

November 20 2016

North Carolina State Board of Elections

A. Grant Whitney, Jr., Chairman

Rhonda K. Amoroso, Secretary

Joshua D. Malcolm, James Baker, Maja Kricker, Members

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Dear NC Board of Elections Members:

As a citizens and voter in North Carolina, I am writing with alarm to strenuously object to your holding an "emergency meeting" at 4 pm today, as there has been inadequate notice and opportunity to participate by the vast majority of North Carolina voters who may potentially be disenfranchised by a decision to have the State Board of Elections take away jurisdiction over counting of absentee and provisional ballots from County Boards of Election, including the BOE for my home county of Durham NC where I voted on election day. For the reasons below, I urgently request that each of you vote AGAINST usurping the right of each of North Carolina's county level Board of Elections to administer elections and count all ballots cast in their local districts.

There is NO LEGITIMATE BASIS on which the state Board of Elections should usurp the authority of local BOEs over counting of absentee and provisional ballots, and for you to do so would set a very dangerous precedent and cause substantial harm in seriously undermining the legitimacy of our basic voting rights here in North Carolina purely for partisan political purposes.

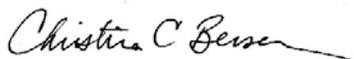
First, there is NO LEGITIMATE basis on which to usurp the authority of county level BOEs to administer elections and count the ballots. There is ABSOLUTELY NO SIGNIFICANT EVIDNCE on which to conclude that widespread voter fraud is occurring across the entire state at a level that might justify state BOE interference in usurping local authority by taking over the functions of state BOEs. Indeed, just the OPPOSITE is true. There is no significant evidence voting fraud of the magnitude that would change the outcome of any particular race, and any isolated allegations are minor, unproven, and not across enough counties to justify taking over vote counting functions at the state level.

Second, the county level BOEs are in a far better position to actually judge the legitimacy of locally cast ballots and provisional or absentee ballots from their own districts. They have easier access to the citizenry who submitted those ballots, and are better equipped to judge whether there may be any duplicate or non-eligible ballots submitted than would be your state BOE personnel located far away from those voters in Raleigh.

Third, if the state BOE takes the unprecedented and extreme step of usurping ballot counting authority from the counties, this will have a CHILLING effect, and undermine public confidence in election results, causing widespread public outcry that your Board is seeking to "rig" the North Carolina elections on a pro-GOP partisan basis, since the majority of your members are currently Republican. Taking over counting of ballots at the state level will create an appearance of impropriety that is not in the public interest. The US Federal Courts have already struck down North Carolina's unprecedented levels of voter suppression tactics and gerrymandering of districts in recent years, and they will not hesitate to do so again. By usurping vote counting authority in this election, especially if doing so with inadequate notice in today's "emergency" meeting, you will simply unleash a new wave of legal challenges that will throw the results of this election into uncertainty and turmoil, disenfranchise key voting groups, and severely damage the reputation of our great state in making us even more widely known as the "New Jim Crow". Surely that is NOT the legacy each of you wishes to be associated with personally and professionally as NC State BOE members!?! But that will be each of your individual legacies should you decide to vote in favor of usurping vote counting authority from the County BOEs. You will each become the living breathing faces across national and international news media and spread virally over social media in personifying North Carolina as the poster state for "the New Jim Crow".

In light of the above, I implore each of you to REJECT current efforts to take away county authority over administering and counting election ballots. Do not give way to partisan pressures from the Governor's office and NCGOP. Instead, follow NC law and precedent by allowing the county level BOEs to finalize counting of ballots as has always been done, and let their election results stand. Protection of basic voting rights and free and fair voting in our state demands that the system respect local election results.

Sincerely,



Christina C. Benson

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