, under the context of COVID, and then, once they tried to change regulations ... essentially so that observers could not fully do their jobs. I could provide you a copy of that, if you wish, and that was eventually brought back once there were enough complaints in public hearings, including threats of lawsuits. So, I think, on the administration side, she's been solid. On the policy side, not so much.

Rep. McNeely: [00:23:20](#) All right. Again, I know, in 2020, two Board members resigned after possibly being misled. Do you feel like she maybe misled the Board at that time and caused those resignations, after it was all said and done?

Dr. Jackson: [00:23:38](#) I can't speak to her part. I do believe that was primarily officials under the Attorney General, the lawyers that were provided to give advice to the State Board, that were misleading the folks.

So, I can't specifically say that she had a role in that, to my knowledge.

- Rep. McNeely: [00:23:59](#) Can you think of times when she, maybe, left out pertinent information to the Board that she should have disclosed to them?
- Dr. Jackson: [00:24:08](#) I'll be honest with you, I'd have to look at meeting notes to tell you that. There may have been times that it's happened, but I do not remember them.
- Rep. McNeely: [00:24:16](#) Okay. I know, at one time, that actually even the Democratic Director of get out the vote filed a complaint that misled information to the Board. I'm just going to ask this real plainly, kind of, again, in your opinion, if the recent votes by the Board's Democratic majority appear to be more influenced by politics and protecting Democratic candidates, or is it more about ensuring the integrity of elections?
- Dr. Jackson: [00:24:45](#) There's probably a little of both there. The issue that we have is not just them, in particular. We've got a systematic problem, in that you have these major party groups that are going to present this information, and we have a partisan board. And like I said, motivated reasoning being what it is, if you're presented information from a friendly group that will lend you towards getting rid of a third party that will presumably hurt your side, then I think it's easier for folks to make that decision. I wouldn't necessarily characterize that as a conspiracy, but the way that our system is set, it is easier for folks to make the decision, "Well, I'm not going to certify this group." There is certainly nothing, there has not been enough of the valid signatures that could be taken off based on the testimony and the information presented, that would get them anywhere near below the minimum limit for valid signatures. So, this is essentially an opinion that was done. It was subjective, rather than on the objective standard of the number of valid signatures.
- Rep. McNeely: [00:26:00](#) Do you believe that the State Board of Elections and the Director of the State Board Elections should have election integrity and not have partisan politics come into their decisions?
- Dr. Jackson: [00:26:11](#) Well, obviously, that would be ideal.
- Rep. McNeely: [00:26:13](#) Do you think that's happening?
- Dr. Jackson: [00:26:15](#) I do not believe that has happened in the case of these parties.

- Rep. McNeely: [00:26:20](#) All right. That's all the questions I have right now.
- Rep. Johnson, Chair: [00:26:24](#) Thank you, Representative McNeely. Representative Dahle, you are recognized for up to five minutes.
- Rep. Dahle: [00:26:33](#) Thank you, Mr. Chair. Thank you, Dr. Jackson, for being here. So, I am inclined to agree with you on one point, which is I think more signatures should have been verified and called for. However, I'm a little confused about your statistical analysis about memory, because I'm someone who can't remember to get the keys to her car. However, I remember signing the petition for the Constitution Party to get on the ballot. So, I'm a little confused about the whole memory thing, and I'm not sure that that's a valid point.
- [00:27:12](#) And yes, I did sign it for the Constitution Party, because I believe in democracy and I'm trying really hard to get to that point. Because I believe that all parties, if they... Now, and then, this is a two-part question, because I also am confused by the two candidates, [Cornel] West and [Robert F.] Kennedy [Jr.], who tried to get on the North Carolina ballot independently, were unable to do that, so then they went through this new party system, because the party system threshold is much lower. So, I'm wondering, I didn't hear you talking about that, taking that into consideration in all of our numbers and whatnot, so help me understand that.
- Dr. Jackson: [00:28:02](#) Okay. And I can't think of a better way of saying this, so I apologize in advance. The plural of anecdote is not data. So, our personal experiences don't necessarily comport to broad reality. I did note that there was evidence presented by the two political scientists from Washington State University and I could provide some more if you wish, that, especially when you get weeks or months in advance, there is a percentage of people who forget. I've seen elsewhere that that range is somewhere between 10 and 40%. It varies widely depending on the nature of the question and the complexity of the question and how much time has intervened. But there is drop off in memory, and it does increase over time. Now, I did also note that we do have a history of parties and their at least initial intent is to nominate folks for president.
- [00:29:09](#) I mentioned specifically the Bull Moose Party under Teddy Roosevelt, the Reform Party, which, while it's still around, I think they just got re-certified in Florida. I know they are, I believe, also certified in Minnesota still. They started as a Ross Perot party. That was their intent and purpose to get Ross Perot

elected president. So, if we do want to say that that is an illegitimate goal for a party to get somebody that they like nominated for president, we could write that into the rules. But this is a separate thing. [...] There's a difference between having a party that has a goal and intent of electing somebody for office and somebody who is running outside the party system. And that has been generally recognized. That was mentioned at the State Board of Elections meeting.

Rep. Johnson, Chair: [00:30:17](#) You're recognized for up to five minutes to continue.

Rep. Dahle: [00:30:19](#) So, I heard what you were saying. I'm still going to argue back, which is there's a huge difference between 83,000 signatures for an independent and 13,000 or 13,000 and some. And I'm wondering if there's any thought process that says, "Hmm, which one's easier to get on? I can't attain this number, so can I attain this number?" And there is statute that talks about how many we need to attain to get on a ballot. And I will concede that I do agree with you that I think the deadline should be moved. I think that asking any group to do a lion's share of the work within a small amount of time is very difficult. And maybe this is a statement and not a question. I'm on the record saying I want everybody to be able to vote for their candidate as long as they meet the letter of the law, so I'll just leave it at that.

Rep. Johnson, Chair: [00:31:32](#) Thank you, Representative Dahle. Representative Cervania, you're recognized for up to five minutes.

Rep. Cervania: [00:31:37](#) Thank you, Chair, and thank you, Dr. Jackson, for being here. So, a few questions. You're the only one that we're afforded to be able to provide testimony for us today, and I'm going to just be open. I am from the opposite thought pattern or party that you are representing. But I want to come to a commonality, because we have an opportunity here to rectify problems in the process that we actually do agree upon. But I find it unfortunate that I have to piece through a partisan testimony.

[00:32:16](#) But I want to let you know I agree with several of the things that you have stated, which includes pay per unit with those signatures and the increasing of that deadline from May to June, and also, the statistical analysis. I'm a statistician, so I had very much a problem and I'm glad that you mentioned that. But I do want to make clarity, because there's people outside us that are relying on your only testimony to be true, to reinforce what we're deciding here today. Question one, have you ever been through a process of having to collect signatures to bring

in a candidate or a party to be part of the process of an election process?

- Dr. Jackson: [00:33:10](#) I have personally not been part of a signature campaign.
- Rep. Cervania: [00:33:14](#) So, I have, and I appreciate that we have laws surrounding, and so we probably will talk about that more when the other people do testify. I want to ask you, I'm a statistician, is your professional background, which I know you included it in your resume here, but I want the public to know, do you have statistical background when it comes to your profession?
- Dr. Jackson: [00:33:40](#) I was trained in statistical methods as part of my PhD training to get my dissertation.
- Rep. Cervania: [00:33:46](#) But you are not-
- Dr. Jackson: [00:33:47](#) I'm not a statistician.
- Rep. Cervania: [00:33:49](#) Thank you. So, I do agree upon the fact that the quantitative is very poor in this analysis, but you stated that there was a qualitative aspect of this, that one person, as your example, got harassed, bullied, and shamed, which we never want that to happen. But in the guides of you saying we should change from 95% to 99% confidence interval, this is one example to be provided as the qualitative of this whole process, which doesn't even fit into a 95% confidence interval. Your testimony is one example of a qualitative analysis of what's happening here right now, which doesn't even fit within the 95% confidence interval. And I don't want to dispel your professionalism and what you're trying to do here because I think we're trying to do something here together, but we need to have the context be clear that there's more that can be done.
- [00:35:04](#) I wish that you provided a little more non-bias because I do read a lot of John Locke, a lot of Civitas, and you have many of your colleagues who do provide nonpartisan non-bias. So, what I'm trying to say is I do have agreement with you, but I want to let everybody know in our public that we could have done better in many ways. I urge you to maybe look back on your testimony to look at it more in an unbiased way to find solutions and not use partisanship to be able to solve this. Know and reassure that I respect your professional, and that I'm going to take these and hope that we create good legislation to solve this. But I'm going to relinquish some of my time so I can have some of it back once I hear more of my colleagues' questions to you. Thank you so much.

House Oversight and Reform Committee, July 23, 2024, NC State Board of Elections Hearing
Dr. Andy Jackson, NCSBE Chair Alan Hirsch, NCSBE Director Karen Brinson Bell

- Rep. Johnson, Chair: [00:36:04](#) Thank you, Representative Cervania. I think you yielded 30 seconds back to the chair. Representative Cleveland, you are recognized for up to five minutes of questions.
- Rep. Cleveland: [00:36:09](#) Mr. Chairman, I'll pass.
- Rep. Johnson, Chair: [00:36:17](#) You yielded all your time back. And so now we move on to Representative Torbett. You are recognized for up to five minutes of questions.
- Rep. Torbett: [00:36:23](#) Thank you, Mr. Chairman. Thank you, Dr. Jackson, for being here. In your earlier comments when you were just starting off, you mentioned the amount of signers for the three, I believe, different petitions. Would you mind giving those numbers again?
- Dr. Jackson: [00:36:34](#) Yes, sir. They are provided on the State Board of Elections webpage. The Constitution Party was 14,504. The Justice For All Party was 17,385, and We The People was 18,639.
- Rep. Torbett: [00:36:54](#) In your opinion, collectively speaking, with an assumption that at least some of those people would've voted for folks within that party they signed a petition for, could that not have led, if those were able to stand and they were excluded from the election, would that not possibly have led to the largest disenfranchisement of voters in North Carolina history?
- Dr. Jackson: [00:37:14](#) Well, considering North Carolina's history, I kind of doubt that since we've had whole swaths of the population that were not allowed to vote for-
- Rep. Torbett: [00:37:23](#) Recent history.
- Dr. Jackson: [00:37:24](#) Okay. Okay. Recent history, defined recent, yes. Presuming all these folks would want to vote for the party that they signed for and that other folks may come in, then yes. If this party is not allowed to be on the ballot, then yeah, they would be disenfranchised.
- Rep. Torbett: [00:37:40](#) Okay. Thank you. Reserve the balance of my time, Mr. Chairman.
- Rep. Johnson, Chair: [00:37:44](#) Thank you. Representative Willingham, you are recognized for up to five minutes.
- Rep. Willingham: [00:37:49](#) Thank you, Mr. Chairman. Dr. Jackson, most of my questions have been answered, but I have two things I just want to ask

you. In your comments, you said that you thought the attorney general misled the board, I guess, given advice as to decisions that they made. You feel like the attorney general staff, I guess, the attorney, gave the board bad information.

- Dr. Jackson: [00:38:21](#) Yes, sir.
- Rep. Willingham: [00:38:22](#) On purpose?
- Dr. Jackson: [00:38:24](#) Well, I mean, obviously they gave the information that they wanted to give. This may have been another situation to motivate a reason where they might've believed that, yeah, they would lose. But given that the same lawsuits have been failing across the board, it was at best inaccurate information.
- Rep. Willingham: [00:38:48](#) Okay, and that's your opinion though, right?
- Dr. Jackson: [00:38:50](#) Yes, sir.
- Rep. Willingham: [00:38:51](#) Okay. The other thing is that the issues that you spoke about and that you're talking about now, did these issues exist at any other time when there was not a majority of Democrats on the board?
- Dr. Jackson: [00:39:11](#) I went back to 2000, which is when we've had the last two... When we had the Constitution and the Green parties in their first iterations come in, and I want to believe that was 2018. Let me see if I can find that. Yeah, they were both in 2018, both of those parties got certified five-zero. So, it was unanimous both parties. I did not go back further than '18.
- Rep. Willingham: [00:39:37](#) Okay. So, I guess the question I'm asking you then, these issues that you're talking about existed with Republican majorities also? I mean, this just didn't pop up. This is something that...
- Dr. Jackson: [00:39:54](#) Well, this actually, even within the Democratic majority, this has just popped up in the last couple of years because we had a situation where the Constitution and Green Parties both got certified easily, to a situation—once we started getting major party opposition to third parties getting in, it is at that point when we had more opposition within the board to those third parties even if they've gotten the required number of signatures.
- Rep. Willingham: [00:40:26](#) Okay. And last thing, I think you mentioned somewhere, too, in your remarks that the reason possibly could have been why the majority Democratic board didn't want a certain or particular

party on because they felt that would be detrimental to the Democratic candidate.

- Dr. Jackson: [00:40:50](#) I said that was about the Democratic Party and the Elias Law Group and that was their motivation to presenting the information to the board that was used to question the certification of those two parties, particularly the Justice For All Party.
- Rep. Willingham: [00:41:08](#) Okay. So, I thank you for that. And again, this was your opinion. I mean, that's not a factual thing. That is your opinion.
- Dr. Jackson: [00:41:19](#) Okay. Could you-
- Rep. Willingham: [00:41:21](#) That is your opinion.
- Dr. Jackson: [00:41:22](#) Could you name what that is? I'm sorry.
- Rep. Willingham: [00:41:24](#) That, meaning that you're speculating that the reason why the board did what they did, you are telling me the reason they did it. You didn't know that. This is what... From what you understand.
- Dr. Jackson: [00:41:36](#) This is just my observation. Yes.
- Rep. Willingham: [00:41:37](#) Okay. Thank you. That's it. Thank you.
- Rep. Johnson, Chair: [00:41:42](#) Are there any others wishing to be recognized to ask questions of Dr. Jackson? Seeing none, I just have a brief follow up question. You mentioned the lawsuit with the Elias Law Firm weighing in. Who were the parties to that lawsuit? Can you go into a little bit more detail on when that was?
- Dr. Jackson: [00:42:03](#) That was the lawsuit in 2020. That was the lead-up to the 2020 election. And there were two pairs also, one of those was Elias and there was another one, and I don't remember which one that was. But there was one in a federal court where basically they tossed out everything except for needing to provide notification for people whose absentee ballot was not accepted or to have a notification process. And that got combined with a state lawsuit, and that state lawsuit, they ended up essentially folding and changing several aspects of state law including essentially getting rid of the absentee ballot signature requirement, the witness signature requirement, and extending the absentee ballot deadline from three days, as was required by law at time, to nine days. The gutting of the signature requirement was later thrown out by a federal judge.

Rep. Johnson, Chair: [00:43:10](#) Thank you. That's a common name that comes up here whenever we're talking about election suits, and we hope that doesn't continue to be the case going forward. But thank you so much, Dr. Jackson. We appreciate you being here. You are now dismissed. You are happy to hang around and witness the rest of the committee, but you are dismissed, and we will now swear in our next presenters. Thank you so much.

[00:43:59](#) Chairman Hirsch, can you hear me loud and clear?

Mr. Hirsch: [00:44:02](#) Yes, I can, Mr. Chairman.

Rep. Johnson, Chair: [00:44:03](#) Absolutely. Well, we can hear you loud and clear as well. Where you're at, if you will raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth in your testimony?

Mr. Hirsch: [00:44:15](#) I do.

Rep. Johnson, Chair: [00:44:15](#) Thank you so much. Well, thank you so much for being here and we will let you go ahead and get started with your opening. Try to keep it around five minutes if possible, and then we will open it up to questions. Thank you so much.

Mr. Hirsch: [00:44:27](#) All right, Mr. Chairman, I'll keep it to less than five minutes. First, let me say that I haven't appeared before a legislative committee in two decades. It's a privilege. So, thank you for your invitation this morning. And I have not met Dr. Jackson, but I will say that much of what he said I agree with, and if you wish we can go into some of the detail of that. But just a very brief statement, I've been asked to speak to the decisions of the board with respect to these parties, these three parties we've discussed. So, I'm going to very, very briefly run through that.

[00:45:15](#) This is a little different than what's in my written statement because my written statement is only a paragraph long, but I'll say with respect to the Constitution Party, we look very closely at one particular item, and that is the requirement that the petition pages have the address of the chairman of the party. And that was questionable in this case. But after further discussion, we concluded that that was just a technical requirement and it would be unfair to deny access to the ballot for simply a technical mistake.

[00:45:59](#) And so the board voted unanimously to accept the Constitution Party. With respect to the... I always get the two of them confused. So, with respect to We The People, which is the

Robert F. Kennedy party, the main question there was what Dr. Jackson was talking about just a little bit ago, and that is the 80-some thousand signatures required for an independent candidate versus the 13 thousand-some signatures required by a party. I believe the intent of the General Assembly, from reading both of those statutes, was that a candidate ought not just be able to create a party, the, forgive me, Dr. Jackson, the Andy Jackson Party, and therefore reduce the number of signatures required. I think that works around the statutory scheme that the General Assembly has enacted. However, again, after close examination, the statutes don't say specifically that you cannot have a one-party candidate, a one-person party.

[00:47:27](#)

And so the board voted four to one to accept We The People, notwithstanding the important legal question. So, that is something I think that the General Assembly should consider, whether they really want to have this two-tiered process because after this experience, I don't think anybody's going to try to be an unaffiliated candidate anymore at the statewide level. They'll simply create a party with whatever name they want to and be subject to much lower petition thresholds. The story with Justice For All is entirely different. And I'm going to just hit the highlights here, and then, of course, I'll be happy to answer any questions. So, at the very beginning, even before the board took any action on this, county boards recognized or identified signatures that they believed were fraudulent. And so, State Board staff began a criminal fraud investigation, which is still ongoing. I'm told I can't talk about the details of that for obvious reasons. But suffice to say that a criminal investigation with respect to fraudulent signatures is ongoing.

