

NORTH CAROLINA

**ROCKINGHAM COUNTY
BOARD OF ELECTIONS**

ROCKINGHAM COUNTY

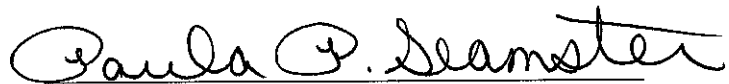
In The Matter Of The Election)
Protests Filed By Jefferson Griffin)
Candidate For the Office Of Seat 6)
Of the Supreme Court of)
North Carolina)

NOTICE OF HEARING

PLEASE TAKE NOTICE that pursuant to N.C. Gen. Stat. § 163-182.10(b)(2) and 08 NCAC 02.0110(d), the **Rockingham County Board of Elections** hereby gives notice it will hold a hearing on the election protests filed by Jefferson Griffin alleging that deceased voters, voters with felony convictions, and voters who had their registration denied and were therefore ineligible to vote in the election did vote and that their ballots were counted. Said hearing shall be conducted beginning at **9 a.m. on Monday, December 2, 2024**, at the **Rockingham County Board of Elections office located at 240 Cherokee Camp Road, Reidsville, North Carolina.**

A copy of each protest to be considered at the hearing is attached to this notice.

Dated: November 22, 2024.



Paula P. Seamster, Director
Rockingham County Board of Elections

November 5, 2024 Election Protest of Jefferson Griffin
N.C. Supreme Court Associate Justice, Seat 6

PROTESTOR

1. Provide your preferred contact information:

Name: Jefferson Griffin County of Residence: Carteret
Email: jefferson@jeffersongriffin.com Phone: contact counsel
Mailing Address: PO Box 99780 Raleigh, NC 27624

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel? Yes No

NOTE: If you answered Yes, above, your counsel must complete and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

- Candidate for the office of Seat 6 of the Supreme Court of North Carolina
- Registered voter eligible to participate in the protested election contest
- Neither of the above*

**If you select this option, you are not eligible to file a protest.*

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
N.C. Supreme Court Associate Justice, Seat 6	625

5. This protest alleges (*select at least one*):

- A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
- A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

It appears the county board of elections has counted ballots cast by voters who were deceased on election day.

North Carolina law conditions eligibility to vote upon being alive on the date of the election. N.C.G.S. § 163-82.1(c)(2). Therefore, a ballot cast by absentee-by-mail or early voting is only valid if the voter is still alive and

otherwise eligible to vote on election day. If a person casts a ballot but dies before election day, the ballot should be challenged by the board or elections staff. See N.C. State Board of Elections, Reminders for One-Stop and Absentee by Mail Challenges (Mar. 2, 2020, updated Nov. 2, 2020).

We have identified voters in the county who appear to have cast a ballot but died before election day. EXHIBIT A is an affidavit that includes a list that identifies likely voters that was created from information provided in response to public records requests. It appears that some, if not all, of these ballots were accepted, processed, and counted by the county board of elections. These actions violate North Carolina law.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Ryan Bonifay

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

N.C. Gen. Stat. §§ 163-183-82.1(c)(2), -82.14(b).

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change. **(Due to other pending protests, these votes may be determinative of the outcome.)**
- Other _____

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: _____

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:

See Counsel Certification Addendum

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. See 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

- Yes
- No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

- Yes
- No

AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at www.ncsbe.gov.

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
<u>Allison Riggs</u>	<u>1001 Wade Ave. Suite 323, Raleigh, NC 27605</u>
<u>See list attached to EXHIBIT A</u>	<u>See list attached to EXHIBIT A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

PROTESTOR CERTIFICATION

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

I, Jefferson Griffin (full name), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(initial)
JG
JG
JG
JG

I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

My protest must originate with a filing at the county board of elections.

I must timely serve all Affected Parties.

I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

It is a crime to interfere unlawfully with the conduct and certification of an election.

It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

JG
JG
JG

The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

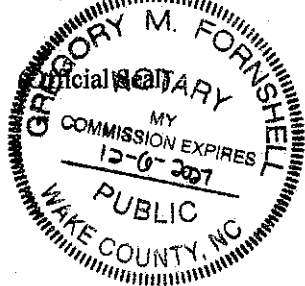
Signature of Protestor: _____

Date: 19 NOV 24

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

State of North Carolina, County of WAKE

Sworn to (or affirmed) and subscribed before me this the 19th day of NOVEMBER, 2024.



