IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NORTH CAROLINA GREEN PARTY, ANTHONY NDEGE, MICHAEL TRUDEAU, MATTHEW HOH, SAMANTHA WORRELL, SAMANTHA SPENCE, K. RYAN PARKER and AARON MOHAMMED,	)	
Plaintiffs,	)	**Case No. _____**
v.	)	**Judge:**
NORTH CAROLINA STATE BOARD OF ELECTIONS,	)	
Defendant.	)	

COMPLAINT FOR DECLARATORY AND PERMANENT INJUNCTIVE RELIEF

1. Plaintiff North Carolina Green Party ("NCGP") timely complied with all requirements under state law to qualify as a new political party and place its candidates on North Carolina's November 8, 2022 general election ballot. Nevertheless, by a divided 3-2 vote, Defendant North Carolina State Board of Elections ("NCSBE") declined to certify NCGP as a new political party. NCSBE cited no legal authority for its action. NCSBE claims to be investigating unspecified allegations of "irregularities" in NCGP's petitions, but NCSBE concedes that NCGP submitted over 2,000 more valid signatures than required under state law. Moreover, NCSBE has not presented NCGP with evidence of the purported "irregularities" in its petitions, nor has it given NCGP any opportunity to defend the validity of the signatures on its petitions.

2. Plaintiffs are voters, candidates, petition circulators and petition signers who supported NCGP's effort to become a ballot-qualified party in 2022. Plaintiffs want to vote for NCGP's nominees, including Plaintiff Hoh and Plaintiff Trudeau, in the November 2022 general

election. NCSBE's failure to certify NCGP as a new party makes it impossible for them to do so. Plaintiffs therefore bring this action against NCSBE for the violation of their rights to cast their votes effectively, to speak and associate for political purposes, to grow and develop their political party, to petition, and of their right to due process, as guaranteed by the First and Fourteenth Amendments. Plaintiffs respectfully request that the Court declare NCSBE's failure to certify NCGP unconstitutional and enter an order directing NCSBE to certify NCGP and place its nominees on North Carolina's 2022 general election ballot.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this case pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1331, because Plaintiffs' claims arise under the First and Fourteenth Amendments to the United States Constitution.

4. This Court has personal jurisdiction over NCSBE because NCSBE is an agency of the State of North Carolina and conducts its business in North Carolina.

5. Venue is proper in this Court because all Plaintiffs are residents of North Carolina, Defendant's primary office is in Raleigh and a substantial part of the events giving rise to this action occurred in this judicial district. *See* 28 U.S.C. § 1391(b)(1),(2).

PARTIES

6. The North Carolina Green Party is the North Carolina state affiliate of the Green Party of the United States. NCGP seeks to elect candidates to all levels of public office in North Carolina, but it is presently unable to place its nominees on the ballot because NCSBE declined to certify NCGP as a political party. NCGP is injured by NCSBE's action, which prevents it from participating in North Carolina's electoral process and hinders its ability to associate with its supporters, to engage in political speech and build support among the electorate, and to grow and

develop as a political party. NCGP maintains a business address in Chatham County, North Carolina.

7. Plaintiff Anthony Ndege is Co-Chair of NCGP. He resides in Forsyth County, North Carolina, where he is a registered voter and intends to remain and vote in future elections. Ndege seeks to campaign for, speak and associate with, and vote for NCGP's candidates. Ndege also circulated petitions and signed a petition to qualify NCGP as a political party in 2022. Ndege is harmed by NCSBE's failure to certify NCGP, which prevents him from campaigning for, associating with and voting for NCGP's candidates, prevents NCGP from participating in North Carolina's electoral process, and hinders NCGP's ability to grow and develop as a political party.

8. Plaintiff Michael Trudeau is Secretary of NCGP and NCGP's nominee for State Senate, District 16. He resides in Wake County, North Carolina, where he is a registered voter and intends to remain and vote in future elections. Trudeau seeks to campaign for, speak and associate with, and vote for NCGP's candidates. Trudeau also circulated petitions and signed a petition to qualify NCGP as a political party in 2022. Trudeau is harmed by NCSBE's failure to certify NCGP, which prevents him from campaigning for, associating with and voting for NCGP's candidates, including himself, and prevents NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