[00:48:52](#)

Then the board, at an open meeting, had various witnesses of the various parties including Mr. [Italo] Medelius, who was the chairman of ~~We The People~~ Justice For All. And he advised us that there were only 4,000 signatures that were actually turned in by ~~We The People~~ Justice For All, which left an additional 13,000 that came from somewhere else. The only place we know of that, somewhere else, was a group called POP, People Over Party. So, if I say POP, you'll understand what I'm talking about. Mr. Medelius testified that a man by the name of Paul Hamrick from Alabama reached out to him and asked whether they, POP, could gather signatures on behalf of We The People. And Mr. Medelius said, "Sure, that would be fine." And they added three names which would be able to turn in signatures.

[00:50:16](#)

And by the way, they hired a firm out of Colorado. They, meaning POP, hired a firm out of Colorado called Blitz Canvassing, who in turn reached out and hired, presumably hired, signature gatherers. So, we have a several-level story. What we found from our initial review was that many of the people that said, whose names were on these pages said, they did not sign. So, you heard Dr. Jackson say that approximately 40% of those that we surveyed said that they did not sign or didn't remember signing, but there were an additional eight, which amounts to another 16%, who said they were not told the purpose and intent of the party. And as you understand, that is a statutory requirement. They are required... Signature gatherers are required to [...] inform the signatories of the purpose and intent of the new party. So, now you have 40% plus 16% were well over 50% of the signatures in our survey that were inappropriate under the law, either fraudulently obtained or insufficient materials.

[00:51:54](#)

It was that distinction between We The People and the other parties that raised questions of fraud. Now, in order to explore that more carefully, we subpoenaed both Mr. Hamrick on behalf of POP, and the three gentlemen or the three people, I think one was the woman, who are connected to Blitz Canvassing so we could get the names of some of the presenters, some of the petition gatherers, and they refused to provide any of that information. So, this is what the board was confronted with. And it was because we believe that... Oh, one more thing I should say, we would've liked the board staff to have conducted well more than 250 calls. However, time constraints were very, very tight. We were already past the July 1st deadline and there was a lot of pressure to get it done. And again, the refusal of the group that collected most of the signatures to comply.

[00:53:16](#)

So, our... I'll tell you my personal view is that if we interviewed 2,000 or 3,000 more, this would all be confirmed. And it is... Well anyway, I think that's... I don't need to say anything more about that. The one more thing I'd like to say, Mr. Chairman, and then I'll stop, is that we all want to follow the law. It is our obligation to decide these issues based on the law. And I understand the political currents here. I'm not naïve to that. However, this decision was based entirely on the facts as I've just described them. And with that, Mr. Chairman, I of course invite all your questions.

Rep. Johnson, Chair: [00:54:12](#)

Thank you so much, Mr. Chairman, and we certainly hope that is the case as well. And we've got a series of questions, I believe. If

you wish to be recognized to ask questions of the Chairman, please raise your hand now. I see Representative Cleveland, I see Representative Warren, see Representative Chesser, Representative Cervania. All right, thank you so much. Representative Cleveland, you are recognized for up to five minutes.

- Rep. Cleveland: [00:54:44](#) Thank you, Mr. Chairman. Mr. Hirsch, why did the board seek to conduct a random survey of the Justice For All petition signatories, but not the Constitution or the We The People Party? I mean, you gave a vague reference to it. I need some specifics.
- Mr. Hirsch: [00:55:08](#) Well, the short answer, Representative Cleveland, is there was no evidence of fraud or misleading signatures with respect to those other two parties. And they collected their own signatures. I believe that We The People hired a firm as well... I'm sorry, again, I'm all confused, that... Yeah, We The People, the Kennedy party, hired outside signatures, but they monitored all that process. So, it was the... And remember we had a fraud investigation that was initiated by the county boards with respect to Justice For All.
- Rep. Cleveland: [00:55:50](#) Could you tell me who provided the information that gave you the information that there was fraud?
- Mr. Hirsch: [00:55:57](#) County boards.
- Rep. Cleveland: [00:55:58](#) The county boards, nobody else?
- Mr. Hirsch: [00:56:01](#) You know, I don't know the answer to that, Representative Cleveland. I think the staff would have to answer that.
- Rep. Cleveland: [00:56:08](#) When was the decision made to survey the signatures?
- Mr. Hirsch: [00:56:16](#) I have to look, if you like. It was within a week before the board made a decision on the subject. If you need an exact date, I can dig through the papers here and find them.
- Rep. Cleveland: [00:56:29](#) Well, I guess my problem is if you had an indication it was fraud, why wasn't the decision made earlier on in the process?
- Mr. Hirsch: [00:56:39](#) Well, it was, Representative Cleveland. With respect to those particular issues, a criminal investigation had begun several weeks before. However, when we did our preliminary look and we found so many people whose signatures were on these

petition forms who said they never signed it, it raised itself to another level.

- Rep. Cleveland: [00:57:12](#) Okay. But you didn't decide until after the July 9th meeting to meet on July 16th. This was after the meeting that you decided to have a July 16th meeting. When was the decision made to meet then and what prompted that decision?
- Mr. Hirsch: [00:57:30](#) Well, we were under a lot of pressure to decide everything as quickly as possible for any number of reasons. And that's why we only have 250 calls because we had that very short window in which to make them and a small and overworked staff to make those calls.
- Rep. Cleveland: [00:57:54](#) You did a random sample of 250 people. You did calling between July 9 and July 11, you called during business hours, which I would think could keep people from answering the phone. And what was the purpose of conducting the survey? You said you had an indication of fraud. Was it designed to produce some validity that there was fraud or I don't quite-
- Mr. Hirsch: [00:58:24](#) It was to determine whether or not there was fraud, yes. Let me not say fraud, because fraud indicates criminal behavior. And as I said, the county boards did identify some things they thought were criminal behavior. It was more a question to see whether or not the parties met the statutory requirement for signatures, both with respect to legitimate signatures as well as advising the people signing of the purpose, intent of the new party.
- Rep. Cleveland: [00:59:01](#) At any time, did you have an indication that even with this allegation of fraud, that the party would go below the 13,000 signatures required?
- Mr. Hirsch: [00:59:14](#) Prior to the 250 calls? Is that what you're asking?
- Rep. Cleveland: [00:59:22](#) Yes.
- Mr. Hirsch: [00:59:23](#) No, no, we didn't. Prior to that we did not, no. We had a suspicion, but that's the reason we made the calls, to see what the results would be.
- Rep. Cleveland: [00:59:36](#) Okay. Are you familiar with non-response bias?
- Mr. Hirsch: [00:59:43](#) No.
- Rep. Cleveland: [00:59:48](#) Okay.

- Rep. Johnson, Chair: [00:59:51](#) Representative Cleveland, your time has expired and I'm happy to add you back onto the follow-up, which would give you up to three minutes. Go ahead and add Representative Cleveland on there. Representative Warren, you are recognized for up to five minutes of questions.
- Rep. Warren: [01:00:03](#) Thank you, Mr. Chair. And, Mr. Hirsch, thank you for being here today. I have a couple questions based on some of your comments earlier. You had said that the CBEs kind of alerted you to...they suspected maybe some fraud on the signatures that were turned in, the petitions, on June 1st?
- Mr. Hirsch: [01:00:24](#) Yes.
- Rep. Warren: [01:00:25](#) Did I understand that correctly?
- Mr. Hirsch: [01:00:28](#) I'm not clear about the date, Representative, but yes, in general, that's correct.
- Rep. Warren: [01:00:34](#) But it was the CBEs that alerted the board, is that correct?
- Mr. Hirsch: [01:00:39](#) I'm advised by State Board staff that that is correct.
- Rep. Warren: [01:00:42](#) And yet at the same time, Mr. Elias's group, Clear Choice Action, alleged that 77 counties, 76 or 77 counties, hadn't even checked the signatures. Is that correct?
- Mr. Hirsch: [01:00:58](#) I believe that's correct, yes.
- Rep. Warren: [01:01:00](#) Okay. So, that was called to the board's attention by the Democrat Party via letter dated June 5th, and then by Mr. Elias Law Group on June 7th. And then according to other testimony, staff was instructed... Excuse me, the counties were instructed by Director Bell to verify the signatures, and they did that between June 14th and June 19th. Is that correct?
- Mr. Hirsch: [01:01:32](#) I believe that's correct, yes.
- Rep. Warren: [01:01:35](#) If they have validated those signatures by June 19th, what was the reason for having the survey done then in July? The signatures that were validated, I assume, met the minimum requirement of 13,000 plus. So, that was confirmed on the 19th, but the board didn't meet till the 26th. Why didn't you all just go ahead and follow the statutes and make a determination then? What was the motivation for pushing off a survey between July 9th and 11th?

- Mr. Hirsch: [01:02:18](#) Well, Representative Warren, I'm going to answer that in two ways. First, what the county boards do in validating signatures is just look to see whether the signature looks like the ones on file. And if you look at the signature pages, you can see a lot of the signatures are scrawls, they're just like little lines across, which county boards typically accept because we all do that sometimes when we're signing. So, there is still a need to determine, in many cases, whether or not the person who is claimed to have signed actually signed. That's number one. Number two is the statute requires that signature gatherers tell the person signing what the purpose and intent of the new party is. And county boards don't look into that. That's a responsibility of the State Board. So, we were checking for both.
- Rep. Warren: [01:03:24](#) So, was that procedure used then when the signatures were validated by the counties for the Constitution Party and the We The People Party, or was it just on the Justice For All Party?
- Mr. Hirsch: [01:03:39](#) It was not done with the Constitution Party. And the reason for that is the Constitution Party submitted to us a one-page detailed statement about what their purpose and intent was and testified that they provided that to people signing the petition. So, we had a lot of comfort that everyone signing the Constitution Party knew exactly what the purpose and intent was. That was not the case for the other two parties. So, we did a preliminary test, and after that preliminary test, the We The People, the Kennedy party, did not show a large number of people thought they did not sign, said they did not sign. So, it was with that preliminary test that led us to do a more extensive test of Justice For All.
- Rep. Warren: [01:04:41](#) In some respects, I really respect the fact that the board was as judicious as they could be in addressing some concerns, even if it does constitute a difference of validation process among the three applicants. The one thing that concerns me about the survey is that the survey took place after the signatures were validated. And yet in your presentation, and part of the reasoning the board had for denying the status for the application was that people, I think you said 18 people, couldn't remember signing it or denied signing it, and yet their signatures were validated prior to that survey in which they said that, which skews your percentages as particularly when you extrapolate it out over 17,000, which is the assumption you all made. And I have to believe that if the same protocols were put in place for the Constitution Party and We The People Party, then you probably would've found some similarities there with people not remembering whether or not they signed it or what

it was they signed. This process (to, I think, Representative Cervania's point) this process for collecting signatures is pretty random. I mean, whether you're standing out in front of a Walmart or wherever people are going to be in high numbers where you can reach the most people with the least effort. I think you're going to find people signing stuff that they don't necessarily recall three weeks later, particularly during a holiday season, to Representative Cleveland's point. [...] General Statute is very clear that a party is any group of people that come in...you know the statute. It came up, actually, I heard it come up in the July 16th meeting, and there was a lot of discussion going on among some of the board members as to the intent behind forming the party, whether it was to pull votes away from certain candidates. And it would seem to me the common sense that the formation of any party, whether it's Republican or Democrat, is to pull votes away from somebody else. So, I don't know. How does that figure into reaching a decision or invalidating whether or not a group of people was a party?

Mr. Hirsch: [01:07:19](#)

There are a lot of parts of that question. Let me respond this way and then I'll fill in more if you have further clarification. We showed a video, I don't know if you all have seen that or not, of a fellow named Scott Pressler. Scott Pressler is a Republican activist who goes around the country working on behalf of the Republican Party and the *Washington Post* had a video of him soliciting people, we believe, at a Trump rally. And what that video shows, his explanation to the people that he was asking to sign this petition on behalf of Justice For All, was that it would take votes away from Biden. And obviously that's not the purpose of the party. So, those signatures, if we could identify which people they were, would not be valid for that very reason. They're required that the purpose and intent of the party was at minimum to put Cornel West on the ballot. It wasn't to take votes away from Biden, but I understand your point about how any party's going to take votes away from somebody.

Rep. Warren: [01:08:48](#)

Well, that's my point. I mean, regardless how Mr. West gets on the ballot, he's going to pull votes from somebody. Just as surely whoever gets on the Constitution Party's ballot is going to pull votes from both parties as well. I just don't see where that's a significant factor. I do understand the implications of what you're saying with an activist soliciting signatures. However, you can't reach a determination on a group of people and disenfranchise a group of people with legitimate reasons for wanting a candidate on the ballot on the basis of one individual. If that were the case, we could throw entire police

departments out for one errant cop or teachers all out across the board for one misstep by one individual. I don't believe that's a legitimate reason again.

[01:09:39](#)

And I think it oversteps the bounds of what the responsibility of the board is in determining whether or not a group of people have met the legal requirement to qualify for getting on the board. You referred to the POP, People Over Politics, asking to assist in collecting [...] the signatures to get the ballot access. How is that different from any other group of concerned people to come up to another entity and say, "Can we help? Can we assist?" Or anybody come up to one of us as a candidate and say, "Can we work on your campaign?" The question would be, did POP follow the legal requirements for gathering signatures? Did their petition have the disclosures that it was supposed to have on it?

Mr. Hirsch:

[01:10:31](#)

I'm sorry, is there a question there?

Rep. Warren:

[01:10:33](#)

Yes. I said did their petitions have the disclosures-

Mr. Hirsch:

[01:10:36](#)

Oh, did their petitions? Yes, I believe so. But again, the question is what they told the voters and that's what we were trying to find and that's what they refused to give us the information about the names of their petitioners. Who turned in what? And had we had that information and had there been sufficient time, we would've examined those people to find out whether they did it properly. Because remember the survey we did resulted in over half of the people reached-

Rep. Warren:

[01:11:14](#)

So, let me understand what you were asking of them. You want to know the name of the people who were actively taking clipboards and talking to people at random in the street and you were going to ask them what they told people?

Mr. Hirsch:

[01:11:27](#)

Yes.

Rep. Warren:

[01:11:28](#)

I think anybody here could tell you on this board from our political experience that you're working with volunteers and it's a random bunch of people that changes daily. It might've been impossible for them to know everybody that actually worked for them. But again, I don't know that that's within the scope of the board to get into the psyche of the people who were collecting signatures when it was clearly on, to your point, on their petition sheets what they were signing for. What is the legal basis for board's decision to second-guess the county boards after they validated the signature?

- Mr. Hirsch: [01:12:04](#) I don't think we were second-guessing the county boards, Representative Warren. I think instead we were doing our job, which was simply to see whether or not the statute was complied with, both with respect to had the people actually signed these petitions, and second, whether or not they were told the purpose of intent of the new party. I mean, I understand where you're going with this Senator Warren-
- Rep. Warren: [01:12:34](#) Don't demote me
- Mr. Hirsch: [01:12:34](#) Sorry, I just elevated you to Senate. But I mean the simple question is: [...] first did they actually sign it and second were they told the truth? And that's what we were seeking and that's what we were unable to confirm.
- Rep. Warren: [01:13:00](#) Well, to my earlier point, and what you validated was the survey took place after the signatures were validated. So, whether or not they actually signed it shouldn't have been the question. The question is do they remember it and is that important? They signed it at one point or another with the disclosure on top of the form. ... I was going to ask you—I did know that you had the video shown—I was going to ask you what your intent was, but it's pretty clear the intent was to demonstrate and probably good intention that there was a political activist moving this petition along or trying to get the petition signed for the intent of getting somebody on a ballot to pull votes away from another candidate, which we're seeing play out on a national level now since President Biden has stepped down from running, the Democrats are looking for the person who's going to draw the most votes away from Mr. Trump.
- [01:13:57](#) So, it's just politics. And I want to, before I relinquish any time that I've already overrun, I do want to say that I agree with Representative Cervania. You made a point that, and it came up in the conversations on July 16, that the parties might've been formed to circumvent the requirement of an individual getting 83,000 signatures versus the 13,800-some required for a party. Now, I think that's a valid observation and I think what it tells us, and again to Representative Cervania's point, maybe what we're learning from this is we passed laws. And I voted for this reduction of requirements to ease access to the ballot years ago when we reduced these requirements because we wanted people to have more access to the ballot. But it's a lot of times we see laws when we pass a bill with the best of intentions that it's the implementation in practice that reveals some unforeseen circumstances.

[01:15:08](#) So, maybe what we need to do is go back and revisit that and maybe there needs to be some additional statutory requirements that qualifies what constitutes a party. And you brought up a couple of things. I won't get into it now because I'm terribly over my five minutes, but I do think that that's part and parcel. But to decide whether or not some group of people are going to be allowed to have a political party because their intent is to draw votes away, that's the purpose of the party. I don't think that's justification for not granting them status. And I thank you again for your time, sir.

Rep. Johnson, Chair: [01:15:42](#) Thank you, representative. We go by my watch up here so you were right under it. And so we're going to have a brief question from Representative Torbett then at 10:25 I think is when they're supposed to do the blast outside. So, I felt the attention span in the room would get quickly pulled that way. So, we're going to have a brief question and I think we've got three including myself, Representative Chesser, and Cervania, and then a follow-up right after that. Okay. Representative Torbett, you are recognized for a brief inquiry.

Rep. Torbett: [01:16:15](#) Thank you, Mr. Chairman. Mr. Chairman, thank you for being with us today, although it's digitally. Just a brief question is I'm interested in responsibility, duties, and due diligence. Representative Warren was asking you about decisions at the county level and who makes those decisions whether the county level are acting within the law? Is that something that comes from the Attorney General's Office, the Governor's Office, the Board of Elections, the General Assembly? Who bears the responsibility of managing and making certain that county boards of elections are following the law?

Mr. Hirsch: [01:16:55](#) Representative Torbett, I think that that's a question that's probably best directed to Ms. Brinson Bell, who will follow me, as the executive director. I think it's a complex answer. The State Board has some responsibility, obviously any law enforcement. Well, let me not speak because I'd be saying-

Rep. Torbett: [01:17:19](#) All right, I'll wait when she comes online. Thank you for that, but I guess what I'm getting at is that if someone determines or at least believes or observes an infringement to law or a breaking of the law at the county level in either actions leading up to an election or during an election, I'm trying to find who has the ultimate responsibility to stand up and make those correct, take those corrective actions and we'll ask Ms. Bell when she gets up here. Thank you so much.