Gregory M. Fornshell
Official Signature of Notary

GREGORY M. FORNSHELL, Notary Public
Printed Name

My commission expires: DECEMBER 6, 2027

Date/Time Filed with County Board _____

(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

COUNSEL OF RECORD ADDENDUM

If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.

Attorney Must complete all of the following:

Protestor Name: Jefferson Griffin

Protestor County: Carteret (candidate challenge)

Attorney Name: Craig D. Schauer

Attorney Email: cschauer@dowlingfirm.com

Attorney Phone: 919-529-3351

I am a member in good standing with the North Carolina State Bar

I am not licensed to practice law in North Carolina but am a member in good standing in _____ (State or District of Columbia), and do hereby apply to appear pro hac vice and certify

that I have or will file all appropriate documents required under G.S. 84-4.1.

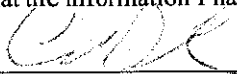
Law Firm: Dowling PLLC

Bar Number: 41571

I (choose one) am am not:

Subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.

I represent the Protestor whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163 and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.



Attorney Signature

11/19/2024

Date

EXHIBIT A

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

I, Ryan Bonifay, being duly sworn, depose and say as follows:

Background and Experience

1. I am over 18 years of age and competent to make an affidavit.
2. I have personal knowledge of the matters described herein.
3. I am a citizen of the United States and a resident of Lexington, Davidson County, North Carolina.
4. I am employed as Director of Data and Analytics at Coldspark, a political consulting and strategy firm. I have been so employed since January 2023. Previously, I have been employed by the Republican Party as Regional Analytics Director and State Analytics Director for North Carolina, as Data Director for Engage Texas, and as Data Director on U.S. Senate, congressional, and gubernatorial campaigns. Altogether I have approximately 10 years of experience as a data analyst for political campaigns and parties, all of them Republican. I have previously worked on North Carolina elections during the 2016 and 2020 election cycles.
5. I was retained by the North Carolina Republican Party to review and compile publicly-available information from the North Carolina State Board of Elections, either on their website or received through public records requests, in connection with the filing of election protests.

6. In my professional work I have become familiar with public sources of data on voter registration and voter turnout in North Carolina, and with the inputs to and limitations of such sources.

Assignment

7. I was asked to submit this affidavit in support of election protests filed with county boards of elections across North Carolina.

8. I was asked by counsel to generate lists of individuals who cast a ballot during early voting or cast an absentee ballot, but passed away before Election Day, based on publicly-available data.¹

9. In aid of compiling this data, lawyers for the North Carolina Republican Party made numerous requests for information under North Carolina's Public Records law. Once the relevant public agencies produced their responses, I attempted to match the produced records to public voting records to identify voters who may have cast a ballot but were ineligible to do so as of Election Day. The process for doing so is described in more detail below.

10. On November 18, 2024, NCSBE produced two files: (1) one entitled "2024-11-12 Audited Data.xlsx" that contains a tab entitled "DHHS 2024 With Votes" containing 182 entries, and (2) a second file entitled "2024-11-07 Audited Data.xlsx" that contains a tab entitled "Deceased with Votes" containing 329 entries. I understand this to be NCSBE's internal audit of voting records relating to early and absentee voters who passed away ("DHHS 2024 With Votes" and "Deceased with Votes") before Election Day. This data was more complete and usable than previous productions, so I primarily relied on it.

¹ All references in this affidavit to Election Day refer to November 5, 2024; similarly, references to voting, casting a ballot, voting early or absentee, etc. refer to doing so in the November 2024 general election.

11. I combined the information contained in both of the November 18, 2024 files received from the NCSBE and de-duplicated the records (so the same individuals did not appear multiple times in the dead voters list) in order to generate the combined list of deceased voters from the NCSBE.

12. I attempted to match names on the combined list of dead voters to the statewide voter list, filename `ncvoter_Statewide.zip`, and absentee voter list, filename `absentee_20241105.zip`. Both are available on the NCSBE's file transfer protocol site, dl.ncsbe.gov/?prefix=data/ and https://dl.ncsbe.gov/?prefix=ENRS/2024_11_05/.

13. I matched the deceased individuals against the statewide voter list and the absentee voter list using the NCID (a unique identifier issued by NCSBE) and the voter's name.

14. This process resulted in a list of likely matches in this county, which is attached as **ATTACHMENT 1**.

15. Accordingly, Attachment 1 contains a list of people who (1) attempted to vote in the 2024 General Election before November 5, 2024 (via early vote, absentee by mail, etc.), (2) had their vote accepted by their applicable county board of elections, and (3) died on or before November 4, 2024. Attachment 1 contains additional information about each individual which was contained in the information from the NCSBE.