9. Plaintiff Matthew Hoh is NCGP's nominee for United States Senate. He resides in Wake County, North Carolina, where he is a registered voter and intends to remain and vote in future elections. Hoh seeks to campaign for, speak and associate with, and vote for NCGP's candidates. Hoh also circulated petitions and signed a petition to qualify NCGP as a political party in 2022. Hoh is harmed by NCSBE's failure to certify NCGP, which prevents him from campaigning for, associating with and voting for NCGP's candidates, including himself, and

prevents NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

10. Plaintiff Samantha Worrell is a member of NCGP. She resides in Pender County, North Carolina, where she is a registered voter and intends to remain and vote in future elections. Worrell seeks to campaign for, speak and associate with, and vote for NCGP's candidates. Worrell circulated petitions and signed a petition to qualify NCGP as a political party in 2022. Worrell is harmed by NCSBE's failure to certify NCGP, which prevents her from campaigning for, associating with and voting for NCGP's candidates, and prevents NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

11. Plaintiff Samantha Spence is a member of NCGP. She resides in Stanly County, North Carolina, where she is a registered voter and intends to remain and vote in future elections. Spence seeks to campaign for, speak and associate with, and vote for NCGP's candidates. Spence circulated petitions and signed a petition to qualify NCGP as a political party in 2022. Spence is harmed by NCSBE's failure to certify NCGP, which prevents her from campaigning for, associating with and voting for NCGP's candidates, and prevents NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

12. Plaintiff K. Ryan Parker is a member of the Democratic Socialists of America North Carolina Triangle Chapter and as a registered voter supports NCGP's U.S. Senate candidate Matthew Hoh. Parker resides in Wake County, North Carolina, where he is a registered voter and intends to remain and vote in future elections. Parker seeks to campaign for, speak and associate with, and vote for NCGP's candidates, including Hoh. Parker signed a petition to qualify NCGP as a political party in 2022. Parker is harmed by NCSBE's failure to certify NCGP, which prevents him from campaigning for, associating with and voting for NCGP's candidates, and prevents

NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

13. Plaintiff Aaron Mohammed is a member of the People's Party of North Carolina who supports NCGP's U.S. Senate candidate Matthew Hoh. Mohammed resides in Guilford County, North Carolina, where he is a registered voter and intends to remain and vote in future elections. Mohammed seeks to campaign for, speak and associate with, and vote for NCGP's candidates, including Hoh. Mohammed signed a petition to qualify NCGP as a political party in 2022 and donated to Hoh's campaign (the "Hoh Campaign"). Mohammed is harmed by NCSBE's failure to certify NCGP, which prevents him from campaigning for, associating with and voting for NCGP's candidates, and prevents NCGP from participating in North Carolina's electoral process and hinders its ability to grow and develop as a political party.

14. Defendant North Carolina State Board of Elections is an agency of the State of North Carolina charged with the administration of the elections process, including the petitioning process by which a new political party is formed and qualifies to place its nominees on North Carolina's general election ballot. NCSBE is required under state law to determine the sufficiency of a new party's petitions and immediately notify the party's state chair of its determination. On June 30, 2022, a divided NCSBE voted on party lines not to certify NCGP's petitions. NCSBE's office address is Dobbs Building, Third Floor, 430 N. Salisbury St., Raleigh NC 27603-1362.

FACTUAL ALLEGATIONS

I. Relevant Provisions of the North Carolina Election Code

15. Under North Carolina law, a group of voters may form a new political party and qualify it to place its nominees on the general election ballot by submitting petitions signed by one-quarter of one percent (0.25%) of the total number of voters who voted in the most recent

general election for Governor. *See* N.C. GEN. STAT. § 163-96(a)(2).[1] The petitions must be signed by at least 200 registered voters in each of three congressional districts in North Carolina. *See id.* The petitions must be submitted to NCSBE before noon on the first day of June of the election year in which the party seeks to participate. *See id.*

16. Voters who wish to form a new party pursuant to § 163-96 must first submit their petitions to the county board of elections in the county in which the signatures were obtained. *See* § 163-96(c). The petitions must be submitted to the county boards of elections no later than 5:00 PM on the fifteenth day preceding the date on which they must be filed with NCSBE under § 163-96(a)(2). *See id.* The chair of each county board of elections must examine the signatures and certify the number of signatures signed by voters who are qualified and registered to vote in the county. *See id*. Each county board of elections must complete this validation process and return the petitions to the person who submitted them within two weeks. *See id.*

17. When voters who seek to form a new party submit their validated petitions to NCSBE on June 1st, NCSBE "shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination" to the state chair of the new party. *See* § 163-96(a)(2).