- Rep. Johnson, Chair: [01:17:45](#) Thank you again. I and others have a series of follow-up questions, but the committee will recess until 10:30.
- [RECESS NOT RECORDED]
- Representative Chesser, you are recognized for up to five minutes of questions.
- Rep. Chesser: [01:18:11](#) Thank you Mr. Chair. Chairman Hirsch, I'm going to be asking you some follow-up questions here. If you got a minute, we're waiting for staff to pull up an email here. Let me know when you can see that Chairman.
- Mr. Hirsch: [01:18:27](#) There is something blocking it in the middle. You can switch layout. Let me see if I can do something here. Yeah, I got it now.
- Rep. Chesser: [01:18:39](#) Okay. So, in that email you'll see the board staff contacted the attorney for the People Over Party, as you said, POP who was circulating the Petition for Justice For All Party on June 11th. They had a follow-up meeting with them on June 13th and in the email that was released later that day, which is in front of you now, the attorney for the People Over Party explained quote, "providing the petition circulators with thorough training. This training included ensuring that all the signatories were North Carolina registered voters who had not signed a petition for any other candidate during this election cycle and ensuring that the circulator, whatever circulator (excuse me) properly conveyed the purpose of the petition with each potential signatory prior to obtaining the signature." And if we could roll to the next slide that we have. The email included a document that [...] People Over Party [...] used to train the petitioners. And once we get that up, let me know when you can see that. Mr. Chairman?
- Mr. Hirsch: [01:19:48](#) Yes, I can see it.
- Rep. Chesser: [01:19:50](#) Is this similar to the one-liner that the Constitution Party provided as far as their training?
- Mr. Hirsch: [01:19:55](#) No, the Constitution Party had a much more detailed long list of what they believed in.
- Rep. Chesser: [01:20:03](#) Well, we have that on the screen. I want to ask you a few questions and I'm going to try to keep them fairly simple. Yes or no will suffice. This was not included in the online materials for the meeting that you guys had, but have you seen this information before?

Mr. Hirsch: [01:20:17](#) I have, yes.

Rep. Chesser: [01:20:18](#) All right. Were you aware that the board staff had this information?

Mr. Hirsch: [01:20:21](#) Yes.

Rep. Chesser: [01:20:22](#) And did staff share the responses for the People Over Party with you? When did they share that with you?

Mr. Hirsch: [01:20:28](#) That's a good question.

Rep. Chesser: [01:20:31](#) I thought so too that's why I asked.

Mr. Hirsch: [01:20:34](#) Yeah, I'm going to tell you what I think, but I'm just doing this from memory here, so I'm really not certain. I believe that what you see now was Mr. Hamrick's response to the initial criminal investigation, which began a month earlier, it was back in June. And when we moved to the phase two, which was looking to see whether they had actually presented this to people, that's when they refused to comply with our subpoenas.

Rep. Chesser: [01:21:24](#) So, when did you first learn about this particular group? Because as of the June 26th board meeting, you seemed to have a limited knowledge of the organization.

Mr. Hirsch: [01:21:33](#) It was sometime after that. Yes.

Rep. Chesser: [01:21:35](#) Sometime after that?

Mr. Hirsch: [01:21:36](#) Yeah.

Rep. Chesser: [01:21:39](#) Any window you want to give me there?

Mr. Hirsch: [01:21:43](#) Oh, Representative, it's really hard to say. Let me just add here. We have had an enormous amount of information that has poured in with respect to this story and I was very hopeful that Mr. Hamrick would testify and would give us the information that we needed and disappointed that he failed to do so. And I need to add another item too is that POP itself is not the one that did the circulation. They in turn hired this, I'm sorry, I can never remember the name, Blitz Canvassing I think out of Colorado.

Rep. Chesser: [01:22:37](#) I've got one follow up question and then I'll end with a statement if that suffices. Who appointed you to the board?

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Mr. Hirsch: [01:22:45](#) Who appointed me?

Rep. Chesser: [01:22:46](#) Yes sir.

Mr. Hirsch: [01:22:47](#) The governor.

Rep. Chesser: [01:22:48](#) The governor appointed you?

Mr. Hirsch: [01:22:49](#) Yes.

Rep. Chesser: [01:22:50](#) All right. So, it's interesting, I've asked you just a couple clarifying questions and you've acknowledged that your memory doesn't suffice for you to give adequate answers yet it's pretty much the same thing that you're using against this party when you're calling people, asking them, "When did you sign a petition?" And you're saying that [...] your memory doesn't make it possible for you to provide me with a sufficient answer before this committee, but it does justify you to remove the opportunity for a party to be on the ballot. This entire process-

Mr. Hirsch: [01:23:28](#) May I reply to that?

Rep. Chesser: [01:23:29](#) This is a statement, sir, not a question. I think this entire process is somewhat jaded and unduly influenced. I think everyone on this board would agree that we want a fair and evenly applied process moving forward and we've got to figure out how to get there. There have been statements that have been made and even in your testimony and before this committee, you've made several references not to the parties by name, but you've referred to the We The People Party as the Kennedy party, which tells me that you are very much aware of who stands to gain and who stands to lose by these parties moving forward. You're more focused on the individual candidates than the people who are trying to support these candidates. [...] Our prerogative on this body is to make sure that the people's voices are heard, not political voices. And with that I yield back Mr. Chair.

Rep. Johnson, Chair: [01:24:23](#) Thank you, Representative Chesser. Representative Cervania, you're recognized for up to five minutes of questions.

Rep. Cervania: [01:24:28](#) Thank you, Chair. Thank you so much, Chair Hirsch, for joining us here today. So, I'm going to ask a few questions. How can I say this? So when you determined as a group that there were problems with the signatures, did you think that maybe there could be merit in, or was there discussion of, having a circulator

training to where the organizations or the people who were collecting signatures have trainings from the Board of Elections so that there's consistency and clarity on what expectations are when they collect these signatures?

- Mr. Hirsch: [01:25:11](#) That's an interesting thought. I have not thought about that before.
- Rep. Cervania: [01:25:17](#) Okay. All right.
- Mr. Hirsch: [01:25:20](#) I'll defer to Ms. Brinson Bell for another answer.
- Rep. Cervania: [01:25:26](#) When she comes on I'll ask the question again. So, the second question I have is: the signature verification reminds me a little bit about ballot curing, which is very limited in time during the canvass post-election. And maybe I'm incorrect on this, but I know that in ballot curing we go door to door to validate those ballots or absentee ballots were verified to be true ballots that were... Why is the signature verification different from that? Or am I mistaken in that ballot curing is not equivalent to signature verification?
- Mr. Hirsch: [01:26:11](#) Again, I'm going to have to defer that question. As board members, we can't possibly know all the detail. Karen's got a staff of 60 people who work through the details of this and she's enormously, enormously talented.
- Rep. Cervania: [01:26:33](#) Thank you, sir. I'll ask Director Brinson Bell that question later on as well. So, let me go broadly. Is it illegal to actually have organizations such as POP and BLITZ Canvassing to collect signatures?
- Mr. Hirsch: [01:26:51](#) Oh, no.
- Rep. Cervania: [01:26:53](#) Because we... So-
- Mr. Hirsch: [01:26:54](#) No, it's perfectly appropriate, but they need to follow the same rules that a party, a proposed party itself has to follow.
- Rep. Cervania: [01:27:02](#) Correct. I just want to make that clarification because it may be causing some confusion that their organizations are stated within, not maybe necessarily being credible in collecting signatures when it is not illegal for them to do it. It is, like you say, the understanding of what is communicated during the time in collection. So, let me go to more board responsibilities. [...] When was the board's decision to where they came to be that there is a distinction between that there is an application

for party versus individual candidates in bringing this process forward to investigate We The People and Justice For All Parties?

- Mr. Hirsch: [01:28:02](#) Well, I don't have the meeting dates in front of me, but I know that at one meeting in, gosh, I believe at the very end of June, we decided to defer consideration of those two parties in order to explore that question further. And at the next meeting, which was in early July, the judgment... Trying to think. We approved the Constitution Party in very early July. The next meeting after that, which would've been July 10th, 11th, 12th, something of that nature, we considered that question and ultimately decided it was not up to the board to reject a party.
- Rep. Cervania: [01:28:58](#) So, my question is not the time, it's the criteria or how it was determined that there is discrepancy or possible circumventing of law?
- Mr. Hirsch: [01:29:11](#) Yeah, I mean it's a legal question and the board is all lawyers and lawyers can all have different opinions about things.
- Rep. Cervania: [01:29:20](#) So, does the board have a legal counsel there to advise?
- Mr. Hirsch: [01:29:26](#) We do.
- Rep. Cervania: [01:29:27](#) Okay. And so, was it determined or reinforced by legal counsel during the time of your board meeting that there's possible discrepancy or circumventing of law when it came to party or individual candidates in this situation?
- Mr. Hirsch: [01:29:48](#) We did not. To the best of my recollection we did not discuss this with counsel at that meeting. But as I said, all five members of the board are lawyers and we had a number of discussions and debates among ourselves as to what the right answer was. And as I said before, the ultimate decision, at least speaking for my vote, and I voted to recognize We The People, notwithstanding the fact that I was concerned that they had circumvented the law, because I didn't think it was up to the board to make that decision that that was-
- Rep. Cervania: [01:30:31](#) Do you have a document that outlines the criteria that would determine the need to progress that investigation forward? Do you have a document? Any operations-
- Mr. Hirsch: [01:30:44](#) I think if you look at the meeting website for... Again, I'm not positive of the date, but sometime in mid to early July, Ms. Millen, who is one of the members, spent a good bit of time

explaining exactly why she believed this was circumventing law. And I think that's probably the best explanation that we can give you.

- Rep. Cervania: [01:31:12](#) And I value all that our members... and thank you for all your service. But having opinion of Ms. Millen is probably not the proper criteria in determination of processing this forward. I hope that there's a possibility of creating criteria and not do it by opinion in future days going forward. I'm going to yield my time now. Thank you.
- Rep. Johnson, Chair: [01:31:45](#) You hit it about right on the dot. So, thank you so much for your questions. And at this point I have some questions I'd like to follow up on and ask. And Chairman Hirsch, I'm not a lawyer, I'm a good old country legislator, so I'm just—keep in mind yes or no and we'll do some follow up if we need it from there. So, we'll keep it simple. And the question is, did you, other board members, or staff have any communications, any communications regarding the three parties with any of the people, groups or entities I'm about to list? And you can just answer yes or no, we're taking notes and if it merits a follow-up, we'll do so. Governor Roy Cooper, anybody in the governor's office?
- Mr. Hirsch: [01:32:32](#) No.
- Rep. Johnson, Chair: [01:32:33](#) Chief of staff to the governor Kristi Jones?
- Mr. Hirsch: [01:32:36](#) No.
- Rep. Johnson, Chair: [01:32:37](#) Ken Eudy?
- Mr. Hirsch: [01:32:38](#) No.
- Rep. Johnson, Chair: [01:32:39](#) Morgan Jackson?
- Mr. Hirsch: [01:32:41](#) Yes.
- Rep. Johnson, Chair: [01:32:42](#) Scott Falmlen. Am I pronouncing that correctly. Scott Falmlen?
- Mr. Hirsch: [01:32:47](#) No.
- Rep. Johnson, Chair: [01:32:48](#) Anybody else associated with the Nexus Strategies Group?
- Mr. Hirsch: [01:32:52](#) No.
- Rep. Johnson, Chair: [01:32:53](#) Anyone associated with the Biden-Harris presidential campaign?

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Mr. Hirsch: [01:32:57](#) No.

Rep. Johnson, Chair: [01:32:58](#) Any current appointees or anyone associated with the current Biden administration?

Mr. Hirsch: [01:33:04](#) No.

Rep. Johnson, Chair: [01:33:04](#) The North Carolina Democrat Party Chair Anderson Clayton?

Mr. Hirsch: [01:33:08](#) No.

Rep. Johnson, Chair: [01:33:09](#) Anybody else associated with the North Carolina Democrat Party?

Mr. Hirsch: [01:33:13](#) No.

Rep. Johnson, Chair: [01:33:15](#) Attorney General Josh Stein?

Mr. Hirsch: [01:33:17](#) No.

Rep. Johnson, Chair: [01:33:18](#) Anybody associated with Josh Stein's gubernatorial campaign?

Mr. Hirsch: [01:33:23](#) No.

Rep. Johnson, Chair: [01:33:24](#) Anyone from the Attorney General's official office?

Mr. Hirsch: [01:33:32](#) I'm pausing here because I did have a conversation maybe several months ago with a member of the Attorney General's staff regarding an entirely different matter. So, if what you're talking about is all-

Rep. Johnson, Chair: [01:33:47](#) It's just related to the election issues regarding the ballot compliance with these three parties?

Mr. Hirsch: [01:33:52](#) No, the answer to that is no.

Rep. Johnson, Chair: [01:33:54](#) Okay. Thank you. Dana Remus?

Mr. Hirsch: [01:33:57](#) I don't even know who that person is.

Rep. Johnson, Chair: [01:33:59](#) Robert Lenhard?

Mr. Hirsch: [01:34:01](#) No.

Rep. Johnson, Chair: [01:34:02](#) Anybody associated with Clear Choice Action?

Mr. Hirsch: [01:34:05](#) No.

- Rep. Johnson, Chair: [01:34:07](#) Anybody from the National Democrat Party?
- Mr. Hirsch: [01:34:10](#) No.
- Rep. Johnson, Chair: [01:34:11](#) Marc Elias or anyone from the Elias Law Group?
- Mr. Hirsch: [01:34:14](#) No.
- Rep. Johnson, Chair: [01:34:17](#) I did note there were some yeses on here and I would like a point of clarification because I believe earlier we heard that potentially a letter was sent from the Elias Law Group, and I want to clarify, by communication correspondence sent to you would also count. So, has there been correspondence from the Elias Law Group sent to the State Board, either guidance or anything of that nature?
- Mr. Hirsch: [01:34:40](#) Yes, and it's all posted on our website.
- Rep. Johnson, Chair: [01:34:43](#) Okay. How was that... Was that solicited by the board or just sent, let's call it the goodness of their heart or how was that come to be?
- Mr. Hirsch: [01:34:54](#) I assume it was at their desire. To my knowledge, there was no request for anything. Certainly not coming from me, but I don't think coming from other members of the board either.
- Rep. Johnson, Chair: [01:35:09](#) Well, and we will certainly follow up with the other members of the board and make sure there was no solicitation there by any members of that board to get outside guidance in that way from a group known to be very politically active in one direction. And so what we want to go back and do is follow up on the yes, I believe that was Morgan Jackson. What was the line of communication there?
- Mr. Hirsch: [01:35:33](#) Well, Morgan and I have been friends for, I don't know, a decade at least. And he has opinions. I have friends and family that have expressed their opinions to me as well. And there are times that I just have to tell Morgan, "Sorry, that's not what we're doing."
- Rep. Johnson, Chair: [01:36:01](#) I understand. Is there anything that you would feel the need to disclose to this committee that was discussed or feel like it weighed on your decision in any way?
- Mr. Hirsch: [01:36:08](#) No.

Rep. Johnson, Chair: [01:36:09](#) Okay. Thank you for that follow up. Were there any other yeses? Okay, perfect. Well, I think that's what we've got for now. And so, I will come back, reserve the right to come back and follow up. But, are there any others wishing to ask questions of Chairman Hirsch? Representative Stevens, you are recognized for up to five minutes. Thank you.

Rep. Stevens: [01:36:29](#) Thank you. And I've been waiting to see if anybody else asked the questions I had. One, you said that you initially had concerns and complaints raised by county boards of elections about these petitions. Is that correct?

Mr. Hirsch: [01:36:46](#) Yes, that's correct.

Rep. Stevens: [01:36:48](#) Which counties?

Mr. Hirsch: [01:36:50](#) I'm going to have to defer to staff about that.

Rep. Stevens: [01:36:53](#) Do you know how many counties?

Mr. Hirsch: [01:36:55](#) No, I don't.

Rep. Stevens: [01:36:55](#) If it were one county, would you have been concerned enough-

Mr. Hirsch: [01:36:59](#) Oh yes.

Rep. Stevens: [01:37:00](#) ... to start the investigation?

Mr. Hirsch: [01:37:00](#) Absolutely.

Rep. Stevens: [01:37:02](#) Okay. But you don't know which counties?

Mr. Hirsch: [01:37:06](#) I don't know. No. And Representative Stevens, it's probably helpful to note again that we are a volunteer board.

Rep. Stevens: [01:37:12](#) Certainly.

Mr. Hirsch: [01:37:14](#) And so the details, I know sometimes even Ms. Brinson Bell insulates herself from some of these so as not to affect the outcome of the investigations.

Rep. Stevens: [01:37:28](#) And I understand that you're a voluntary board, but you're making some very, very important, critical decisions. We need to understand about those decisions.

Mr. Hirsch: [01:37:35](#) Absolutely. But I mean your question to me was do I know which counties? And the answer to that is, no I don't.

Rep. Stevens: [01:37:42](#) Well, how were the complaints made? Were they made in writing or were they orally made? How were these complaints made?

Mr. Hirsch: [01:37:49](#) Those are questions that are better directed to staff.

Rep. Stevens: [01:37:52](#) So, you were just given a synopsis?

Mr. Hirsch: [01:37:55](#) That's correct.

Rep. Stevens: [01:37:56](#) Okay. All right. Have you known of any other investigations that have been extended like this just on the request of some third party or on the request of the board?

Mr. Hirsch: [01:38:08](#) Well, first of all, this was not done at the request of a third party. This was board-initiated and staff-conducted. Am I aware of others? When No Labels was before us we went through quite a bit of examination as well. And ultimately, we approved No Labels by a four to one vote just as we approved, again, I get them confused all the time, We The People by a four to one vote.

Rep. Stevens: [01:38:46](#) There was a lot of reliance apparently put on this survey that was only actually contacted 49 people. Do you know what kind of survey questions were asked? Did the board see the survey questions to try to determine validity?

Mr. Hirsch: [01:39:02](#) Yes, but I don't know that I can put my finger on it right this minute. If you'll bear with me for a second, let me look through my papers, and if I can find it, I can tell you what the questions were, but they were very brief. I am sorry, Ma'am. I'm having trouble putting my fingers on it.