16. Attachment 1 does not include whether the applicable county boards of election challenged each of these voters, as that information has not yet been made available by the NCSBE.

Further, the affiant sayeth not.

This 19 day of November, 2024.

[Signature]
RYAN BONIFAY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Signed and sworn to (or affirmed) before me by RYAN BONIFAY

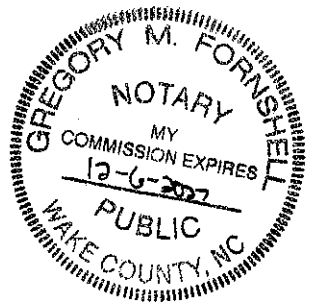
Date: 11/19/21

Gregory M. Fornshell
[Official Signature of Notary]

[Official Seal]

GREGORY M. FORNSHELL
Notary Public
[Notary's printed or typed name]

My commission expires: 12/6/21



Attachment 1

NC DHHS Deceased With Votes - ROCKINGHAM

CountyID	CountyName	VRN	NCID	FullName	RemovedReason	RemovedDate	DeathDate	SDR	VoidedDate	VoteStatus	SourceType	ballot_rtn_status
79	ROCKINGHAM	25979	DS23245	LEE, JAMES CHARLIE	VERIFIED	12/31/1899	10/25/2024	N	10/18/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	2821	DS4331	WALKER, BARBARA ANNE MOORE	VERIFIED	12/31/1899	10/29/2024	N	10/17/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	15572	DS14609	ADKINS, HAROLD DEAN	VERIFIED	12/31/1899	10/26/2024	N	10/25/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM	161626	BY200897	WALL, RUSSELL DEWEY JR	VERIFIED	12/31/1899	10/29/2024	N	10/17/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	21583	DS19684	LAWSON, WILLIE MAE	VERIFIED	12/31/1899	11/1/2024	N	10/25/2024	OK	ABS	ACCEPTED

November 5, 2024 Election Protest of Jefferson Griffin
N.C. Supreme Court Associate Justice, Seat 6

PROTESTOR

1. Provide your preferred contact information:

Name: Jefferson Griffin County of Residence: Carteret
Email: jefferson@jeffersongriffin.com Phone: contact counsel
Mailing Address: PO Box 99780 Raleigh, NC 27624

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel? Yes No

NOTE: If you answered Yes, above, your counsel must complete and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

- Candidate for the office of Seat 6 of the Supreme Court of North Carolina
- Registered voter eligible to participate in the protested election contest
- Neither of the above*

**If you select this option, you are not eligible to file a protest.*

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
N.C. Supreme Court Associate Justice, Seat 6	625

5. This protest alleges (*select at least one*):

- A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
- A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

It appears the county board of elections has counted ballots cast by voters who were likely felons on election day.

No person convicted of a felony is permitted to vote unless the person has had their rights of citizenship restored. N.C. Const. art. VI, § 2(3); N.C.G.S. §§ 163-55(a)(2), -82.1(c)(2), -82.20(i), -82.20A. The State Board of Elections provides periodic lists of convicted felons to the county boards. N.C.G.S. § 163-82.14(c). If a person convicted of a felony casts a ballot, the ballot should be removed by the board or elections staff.

We have identified voters in the county who had cast a ballot but appear to have been convicted of a felony. EXHIBIT A is an affidavit that includes a list that identifies likely voters that was created from information provided in response to public records requests. It appears that some, if not all, of these ballots were accepted, processed, and counted by the county board of elections. These actions violate North Carolina law.

To be clear, our attempt to identify such voters is based on the data we received in response to public records requests, and, because we may have been provided incomplete information, it is possible that we could have misidentified such voters. The State Board of Elections, however, has complete data that would ensure correct identification of voters in the county who had cast a ballot and were convicted of a felony.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Ryan Bonifay

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

N.C. Const. art. VI, § 2(3); N.C. Gen. Stat. §§ 163-55(a)(2), -82.1(c)(2), -82.20(i), -82.20A.

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change. **(Due to other pending protests, these votes may be determinative of the outcome.)**
- Other _____

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: _____

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:

See Counsel Certification Addendum

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. See 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

- Yes

x No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

- Yes
- No

AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at www.ncsbe.gov.

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
<u>Allison Riggs</u>	<u>1001 Wade Ave, Suite 323, Raleigh, NC 27605</u>
<u>See list attached to EXHIBIT A</u>	<u>See list attached to EXHIBIT A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

PROTESTOR CERTIFICATION

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

I, Jefferson Griffin (full name), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(initial)
JG
JG
JG
JG

I have reviewed the statutes and administrative rules governing election protests, including all deadlines.