18. A new party that qualifies under § 163-96 "shall be entitled to have the names of its candidates for national, State, congressional, and local offices printed on the official ballots…" in the first general election following the date on which it qualified, provided that the candidates pay the required filing fee or comply with an alternative procedure. § 163-98. The party must select its candidates by party convention. *See id*. After the convention is adjourned, but not later than July 1st, the convention president must certify to NCSBE the candidates that it nominated at

[1] Hereinafter, all statutory citations are to the General Statutes of North Carolina unless otherwise indicated.

the convention. *See id*. The candidates also must also submit an application to change party affiliation to the new party at or before the time they are certified. *See id.*

II. NCGP Timely Complied With All State Law Requirements to Qualify as a New Political Party and Place Its Nominees on North Carolina's 2022 General Election Ballot

19. NCGP conducted a petition drive pursuant to § 163-96 to qualify as a new party and place its nominees on North Carolina's 2022 general election ballot. The petition drive was conducted almost entirely by party members and supporters and by voters who support Plaintiff Hoh's campaign for United States Senate.

20. Under § 163-96(a)(2), NCGP was required to submit petitions with 13,865 valid signatures. According to NCSBE, NCGP timely submitted petitions containing a total of 22,530 signatures to county boards of elections. *See* North Carolina State Board of Elections, *Petition Search*, available at https://vt.ncsbe.gov/PetLkup/PetitionResult/?CountyID=0&PetitionName=NORTH%20CAROLINA%20GREEN%20PARTY (accessed July 11, 2022).

21. Several county boards of election did not comply with their statutory duty to validate and return the petitions to NGCP "within two weeks from the date" they were submitted. *See* § 163-96(c)(3). Nevertheless, on May 31, 2022, the deadline by which the county boards of elections were required to complete the validation process, NCSBE's website indicated that the county boards had validated a total of 16,117 signatures on the petitions. *See id*. The validated signatures included at least 200 signatures from each of three congressional districts in North Carolina. *See* § 163-96(a)(2).

22. At 10:00 A.M. on June 1, 2022, Plaintiff Ndege and Plaintiff Trudeau delivered NCGP's validated petitions to NCSBE, as required by § 163-96(a)(2). NCGP had previously

requested to meet with NCSBE on that day, to jointly review the petitions when they were submitted. NCGP was advised that NCSBE official Tiffany Holden would be there to meet them, but when Plaintiff Ndege and Plaintiff Trudeau delivered the petitions, Ms. Holden declined to meet with them on behalf of NCSBE, stating that they had not scheduled a meeting.

23. Thereafter, NCSBE notified NCGP that it would not consider whether to determine the sufficiency of NCGP's petitions, as required by § 163-96(a)(2), until June 30, 2022. Because NCGP was required to nominate its candidates at convention and certify them to NCSBE no later than July 1, 2022, *see* § 163-98, this would leave NCGP less than one day to hold a convention and certify its candidates after NCSBE made its determination.

24. As described *infra* at Part IV, on June 30, 2022, a divided NCSBE voted not to certify NCGP as a new party, despite the fact that as of that date county boards of elections had validated 15,953 signatures on NCGP's petitions – or 2,088 more valid signatures than the 13,865 required under § 163-96(a)(2). The two Republican NCSBE members voted in favor of certification, but all three Democratic NCSBE members voted against certification.

25. Pursuant to § 163-98, NCGP held its convention on June 30, 2022. The party duly selected Plaintiff Hoh and Plaintiff Trudeau as its candidates for U.S. Senate and State Senate (District 16), respectively, as required by § 163-98.

26. On July 1, 2022, Plaintiff Hoh and Plaintiff Trudeau each submitted their applications to change party affiliation to the Wake County Board of Elections pursuant to § 163-98. Later the same day, Plaintiff Ndege certified Plaintiff Hoh and Plaintiff Trudeau as NCGP's candidates for their respective offices to NCSBE, as required by § 163-98. Plaintiff Trudeau also submitted a Notice of Candidacy form and check for his candidate filing fees to both the Wake County Board of Elections and NCSBE. *See* § 163-98.

27. On July 13, 2022, in accordance with guidance received from NCSBE's counsel, Plaintiff Trudeau submitted to the Wake County Board of Elections a Notice of Candidacy form tailored to new party candidates, which he and Plaintiff Hoh received from NCSBE's counsel on July 12, 2022. Plaintiff Hoh submitted the form to NCSBE on July 13, 2022, and attempted to submit a check for his candidate filing fee, but NCSBE would not accept it. *See* § 163-98.

28. NCGP and its candidates thus timely complied with all state law requirements to form a new party pursuant to § 163-96 and place its nominees on North Carolina's 2022 general election ballot pursuant to § 163-98.