Rep. Stevens: [01:39:49](#) But if-

Mr. Hirsch: [01:39:51](#) What I can say is that if you... I'm going to give you the next best thing that I can do, and this is also posted on the board's website. We have, this is the wrong one. Hold on just a second. I'm sorry for the delay, Mr. Chairman. A lot of paper with this. Ah, there it is. Okay. This is the chart which is posted on the website about all the calls that were made with respect to Justice For All in the second iteration, and the questions are right on the top of that chart. So, the first is, "Confirm whether you signed it or not." Second, "Did you understand the purpose of the petition?" Next, "What was your understanding of the purpose?" Next, "Did you understand it was for the support of a new political party?" And then finally, "Were you informed of

the purpose and intent of the party?” And again, you’ll find this on the board website.

- Rep. Stevens: [01:41:15](#) I found your website just not to be so user-friendly right now. You also indicated you accepted the only legal opinion that was rendered in all this was from Ms. Millen, is that correct?
- Mr. Hirsch: [01:41:29](#) Well, with respect to the question of whether or not the 13,000-some signatures required for a new political party was a way to avoid the 80-some thousand required for an unaffiliated candidate, and Ms. Millen felt very strongly that that was inappropriate, and the statutes should be interpreted to require a larger number of signatures, but her opinion did not prevail in the vote.
- Rep. Stevens: [01:42:04](#) Thank you. No further questions.
- Rep. Johnson, Chair: [01:42:09](#) Is there anyone else wishing to speak for the first time? If not, we’ll move on to follow-ups. Representative Cleveland, you’re recognized for up to three minutes for follow up.
- Rep. Cleveland: [01:42:19](#) Thank you, Mr. Chairman. In your written statement [and] at the July 16th hearing you raised concerns about criminal investigations of potential signature fraud. You’ve indicated that an investigation has been started into signature fraud. However, Director Bell in her written testimony said that potentially fraudulent signatures were not validated by the counties and not included in the certified totals. Why did the board initiate an investigation into signatures that were not considered by the board?
- Mr. Hirsch: [01:43:06](#) The fact that there is a criminal investigation was one factor in our judgment with respect to the signatures that were found otherwise. So, we’ve talked about the survey and you’ve seen that again, over 50% of those surveyed either said they didn’t sign it or a small number didn’t remember signing it, and several others said that they were not told the purpose and intent of the party as required by statute. And so the existence of the fraud investigation was merely one factor in our judgment about what to do with the signatures that were submitted to us. And Representative Cleveland, I’ll say again, we were looking to examine and have questions answered, simple questions answered by POP and by, I’m sorry, Blitz, and all refused to give us information. So, had they done that, we would’ve been able to look further underneath it.

- Rep. Cleveland: [01:44:25](#) I think your statement that 40% of the signatures were fraudulent is or has been interpolated from the 49 individuals that answered your survey, and to take that kind of a stretch statistically I think is amazing. Besides that, in same relationship here, do you have any reason to believe that the county boards which are Democrat controlled were insufficiently diligent with other signatures in the petitions?
- Mr. Hirsch: [01:45:13](#) I'm trying to figure out the best way to answer that question. If you were to look at the signature pages, you would see that many of these signatures are scrawls and that's not unusual. That's the way a lot of people sign. It's the way I sign most of the time, and so counties not being expert in signature matching just do the best they can. I'm not sure if that answers your question or not.
- Rep. Cleveland: [01:45:49](#) You're making an inference that the counties were insufficient in their signature matching.
- Mr. Hirsch: [01:45:57](#) No one is perfect, Representative, but-
- Rep. Cleveland: [01:45:58](#) I agree that matching signatures is a science, actually. And to have an employee match signatures is guesswork-
- Mr. Hirsch: [01:46:09](#) And it's very hard.
- Rep. Cleveland: [01:46:10](#) ... and that's the way we've set it up, and that's the way it has to be done. And when you start second guessing people that are doing this, I think you're doing a disservice to the individuals doing the best they can do and a disservice to the system, and trying to second guess what's actually going on. That's just a statement from me, and I thank you for your time.
- Mr. Hirsch: [01:46:37](#) Thank you, Mr. Cleveland.
- Rep. Johnson, Chair: [01:46:41](#) Representative Warren, you're recognized for a follow-up up to three minutes.
- Rep. Warren: [01:46:45](#) Thank you, Mr. Chair. And Mr. Hirsch, I'm just going to look at this from a 50,000-foot view, and if I get some of these dates or if I say something that's incorrect, I'll just ask you to kindly correct me if you would please.
- Mr. Hirsch: [01:46:59](#) I'll do the best I can.
- Rep. Warren: [01:47:00](#) Thank you. On June 1st, petitions were turned in, and June 5th the Democrat Party had sent a letter expressing some concerns

to the board about the validity of some of the signatures. That was followed up on June 7th by a letter from the Elias Law Group representing Clear Choice Action alleging that 77... Their total was actually coming to 98 counties, but they were alleging that 70-some counties hadn't done the signature comparisons. Can you tell me how was that confirmed? Did the board instruct staff to reach out to 77 counties, phone them, ask them if they did it, and did they admit they did not do those? Or how was that confirmed, these allegations from Clear Choice and the Democrat Party, how was that confirmed?

Mr. Hirsch: [01:47:55](#) All right, I'm going to tell you my understanding, Representative Warren, but staff did this so they can be more accurate than I am on-

Rep. Warren: [01:48:03](#) That's fine.

Mr. Hirsch: [01:48:04](#) ... the subject. The way I understand it, the counties were asked to go ahead and do it if they hadn't done it by staff.

Rep. Warren: [01:48:14](#) Do you know if staff asked them—in light of the fact that this was the third party to be considered—did staff go back and ask them, "Hey, by the way, did you do that for the Constitution Party or We The People?" Did you compare those signatures as well or did we just assume they did, and this one was called to our attention?

Mr. Hirsch: [01:48:33](#) Representative Warren, I think that's a question better asked to staff.

Rep. Warren: [01:48:37](#) Okay, thank you.

Mr. Hirsch: [01:48:38](#) I don't know the answer to that.

Rep. Warren: [01:48:40](#) No, I appreciate that. June 14th through the 19th, either the director or the board instructed the counties to do the signature comparison. They did that, and on the 19th they had those petitions validated, and had removed the ones that they felt were fraudulent. And I want to explain something on fraudulent. I'm assuming that when we use the word fraud and you've used it several times a day too, we're understanding that there's intentional fraud and there's inadvertent fraud, which is not a criminal offense, it's just due to ignorance or whatever it happens. But the petitions that were submitted and validated on the 19th were just of those that contained signatures that were validated. But the board did not meet until June 26th, at which time they denied all three petitions, and then on July 9th

they approved the Constitution Party's application. At that time, why wasn't the We The People application approved as well, do you know?

Mr. Hirsch: [01:49:43](#) Yes, that's the discussion. There was with respect to whether or not the unaffiliated number, the 80,000-signature requirement, or the 13,000 new party requirement was appropriate for both of those parties, so that's why that was still under consideration at that point. And I'd like to add something if I can, Representative Warren. We're using the word fraud generally, and you're right about that. There is actually a criminal fraud investigation going on. However, I'm not trying to suggest, and I don't believe anybody has suggested that we have any evidence of actual fraud in the signatures. I would've liked to have explored that, but the subpoena was refused.

Rep. Warren: [01:50:37](#) Well, thank you, Mr. Hirsch. And that's why I brought up the definition of fraud because I felt you were talking about it being inadvertent or just not actually a criminal intent. I just wanted to clarify that. So, on July 9th you say the board did not approve that We The People Party because you were looking at the difference between 83,000 signatures being required for an individual versus 13,800-some for a party, and questioning whether or not that group was applying to circumvent the requirement of some 70,000 more signatures.

Mr. Hirsch: [01:51:16](#) Yes, that's-

Rep. Warren: [01:51:17](#) But is that the role of the board to do that?

Mr. Hirsch: [01:51:22](#) Well, that's a very good-

Rep. Warren: [01:51:24](#) What I do appreciate about it is it does call to our attention a potential loophole in or something we need to address legislatively. I just question whether or not it was the role of the board to go down that path because they still did have 17,300-some validated signatures on that petition. That's a large body of people to take into consideration.

Mr. Hirsch: [01:51:46](#) Yeah, Representative Warren-

Rep. Warren: [01:51:48](#) The staff did a survey on July 4th through July 11th, at which point out of 17,300-some people, 5,300 were identified as having phone numbers and 250 were selected under a random process, and out of the 250, 49 were reached. But out of that 49, only 28 were interviewed, and out of the 28, as the information I've been given is that two people asked to have

their name removed and one didn't remember signing it or they were 18, I think, that said they didn't remember or hadn't signed it.

[01:52:34](#)

But the point is out of that, those figures represent less than one-tenth of a percent of the total 17,000, and yet the board decided to extrapolate that out. And you've been using the percentage, 50% in your argument, but it's not truly 50% of the signatures. You have a bias in that calculation that the board's decision was made on because you did not survey the board, and I understand it, but your board did not interview a large number of people to where you can use 50%. Statistics are one thing and percentages are another, but they're also very misleading.

[01:53:17](#)

I think that was an unfair and inappropriate, or an inaccurate reflection of the results of the survey. But on July 16th, you did confirm that We The People Party, and held off on the JFA, and I have just walked away from this experience thinking that there's a non-response bias by the 17,000 people who weren't contacted in that. I think JFA was held to a different vetting process, which is discriminatory against them versus the other two. But it's my understanding they have filed for a lawsuit, so we'll see how that plays out. But, sir, I thank you so much for your patience with us today and being so frank with your answers. Thank you, sir.

Rep. Johnson, Chair: [01:54:04](#)

Are there any other follow-ups for Chairman Hirsch? [Representative Cervania,] You're recognized for up to three minutes.

Rep. Cervania: [01:54:12](#)

Thank you, Chair. I'd like to ask Chairman Hirsch about the subpoena that was issued to Justice For All. Do we have laws in that if a potential party is subpoenaed and they do not comply to the subpoena, under law, are we still supposed to consider their request for party affiliation?

Mr. Hirsch: [01:54:44](#)

I'm not sure I understood that question. Can you try again please?

Rep. Cervania: [01:54:50](#)

So, the question is when you all determined that Justice For All had discrepancies in their application to be recognized as a party, the State Board of Election issued an administrative subpoena to get more information in regards to clarification.

Mr. Hirsch: [01:55:06](#)

Yes.

- Rep. Cervania: [01:55:06](#) Is there law or process that shows that if an applicant is not compliant to a subpoena then what ends up being the status of that application if this subpoena is not adhered to?
- Mr. Hirsch: [01:55:27](#) I'm not sure that I can really answer that myself. Again, that's a legal question. Somebody from the AG's office probably can answer it better. I do understand that the fact that many of these people were out of state complicates our issue, and that we probably have to take certain actions in that other state in order to ensure compliance, but the timing of this made that impossible.
- Rep. Cervania: [01:55:58](#) So, was that the major determinant not to consider their application going forward?
- Mr. Hirsch: [01:56:05](#) Well, it was one of, as I described earlier, there were a number of problems. The fact of 50%, and let me clarify, I think it was Representative Warren who was speaking last-
- Rep. Cervania: [01:56:23](#) Yes.
- Mr. Hirsch: [01:56:23](#) ... talked about only 28 interviews I believe he said. But that's because if an individual answering said they didn't sign, then they weren't interviewed further on that subject, so the actual number was 49 of folks that were called, reached, and we had some measure of it. So, is that statistically perfect? Of course, it's not. Had we had more time, we could have done a great deal more. Had they complied with the subpoena, we could have done a great deal more. Had there not been a fraud investigation, which already gave us a sense of concern, things might've been different, but the board had to act and the timing was very tight. And my personal belief is that if we contacted a thousand people, the same results would hold, and the group would not have met the 13,000 some requirement under the law.
- Rep. Cervania: [01:57:36](#) We don't know that for sure. But at the same time, I appreciate the opinion, and I appreciate the answer. Thank you very much, Chairman.
- Rep. Johnson, Chair: [01:57:51](#) Thank you. Seeing no other follow-ups, I'm just going to make a quick couple of follow-up comments. I've been making some notes. So, the letter that was sent to the Board of Elections from the Clear Choice Action, which I believe is represented by or consulted by the Elias Group, it seems like there's a natural connection there that this is a group that we know is represented at some point, I don't know if there's been a falling

out recently, but has represented the DNC, has represented candidates on top of the Democrat ticket, and it seems that they have a clear motive in sending these letters, trying to influence the Board of Elections. Now, I'm not accusing anyone of taking those letters and taking them to heart and saying, "This is what made my decision, or this didn't." But I think you've got a clear, at least, image of conflict when you've got a group that is so well tied to one party—top of the ticket all the way down the ballot, has represented them in legal disputes in multiple states, and then they're sending letters to the Board of Elections, clearly trying to get some action taken, lack of action taken. I think that kind of speaks for itself on maybe not an apparent conflict of interest, if not an implied conflict that they are trying to get some kind of reaction.

[01:59:09](#)

And I think if I'm somebody looking at it from a 30,000-foot view on the outside not being a lawyer myself, that would be something that would stand out to me. So, that's something that I think merits a lot more looking into. Again, that's not to say that a board member took that and it even influenced their decision, but the willingness to try to do that I think says a lot and something we need to be wary of in the future. But, Chairman Hirsch, thank you so much for being here. We do appreciate your time. I want to make sure we leave plenty of time for the director to answer questions, give her testimony. You are welcome to stay on and listen, but thank you so much for your testimony today. Thank you.

Mr. Hirsch: [01:59:48](#)

Thank you, Mr. Chairman.

Rep. Johnson, Chair: [01:59:52](#)

Director Brinson Bell, can you hear me loud and clear on your end?

Ms. Brinson Bell: [01:59:56](#)

Yes, Sir. Are you able to hear me?

Rep. Johnson, Chair: [01:59:58](#)

I can. Thank you so much for being here. I would ask you just to raise your right hand right there where you're at. Do you affirm that your testimony is the truth, the whole truth, and nothing but the truth?

Ms. Brinson Bell: [02:00:09](#)

I do.

Rep. Johnson, Chair: [02:00:10](#)

Thank you so much, and thank you for your patience as well. You are recognized for up to five minutes for your opening testimony. Thank you.

- Ms. Brinson Bell: [02:00:17](#) Sir, I believe I've provided the committee with a lengthier than five minute PowerPoint. I would like to go through as much of it as I can, as quickly as I can, but if you could give me a little indulgence, I think it's important for the committee to know the procedures that take place in the petition process, not just the actions of the board, so I want to be able to walk the committee through that.
- Rep. Johnson, Chair: [02:00:44](#) Absolutely. And if it eliminates some potential questions, you can take up to 10 minutes for that presentation before we get into questions. Thank you.
- Ms. Brinson Bell: [02:00:49](#) Thank you, sir. Now, if someone will just make certain they can see my PowerPoint. Are you able to see the slide, sir?
- Rep. Johnson, Chair: [02:01:09](#) Yes, we can see them here and hear you.
- Ms. Brinson Bell: [02:01:11](#) Great. All right. Let's see how it's going to work on my screen. Oh, there we go. Oh, goodness. Okay. I didn't realize we had so many transitions. I'm just going to move through the transitions and talk about the slide more quickly. So, this walks you through the actual steps that we go through in a petition process. This specifically with dates pertaining to 2024 party petitions, the petitioner submits a request form to the State Board and then we provide a standardized signature sheet. The parties or the group seeking to be a party completes the headings on that sheet in compliance with North Carolina law. It states the address of the person identified as the chair and various information along those lines. The petitioner goes through their process of completing the sheets and they have to turn those in. This year's date was May 17th that they had to turn them into the county boards of elections.
- [02:02:15](#) That's what CBE stands for. The county boards go through the verification process because our voter registration files are with the counties. They are receiving sheets that are pertinent to that county and looking at the signatures on file to determine if they are registered to vote, if that signature matches, things of that nature. And then, once they've completed the work on the sheets that they have, they provide a certification to the organized group, the petitioners, that's either signed by the chair of the county board or that authority can be delegated to the director to sign those sheets. And, again, I'm going to eliminate some of these transitions so that we can move more quickly.

[02:03:04](#)

We got a little PowerPoint happy. So, the next thing is the petitioner then files their verified signature sheet with the State Board of Elections, and they had to do that by June the first by state statute. The State Board staff, we had a review process, and we audited those signature sheets to make sure that what we received matches the certified letter from the county boards. We're also looking for any irregularities, things like that with the sheets. We prepared findings and presented those to the State Board, and that's when we get to the point where it goes before the State Board for them to make a determination about the sufficiency of the petition as it pertains to law. And then within our statute, it indicates that once recognizes a new party, that party holds a convention and submits their candidates to the State Board by July 1st, so that's where that date comes into play.

[02:04:09](#)

So, I've touched base on this a little bit, but I just want to highlight that we have a two-week window that the counties are supposed to be working in. And if you remember I was talking about a May date, we had a second primary going on. So, we had conflicting responsibilities with the county, so we gave them instruction that they certainly had to complete the ongoing election while they worked through their petition signatures. But the timeframe is very limiting. I will also point out to the committee, there's been some discussion around possible changes to legislation. We presented the Election Committees, House and Senate, and leadership in the legislature with proposals before the long session in 2023. So, we were asking for changes including around the timeframes of what it takes to get the work done at the county level, so I know that's come up as well.

[02:05:13](#)

The process that the counties are going through is they are looking at signatures that are on file. They can do this in the petition checking module that we have within our state election information management system, SEIMS. They're looking to see if it reasonably resembles and matches what's on file for the person listed. And if they see any indication of fraudulent activity, then they are to report that up to us, and they have a reporting mechanism to send that over to us. And there's various times when they are to do that, and one of those is during a new political party's efforts to be recognized. In particular, you cannot sign for another person, and that applies to petitions. And when we're talking about the difference between possible fraud versus why we did not validate or verify signature, it could be because the person is from out of state, they were not a registered voter in North Carolina or in that

county to have their signature verified, for example, or they might not be registered at all in our records.