My protest must originate with a filing at the county board of elections.

I must timely serve all Affected Parties.

I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.

It is a crime to interfere unlawfully with the conduct and certification of an election.

It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.

JG
JG
JG

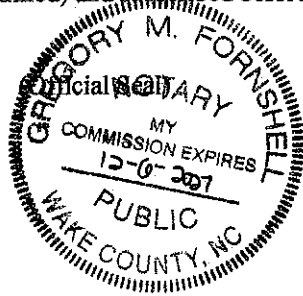
The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

Signature of Protestor: [Signature] Date: 19 NOV 24
(This signature must be signed in the presence of a notary)

State of North Carolina, County of WAKE

Sworn to (or affirmed) and subscribed before me this the 19th day of NOVEMBER, 2024.



Gregory M. Fornshell
Official Signature of Notary

GREGORY M. FORNSHELL, Notary Public
Printed Name

My commission expires: DECEMBER 6, 2027

.....
Date/Time Filed with County Board

(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

COUNSEL OF RECORD ADDENDUM

If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.

Attorney Must complete all of the following:

Protestor Name: Jefferson Griffin
Attorney Name: Craig D. Schauer
Attorney Email: cschauer@dowlingfirm.com

Protestor County: Carteret (candidate challenge)
Attorney Phone: 919-529-3351

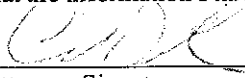
I am a member in good standing with the North Carolina State Bar
 I am not licensed to practice law in North Carolina but am a member in good standing in _____ (State or District of Columbia), and do hereby apply to appear pro hac vice and certify that I have or will file all appropriate documents required under G.S. 84-4.1.

Law Firm: Dowling PLLC
Bar Number: 41571

I (choose one) am am not:

Subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.

I represent the Protestor whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163 and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.



Attorney Signature

11/19/2024

Date

EXHIBIT A

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

I, Ryan Bonifay, being duly sworn, depose and say as follows:

Background and Experience

1. I am over 18 years of age and competent to make an affidavit.
2. I have personal knowledge of the matters described herein.
3. I am a citizen of the United States and a resident of Lexington, North Carolina.
4. I am employed as Director of Data and Analytics at Coldspark, a political consulting and strategy firm. I have been so employed since January 2023. Previously, I have been employed by the Republican National Committee as Regional Analytics Director and State Analytics Director for North Carolina, as Data Director for Engage Texas, and as Data Director on U.S. Senate, congressional, and gubernatorial campaigns. Altogether I have approximately 10 years of experience as a data analyst for political campaigns and parties, all of them Republican. I have previously worked on North Carolina elections during the 2016 and 2020 election cycles.
5. I was retained by the North Carolina Republican Party to review and compile publicly-available information from the North Carolina State Board of Elections, either on their website or received through public records requests, in connection with the filing of election protests.

6. In my professional work I have become familiar with public sources of data on voter registration and voter turnout in North Carolina, and with the inputs to and limitations of such sources.

Assignment

7. I was asked to submit this affidavit in support of election protests filed with county boards of elections across North Carolina.

8. I was asked by counsel to generate a list of individuals who cast a ballot in North Carolina during early voting or cast an absentee ballot, but appear to have had a judgment of conviction for a felony entered against them in between doing so and Election Day, based on publicly available data.

9. In aid of compiling this data, lawyers for the North Carolina Republican Party made numerous requests for information under North Carolina's Public Records law. Once the relevant public agencies produced their responses, I attempted to match the produced records to public voting records to identify voters who may have cast a ballot but were ineligible as of Election Day due to a felony conviction. The process for doing so is described in more detail below.

10. On November 18, 2024, NCSBE produced two files: (1) one entitled "2024-11-12 Audited Data.xlsx" that contains a tab entitled "Felon With Votes" containing 419 entries and, and (2) a second file entitled "2024-11-07 Audited Data.xlsx" that contains a tab entitled "Felon With Votes" containing 503 entries. I understand this to be NCSBE's internal audit of voting records relating to early and absentee voters who became ineligible to vote by reason of a felony conviction ("Felon With Votes") before Election Day. This data was more complete and usable than previous productions, so I primarily relied on it.

11. I combined the information contained in both of the November 18, 2024 files received from the NCSBE and de-duplicated the records (so the same individuals did not appear multiple times in either the felon voters list) in order to generate a combined list of felon voters from the NCSBE.

