



NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE BUILDING
RALEIGH 27601

November 6, 2020

Executive Director Karen Brinson Bell
N.C. State Board of Elections
PO Box 27255
Raleigh NC 27611
Karen.Bell@ncsbe.gov

VIA ELECTRONIC DELIVERY

Dear Executive Director Bell:

Transparency in government is critical for citizens to have confidence in their government, and nowhere is that more important than in the conduct of elections. Unfortunately, the State Board of Elections is unnecessarily delaying the release of crucial information that will enable the public and press to know the winner of several North Carolina races.

As stated by State Board of Elections Numbered Memo 2020-22, issued September 22, 2020, "[b]ecause the agency now offers BallotTrax, a service that allows voters and county boards to track the status of a voter's absentee ballot, it is possible for county boards to determine when a ballot was mailed even if it does not have a postmark." As explained in your Numbered Memo 2020-22, and as represented to U.S. District Judge William Osteen, Jr. by your counsel from the NC Department of Justice in a hearing on October 2, 2020, the BallotTrax system allows County Boards of Elections to determine if absentee by mail ballots were deposited into the U.S. Postal Service by a particular date, including election day.

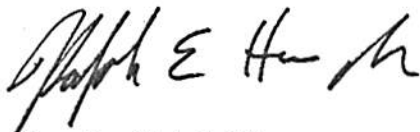
Thus, your agency should know exactly how many ballots were deposited by voters with the U.S. Postal Service by November 3, 2020, but have not been received by the County Board of Elections. Even if you are concerned that the U.S. Postal Service may have failed to scan certain ballots, you may not withhold the information that you do have regarding the number of ballots in the system. Disclosure of this data should enable media outlets to call the presidential and U.S. Senate races, among others, almost immediately.

Pursuant to our authority under N.C. Gen. Stat. 120-19, 120-70.143, and the North Carolina Constitution, the undersigned Co-Chairs of the N.C. Senate Redistricting and Elections Committee, the N.C. House of Representatives Elections and Ethics

Committee, and the Joint Elections Oversight Committee hereby demand the immediate disclosure and public release of the total number of currently outstanding absentee ballots in the possession of the U.S. Postal Service and entered into the BallotTrax system. We further demand the release of any internal projections, analysis, or preliminary information in possession of the Board regarding the total number and identity of those ballots.

It is critical that our elections are conducted in a transparent manner, and there is no justification for withholding any election data within your possession for days following an election. Please produce and publicly disclose the total number of currently outstanding absentee ballots that may still be received by County Boards of Elections by **4:00 p.m. today, November 6, 2020**. Failure to do so will result in our committees exercising their full statutory and constitutional oversight authority.

Sincerely,



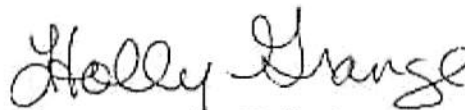
Senator Ralph Hise
Co-Chair
Senate Elections Committee



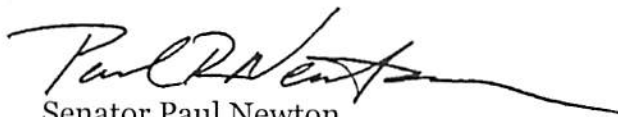
Representative Destin Hall
Co-Chair
House Elections Committee



Senator Warren Daniel
Co-Chair
Senate Elections Committee



Representative Holly Grange
Co-Chair
House Elections Committee



Senator Paul Newton
Co-Chair
Senate Elections Committee

Cc: Members of the State Board of Elections