[02:06:24](#)

So, something along those lines would be a reason that's not fraudulent, not something of question. It just could not be counted. So, whenever a petition group starts a petition, we do encourage them to exceed the threshold, bring those signature sheets in whenever they can so that they can have a good gauge of what's being validated and what's not. And then as mentioned, the signature requirement at this point was 13,865 valid signatures for recognition. Also, there's a caveat that they must be signed by at least 200 registered voters within three different congressional districts in North Carolina. So, we are looking for that at the state level to make sure that they've met the overall number but also have met that criterion with the congressional districts. It is by statute that we come up with that number. That's not a set number, that is a percentage, so it's 0.25% of the total number of voters who voted in the most recent general election for governor.

[02:07:31](#)

So, if we go through this petition process with other parties before 2028 (wow, that's hard to think of) then we will have potentially a different number as it's not likely to be the same number that participate in the gubernatorial election this time around. So, the State Board staff, when we have possession of the sheets, which are delivered by those organizing groups seeking to be recognized as a new political party, we verify the totals that are reflected in our petition database and the online tracker. We are working with our data team to validate those signatures, represent the congressional districts that I mentioned. We are cross-referencing that the total number of checked and validated signatures match what's reflected in that certified letter. We're also making sure that the number of approved signatures and the physical sheets confirm that the totals are matching. And think about the thousands upon thousands of sheets that we're getting, so this isn't a 30-minute process.

[02:08:42](#)

This is a very lengthy process with a very small number of staff members who are able to do this work. We do review any notes that we've received from the county directors about questions around those signatures, and then we make sure that, as I mentioned, it was signed by the county board chair or the director. And if signed by the director, we do make sure that they did have delegated authority, otherwise it cannot be recognized. And then, if there's any discrepancy found, we contact the county staff to determine what that discrepancy

would be and how to advise them to take further action depending on their circumstances. It has been brought up that we did receive an objection letter from Clear Choice Action. That is, it was regarding We The People and Justice For All. They were alleging that there were 76 counties who had not properly compared signatures. Anytime, whatever group, and in various processes, not just petition checking, if we receive such an allegation, we're going to look into it to determine if there's something that we've missed or if there's anything substantiated to that allegation, and that covers many processes.

[02:10:05](#)

There were some questions raised by a different political group or a legal group in our early voting processes, so it was an individual who used to work for the North Carolina GOP. So, I will say that we take in the information that's given to us. There is no complaint process or public comment process to petition checking, so that's why, when we received this letter, we had to determine, was there anything to that? They were mostly focused on the fact that there were counties that had not indicated "signature rejected." And what we were able to determine is that, that is one of the codes you can assign within our petition checking module, but there were others that actually drilled down more specifically, and so they did not see that data.

[02:11:03](#)

It reflected as "other" or something of that nature, and so we were able to determine that not only with the two parties that they were referencing in the allegation, we also had a check done of the Constitution Party since we want to be uniform across in the checking process, and that's when we determined that there were some counties who were not putting a proper code. We did a survey to ask, "Did you check the signatures?" And there were a handful of counties who did not understand that they should be actually comparing signatures and looking for reasonable resemblance. It was not 76. Again, many of those 76 that have been suggested to us were just simply using another code to identify the status of their processes.

Ms. Brinson Bell:

[02:12:03](#)

So, we worked that down and were able to then get to a smaller group and that was around 10 counties and it did vary as to each party, but we'll go with... because not all counties received sheets from all three of the organizations. Around 10 counties needed to go back and complete the work and thoroughly do a signature comparison and determine if there was a reasonable resemblance and match there. And so that's the instruction that we gave for them to do that work between June 14th and June

19th in preparation for our recommendations to the State Board for their consideration. And then that allowed us to update where we were with the signatures and where each of the parties were in meeting their threshold. So, the State Board... (Let me pause one moment. I can't see all of my notes with where the WebEx screen was.) So, we in the process, while the counties are verifying, I indicated that they give us notes about what they have noticed in their processes of doing the signature matching.

[02:13:29](#)

There were a handful of counties that alerted us to concerns of fraud, so something different than why they couldn't validate. These were actual indications on the sheets that gave them pause. An example of that, I have to be careful again, these are things that can move to criminal investigations, but an example in two different counties, the county staff noticed the names and signatures of individuals who serve as party officers in a different political party that's already recognized in our state. And the two counties, they were two different political parties, but two counties noticed that and were able to realize that those were not the signatures of those individuals. And so that's what we're talking about when we have concerns around fraud, and that's what's ongoing in our investigation. There are other circumstances but obviously as long as it's under investigation we have to be confidential about some of that. But I can generalize so that you have an understanding of some of what we look into when we're looking at potential fraud in petition checking.

[02:14:56](#)

So, once we had completed our verification process, the chair added the consideration to the agenda and that's when the board met on June 26th to consider all three organizations. And then he called for additional meetings on July the 9th and July the 16th. The Constitution Party, just the background on that, they became de-certified based on another statute about party recognition after the 2020 election. They did not get the needed votes or recognition in other states, and so the Constitution Party and the Green Party were both dropped. Green Party obviously petitioned earlier than the Constitution Party, but the Constitution Party had been working on their petition efforts since being de-certified in 2021. They submitted 159 validated and reviewed signatures over the requirement, and they did meet the congressional district requirement. And so they became recognized at the July 9th meeting.

[02:16:17](#)

With We The People, they started their petition process later. It was actually in January of 2024 and they did not submit very

many of their signature sheets along the way. Most of them were handed off to the county boards of elections at the end of April or the beginning of May. Remember, this is also when the county boards are conducting the second primary. And so we went through the process with the counties doing their checking and then they were submitted to the State Board and ultimately it was determined, what we presented to the State Board members is that We The People submitted 4,444 validating and reviewed signatures over the requirement and that they did meet the three congressional district signature requirements and then it was through the direction of the State Board. So, at that point, the county boards and State Board staff, we've done our part.

[02:17:21](#)

We take it to the board for their decision, and it was the decision of the board and their direction to gain additional correspondence and subpoenas that were issued so that they could begin to understand the general purpose and intent of the new party was what they had instructed us with We The People. And that's where, you are aware, we attempted to contact 26 individuals who indicated in written statements that they wished to withdraw their signature. We were able to interview nine of those folks, and we gave those responses to the interview questions as part of the board meeting materials for the July 16th meeting. So, that was presented as well for the board's consideration. It was at the July 16th meeting that the State Board did choose to recognize We The People as a political party in North Carolina. Justice For All, they started their petition process in February of 2024.

[02:18:22](#)

They did not submit many sheets prior to late April beginning of May. And so we were going through that process at the county level to go through their petition sheets. They did give a letter stating how they instructed their signers, and it did indicate that their short-term purpose was to nominate Cornel West as president and the long-term purpose was to have an enduring party. So, that was material that they presented with their petition sheets and for the board's consideration. They exceeded the threshold by 3,276 signatures, and they did also meet the congressional district requirement. The board considered this information when they met at the end of June and then through the series of meetings gave direction to the staff for the subpoenas that have been discussed, additional correspondence. And the staff did, at the direction of the board, contact 66 individuals who indicated in written statement that they wished to withdraw their signature.

[02:19:33](#)

Twelve individuals represented that they did not sign or did not recall signing the petition. We were able to interview 10 of the signers and the response of those interview questions were posted as part of the State Board meeting materials for July 16th's meeting. We did attempt at the direction of the board the random contacts of 250 additional petition signers. In making those phone calls, 49 were reached and of the 49, three stated that they did not recall signing and 18 stated that they did not sign. An additional 28 were interviewed. Responses were part of the materials for the July 16th meeting. And it was during that meeting that the board chose to not recognize Justice For All as you've discussed with our chair over some of that discussion.

[02:20:27](#)

And then the State Board did receive objection letters regarding We The People and Justice For All from several third-party groups including Clear Choice is brought up and the North Carolina Democratic Party. We have provided those letters. They were unsolicited, so I think that's been a question, so we have made those. When we receive those, if they're not sent directly to the board members through their email address or mailing addresses, we do distribute those through the general counsel or a member of our legal team typically. As I mentioned, there is no challenge process or ability for any group to object to the petition process as our laws exist. And we did, I mentioned, already post those letters. And then just a couple of other points. Now that the We The People Party and the Constitution Party are recognized, voters are able to register with those parties.

[02:21:39](#)

If they're unaffiliated, they can switch to being affiliated. If they are newly registering, they can choose to do so. As we work through this, we do have our online forms that can be printed off and sent in. We have those updated to get it updated through some of the other processes and there's some coding involved. So, at any point, no matter what registration form, the updated or not updated that a voter would receive, they can mark other, check other and indicate which party they would like to be a part of in their political affiliation. So, we're updating those procedures right now, and that should be all set to go here in just a couple of weeks. And that's our normal timeline for completing such a process once we do have the recognition of the political parties. I believe that is all that I needed to present today, sir. I'll stop sharing my screen and-

Rep. Johnson, Chair:

[02:22:48](#)

Perfect.

House Oversight and Reform Committee, July 23, 2024, NC State Board of Elections Hearing
Dr. Andy Jackson, NCSBE Chair Alan Hirsch, NCSBE Director Karen Brinson Bell

- Ms. Brinson Bell: [02:22:48](#) Any questions?
- Rep. Johnson, Chair: [02:22:49](#) Perfect. Thank you so much for your testimony. Are there any members wishing to be recognized? Stevens. Cleveland.
- Rep. Johnson, Chair: [02:23:02](#) Warren. McNeely. Cervania. Quick. Representative Stevens, you are recognized for up to five minutes.
- Rep. Stevens: [02:23:13](#) I defer to later.
- Rep. Johnson, Chair: [02:23:15](#) Okay, defer to later. Representative Cleveland, you are recognized for up to five minutes.
- Rep. Cleveland: [02:23:20](#) Thank you, Mr. Chairman. I don't believe I'll take my five minutes. I'd like to go back to the random sampling 250 people, from 5,290 records that had phone numbers. This whole process has really bugged me, making one phone call to a number during working hours, 9:00 to 5:00. Of course, it was made from Board of Elections phone numbers, is that correct?
- Ms. Brinson Bell: [02:23:51](#) Yes, sir.
- Rep. Cleveland: [02:23:54](#) From your perspective, what was the purpose of conducting the survey?
- Ms. Brinson Bell: [02:24:01](#) Well, sir, that was actually the direction of the board, and it was at the direction of the State Board members. The majority of the board asked the staff to do that. I have limited involvement. I'm not trying to shirk my duties. I was not present for that board meeting and unavailable, as I was not even able to access the internet from where I was traveling. And so, the legal team and our investigations team took the direction of the board. We performed the random sort in Microsoft Excel based on records that we had actual phone numbers for. And to be official, I think that's the reason why we chose to call from a State Board-recognized phone so that people would actually know that it was official, that we were the ones calling if they had identification.
- Rep. Cleveland: [02:24:57](#) Was there any designation to produce some kind of statistical results from these calls?
- Ms. Brinson Bell: [02:25:08](#) Was there a statistical analysis done? Is that what you're asking, of the outcomes of the calls or-

- Rep. Cleveland: [02:25:14](#) Well, it's part of the question. The phone survey when it was designed, put together whoever did it, were they looking for statistical results?
- Ms. Brinson Bell: [02:25:26](#) The board gave the direction on how many they wanted and then it was a matter of how many actually answered the calls from the random selection. I don't believe there was a statistical number assigned to it or any... And then in terms of the analysis, we've produced the findings, the answers and the responses and provided those to the board. We wouldn't have done a statistical analysis of the outcomes.
- Rep. Cleveland: [02:25:59](#) I guess my problem is that the board, well, actually two board members, the chair and Mr. Carmon cited the survey as a factor in their votes. And the survey was not statistically valid. I think it was very poorly done, and I don't think it had any validity whatsoever and just I'm at a loss as to why the Board of Elections itself and the State Board, whoever oversees them, went down this road to justify not certifying a political party.
- Ms. Brinson Bell: [02:26:53](#) Well, I think the board wanted more information. The staff did what we could do. We had a limited constraint of time because the board was trying to act in a timely manner because we do need to be able to get the forms updated and pushed out. We do have ballot deadlines. We are the first in the nation that will send out absentee by mail ballots, so we have some additional constraints. The board's aware of that. So, they did need to come to their conclusions quickly, and then we also have to remember that we only have three investigators.
- [02:27:31](#) We have our legal team as well that was involved, but it's still a very small number of folks who could work on this given that we don't have an abundance of staff or resources to devote to this. I think there's been some conversation about—Dr. Jackson suggested this might be something to continue. And he even indicated that if this is something we want to truly expand doing and make it more statistically significant when we do, then we're going to need more resources. And I think that this exhibits that.
- Rep. Cleveland: [02:28:12](#) Thank you.
- Ms. Brinson Bell: [02:28:14](#) Thank you.
- Rep. Cleveland: [02:28:15](#) Mr. Chairman, I'll reserve any time I have left.

- Rep. Johnson, Chair: [02:28:18](#) Thank you, Representative Cleveland. Representative McNeely, you are recognized for up to five minutes.
- Rep. McNeely: [02:28:25](#) Mr. Chairman, can I defer mine? 'Cause I think I want to hear some of the other questions from some of the other representatives at this time.
- Rep. Johnson, Chair: [02:28:30](#) Absolutely. Representative Cervania, you are recognized for up to five minutes.
- Rep. Cervania: [02:28:35](#) Thank you, Chair, and thank you, Director Brinson Bell for being here. I'm going to ask many questions so hopefully we can have succinct answers and response. So, I did ask Chairman Hirsch these questions, but I'm going to pose it to you since he deferred them to you. But I'm going to ask one question before that. The headings of sheets that are on the top of the petition signatures are those approved or looked at or approved by the State Board of Election prior to usage?
- Ms. Brinson Bell: [02:29:09](#) We have standardized forms and the party or the organizations fill in the blanks about their information.
- Rep. Cervania: [02:29:15](#) So, it's not approved by all of you that it's consistent with obtaining signatures for party instead of individual candidates. There's not a process of that. They just fill out-
- Ms. Brinson Bell: [02:29:31](#) No, not-
- Rep. Cervania: [02:29:31](#) Okay.
- Ms. Brinson Bell: [02:29:31](#) They fill out the form. They indicate the name of the party they're seeking to-
- Rep. Cervania: [02:29:34](#) Okay.
- Ms. Brinson Bell: [02:29:35](#) ... be recognized as.
- Rep. Cervania: [02:29:36](#) So, is there a formal process of a circulator training or the potential applicants for parties to have an understanding of how things are communicated with collecting signatures?
- Ms. Brinson Bell: [02:29:50](#) No, we do not have a petition gatherer training program.
- Rep. Cervania: [02:29:55](#) Is that talked about at all in potential of not having these things happen in the future?

- Ms. Brinson Bell: [02:30:02](#) There are many changes we would like to make to the petition process, and I think that's a very valid one to consider including.
- Rep. Cervania: [02:30:09](#) Thank you. And when I heard about signature verification, it reminded me a lot of ballot curing in a lot of ways. And please correct me if I'm incorrect in this because I know it's a limited amount of time. It's done during canvass. You need to do it within 10 to 14 days, and a lot has been done going door to door. Was there a consideration of validating signatures going door to door instead of calling people?
- Ms. Brinson Bell: [02:30:40](#) Well, I believe the door to door is done by outside groups who are trying to help voters ensure that their ballot is able to be counted. Those county boards of elections or the State Board of Elections do not go door to door to help with ballot curing. We do contact the voters to try to work through the process of whether their ballot can be counted based upon the cure processes that were court ordered and implemented. So, the signature process, there were outside groups who did contact voters to determine whether they had signed or not, and I think those came about for... I can't speak to why those organizations chose to do that. What we're doing at the State Board or at the county board is to compare to the signatures that we have on file. And generally, we're going to err on the side of the voter. So, the voter has signed, so we're erring on the side of the signee as being reasonably resembling.
- Rep. Cervania: [02:31:43](#) Very good. Thank you for that clarification. When it comes to compliance to subpoenas, is that a criterion to where you can't go forward in terms of approving a potential party. If they're not compliant to those subpoenas, is that a criterion to stop the process?
- Ms. Brinson Bell: [02:32:06](#) I'm not an attorney, so I would probably defer to an attorney to say that specifically. The way that I understand it is the subpoenas are issued for the board to try to gain additional information. And obviously if someone doesn't comply with the subpoena, then there are gaps in the information that the board's receiving that they were seeking from that individual.
- Rep. Cervania: [02:32:28](#) Very good. And my last question is, it was indicated on your slides that the counties stopped actually verifying the signatures for Justice For All. What was the reasoning why that was done?
- Ms. Brinson Bell: [02:32:46](#) I'd have to look back. I don't recall saying that they stopped. We go through all the petition pages that are presented to us. There were some who did not understand the guidance that was given

to them in how to check. And so, when it was realized that some of them did not, we instructed them to do the signature comparison as all the other counties were doing.

- Rep. Cervania: [02:33:13](#) Right, and just to refer, it's on your slide that where it says, "2024 State Board Process." It said here, "Potential fraudulent signatures submitted by Justice For All that were identified by county review. These signatures were not validated by the county and were not included in the certified totals." This seemed to have been different than how We The People and Constitution Party process went forward at the county level to verify signatures. I'm just curious why there was a difference.
- Ms. Brinson Bell: [02:33:52](#) Each party's petition process is different, and what this is referencing is that there were counties who identified questionable signatures, meaning it did appear that someone may have signed for another or something along those lines, which is not permissible as I indicated on one of the slides. And, so, they turned it over to us. So, those petition signature lines are under investigation. They would not therefore be validated or added to the totals. That's what that's referencing.
- Rep. Cervania: [02:34:27](#) Very good.
- Ms. Brinson Bell: [02:34:29](#) And that just means that those questions came up in particular with the Justice For All Party.
- Rep. Cervania: [02:34:36](#) Thank you so much, Director Brinson Bell, and thank you for the clarification.
- Rep. Johnson, Chair: [02:34:42](#) Thank you, Representative Cervania. Representative McNeely, you are recognized for up to five minutes of questions.
- Rep. McNeely: [02:34:48](#) Thank you. And Mr. Chairman, I'm probably going to go off on a little bit different tangent because I'm wanting to know more about the ID requirements on getting registered or obtaining an absentee ballot. I don't know if now is the time for those questions or not.
- Rep. Johnson, Chair: [02:35:06](#) It's your five minutes.
- Rep. McNeely: [02:35:08](#) All right. Thank you, sir. Thank you for coming in, Ms. Karen Brinson Bell. You are the executive director of the North Carolina State Board of Elections, correct?
- Ms. Brinson Bell: [02:35:17](#) That's correct.