III. Democratic Party Operatives' Interference With NCGP's Petition Drive

29. On June 7, 2022, Elizabeth Poston, an attorney with Elias Law Group, submitted a public records request to NCSBE that sought a wide range of "information and data related to the Green Party's petition to become a recognized political party," including copies of petitions and "[a]ny and all correspondence" relating to NCGP's petition to become a new political party. Attorney Poston submitted another request to NCSBE seeking additional materials relating to NCGP's petition drive on June 17, 2022.

30. The language in Attorney Poston's public records requests contains substantial portions that are identical, verbatim, to language contained in a public records request submitted to NCSBE on June 3, 2022 by Amelia Brown. On information and belief, Ms. Brown is an intern in the office of North Carolina Governor Roy Cooper, a Democrat. *See*, *e.g.*, Amelia Brown, J.D. Candidate at UNC School of Law, *available at* linkedin.com/in/amelia-brown-5550b8133 (identifying Amelia Brown as "Legal Intern, North Carolina Office of the Governor") (accessed July 13, 2022).

31. On its website, Elias Law Group identifies itself as "the nation's largest law firm focused on representing the Democratic Party, Democratic campaigns, nonprofit organizations, and individuals committed to advancing and protecting civil rights." *See* Elias Law Group, *Elias Law Group Begins Operations*, available at https://www.elias.law/elias-law-group-begins-operations (accessed July 11, 2022).

32. On or about June 22, 2022, NCGP petition signers began receiving multiple phone calls and text messages daily from unknown individuals who requested that they remove their names from the NCGP petitions. The individuals stated that they were making the request because the Green Party "takes votes" from Democrats. In some instances, the individuals declined to identify themselves; in others, they stated that they were calling on behalf of the Democratic Senatorial Campaign Committee ("DSCC"); and in still other instances the individuals fraudulently claimed to be representatives of the Green Party.

33. On June 22, 2022, Drew Hicks received a call from 919-887-7690. The caller asked him to remove his name from NCGP's petitions. Mr. Hicks declined. The caller stated that the call was made on behalf of the DSCC.

34. On or about June 24, 2022, Jenn Truman received a call from someone who asked her to confirm whether she signed NCGP's petitions. When she did, the caller asked her to remove her name from the petitions because NCGP takes votes from Democrats. Truman declined and the caller hung up.

35. On June 24, 2022, Clinton Ebadi received multiple calls from 980-550-5118. When he answered, the caller asked him to remove his name from NCGP's petitions because NCGP will take votes away from Democrats. The caller told Ebadi that the caller was calling from "the call center" but would not identify which one. Ebadi asked on whose behalf the caller was calling, and

the caller stated, "I am not given that information." Mr. Ebadi also received text messages from 919-887-1940, which asked him to remove his name form NGCP's petitions. One of the texts included the following link to a document that he could sign electronically to request his removal from the NCGP petitions: https://ncdems.fyi/Sign-To-Revoke-Signature. That link redirects to another link, https://powerforms.docusign.net/678b1ad3-26f4-4c7a-9cdd-36227080102d?env=na2&acct=1bc70b7c-d708-483c-a3f6-b3fc998cbf12&accountId=1bc70b7c-d708-483c-a3f6-b3fc998cbf12, which currently contains the message, "The document has been suspended and is not currently active. Please contact the sender."

36. On or about June 24, 2022, Janet Nagel received a call from a woman who stated that she was calling "for" the Green Party and asked whether Ms. Nagel would remove her name from NCGP's petitions. Ms. Nagel declined. The caller called from the number 980-550-5066.

37. On June 24, 2022, Plaintiff Mohammed and his wife both received several phone calls from unrecognized numbers. Plaintiff Mohammed answered one such call from 980-400-3714. The caller asked him to remove his name from NCGP's petitions because NCGP would hurt Democrats. Plaintiff Mohammed was confused because he thought the caller was a representative of NCSBE. He declined to remove his name. The caller repeated the request and he declined again. Before ending the call, the caller identified herself as calling on behalf of the DSCC. A few days later Plaintiff Mohammed and his wife received several more calls and a text message to his wife asking her to remove her name from the NCGP petitions. These calls and texts came through the spam blocker on Plaintiff Mohammed's and his wife's phones and they received them all day long, while at work.

38. On or about June 24, 2022, Kyleene Rooks received a call from the Democratic Party asking her to remove her name from the NCGP petitions.

39. On June 25, 2022, Plaintiff Hoh received a text from 919-300-8955 asking him to confirm whether he signed NCGP's petitions. He did, and the texter asked him to remove his name from the petitions. Plaintiff Hoh declined. He then received another text from the same number repeating the request and stating that "the Green Party takes votes away from Democrats…." Plaintiff Hoh again declined. He then received another text, repeating the request and stating, "we want to make sure the Democratic candidates have the best chance to win this November…." Plaintiff Hoh again declined.