12. I attempted to match names on the combined list of felon voters to the statewide voter list, filename ncvoter_Statewide.zip, and absentee voter list, filename absentee_20241105.zip. Both are available on the NCSBE's file transfer protocol site, dl.ncsbe.gov/?prefix=data/ and https://dl.ncsbe.gov/?prefix=ENRS/2024_11_05/.

13. I matched the felony conviction list against the statewide voter list and the absentee voter list using the NCID (a unique identifier issued by NCSBE) and the voter's name.


14. This process resulted in a list of likely matches in this county, which is attached as **ATTACHMENT 1**.

15. Accordingly, Attachment 1 contains a list of people who (1) attempted to vote in the 2024 General Election before November 5, 2024 (via early vote, absentee by mail, etc.), (2) had their vote accepted by their applicable county board of elections, and (3) had a judgment of conviction for a felony entered against them on or before November 4, 2024. Attachment 1 contains additional information about each individual which was contained in the information from the NCSBE.

16. Attachment 1 does not include whether the applicable county boards of election challenged each of these voters, as that information has not yet been made available by the NCSBE.

Further, the affiant sayeth not.

This 19 day of November, 2024.

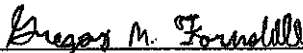


RYAN BONIFAY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Signed and sworn to (or affirmed) before me by RYAN BONIFAY.

Date: 11/19/24



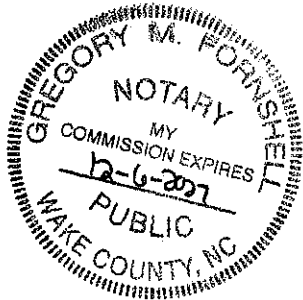
[Official Signature of Notary]

[Official Seal]

GREGORY M. FORNSHELL

Notary Public
[Notary's printed or typed name]

My commission expires: 12/6/27



Attachment 1

NC Felons With Votes - ROCKINGHAM

CountyID	CountyName	VRN	NCID	FullName	VoterStatus	VoterReasonDesc	VoterRemovedDate	FelonConvictionDate	SDR	VotedDate	VoteStatus	SourceType	ballot_rtn_status
79	ROCKINGHAM	175411	DS130886	CARTER, WALTER KOBY	A	VERIFIED		6/6/2024	N	10/30/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	181698	DS55809	VYHNANEK, ROBERT PAUL JR	A	VERIFIED		8/2/2023	Y	10/21/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	134330	DS91210	DICKERSON, KEVIN MAURICE	A	VERIFICATION PENDING		8/28/2024	N	10/28/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	130131	DS101483	PALMER, DOUGLAS W JR	A	VERIFIED		8/30/2024	N	10/30/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	181306	DS102455	HOPPER, JOHNNIE RAY	A	VERIFIED		1/11/2023	N	10/25/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	182094	DS134519	GENOPOLOS, SIMON NMI	A	VERIFICATION PENDING		5/8/1986	Y	10/28/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	182618	DS116395	BURCHELL, MEGGAN FAYE	A	VERIFICATION PENDING		11/2/2023	Y	11/2/2024	OK	EV	ACCEPTED

November 5, 2024 Election Protest of Jefferson Griffin
N.C. Supreme Court Associate Justice, Seat 6

PROTESTOR

1. Provide your preferred contact information:

Name: Jefferson Griffin County of Residence: Carteret
Email: jefferson@jeffersongriffin.com Phone: contact counsel
Mailing Address: PO Box 99780 Raleigh, NC 27624

NOTE: You will be deemed to consent to service at all of the above addresses (including email), unless you attach an addendum indicating otherwise.

2. Are you represented by counsel? Yes No

NOTE: If you answered Yes, above, your counsel must complete and you must attach the Counsel Certification Addendum.

3. Mark all that describe you:

- Candidate for the office of Seat 6 of the Supreme Court of North Carolina
- Registered voter eligible to participate in the protested election contest
- Neither of the above*

**If you select this option, you are not eligible to file a protest.*

PROTEST SCOPE

4. List all election contests subject to your protest and calculate the margin of votes separating the apparent winner from the runner-up as of the date of filing. Your response does not waive your right to contest the validity of the current vote count. If your protest concerns all contests on the ballot, you must include the vote margin for each contest.

Protested Contest(s)	Current Vote Margin (subtract runner-up totals from apparent winner's totals)
N.C. Supreme Court Associate Justice, Seat 6	625

5. This protest alleges (*select at least one*):

- A defect in the manner by which votes were counted or results tabulated sufficient to cast doubt on the apparent results of the election.
- A violation of election law, irregularity, or misconduct sufficient to cast doubt on the apparent results of the election.