- Rep. McNeely: [02:35:21](#) How would you define the term “election integrity?”
- Ms. Brinson Bell: [02:35:27](#) There are many ways that we can define “election integrity,” but as an election professional, our job is to ensure that every eligible voter is able to cast their ballot. And that is the work that I do and that all 100 county election directors and the State Board staff and the county board staff do in order to ensure that our elections are carried out fairly, freely, and uphold the law. And that’s the integrity we bring to the election process.
- Rep. McNeely: [02:35:56](#) Okay. These questions here, they’re going to address some common worries that maybe the board can make some changes or to the forms or whatever. We noticed in one of the training slides that some of us have seen an image of a photo ID exception with the reason given, “I have left it at home.” Is that a valid impediment to being able to supply some kind of identification?
- Ms. Brinson Bell: [02:36:25](#) So, as part of the law, we do offer if an individual does not present photo ID when they come to vote, they are offered an exception form. And with that exception form they can indicate other and that may be their reasonable impediment. If that’s the reasonable impediment, that’s going to go before the county board for them to decide whether that statement is false or not. Now, another potential option is that if that individual did not bring it, they can vote a provisional ballot and then take that ID to the county board of elections during the canvass period for consideration because they did not bring it with them. So, not knowing exactly where they may have marked on that exception form, just taking the information you’ve presented to me, it’s going to go one of those two paths. Either way, they’re going to vote a provisional ballot. Their ballot’s not going to go into the tabulator with the others, for the individuals who brought their ID, it’s going to go before the county board for consideration.
- Rep. McNeely: [02:37:22](#) So, when that happened back in March (and maybe, what will happen in November) if they use that term, “I left it at home,” they’ll still be able to cast a ballot then
- Ms. Brinson Bell: [02:37:33](#) A provisional ballot? Yes, sir.
- Rep. McNeely: [02:37:35](#) And it will have to be cured as we say. In other words, verified.
- Ms. Brinson Bell: [02:37:41](#) Curing tends to refer to absentee by mail ballots. A provisional ballot is going to be researched and the exception form is going to be considered by the county board members. The cure in this

case is if they bring in an ID to the county board of elections, if that is what they've indicated.

- Rep. McNeely: [02:38:01](#) If this would've happened in early voting, could we not have asked them to take a free picture ID that we were allowing to be given to them? And did that happen or does that happen?
- Ms. Brinson Bell: [02:38:13](#) During the voting period, you're correct. We can still do the county board-issued photo IDs during that time period.
- Rep. McNeely: [02:38:21](#) So, did we do that before the-
- Ms. Brinson Bell: [02:38:22](#) But the law does allow them to complete the exception form.
- Rep. McNeely: [02:38:25](#) Was that an option that we gave them at that moment in time then?
- Ms. Brinson Bell: [02:38:30](#) I would assume so, but they chose to-
- Rep. McNeely: [02:38:33](#) Is that required of staff at our individual precincts to offer that or at the early voting sites?
- Ms. Brinson Bell: [02:38:40](#) It is not an option on election day. That is an option during early voting.
- Rep. McNeely: [02:38:44](#) Correct.
- Ms. Brinson Bell: [02:38:44](#) And they do not have those machines at every early voting site, so they would go to the county board of elections. They would be offered the exception form as well. So, again, looking at this particular situation, it seems the voter chose to complete the exception form, which is permitted by law.
- Rep. McNeely: [02:39:04](#) It has been reported that over 200,000 listed voters do not either have a driver's license or their last four digits of their Social Security number attached to their voter record. Is that true?
- Ms. Brinson Bell: [02:39:16](#) That is what an organization has put forward to the State Board.
- Rep. McNeely: [02:39:21](#) Do you believe it to be true?
- Ms. Brinson Bell: [02:39:24](#) We have actually asked for the script from that organization, and they have not provided that to us for us to do further research on that. I can confirm that there are individuals who we do not have their driver's license or Social Security number on file, and that does exist. But in many of those cases they

have been asked to present what's called a HAVA ID when they present themselves to vote.

- Rep. McNeely: [02:39:52](#) So, these are active voters that you speak of that do not have either?
- Ms. Brinson Bell: [02:39:57](#) I'd have to look. I don't remember which way that that was determined. They may not be active voters. They may be inactive voters who would need to reaffirm their address and present an ID potentially when they present themselves for voter registration purposes, not just the photo ID purposes.
- Rep. McNeely: [02:40:18](#) It says here, "Photo ID exception form for absentee voting voters claiming a reasonable impediment must mark one of the things." And basically it says down here, the first says, "I'm unable to include a photocopy of my photo ID with this absentee ballot." And basically it's saying, "I can't provide a photo ID because I don't have a photo ID." That's kind of an oxymoron, but that's one of the questions that's asked. Is that something that even needs to be on there asking that question, in my opinion, 'cause it doesn't make a lot of sense?
- Ms. Brinson Bell: [02:40:52](#) So, the exception form for both in-person voters and absentee voters is based upon the legislation that was passed and was also approved by the State Board members unanimously as I recall. So, it is adhering to the law. If that's the language on the exception form, that's the language prescribed by law.
- Rep. McNeely: [02:41:12](#) Was that more of an interpretation by staff or brought before the board to vote on, or is that actually the law? It sounds like more an interpretation from what I've read in the law.
- Ms. Brinson Bell: [02:41:23](#) I would have to pull out my law book, which I don't have handy, but we'd base the exception form on the language within the law.
- Rep. McNeely: [02:41:33](#) All right. Do these people still receive a ballot when they send that back in after checking the box saying they do not have valid ID, a photo ID?
- Ms. Brinson Bell: [02:41:45](#) The exception form is-
- Rep. McNeely: [02:41:46](#) So, that's a [inaudible 02:41:47]
- Ms. Brinson Bell: [02:41:49](#) Sir, the exception form comes with their voted ballot that has also been witnessed and signed by the voter. When a voter

requests an absentee form, they provide us either the driver's license number or the last four of their Social.

- Rep. McNeely: [02:42:07](#) So, to request they provide one of the two, but they do not have to submit it. They can check a box that says they don't have onr.
- Ms. Brinson Bell: [02:42:17](#) So, they would list either the driver's license number or the last four of their Social so that we can confirm that that's the person in our system. Social Security numbers last four do not contain a photo ID, so that is not an acceptable photo ID. We issue their ballot because we have been able to confirm their request. They then receive an exception form with their absentee ballot packet. When they return the ballot, they either provide us a photocopy of their ID as well as their own signature and the signature of two witnesses or a notary public. And they either provide the copy of the ID or they indicate on the exception form the reason they are unable to provide a copy of their ID.
- Rep. McNeely: [02:43:05](#) If they cannot do a photo ID or the last four, they do not receive the ballot then, correct?
- Ms. Brinson Bell: [02:43:14](#) That's right. We will make potential contact with them to determine if there's additional information we need or something of that nature, but it's not automatically issued, correct.
- Rep. McNeely: [02:43:26](#) What steps do election workers and officials take to verify IDs when somebody arrives to claim a ballot, whether absentee, early voting, or election day?
- Ms. Brinson Bell: [02:43:38](#) I need you to restate your question. I'm not sure what you're asking.
- Rep. McNeely: [02:43:41](#) Do they actually, when they come in, they say, "We need to see your license," or, "We need to see some kind of ID?" And they give it to them. Do they look at it? Do they try to verify it? Do they ask them any questions that may happen to be on that ID? Or they just take a look at it and say, "Oh, this looks good enough to make, go ahead, here's your ballot?"
- Ms. Brinson Bell: [02:43:58](#) To request a ballot or, so if you present yourself to vote-
- Rep. McNeely: [02:44:03](#) Yes.
- Ms. Brinson Bell: [02:44:03](#) ... you're going to go to a check-in station. And as the law prescribes, I'm going to ask you to state your name and your

address. I'm using that information to look you up in either the electronic or the manual notebook to determine that you're on the registration list. Then as prescribed by law, the worker or myself, if I were the one checking you in, is going to ask for your photo ID. And the purpose of the photo ID as prescribed by law is to look for a reasonable resemblance between the photo on that acceptable form of ID and the person standing in front of them.

- Rep. McNeely: [02:44:42](#) Are they going to-
- Ms. Brinson Bell: [02:44:43](#) And so-
- Rep. McNeely: [02:44:43](#) Are they going to look and try to-
- Ms. Brinson Bell: [02:44:43](#) I'm sorry?
- Rep. McNeely: [02:44:43](#) ... compare the address that's on the identification compared to the address that they have in their voter registration or not?
- Ms. Brinson Bell: [02:44:51](#) That is not North Carolina law. We are to look for reasonable resemblance to the photo ID that's presented and the person standing in front of us and that it's an acceptable form of ID.
- Rep. Johnson, Chair: [02:45:03](#) Representative McNeely, your time has expired. Would you like to be added to the follow-up list?
- Rep. McNeely: [02:45:05](#) I really just have one more question, but yes, I'll be up to the follow list either way.
- Rep. Johnson, Chair: [02:45:09](#) If you have one more that we can make brief, we can save time that way.
- Rep. McNeely: [02:45:12](#) Well, I feel like it's brief, Chairman, but it may not be in some other people's eyes. I'll wait for follow up.
- Rep. Johnson, Chair: [02:45:21](#) I trust your judgment. Let's move on. Representative Stevens, you are recognized for up to five minutes of question.
- Rep. Stevens: [02:45:28](#) Thank you, Mr. Chair. Ms. Bell, I had some questions before, that I think were deferred to you. One of them is you indicated that you sent out for the signature verification for these parties. You sent it back to local boards, and apparently you were notified that 76 counties had not, in fact, verified. Is that right?
- Ms. Brinson Bell: [02:45:53](#) Yes. Clear Choice sent us a correspondence indicating that they believed there were 76 counties who had not properly checked

signature verification because they had not indicated “signature rejected.” We were able to then determine that because Clear Choice is not part of the State Board, they are a separate entity, that they did not understand the system, and so, that was not an indicator that had to be marked in order for the counties to have completed their process.

- Rep. Stevens: [02:46:24](#) Okay. Did you just notify those 76 counties that we need to confirm or deny that this is, in fact, what happened?
- Ms. Brinson Bell: [02:46:31](#) We surveyed all the counties to make sure that they had properly conducted the process, and that they understood the position checking module, and had properly followed those instructions. At that point was when we were able to realize that there were about 10 counties who had not... It wasn't just about what they had selected in the petition module, they had not gone through the entire process properly.
- Rep. Stevens: [02:46:57](#) So, instead of 76 counties, it was really only 10 that had not followed the process?
- Ms. Brinson Bell: [02:47:01](#) Yes. Yes, ma'am. As I clarified, it's not exactly 10. Some counties did not receive sheets, so I think in the case of the Constitution Party. It was like nine counties. And another one it was 11, so I just generalized at 10.
- Rep. Stevens: [02:47:15](#) Then you said, as a result, I'm trying to remember your testimony...
- Ms. Brinson Bell: [02:47:19](#) Yes, ma'am.
- Rep. Stevens: [02:47:19](#) You said ... that certain directors of boards of elections registered complaints of things they thought were wrong. Can you tell us which county directors, which counties those directors were in, that registered complaints?
- Ms. Brinson Bell: [02:47:38](#) This checking to see if they had followed the process correctly, was separate of counties letting us know of concerns. While they were in the entire process, they were looking to see if there were signatures of concern. I believe the number is 66 signatures, we were notified, that might be fraudulent, someone signing for another, something along those lines. The particular counties, I believe, were Wake, Edgecombe, Watauga, Beaufort, and potentially Mecklenburg. I can't recall if Mecklenburg was one of them or not.
- Rep. Stevens: [02:48:25](#) So, five counties?

- Ms. Brinson Bell: [02:48:27](#) Four or five, yes.
- Rep. Stevens: [02:48:28](#) Four or five, okay. All right. Then as a result of that, you reported back to the board, and they suggested doing this survey approach. Is that correct?
- Ms. Brinson Bell: [02:48:39](#) I would say it probably contributed to the board wanting to go further. The process that I described is how we have handled any petition process as we try to explain to the board whether they've met the threshold or not met the threshold. It was part of our general findings that we presented to the board. Then, they're taking all of the information in its totality, is when they directed the staff to go forward with their survey.
- Rep. Stevens: [02:49:11](#) Now, and over the last couple of years, we've heard some complaints or some discussion about trying to legally interpret what the General Assembly meant. Is that correct? Trying to legally interpret what the process is or should be.
- Ms. Brinson Bell: [02:49:28](#) I'd have to think back to what the chair was testifying, but I think I've spoken to what the procedures are, and I don't think that how we go through a signature verification process for petitions, that's pretty spelled out. I think there's ways we can improve that legislatively, but I don't think it requires a lot of interpretation. It's pretty much been the same for a number of years, in my time in elections. I think where the legal interpretation comes is the responsibility to the board members, the State Board members, there is the part within the law of the validation of signatures, but there's also the language about purpose and intent. My take on what the board has been trying to determine is their role in both of those factors, whether just to approve or disapprove a petitioning group.
- Rep. Stevens: [02:50:30](#) Right, right. I'm not just talking about the petition process, I'm talking about in voter ID, or in early voting, or in those kinds of things. When you don't think it's clear, what do you do?
- Ms. Brinson Bell: [02:50:42](#) Oh, I follow you now. Thank you. We do have counsel at the State Board. They advise the board as a whole, not individual members, the board as a whole. Then, in certain cases, we do have litigating staff that will advise the board, particularly if we have been presented with a lawsuit or something. But there are times where the process really gets defined. If the law prescribes that the State Board go through rulemaking, we've just gone through this recently. The legislature says that we will have a certification program for electronic poll books, for example.

- [02:51:29](#) The legislation does not enumerate everything, and so the way to define it is to go through the rulemaking process. There have been rules now written and approved by the State Board, submitted to the Rules Review Commission. They were approving of those rules, and so the rules now give more clarity to the law. I think that would be, what I would say, is a generalized process, but those are the steps we go through, depending on the language within the law.
- Rep. Stevens: [02:52:06](#) Do you on occasion, though, maybe it's not covered by the rule yet, maybe it's not clear in the legislation, send out memos or advisories to local boards on how they should handle things?
- Ms. Brinson Bell: [02:52:18](#) Yes, ma'am. For more than 20 years, it has been the practice of the State Board to issue guidance through numbered memos of the executive director. Those are to ensure the uniformity in how we conduct elections across all 100 counties. The State Board is charged with oversight of all 100 counties. I think through all administrations it's been the belief that oversight means that we want to have as uniform and as consistent a process [as possible].
- [02:52:50](#) Those numbered memos are intended, most often, to give procedural steps of how to carry out the decision of a court, or the decision that's come down, new legislation that may be in effect. That's what the numbered memos are intended to do. Recently, the State Board even chose that it was not, I don't think it was clear to the public how they weighed in or didn't weigh in on numbered memos, and so, the board has recently adopted that I can develop the guidance, the staff and I can develop the guidance, but then we present it to the board for their consideration before it's actually issued.
- Rep. Stevens: [02:53:30](#) And when that-
- Ms. Brinson Bell: [02:53:31](#) There's now a formal process to those.
- Rep. Stevens: [02:53:33](#) Thank you. Thank you. When that's done, is it clear this is just an advisory, this is our interpretation of the law? It's not a rule, and it's not a statute. It's merely our interpretation of the process. Is it clear on those things?
- Ms. Brinson Bell: [02:53:53](#) Again, it's going to depend on what it is, but yes, it is clear to the counties that these are the procedures to be followed, and that this is in effect. There is language within our law that does, because of that oversight and supervision authority, that does direct the board to direct the counties. It is known. It is clear

that that is as formal a guidance—and to be adhered to—as the rules and the law.

Rep. Stevens: [02:54:21](#) Okay. All right. I think I just have a little issue with that. After you go through memos, and things that weren't clear in rules, do you then try to convert those to a rule, or to make sure that the process complies with statute? Do you go through rules review with the... I understand the need to do them on an urgent basis, but then do you follow up with taking them to rules review or taking them back to the legislature for statutory clarification?

Rep. Johnson, Chair: [02:54:50](#) Representative Stevens, your time has expired, but Director Brinson Bell, please feel free to answer that last question.

Ms. Brinson Bell: [02:54:56](#) Yeah. There are many, many, many numbered memos that have been issued over the years, and so, what I would say is we have to look at each circumstance. Some of those memos are about emergency procedures because of weather, so, there's not a reason to take that back into rule or into legislation. It's because we're having to give them direction on whether early voting sites should be closing because there's a hurricane that's imminent. There are times when, yes, we then take from the circumstance that arose, that needed a numbered memo and look at putting that into rule or legislation.

[02:55:37](#) That has come up, actually, with the cure process, since that came up. We have worked through legislation and rule on that, also similar with observers. Since both of those topics have come up, those would be examples of when, yes, it is needed for the numbered memo to go another step. There's other times when it's still an effective way of giving oversight, but it may be more timely to the circumstance.

Rep. Stevens: [02:56:08](#) Thank you.

Rep. Johnson, Chair: [02:56:08](#) Thank you. Representative Quick, you are recognized for up to five minutes.

Rep. Quick: [02:56:11](#) Thank you, Mr. Chair. Director Bell, I just have a couple questions for you. How does board staff gauge when a petition contains mere incidental instances of invalid signatures versus a more widespread problem?

Ms. Brinson Bell: [02:56:28](#) That's a very good question. I don't want to step into our criminal investigations that we have going on, but it may be on an individual signature basis, or we may see something more

rampant. Since the Green Party has been referenced, what we were seeing were multiple signatures on a single sheet that looked to be of the same signature, and therefore not likely to be the actual voter's signatures. They did not match. We began to notice patterns where there might be initials somewhere on that sheet, and that led us to then investigate, "were there signature gatherers involved, and did they get paid per signature?"