40. On or about June 25, 2022, Emily Przykucki received the same text message that Plaintiff Hoh received. It was sent to her father Mike's phone number. Mr. Przykucki asked "Are you with the Green Party?" The texter replied, "We're with the Democratic Senatorial Campaign Committee."

41. On June 25, 2022, Conner Harney received several texts requesting that he remove his name from NCGP's petitions. He declined. He asked who the texts were from and received no response. At approximately 4:00 PM on June 26, 2022, a woman came to Mr. Harney's door and stated that she represented the State Board of Elections. The woman asked Mr. Harney to remove his name from NCGP's petitions. She stated that the Greens would split the Democratic vote in the midterms. Mr. Harney declined.

42. On June 26, 2022, Charlie Hammerle received a call from an individual who asked him to remove his name from the NCGP petitions. Mr. Hammerle asked two or three times if the caller was with the Green Party and the caller responded "Yes" each time. The call was then abruptly terminated, but not by Mr. Hammerle.

43. On June 27, 2022, NCGP received an email from Robert Thiel who stated that he and his wife had signed NCGP's petitions and that "We have been contacted by Green Party

representatives, and asked them to delete our names." Mr. Thiel was writing to confirm that his name had been removed. He explained that "the reason of my concern is that it would split democratic votes, from the Democratic party and would lead to the Republican party, gaining an edge."

44. On or about June 27, 2022, Plaintiff Ndege received a call from a man who falsely stated that he was a representative of the Green Party. The man asked if Plaintiff Ndege would like to remove his name from the NCGP petitions. Plaintiff Ndege stated that he was confused and asked why a Green Party representative was calling to ask him to remove his name from NCGP's petitions. The call was abruptly terminated, but not by Plaintiff Ndege.

45. On June 27, 2022, a woman came to Chantelle Miles' door and identified herself as a notary hired by the Secretary of State. She asked Ms. Miles to remove her name from the NCGP petitions because the Green Party would take votes from Democrats. Ms. Miles declined. Ms. Miles had previously received a text making the same request on June 22, 2022.

46. On or about June 29, 2022, a person identifying herself as a representative from the North Carolina Democratic Party came to Plaintiff Parker's home and asked him to remove his name from NCGP's petitions. The woman asserted, without citing any evidence, that NCGP had committed fraud in its petitioning effort. Plaintiff Parker declined.

47. On June 29, 2022, Michael Vincent Abucewicz sent a letter to NCSBE "to raise concerns about the sufficiency of information provided to signers" of NCGP's petitions. Mr. Abucewicz asserted that "[a] growing number of signatories to the petitions now swear under penalty of perjury that they were misled by the party's signature gatherers about the petition's purpose." Mr. Abucewicz identified Jacquelyn Lopez of Elias Law Group as his counsel.

48. Mr. Abucewicz, represented by Elias Law Group, has also filed complaints with NCSBE against the chairs of several county boards of elections. The complaints allege that the county chairs improperly validated certain signatures on NCGP's petitions.

49. During the course of NCGP's petition drive, tens of thousands of voters signed NCGP's petitions, and NCGP and Hoh Campaign petition circulators spoke with tens of thousands more North Carolinians in addition to the petition signers. On information and belief, not one of those citizens filed a complaint with NCSBE or any county board of elections regarding NCGP's petitioning efforts. On information and belief, only Mr. Abucewicz, represented by the Elias Law Group, has filed such a complaint.

50. On June 29, 2022, the Hoh Campaign provided NCSBE with written documentation and evidence of Democratic operatives' interference with NCGP's petitioning efforts and the harassment and fraud perpetrated against NCGP's petition signers. That documentation is attached hereto as Exhibit 1. Neither the Hoh Campaign nor NCGP has received any response from NCSBE. Plaintiffs are unaware of any effort by NCSBE to investigate this conduct.

IV. A Divided NCSBE Voted on Party Lines Not to Certify NCGP as a New Party Despite NCGP's Compliance With All Applicable Requirements Under State Law

51. On June 7, 2022 – the same day that Elias Law Group Attorney Poston requested materials relating to NCGP's petition drive from NCSBE – David Richards, an NCSBE investigator, contacted NCGP via email. Mr. Richards stated, "We have some questions regarding petitions submitted to several counties." He requested that an NCGP representative contact him to discuss the matter.