FACTUAL BASIS & LEGAL ARGUMENT

6. Provide all factual allegations in support of your protest. If any fact you allege is outside the scope of your personal knowledge, you may attach affidavits from those who have personal knowledge of that fact. All facts you allege in connection with this protest must be true and accurate to the best of your knowledge, and brought in the sincere belief that the facts alleged form a good faith basis to protest the conduct and results of the election.

It appears the county board of elections has counted ballots cast by voters who had their registration denied and were therefore ineligible to vote in an election.

Under North Carolina law, no one may vote unless he is registered to vote. N.C. Gen. Stat. § 163-82.1(a). A voter's application to register may be denied, or a voter may have his registration denied or otherwise be lawfully removed from the voter rolls. *See, e.g.*, N.C. Gen. Stat. § 163-82.9. Such persons, lacking a valid registration, shall not vote in an election. N.C. Const. art. VI, § 3(1).

We have identified voters in the county who cast a ballot in the election but whose application to register to vote was ultimately denied, or who were otherwise removed from the voter registration rolls. EXHIBIT A is an affidavit that includes a list that identifies such voters that was created from information provided in response to public records requests and other publicly available information. It appears that some, if not all, of these ballots were accepted, processed, and counted by the county board of elections. These actions violate North Carolina law.

7. List all individuals, if any, you may call as witnesses to substantiate facts listed in Prompt 6. If there are multiple individuals, summarize the facts of which the individual has personal knowledge.

Ryan Bonifay

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

N.C. Gen. Stat. §§ 163-82.1, -82.9; N.C. Const. art. VI, § 3(1).

RELIEF

9. What effect do you believe the facts alleged in response to Prompt 6, if proven, will have on the electoral outcome in the protested contest(s)? Your response should account for the current vote margin calculated in response to Prompt 4.

- The electoral outcome of the protested contest(s) will change.
- The electoral outcome of the protested contest(s) will not change.
- I am uncertain whether the outcome of the contest(s) will change.
- Other _____

10. What relief do you seek?

- Correct the vote count
- A new election
- Other: _____

ASSISTANCE

11. List all persons who assisted you in preparing the contents of this protest and indicate the nature of the assistance provided:

See Counsel Certification Addendum

Note: For protestors represented by an attorney, this protest is the initial filing in a proceeding as defined by N.C. State Bar Rules. *See* 27 N.C.A.C. 02 Rule 1.00(n).

12. Has any candidate, political party, organization, or person acting on behalf of the same requested that you bring this protest?

- Yes
- No

13. Have you received any financial or other benefit or promise of future financial or other benefit in exchange for filing this protest?

- Yes

x No

AFFECTED PARTIES & SERVICE

You must serve copies of all filings on every person with a direct stake in the outcome of this protest ("Affected Parties"). Affected Parties include every candidate seeking nomination or election in the protested contest(s) listed under Prompt 4, not only the apparent winner and runner-up. If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served. Address information for registered voters is available from the county board of elections or using the Voter Lookup at www.ncsbe.gov.

Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party. If you know the Affected Party is represented by an attorney, service must be made on his or her counsel. Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid parcel is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is your responsibility to ensure service is made on all Affected Parties.

14. List all Affected Parties, including their service address:

<i>Affected Party</i>	<i>Service Address</i>
<u>Allison Riggs</u>	<u>1001 Wade Ave. Suite 323, Raleigh, NC 27605</u>
<u>See list attached to EXHIBIT A</u>	<u>See list attached to EXHIBIT A</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

PROTESTOR CERTIFICATION

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

I, Jefferson Griffin (full name), swear, under penalty of perjury, that the information provided in this protest filing is true and accurate to the best of my knowledge, and that I have read and understand the following:

(initial)
JG
JG
JG
JG
JG
JG
JG

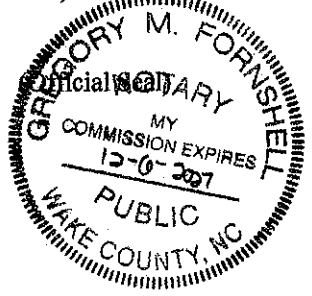
I have reviewed the statutes and administrative rules governing election protests, including all deadlines.
My protest must originate with a filing at the county board of elections.
I must timely serve all Affected Parties.
I must prove by *substantial evidence* either the existence of a defect in the manner by which votes were counted or results tabulated or the occurrence of a violation of election law, irregularity, or misconduct, either of which were sufficient to cast doubt on the apparent results of the election.
It is a crime to interfere unlawfully with the conduct and certification of an election.
It is a crime to interfere unlawfully with the ability of a qualified individual to vote and to have that vote counted in the election.
The facts I allege in connection with this protest are true and accurate to the best of my knowledge, and I have a good faith basis to protest the conduct and results of the election.