[02:57:19](#)

We would like to see that changed. We don't allow for pay-per-voter registration. We don't want to see people be able to be paid for signatures gathered in a petition process either. Not to digress, that, I think, would answer your question. We're looking somewhat in totality. That's another reason why all of them are brought into the State Board, because there may have only been one sheet, or something of that nature, or one signature in a county. But when we have them collectively, then we can also look to see if there's anything of concern, any discrepancies that are cross county lines, that may not have been able to be picked up until they were brought together at the State Board.

Rep. Quick:

[02:58:04](#)

Thank you. When you were answering questions from Representative Cleveland, you alluded to, but you didn't outright say, the issue of funding. I want to ask how does the board staff lack of funding frustrate attempts to be diligent in investigating complaints, particularly in a very small window before an election?

Ms. Brinson Bell:

[02:58:31](#)

Particular to petitions, or as a whole?

Rep. Quick:

[02:58:33](#)

As a whole, yeah.

Ms. Brinson Bell:

[02:58:36](#)

As a whole, we are struggling. There are even questions that come up around our list maintenance practices, around additional trainings that we can do. Our staff has not grown, but our voter registration numbers, our number of citizens in North Carolina, residents in North Carolina, has continued to grow. There are limitations on time. We only have one database administrator at the State Board of Elections. That is risky. It's not just unwise, it's risky. We have continually asked for additional individuals to work with our data team.

[02:59:16](#)

We are going to post with a time-limited position for data analysis, but that does not get us someone who can have the institutional knowledge to stay with us. There is a lot that's involved. We also used to have eight field support specialists

out in the field assisting the counties. That got reduced, and right now, we have five and one vacancy that we're trying to fill. We're appreciative that there was additional funding, but at one point it was cut all the way back to four.

[02:59:46](#)

This is at a time when we are now up to a 63% turnover rate. We will have more than 30 county directors who will not have been at the helm for a presidential election as we head into a presidential election. There are many ways that I can say that we need additional funding for staff, for resources. We received about two-thirds of what we need to modernize our state election information management system, and we have a project plan that could get it done in five years, but we will not get the whole project done in that timeframe, with only two-thirds of the funding.

Rep. Quick:

[03:00:22](#)

Now answer that question as it relates specifically to petitions.

Ms. Brinson Bell:

[03:00:28](#)

To petitions, what we ran into, in this case, is more of a time constraint, but it does indicate a personnel constraint as well. County boards and the State Board were conducting a second primary as these petition sheets came in. I believe Dr. Jackson has referenced this. We asked for this in our proposed legislation before the long session. We need more than two weeks for the counties to be able to handle these petitions.

[03:00:56](#)

Because if you consider, we had three petitions going at one time, all of them needing to present almost 14,000 signatures, and all of them know to bring in more than that. There were thousands of sheets that many of our county offices were having to process while they were trying to conduct an election. We need to look at that timeframe, both when it occurs, and the timeframe that we can dedicate to it.

[03:01:23](#)

This is not something where you're just going to hire a temp to do it. You've got to have people who are knowledgeable and vetted to be in our voter registration system and our petition checking system. Similarly, at the State Board, we have a program specialist who works on our petition process that's advising. We have an attorney who works on election administration who's advising these parties.

[03:01:47](#)

All of those petition sheets, from all of those counties, came in at one time. We pulled people off of other things to assist them in reviewing. Then we had, obviously, investigative matters with three investigators and one attorney who assists our investigators. I'll also say, we broke two scanners trying to

process these sheets at the State Board office, because of the volume.

Rep. Johnson, Chair: [03:02:16](#) Representative Quick-

Ms. Brinson Bell: [03:02:18](#) Those are the kinds of resource issues.

Rep. Johnson, Chair: [03:02:20](#) Representative Quick, your time has expired. Would you like to be added back onto the follow-up list?

Rep. Quick: [03:02:24](#) No, sir. Thank you.

Rep. Johnson, Chair: [03:02:24](#) Thank you so much for your questions. Representative Chesser, you are recognized for up to five minutes.

Rep. Chesser: [03:02:31](#) Thank you, Mr. Chair. Thank you, Madam Director, for coming back before the committee. Wanted to follow up. You said something about voter roll maintenance, which is something that me and you discussed when you were here last summer. If you want to just switch hats for a minute, I'll go ahead and give you time to preface that. That's where I'm going to be headed with my line of questioning.

Ms. Brinson Bell: [03:02:49](#) Okay.

Rep. Chesser: [03:02:50](#) If you would, understand that there's going to be an implied question at the end of each one of these questions, which is, "Do you believe you already have the authority to do it, or do you need additional legislative authority to implement what I'm about to ask about?" Okay?

Ms. Brinson Bell: [03:03:04](#) Okay.

Rep. Chesser: [03:03:07](#) First would be, "What's the status of accessing Social Security death records for the department?"

Ms. Brinson Bell: [03:03:13](#) We receive weekly reports from the Department of Health and Human Services on our vital records. We can access the Social Security database through DMV. I don't know if that answers your question or not, but those are our resources to tap into death records and Social Security.

Rep. Chesser: [03:03:32](#) Okay, so you believe you already have the legislative authority to do that. You don't need additional legislation to be able to access death records in a timely manner?

- Ms. Brinson Bell: [03:03:42](#) I think we do what's prescribed by law. I think we do have the legislative authority with Health and Human Services.
- Rep. Chesser: [03:03:52](#) Does the State Board compare the voter list against public assistance programs?
- Ms. Brinson Bell: [03:04:02](#) In what way? What public? I'm not sure that I understand.
- Rep. Chesser: [03:04:07](#) We have state maintained lists for public assistance programs that would provide legal names, addresses, that sort of thing, as a comparison to make sure people are duly registered where they live.
- Ms. Brinson Bell: [03:04:24](#) Many public assistance agencies do provide voter registration services, and then provide those to the Board of Elections, and we process those. There is no prescribed check against public assistance, the way that I'm understanding your question. Health and Human Services would be, to some degree, a public assistance, and we're checking for deaths, but I don't know. No, that's not a prescribed way to check for names or addresses.
- Rep. Chesser: [03:05:04](#) Do you believe you lack the legislative authority to be able to do something like that? Or compare-
- Ms. Brinson Bell: [03:05:13](#) It's not prescribed in law. I think there would be some things we would need to consider before moving forward in that path, but that is not something prescribed in law.
- Rep. Chesser: [03:05:24](#) Does the State Board compare voter lists against county tax records?
- Ms. Brinson Bell: [03:05:28](#) That's not prescribed by law either.
- Rep. Chesser: [03:05:33](#) Does the State Board access credit agencies, or other commercial databases, to compare where people say they live when applying for loans?
- Ms. Brinson Bell: [03:05:41](#) That is not prescribed by law either.
- Rep. Chesser: [03:05:44](#) Does the State Board compare the voter lists with registrations in other states?
- Ms. Brinson Bell: [03:05:51](#) We receive information from other states, as a voter provides it. Similarly, if a voter indicates that. We send that as well, for what the voters indicated. I came before this body, and we actually had started moving forward with becoming part of the ERIC system. That would've facilitated a better exchange

between states, but then we were prohibited from doing so. I would need further legislation to move forward.

Rep. Chesser: [03:06:25](#) How frequently does the State Board remove non-citizen voters from the voter rolls, explicitly for being excused from jury duty, for being a non-citizen?

Ms. Brinson Bell: [03:06:34](#) That has gone into effect, and we are working with the Superior Court at this point in time. That was effective July 1.

Rep. Chesser: [03:06:47](#) Do you guys compare voter rolls list to any federal juries? Do you have access to those?

Ms. Brinson Bell: [03:06:56](#) Not that I'm aware of. No, sir.

Rep. Chesser: [03:07:01](#) How frequently are county boards required, or do they update their voter rolls?

Ms. Brinson Bell: [03:07:08](#) We actually have weekly processes. We, on a weekly basis, are updating the rolls because of death reports. We are also updating because of felon reports. We update through the National Change of Address, through the US Postal Service. We use an annual list maintenance, and we do duplicate checks, where we realize that there may be duplicate registrations, or something of that nature. Representative, I think you should be aware that, in the past year, we've updated our rolls for removal of nearly 700,000 records. Then, of course, it is a maintenance process as well when people do register to vote, because our rolls are changing then as well. But we go through very prescribed verification processes.

[03:07:59](#) They are attesting to many things when they are completing that, and then we go through the verification process of mailing out their voter registration card, and working with the Postal Service, that if they do not deliver, then that's going to trigger another confirmation process before we would ever allow someone to be registered to vote on our rolls. I want to be clear, when you're suggesting that we do these other checks, there is already a check in place to verify an individual, in addition to processing them through the DMV for their driver's license, or the last four of their social.

Rep. Johnson, Chair: [03:08:33](#) That was the expiration of the member's time, but we are getting into follow-ups now, so, we're going to go ahead and just roll that three minutes if you'd like to keep going. That we follow up by Representative McNeely, and then both chairs have some comments, and then we will get you out of here so

you can get lunch. Representative Cleveland would also like a follow-up. After those follow-ups, we'll have two. Representative Stevens would like a brief follow up, and then we will have some brief comments by the chairs, and then get everybody out here before they starve to death.

- Rep. McNeely: [03:08:58](#) Thank you, Mr. Chairman. Ms. Brinson Bell-
- Rep. Johnson, Chair: [03:09:01](#) We're still rolling with Chesser right now.
- Rep. McNeely: [03:09:02](#) Oh, it's all right.
- Rep. Johnson, Chair: [03:09:03](#) He'll have his three, then we'll bounce to you.
- Rep. Chesser: [03:09:08](#) All right, Madam Director, sorry about that. Just for public information, when would the county boards and State Board have certified the roles for this upcoming election? What's the deadline for that?
- Ms. Brinson Bell: [03:09:22](#) There's not. The maintenance of our lists, of our roles, is an ongoing process. There is a deadline by which someone must register to vote or move to the option of same-day registration. I'm not sure that I understand your reference.
- Rep. Chesser: [03:09:37](#) What is that deadline?
- Ms. Brinson Bell: [03:09:39](#) Twenty-five days before the election is when we close the books on our voter registration rolls or allow someone to same-day register during the early voting period.
- Rep. Chesser: [03:09:48](#) Okay. Just for a brief follow up, I want to follow up on what you were talking with Representative McNeely about. He asked about photo ID verification at the polling site, and you went through the example as if you were the poll worker. You said that when examining a photo ID, you would examine it for a reasonable likeness to the person standing in front of you.
- Ms. Brinson Bell: [03:10:09](#) That's correct.
- Rep. Chesser: [03:10:12](#) Then he specifically asked about verifying address, and you said that that's not mandated by law.
- Ms. Brinson Bell: [03:10:18](#) That's correct. The voter has to state their name and address when they present themselves to vote.
- Rep. Chesser: [03:10:23](#) What is required on an ID to make it a valid ID?

- Ms. Brinson Bell: [03:10:29](#) There are a series of IDs that have been approved: expiration date on some, though there are certain IDs... I believe a veteran's ID does not contain an expiration date. There's a passport, which does not contain an address. There is quite a significant list of IDs, and with each one we have to consider different criteria.
- Rep. Chesser: [03:10:55](#) Would it be accurate to state that a legal name and an address is required to register to vote?
- Ms. Brinson Bell: [03:11:06](#) To register to vote? Is that your question? Yes, someone's going to complete their legal name and their address. We're going to cross-check that against the driver's license or last four of their Social. We're going to also do the mailing, that I mentioned, and then that's how they would be on the registration list. Then they're going to come forward and present that.
- Rep. Chesser: [03:11:30](#) If someone presents, say, a driver's license with an address on it as their ID at the elections polls, do you not check address because it's not mandated by statute? Or, do you think you lack the authority to verify the address when it's presented?
- Ms. Brinson Bell: [03:11:50](#) Again, our law says that we are checking for ID. There are IDs that are approved that do not contain an address. We can look at the name for a reasonable resemblance as well, or reasonable match. But we also know that there are times when people change their names, and they can update that when they come to vote, because of marriage or divorce or a hyphenation to where they appear differently in the system.
- Rep. Chesser: [03:12:23](#) Okay. Non-citizen voting has been something that has been all over the place in politics down here on the House floor. I would just want to give you a minute so you can expand on what steps you guys are taking to detect and remove non-citizens from the voter rolls.
- Ms. Brinson Bell: [03:12:41](#) Our voter registration form, for years, it's a requirement of our law that you attest that you are a US citizen. That is already in place and has been in place prior to me being state director, and that continues. We do have the process in place to be checking with the jury lists, if anyone indicated they were not a citizen, and we'll go through that process as well.
- Rep. Chesser: [03:13:11](#) Perfect.
- Rep. Johnson, Chair: [03:13:11](#) Thank you so much. Representative McNeely, you're recognized for up to three minutes of follow up.

- Rep. McNeely: [03:13:17](#) Ms. Karen Brinson Bell, when were you appointed to this position? Was it 2019? Is that correct?
- Ms. Brinson Bell: [03:13:23](#) Yes, sir. My first day on the job was June 1st, 2019.
- Rep. McNeely: [03:13:26](#) [The year] 2019. All right. Did you not state just a little bit ago, y'all have cleaned up 700,000 off of the voter rolls? Is that what you said? I want to make sure I heard you right.
- Ms. Brinson Bell: [03:13:36](#) In the last year.
- Rep. McNeely: [03:13:38](#) In the last year? That's impressive. That's impressive. I know when we talked last year, in June, y'all had talked about you were able to find 46 that had voted that shouldn't have voted. To be able to do 700,000 is impressive. Will we be monitoring these same people when it comes time for voter registration, as far as doing same-day? Is there any kind of list out there that has these names flagged, that we may have found in the past, that shouldn't have been voting?
- Ms. Brinson Bell: [03:14:15](#) I'm not sure that you understand our processes quite right, and so, I'll try to work through that. When someone's been a part of the North Carolina voter registration rolls, they will always have a record in our system. Their status may have changed. When they are registered to vote and participating, they are active. They move to an inactive status when they do not participate in a series of elections. Then, because of some these other reasons, they may be in removed status. We will still have record of that individual. If someone has been removed because they moved to another state, now moved back to North Carolina and they, for example, do same-day register, then they're going to be in our system, if that's what you're asking, for us to determine their status.
- Rep. McNeely: [03:15:01](#) They'll have to re-register, though, if they've been removed from the roll, correct?
- Ms. Brinson Bell: [03:15:04](#) That's right.
- Rep. McNeely: [03:15:04](#) Okay.
- Ms. Brinson Bell: [03:15:06](#) Similarly. With an individual who's been convicted of a felony, we remove them from the registration, and our state law says that they must re-register in order to participate following their felony sentence.

- Rep. McNeely: [03:15:18](#) Well, if we were able to purge 700,000 in just the last year, how many of these could have voted in previous elections, between 2019 and 2023? Seven hundred thousand is a lot of people that could have possibly voted then that shouldn't have voted.
- Ms. Brinson Bell: [03:15:37](#) Again, I think you're not understanding what these represent. Someone may have died in the past year, and be removed from our roll, may have been very much alive three years ago, in that timeframe that you're talking about. It is an ongoing process. A single snapshot today is not what our registration rolls will look like tomorrow because we'll receive new registrations, but similarly, someone may be convicted of a felony, where we remove them as well. It is an ongoing process.
- [03:16:09](#) At some point, maybe we can go through the 40-some page document that outlines all the list maintenance practices that we do. But we, by federal law and state law, have a set list maintenance, where we'll go through, after the general election, and we will reach out to voters who have not participated in the last two federal elections to confirm, and that may move them from active to inactive. Similarly, if they do not participate in two federal elections, that may move them from inactive to removed. That's where some of these numbers come about.
- [03:16:45](#) Just like I mentioned, the National Change of Address. We receive notifications. We do this on a six-month basis, where we get information from the US Postal Service. We make contact with the voter to determine about that indication from the National Change of Address, is that we're matching up to our voter rolls with the US Postal Service and making sure that those are the right voters and have opportunity to remove them from our list then too.
- [03:17:10](#) Again, it's an ongoing process, and I can't say to you that number today would even be the same number tomorrow. It's going to grow. It's going to reduce. It depends on what point in time you want to look at. But someone being removed from the rolls today doesn't mean that they weren't eligible to vote three years ago or two years ago or even two months ago.
- Rep. McNeely: [03:17:34](#) Well, let me ask this, then. Since that's happened in the last year, the previous year before that, did you remove roughly 700,000 then? Is this a number that usually happens every year?

- Ms. Brinson Bell: [03:17:45](#) It does vary, because that annual list maintenance follows federal elections. That's prescribed by law, but the other processes are still ongoing. We also go through peaks and valleys of people's participation. I think we're all very familiar that a presidential year, we will have more individuals participating. They don't necessarily even qualify to participate during a municipal year, so it's a fluctuation. I'd have to look back at the numbers, but we are continuing the same list maintenance practices—and actually have expanded some of them—that have existed for decades in our processes.
- Rep. Johnson, Chair: [03:18:24](#) Thank you. Representative McNeely, your time has expired. Thank you. Representative Quick, you are recognized for up to three minutes.
- Rep. Quick: [03:18:31](#) Thank you very much, and I will not need them. Director Bell, are you confident that we have safe, secure, and as accurate as possible elections in North Carolina?
- Ms. Brinson Bell: [03:18:43](#) I absolutely am. I applaud the work by the State Board staff and the 100 county boards of elections, the bipartisan work of our county boards and our State Board to guide us through these processes. And we are recognized as one of the top states in the nation for the work that we do. And that is not political, that is not partisan. We have received awards from the US Election Assistance Commission for some of the innovative and hard work that we've done to secure elections and make sure that every eligible voter is able to cast their right to vote.
- Rep. Quick: [03:19:20](#) Thank you.
- Rep. Johnson, Chair: [03:19:23](#) Thank you. Representative Cleveland, you are recognized for up to three minutes.
- Rep. Cleveland: [03:19:27](#) Thank you, Mr. Chairman. You mentioned that a group has said that we have some 200,000 folks on the rolls that don't have driver's license numbers or Social Security numbers. And has the board itself looked to see if that's true?
- Ms. Brinson Bell: [03:19:49](#) We have done some analysis, but as you and I have discussed, I asked for a data analyst in the short session and I did not receive it. And we are limited in what we can do.
- Rep. Cleveland: [03:19:58](#) That was not my question. I don't need any further pleas for assistance. When folks come to vote, do the people check in perspective voters? Do they have a complete listing on their

screen of the data for that voter? Home of record, phone numbers, and all that kind of stuff?