52. At NCGP's request, Mr. Richards provided his questions in writing. On June 16, 2022, NCGP responded in writing and provided thorough, detailed answers to each question. NCGP's written response, which incorporates Mr. Richards' questions, is attached hereto as Exhibit 2.

53. On June 20, 2022 and June 21, 2022, NCGP contacted NCSBE to ask whether it had sufficient information to resolve its inquiries. NCGP also requested the opportunity to meet with NCSBE investigators to discuss their inquiries and to review any petition signatures at issue.

54. On June 21, 2022, NCSBE attorney Candace Marshall sent NCGP additional questions. NCGP provided a detailed and complete written response to those questions on June 22, 2022. The response included, *inter alia*, the full name, residential address, email address and telephone number of all 28 volunteer petition circulators and 16 petition circulators who were paid by NCGP or the Hoh Campaign. The response also provided detailed information regarding two petitioning firms that collected a small number of signatures before their contracts were terminated for non-performance. Additionally, the response identified and provided complete contact information for three subcontractors from one of the firms, which the Hoh Campaign briefly hired for one week from May 11-17, 2022. The response further provided copies of the contracts it executed with the petitioning firms and the subcontractors. The response is attached hereto as Exhibit 3.

55. NCGP fully and voluntarily cooperated with NCSBE at each stage of its inquiry. NCGP provided all pertinent information and documentation in its possession promptly upon request. At no time during the course of the inquiry did NCSBE provide NCGP notice of which specific signatures it was investigating or its grounds for investigating any particular signature. NCSBE did not provide NCGP with notice or opportunity to defend the validity of any signature.

56. Prior to the June 30, 2022 meeting at which NCSBE intended to consider the certification of NCGP's petitions, NCGP requested that it be permitted to be represented at the meeting. NCSBE advised NCGP that it would be allowed one representative who would be permitted to make a statement at the beginning of the meeting lasting no more than five minutes.

57. NCSBE convened its June 30, 2022 meeting at 9:00 AM. NCSBE voted to adjourn to an executive session that was not open to the public. When NCSBE ended its executive session and reconvened the meeting, the Chair, Democrat Damon Circosta, asked NCGP's counsel if he had a "brief, five-minute statement" to make. A video of the NCSBE meeting is available at https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2022-06-30/State%20Board%20of%20Elections%20Meeting-20220630%201300-1.mp4 (hereinafter, "NCSBE Meeting") (accessed July 13, 2022).

58. NCGP's counsel stated that NCGP believed that NCSBE should certify its petitions without further delay, because county boards of elections had validated 15,953 signatures on the petitions, which was 2,088 more valid signatures than the 13,865 required under state law. NCGP's counsel further stated that certification by NCSBE was necessary that day if NCGP was to comply with the July 1st filing deadline set forth in § 163-98. NCGP's counsel stated that if NCSBE members had any reason to believe that NCSBE should not certify NCGP's petitions "forthwith," he would be happy to address them. *See* NCSB Meeting, *supra*, at 1:05:20 – 1:06:58.

59. No NCSBE member asked NCGP's counsel any question or otherwise responded. *See id.*, at 1:07 – 1:07:17.

60. NCSBE Chair Circosta next recognized NCSBE staffer Karen Brinson Bell, who presented an overview of the statutory requirements relating to a new party's formation. *See id.* at 1:07:17 – 1:14. Ms. Brinson Bell confirmed that county boards of elections had validated 15,953

signatures on NCGP's petitions, which was 2,088 more valid signatures than the 13,865 required. *See id*. at 1:14:30 – 1:15:20. Ms. Brinson Bell stated that certain county boards of elections had identified "irregularities" in the petitions and that NCSBE had opened an investigation and was reviewing every petition sheet. *See id.* at 1:15:20 – 1:15:45. Ms. Brinson Bell also confirmed that some county boards of elections had returned NCGP petitions late – "as late as this week." *See id.* at 1:15:47. Ms. Brinson Bell then presented a summary – without identifying any particular signature or petition page – of the alleged "irregularities" that NCSBE claims to be investigating. *See id*. at 1:15:50 – 1:17:50. According to Ms. Brinson Bell, these alleged "irregularities" created "a cloud over how many signatures are valid." *Id.* at 1:18:00.

61. Ms. Brinson Bell presented as "an example" a petition sheet containing signatures that the county board of elections did not validate, meaning the signatures on the petition are separate and apart from the 15,953 total signatures that county boards of elections had validated. *See id*. at 1:18:29 – 1:18:43. Ms. Brinson Bell next cited the allegations contained in the complaint filed by Mr. Abucewicz, but did not identify the complainant. *See id.* at 1:19:20 – 1:20:05. Ms. Brinson Bell also omitted any mention of the documentation and evidence of fraud and harassment perpetrated against signers of the NCGP petitions, and of the DSCC's effort to convince signers to withdraw their names from the NCGP petitions, which the Hoh Campaign submitted to NCSBE.