Submitting fraudulently or falsely completed declarations is a Class I felony under Chapter 163 of the General Statutes. This notice is provided pursuant to S.L. 2013-381, s. 5.4.

Signature of Protestor: [Signature] Date: 19 NOV 24
(This signature must be signed in the presence of a notary)

State of North Carolina, County of WAKE

Sworn to (or affirmed) and subscribed before me this the 19th day of NOVEMBER, 2024.



Gregory M. Fornshead
Official Signature of Notary
GREGORY M. FORNSHEAD, Notary Public
Printed Name

My commission expires: DECEMBER 6, 2027

.....
Date/Time Filed with County Board _____
(completed by the county board)

NOTE: The county board must provide the State Board with a complete copy of a filed protest within one business day after it is filed. In addition, the county board shall provide a copy of the election audit with this copy of the protest.

Please direct any questions to your county board of elections or the North Carolina State Board of Elections & Ethics Enforcement, PO Box 27255, Raleigh, NC 27611-7255.

COUNSEL OF RECORD ADDENDUM

If you answered Yes to Prompt 2 on the above, your attorney must complete this form and you must file it with your Election Protest Application.

Attorney Must complete all of the following:

Protestor Name: Jefferson Griffin Protestor County: Carteret (candidate challenge)
Attorney Name: Craig D. Schauer
Attorney Email: cschauer@dowlingfirm.com Attorney Phone: 919-529-3351

I am a member in good standing with the North Carolina State Bar
 I am not licensed to practice law in North Carolina but am a member in good standing in _____ (State or District of Columbia), and do hereby apply to appear pro hac vice and certify that I have or will file all appropriate documents required under G.S. 84-4.1.

Law Firm: Dowling PLLC
Bar Number: 41571

I (choose one) am am not:
Subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below.

I represent the Protestor whose name is provided above. I have read and understand the laws governing election protests in North Carolina General Statutes Chapter 163 and Title 8 of the N.C. Administrative Code. I swear/attest that the information I have provided in this Addendum is true and accurate to the best of my knowledge.

Attorney Signature 11/19/2024
Date

EXHIBIT A

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

I, Ryan Bonifay, being duly sworn, depose and say as follows:

Background and Experience

1. I am over 18 years of age and competent to make an affidavit.
2. I have personal knowledge of the matters described herein.
3. I am a citizen of the United States and a resident of Lexington, North Carolina.
4. I am employed as Director of Data and Analytics at Coldspark, a political consulting and strategy firm. I have been so employed since January 2023. Previously, I have been employed by the Republican National Committee as Regional Analytics Director and State Analytics Director for North Carolina, as Data Director for Engage Texas, and as Data Director on U.S. Senate, congressional, and gubernatorial campaigns. Altogether I have approximately 10 years of experience as a data analyst for political campaigns and parties, all of them Republican. I have previously worked on North Carolina elections during the 2016 and 2020 election cycles.
5. I was retained by the North Carolina Republican Party to review and compile publicly-available information from the North Carolina State Board of Elections, either on their website or received through public records requests, in connection with the filing of election protests.

6. In my professional work I have become familiar with public sources of data on voter registration and voter turnout in North Carolina, and with the inputs to and limitations of such sources.

Assignment

7. I was asked to submit this affidavit in support of election protests filed with county boards of elections across North Carolina.

8. I was asked by counsel to generate a list of individuals who cast a ballot despite their registration application being denied or despite having been removed from the voter registration rolls, based on publicly available data.

9. In aid of compiling this data, lawyers for the North Carolina Republican Party made numerous requests for information under North Carolina's Public Records law. Once the relevant public agencies produced their responses, I attempted to match the produced records to public voting records to identify voters who may have cast a ballot but were ineligible as of Election Day. The process for doing so is described in more detail below.

10. In attempting to create a list of voters who voted despite having their voter registration application denied, or despite being removed from the registration rolls, I relied on documents produced by the North Carolina State Board of Elections on November 18, 2024 titled "2024-11-7 Audited Data.xls" and "2024-11-12 Audited Data.xlsx". I understand these files to be the product of an internal NCSBE audit into, among other things, individuals who cast a ballot despite having their voter registration denied or being removed from the registration rolls. Both files contain tabs entitled "Removed Voters with Votes" and "Denied Voters with Votes".