- Ms. Brinson Bell: [03:20:33](#) They do have a view of what they need to check in a voter. They're able to confirm their address, they're able to confirm their name, they're able to see a date of birth, they're able to see a gender. So, there may or may not be a phone number. That's not a required field.
- Rep. Cleveland: [03:20:53](#) You mentioned that a voter could update their name when they come in to vote. Is there any reason why the person checking in the voter could not ask for a driver's license number or a Social Security number if there's none on the record?
- Ms. Brinson Bell: [03:21:11](#) The board has discussed this. We have concerns about the lines that it could cause. There are concerns that we have about that process. It is a very small number of individuals that we're talking about (with their voter registration) out of our 7.5 million registered voters. So, I'm not prepared to talk about that in further detail today, but that is not one of the items that someone is to do, to verify, to check in when they present themselves to vote.
- Rep. Cleveland: [03:21:50](#) It's a small number, but it's still required by federal law. So, it's something we have to look at and resolve. Do you use the-
- Ms. Brinson Bell: [03:22:00](#) And we have taken steps to resolve that. We have updated our form. The prior administration had the instructions to complete that information but did not have those as required fields. We have corrected that and are moving forward.
- Rep. Cleveland: [03:22:16](#) Do you use the Systemic Alien Verification for Entitlements at all in the voter rolls?
- Ms. Brinson Bell: [03:22:25](#) Are you talking about the SAVE system that the federal government has?
- Rep. Cleveland: [03:22:28](#) Right.
- Ms. Brinson Bell: [03:22:28](#) That is not one of the verifications that's in place. That is not a database that you can do a cross check with. That is an individual lookup for individuals who are in that system. And it's used as a verification for employment is my understanding. So, no sir. We have it for other purposes. We have used it for investigative purposes, but that is not a verification process for an individual when they are registering to vote.

- Rep. Cleveland: [03:23:01](#) Okay. We'll leave it go then. Thank you, Mr. Chairman.
- Rep. Johnson, Chair: [03:23:05](#) Thank you. Representative Stevens, you are recognized for up to three minutes.
- Rep. Stevens: [03:23:08](#) Thank you. And I really just have a couple of comments if that's okay. I do want to thank you for all of your participation in this, and I do want to encourage you to continue on with rulemaking. You said even in emergency situations you do a quick policy, and I understand that, but emergency situations happen all the time. And so, if you could establish some policies and perhaps particularly some policies around dealing with these third party requests. It's going to happen again in the future. And if we want some consistency, it'd be great to go to rules.
- [03:23:37](#) The only other comment I want to make is on voter ID, and this was just an experience I had. I had some pretty dramatic changes in the last six months with my appearance and with my hair and everything. So, I went and got a new driver's license, and right before the primary we had this issue, which our committee dealt with, of the DMV not getting out driver's license very fast. My temporary license was not accepted even though it had a picture and it's a state ID. My temporary license is not accepted as a form of voter ID. They accepted my old license with a picture that didn't really look like me, but they couldn't accept my temporary license. I just think that's something we might want to deal with.
- Rep. Johnson, Chair: [03:24:19](#) Thank you. Representative Dahle, you are recognized for up to three minutes.
- Rep. Dahle: [03:24:28](#) Thank you, Mr. Chair. Ms. Bell, when you received the letter to come and to testify here at this oversight committee, it appears to me that you followed the second paragraph, and we were to discuss the parties that were not able to...that you guys did not approve to go on the ballot. Is that correct?
- Ms. Brinson Bell: [03:25:02](#) I did prepare the PowerPoint as my testimony for that purpose, yes, ma'am.
- Rep. Dahle: [03:25:06](#) Okay. I just want to make sure I'm not... I'm feeling a little nutty right now because I don't see anywhere on here where you were to be prepared to talk about voter rolls, voter ID, or any other subject other than the subject of the three parties. Am I mistaken?

- Ms. Brinson Bell: [03:25:32](#) I believe the way I knew that there might be other subjects that came up because of some correspondence between our general counsel and Mr. Coletti yesterday. But obviously that did not give me a lot of time to prepare as I was traveling through some of the difficulties that the airports are experiencing to be part of the National Association of State Election Directors Conference, which is why I'm appearing remotely.
- [03:25:55](#) But I do try to be as prepared as I can be at all times as the executive director of the State Board. I don't know that I sufficiently answered the other questions since that was not what I actually did prepare for, but I tried to do so to the best of my ability.
- Rep. Dahle: [03:26:12](#) I appreciate your answer, and I was looking for clarification. Obviously, you did have further communications with the office to ask further questions and you could prepare as fast as you could.
- Ms. Brinson Bell: [03:26:28](#) It came up because we were trying to determine how I would join remotely, and there had been some additional questions asked of staff that we were replying to.
- Rep. Dahle: [03:26:38](#) Okay, thank you very much. And I just have a statement. It's interesting that it seems that some people were well-prepared for new subjects to come up, but I don't feel as though I was well-prepared with any of my documentation. Therefore, it makes it hard for me to do my job. And while I understand we have different parties and we have different views, I still believe that my job is to look and make sure that our departments are doing what they are supposed to be doing. But I don't know how to do that with a lack of information. So, thank you very much for your time and everybody else.
- Rep. Johnson, Chair: [03:27:25](#) Representative Cervania, you're recognized for up to three minutes.
- Rep. Cervania: [03:27:29](#) Thank you, Chair. And thank you for this opportunity to ask for additional questions, and there'll be follow-ups from my colleagues who asked a different train of questions that we were all not prepared for. But I'm going to walk in terms of asking the questions to give you a chance to clarify. So, in terms of record cleaning, my colleagues have asked if you needed additional tools. What do you need—beyond DHHS, Vital Records, DMV, Social Security—to verify our voters, and what percentage of that is sufficient by using those tools that are available to you right now?

- Ms. Brinson Bell: [03:28:20](#) I'll try to answer this as best I can. I would welcome a further conversation when we're all more prepared to talk about, but we do adhere to the National Voter Registration Act. We do it by offering services through DMV and other assistance agencies. And then we follow a verification process that has been in place in our state laws and through federal laws and that carries over to our list maintenance processes. So, some of the questions that were asked, they do not conform to what are established federal and state laws of how we are to verify an individual and to register them to vote. And so, I'm not really sure how to answer this.
- Rep. Cervania: [03:29:12](#) That answers it perfectly because we need to comply to federal and state laws and using the tools that are required by or specified by law. So, you answered that perfectly. The second thing is the question of non-citizens. We are very clear everywhere that only citizens are allowed to vote in our elections in North Carolina, correct?
- Ms. Brinson Bell: [03:29:39](#) That's correct.
- Rep. Cervania: [03:29:40](#) So, what are the validated complaints of non-citizens voting in our elections to date?
- Ms. Brinson Bell: [03:29:55](#) It is a very small number of investigations that we have ever conducted in my time or preceding me for individuals who are not citizens who attempt to vote.
- Rep. Cervania: [03:30:07](#) I remember when you came here last time that you had said a hundred complaints were filed, 10 were validated, not all of those were surrounding ID and possibly not even surrounding non-citizens. So, when I did that calculation, it was .0000008% of potential voter fraud in this area. Correct? Or close?
- Ms. Brinson Bell: [03:30:33](#) You're the mathematician, but that sounds about right.
- Rep. Cervania: [03:30:35](#) All right, thank you. I just wanted to put that out there for all of us to know. Thank you so much.
- Rep. Johnson, Chair: [03:30:41](#) Thank you, Representative Cervania. And mostly because he's in my peripheral and I forgot him here; Representative Warren, you were last in the queue, and then I will close this out.
- Rep. Warren: [03:30:51](#) That's fine. I usually have the easiest questions. So, actually to Representative Dahle's point, I'm going back to the original purpose of the meeting. You had said that, well first of all, the Elias Law Group sent a letter to the board saying they had about

76 counties that didn't count, but you testified it actually boiled down to about 10 or less?

- Ms. Brinson Bell: [03:31:18](#) That's right.
- Rep. Warren: [03:31:18](#) The signatures.
- Ms. Brinson Bell: [03:31:22](#) That's right. They put forward an allegation to us that there were 76 counties through Clear Choice Action, and they were basing that upon the number of counties who the data showed as having marked "signature rejected." Many of the counties did not use that label in their processes. And so, to make sure, since this had been alleged, we surveyed the counties and were able to narrow it down to just 10 basically.
- Rep. Warren: [03:31:57](#) Now, you said that out of those few that didn't do it, did they, I think maybe Representative Cervania asked this and I didn't quite hear, how did they not do the last party if they did the Constitution and We The People checks? It's incongruous to me how that happened. Do you have any feedback from them on that? Any explanation?
- Ms. Brinson Bell: [03:32:23](#) There were some of the counties who did not do the verification... They received petition pages from all three, so, in some instances a county may not have done the process for any of those three parties. And then there were some instances where a county did not receive petition pages from, say, the Constitution Party. So, they identified that they had not properly gone through the matching process for We The People and Justice For All, for example. Does that answer your question?
- Rep. Warren: [03:32:58](#) Well, it sort of does, but it opens up another one. If they didn't get the petition sheets, how did they validate that they were registered voters on the petition?
- Ms. Brinson Bell: [03:33:11](#) I'd have to bring up the data to tell you the exact numbers. Not the parties, the organizations did not present petition pages. They did not get signatures from all 100 counties. They present their petition pages to the counties where they have signatures.
- Rep. Warren: [03:33:28](#) Got you, okay.
- Ms. Brinson Bell: [03:33:30](#) So, for example, especially in some of our smallest counties, they may not have had an effort in Graham or Tyrrell. And so those counties may not have had anything to check. So, [...] they

may have done their process properly fine because they had nothing to check.

- Rep. Warren: [03:33:47](#) Well, the signature's going to show up if they do a search, if they're registered statewide. Is that not correct?
- Ms. Brinson Bell: [03:33:54](#) The petition pages are specific to counties, and so, they deliver them to Rowan County. Rowan County verifies in their system for registered voters in Rowan County.
- Rep. Warren: [03:34:14](#) Okay. Let's see. I have these numbers so I wouldn't forget any. Okay, we're up to number three here. So, the board has apparently a very rigorous verification of signatures for the petition process, but we don't seem to require any signature comparison for absentee ballots. How problematic would that be if legislatively that was required? I mean it seems funny that we would be that concerned about registered voters signing a petition to start a new party but not so concerned about checking an actual ballot. How problematic, in your opinion, would that be if that were a requirement for signature verification on absentee ballots?
- Ms. Brinson Bell: [03:35:03](#) They are two separate processes, and what we're doing with petition checking is just a visual look. There's no software that's involved that's doing the analysis or anything like that.
- Rep. Warren: [03:35:18](#) Two-point system, correct?
- Ms. Brinson Bell: [03:35:19](#) I'm sorry?
- Rep. Warren: [03:35:19](#) You're using a two-point system?
- Ms. Brinson Bell: [03:35:21](#) I'm not sure if I know what that reference is. Sorry. Other than giving their information, that is the only point of comparison. We don't have an ID or anything that's been presented in the petition process. Separate, as y'all are aware, we are conducting a pilot program using signature verification software for 10 counties in North Carolina for the absentee process. And I don't have that analysis to present to you today, but we can look at whether that is a viable option. But that was not a decision whether those absentee ballots would count or not, but that is a slightly different process and there are other checks in place about whether that voter is who they say they are or not.
- Rep. Warren: [03:36:15](#) I want to just touch on two things that were not really on the agenda but been touched on here just so you have an

opportunity to wrap that up. Are you aware of any registrants on the voter rolls that are not US citizens?

Ms. Brinson Bell: [03:36:31](#) I am not. There are probably a few, but they have then violated the law and committed a crime, and we will investigate that if we are knowledgeable of it. I'm not knowledgeable of anyone.

Rep. Warren: [03:36:44](#) During any investigation along those lines, would there be an ability to track where those might originate from, whether it's during a federally required ask for signing up for benefits or DMV where you don't really have election employees doing those registrations?

Ms. Brinson Bell: [03:37:07](#) There might be. We do have a categorization system where we know the source of a voter registration form. So, yes, that is something we consider. And of course, we are not the prosecuting group, so if we do find a case, we present that to the DA or the US attorney for them to further investigate.

Rep. Warren: [03:37:29](#) This second to last question kind of ties it together. We don't have a system in place to either ferret out anybody on the voter rolls who's not a citizen and [...] you would need a data analyst to go through the logs and see who wasn't in compliance with HAVA on driver's license and or North Carolina IDs or last four Social digits. Is that correct? You need a data analyst for that? Can you not do an algorithm or a search with a filter just for this?

Ms. Brinson Bell: [03:38:12](#) It's a little more complex than that, but we've got two systems. So, you were asking me about checks for citizens. Of course, we do have our attestation. We are going through DMV and Social Security and those have some checks that are dealing with citizenship. So, we have some processes in place that are affirming whether someone's correctly identified themselves as a citizen are not on their voter registration form. So, that's separate. That's not where I get into the data analysts. When we're talking about outside groups that have identified issues within our rolls, we do need to be able to validate what they have done. And in one of the recent situations that was presented to the State Board as a HAVA complaint, and we were able to determine that they had used multiple queries with multiple data analysts and did not want to provide us with those scripts.

[03:39:14](#) They had, as I said, multiple data analysts. We don't even have truly one on staff. And when you're working across [...] hundreds of databases that we're maintaining, when you

consider the number of registrants and the fact that [...] we always have your record no matter what your status is. So, that's why it's not even [correct] to think that we have 7.5 million records because that's how many registered voters we have right now, it's much broader. And when you have to do these queries, it's not a search in an Excel file. I'll say that we're getting to about my knowledge level because this gets so deep into data analysis and analytics and data science that it is much more sophisticated. We also want to make sure that folks, there's a need to protect personal identifying information, so that is maintained, that's not accessible to the public and that we also want to ascertain that people working on our rolls have had criminal background checks and things of that nature.

Rep. Warren: [03:40:29](#) Thank you. And a final question for you, what would you say has been the most significant action you've taken in your role as director to reassure confidence in the voter and to help improve election integrity, which is upon all of us here, in your tenure?

Ms. Brinson Bell: [03:40:49](#) I'm not sure that Representative Johnson's going to give me the time that I need to describe all of that. I'll say in five years—in 2019, we launched our voter confidence campaign to make sure that the public understood all that we do to secure elections in North Carolina. It starts with even how our campaign finance laws [work] and even how we file candidates. Some of that has to do with legislation that's been written by this body. But it goes into how we have our logic and accuracy testing before every election for every ballot, every position, every component of our voting system. It goes into how we have the post-election audits where we are comparing ballots cast to voter history, how we are doing a sample hand-to-eye audit following every single election to make sure that our tabulators are working correctly. It is the cyber security practices that we have put in place.

[03:41:49](#) It's the things like the legislature authorized us to have the [NC Military/Overseas Voter Services] Portal. That's one of the things I'm probably most proud of, so that our military and overseas citizens are able to request and securely return their ballot. That's happened on my watch, and it also allows our citizens to make that request and it takes some of the outside interference that we all worry about out of that process when they're requesting an absentee ballot. Again, I can go on, we have a lovely top 10 list that we always publish as well, but I'm extremely proud of the various measures that we have put in place. And I mentioned cyber security. It's even things like using our federal funds to make sure that we have what we call attack

response kits, ARKs, in place so that when we see these county systems subject to ransomware attacks. We've not had a direct attack on our elections office, thank goodness.

[03:42:47](#)

And I better knock on some wood for that. But when those county systems are shut down, we still have elections to conduct. And so, we created these attack response kits so that they are mobile units. We have clean laptops, access to Wi-Fi and cell phones so that those county offices can keep going. It's not going to keep all their polling places open necessarily, but they will be able to still process voter registration, certify the election, process absentee ballots, whatever they might need to keep that election going. And so, those are the kinds of things we've tried to put in place, and I knew you'd cut me off, Representative Johnson.

Rep. Johnson, Chair: [03:43:24](#)

Well, Madam Director, we do appreciate you being here and answering questions. And however, I don't have any direct questions. I do have a follow-up comment that touches on the previous hearing as well as this one. The original intent we had here coming today (and thank you for answering follow-up questions from the last time you were here) but the original reason we were here is to make sure that if things were being done thorough, which it seems like they were, that it was being done uniform across all the parties applying to be on the ballot for voters here in North Carolina. What I find extremely potentially disturbing, it probably merits more looking into is the fact that we have an outside group, an outside law group who has deep, long-standing ties to the Biden administration, the previous Clinton administration, the DNC itself, I believe they've just severed ties, but the DNC itself, and if I'm remembering correctly, was the general counsel for the now presumptive nominee for the major Democrat Party here in North Carolina, Kamala Harris.

[03:44:26](#)

So, writing letters to a board of elections that will be deciding who their opponents will be on the ballot in 2024. So, inherently I think there is a problem there. If nothing illegal is being done, and I'm not insinuating that, I think there's inherent problem with groups with a vested interest trying to weigh in on who their opponents will get to be in November and trying to sway board members. And I certainly hope that our board members have stood their ground despite these letters and outside groups trying to weigh in and made the decision that they thought was best for the reasons they claimed they thought they were best.

[03:45:03](#)

I want to say thank you so much for coming here and testifying. I know this has been a heavy week, state and national, for testimony going on, and we appreciate you coming and giving the information you did. I'm sure there will be a follow-up, but we certainly hope going forward that there's a level of transparency about what's coming in and out to the board and hopefully that they are making the decisions based on the merits that they're seeing in front of them and not outside forces being colluded to from outside the board. So, thank you so much. We appreciate it. No other comments being seen, this committee meeting is adjourned.