62. Chair Circosta next recognized NCSBE attorney Candace Love, who cited possible "criminal penalties" that might be implicated by NCSBE's investigation. *See id.* at 1:21:10 – 1:22:15.

63. When Ms. Brinson Bell and Ms. Love finished their presentations, Republican member Stacy Eggers IV asked how NCSBE's failure to certify NCGP's petitions would impact the July 1 deadline under § 163-98 and the deadline for printing absentee ballots. *See id*. at 1:24:40

– 1:25:25. Ms. Brinson Bell confirmed that absentee ballots would be prepared in "mid-August" in preparation for their mailing on September 9, 2022. *See id*. at 1:25:35 – 1:26:03. Ms. Love stated that NCSBE "does not have a deadline" for certifying a new party, but must do it "forthwith" pursuant to § 1163-96(a)(2), and that "there still would be time to get any nominees of the party onto the ballots for the general election." *Id.* at 1:26:28 – 1:27:50. Pressed by Mr. Eggers, however, Ms. Love acknowledged that NCGP and its nominees must comply with the July 1 deadline specified in § 163-98. *See id.* at 1:28:15 – 1:29:02. Ms. Love stated that the July 1 deadline is "provided in the statute" and NCSBE cannot change it. *See id*. at 1:29:19 – 1:29:46.

64. Mr. Eggers observed that, contrary to NCSBE staffers' representations, "there is indeed prejudice to the Green Party" if NCSBE did not vote to certify NCGP's petitions that day, because "the practical effect is going to be to prevent the Green Party from having candidates that they wish to present." *Id.* at 1:29:00 – 1:29:17; 1:29:53 – 1:30:27.

65. Republican member Tommy Tucker stated that NCSBE's investigation, in which NCSBE investigators were calling NCGP petition signers to ask them to confirm that they had signed the NCGP petitions, "would scare a lot of people" who would then agree to remove their names from the NCGP petitions. *See id*. at 1:32:57 – 1:34:05. Mr. Tucker observed that NCGP had "met" the statutory signature requirement, "you've got a 2,000-signature spread," and he questioned why NCSBE had invested such "urgency" into verifying signatures validated by county boards of elections when in the 2020 election, "we did not check nary a signature, not one signature, verified by a county board of elections." *Id.* at 1:34:05 – 1:34:38. Mr. Tucker noted that NCSBE had received complaints prepared by the Elias Law Group, "so there must be something advantageous for the Democratic Party not having the Green Party on the ballot." *Id.*

at 134:40 – 1:35:12. "I don't understand why we don't certify this," Mr. Tucker stated. *Id.* at 1:35:40 – 1:35:48.

66. NCSBE Chair Circosta stated, "Given what's in front of us today I can't vote to certify today. So I would like to wait and give our staff enough time to go through this process. If there's a motion to vote on this today, I will be voting no." *See id.* at 1:36:55 – 1:37:11.

67. NCGP's counsel asked to be recognized. The following colloquy transpired:

> NCGP Counsel: "Is there any question as to the validity of the 15,953 signatures that have been validated by county boards of elections?"
>
> Chair Circosta: "I don't want to get into the details of a criminal investigation, but I have questions sufficient in number to be not willing to vote for certification today."
>
> NCGP Counsel: "I ask the question because the Board is effectively presuming that there is some question as to the validity of those signatures by delaying the certification and possibly rejecting the certification of the Green Party petitions. If there is some presumption here that is operative, the presumption ought to be that validated signatures are valid unless there is some basis for considering them invalid or at least subject to further investigation. So again, the question is, is there any basis for … questioning the validity of any one of those 15,953 validated signatures?"
>
> Chair Circosta: "Thank you for your comments to the Board. I will stand by my earlier assertion and I will ask any other Board members if they have questions."
>
> NCGP Counsel: "Mr. Chairman, you have not answered the question."
>
> Chair Circosta: "[Counsel], you are out of order sir. Go ahead and mute [Counsel] please.

Id. at 1:37:15 – 1:38-47.

68. NCSBE then voted on the certification of NCGP's petitions. The two Republican NCSBE members voted in favor of certification, but all three Democratic NCSBE members voted against certification.