11. I combined the information contained in both of the November 18, 2024 files received from the NCSBE and de-duplicated the records (so the same individuals did not appear multiple times in either the removed voters list or the denied-registration list) in order to generate lists of voters whose registration had been denied and voters whose registration had been canceled.

12. I matched voters whose voter registration application was denied, or who were removed from the registration rolls, to the list of voters who cast a ballot in the November 2024 election based on the statewide voter list, filename ncvoter_Statewide.zip, and absentee voter list, filename absentee_20241105.zip.

13. I matched the list of individuals whose voter registration was denied or who were removed from the registration rolls to the statewide voter list and absentee voter list based on the voter registration number and NCID number.

14. This process resulted in a list of likely matches in this county, which are attached as **ATTACHMENT 1**.

15. Accordingly, Attachment 1 contains a list of people who (1) attempted to vote in the 2024 General Election before November 5, 2024 (via early vote, absentee by mail, etc.), (2) had their vote accepted by their applicable county board of elections, and (3) had their application for voter registration rejected or their name removed from the voter registration rolls. Attachment 1 contains additional information about each individual which was contained in the information from the NCSBE.

16. Attachments 1 does not include whether the applicable county boards of election challenged each of these voters, as that information has not yet been made available by the NCSBE.

Further, the affiant sayeth not.

This 19 day of November, 2024.

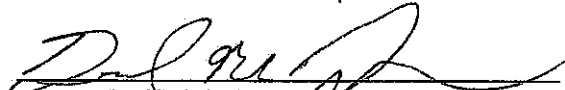


RYAN BONIFAY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Signed and sworn to (or affirmed) before me by Ryan Bonifay_____.

Date: 11/19/2024_____



[Official Signature of Notary]

[Official Seal]

DANIEL MILAN KRCHAVEK
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 04-04-2026

Daniel Milan Krchavek_____
Notary Public
[Notary's printed or typed name]

My commission expires: 04-04-2026_____

Attachment 1

NC Denied Voters with Votes - ROCKINGHAM

CountyID	CountyName	VRN	NCID	FullName	RemovedReason	RemovedDate	SDR	VotedDate	VoteStatus	SourceType	ballot_rtn_status
79	ROCKINGHAM	170725	DS100873	DOWLESS, NICOLE LAUREN	VERIFICATION RETURNED UNDELIVERABLE	11/8/2024	N	10/28/2024	OK	EV	ACCEPTED
79	ROCKINGHAM	179240	DS113266	SMITH, ANNE BAILEY	VERIFICATION RETURNED UNDELIVERABLE	10/9/2024	N	10/3/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM	180394	DS133618	STAMEY, DAWSON COLE	VERIFICATION RETURNED UNDELIVERABLE	10/29/2024	N	10/17/2024	OK	EV	ACCEPTED

NC Removed Voters With Votes - ROCKINGHAM

CountyID	CountyName	VRN	NCID	FullName	RemovedReason	RemovedDate	SDR	VotedDate	VoteStatus	SourceType	ballot_rtn_stat
79	ROCKINGHAM		167232	SCHWARTZ, CLIFFORD RHUE	MOVED WITHIN STATE	10/15/2024	N	10/7/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM		179986	LEROY, DANIELLE LOUISE	DUPLICATE	10/30/2024	N	10/29/2024	OK	EV	ACCEPTED
79	ROCKINGHAM		101177	GRAVES, HELEN ROSINA	MOVED FROM STATE	9/27/2024	N	10/25/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM		155632	FREDERICK, ANNIE HALL	MOVED WITHIN STATE	11/4/2024	N	10/30/2024	OK	EV	ACCEPTED
79	ROCKINGHAM		43627	MATTHEWS, GARY CLIFTON	DECEASED	11/6/2024	N	10/23/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM		11690	MATTHEWS, JAMES WILLIAM	DECEASED	11/6/2024	N	10/3/2024	OK	ABS	ACCEPTED
79	ROCKINGHAM		164732	ANDERSON, DEREK GLENN	MOVED FROM COUNTY	11/8/2024	N	10/29/2024	OK	EV	ACCEPTED
79	ROCKINGHAM		180943	CROWDER, BARBARA LEFFEW	MOVED FROM STATE	10/22/2024	N	10/18/2024	OK	EV	ACCEPTED
79	ROCKINGHAM		155632	FREDERICK, ANNIE HALL	MOVED WITHIN STATE	11/4/2024	N	10/30/2024	OK	EV	ACCEPTED