69. No NCSBE member voting against certification of the NCGP petitions cited any legal authority to deny certification.

70. At no time prior to the hearing, or during the hearing, did NCSBE produce the evidence on which its investigation into NCGP's petitions thus far relied, nor did NCSBE provide NCGP with any opportunity to defend the validity of the signatures on its petitions or the integrity of its petitioning process.

71. NCSBE is apparently continuing its investigation of NCGP's petitions to the present date. NCSBE investigators continue to call and email NCGP's petition circulators and to ask them wide-ranging questions about their petitioning efforts, in some cases asking petition circulators the same questions multiple times, even though they have already answered. NCGP and the Hoh Campaign have directed their petitioners to cooperate with the NCSBE investigators, but NCSBE still has not provided them with the evidence on which its investigation relies or any opportunity to defend the validity of the signatures on the NCGP petitions or the integrity of its petitioning process.

72. Meanwhile, NCSBE continues to invalidate NCGP petition signatures that county boards of elections previously validated. Out of the 15,953 signatures validated by county boards of elections as of NCSBE's June 30, 2022 meeting, NCSBE presently credits NCGP with 15,877 valid signatures.

NCSBE's Failure to Certify NCGP as a New Party Injures Plaintiffs' Constitutional Rights

73. NCSBE's failure to certify NCGP as a new party renders it unable to place its nominees on North Carolina's 2022 general election ballot. As a result, Plaintiffs and the other 15,946 voters who signed NCGP's petitions, as validated by county boards of elections, will be denied their right to vote for NCGP's candidates in the 2022 general election. Voters, including

Plaintiffs, are also unable to register as NCGP members. All of this harms Plaintiffs' core First Amendment rights as voters, candidates and citizens who wish to grow and develop a new political party in North Carolina.

74. NCSBE's failure to certify NCGP's petitions despite NCGP's compliance with all applicable requirements under state law also harms Plaintiffs' due process rights, because NCSBE has not provided NCGP with any notice of the allegations or evidence pertaining to any specific signature it is investigating or any opportunity to defend the validity of such signatures.

75. Further, on June 30, 2022, NCSBE published a press release announcing that it had voted not to certify NCGP as a new party, which cited "an ongoing investigation into evidence of fraud and other irregularities" in NCGP's petitioning process. *See* North Carolina State Board of Elections, *Amid Investigation, State Board Turns Down Green Party Recognition*, available at https://www.ncsbe.gov/news/press-releases/2022/06/30/amid-investigation-state-board-turns-down-green-party-recognition (accessed July 12, 2022). To this day, NCSBE has never produced that evidence to NGCP or provided it any opportunity to defend itself against such allegations.

76. NCSBE's press release misleadingly characterizes several aspects of NCGP's petitions as "irregularities" even though they are neither illegal nor improper in any way. For instance:

- NCSBE asserts that "[t]he same handwriting [appears] throughout a petition page," but it is not illegal or improper for petition circulators to fill in petition signers' names, addresses, dates of birth or related information;

- NCSBE asserts that "[a]t least three workers were paid by the signature collected," but it is not illegal or improper for petition circulators to be paid by the signature;

- NCSBE asserts that an unspecified number of "[v]oters apparently signed petitions more than once," but voters frequently forget they have already signed a petition and it is not illegal or improper if they accidentally sign it again – the second signature simply does not count;

- NCSBE asserts that "[p]etition sheets include deceased voters or voters long-removed from the voter registration files, indicating submission of signature sheets from a past Green Party petition drive," but it is not illegal or improper to die after signing a petition, and Plaintiffs have personal knowledge that at least one petition signer, Siniard Nelson, did so; nor is it illegal or improper to sign a petition after being removed from the voter registration files, and petition drives in North Carolina can extend over a period of several years, because § 163-96(a)(2) does not specify when they must begin;

- NCSBE asserts that "[s]ignature pages identify a long-ago Green Party chair, also indicating submission of outdated signatures," but it is not illegal or improper for a new party to elect a new chair during the course of a petitioning period that may last several years, and § 163-96(a)(2) does not authorize NCSBE to designate signatures as "outdated" on that or any other basis.

See id.

77. On information and belief, NCSBE is presently improperly invalidating signatures that county boards of elections properly validated, without statutory authority for invalidating them.

CAUSES OF ACTION

(Violation of Plaintiffs' Rights Guaranteed by the First and Fourteenth Amendments)

78. Plaintiffs reassert each preceding allegation as if set forth fully herein.

79. NCSBE is required to determine the sufficiency of a new party's petitions "forthwith" and to notify the new party's chair of its determination "immediately". § 163-96(a)(2).

80. NCSBE's failure to certify NCGP as a new political party, despite NGCP's compliance with all applicable requirements under state law, severely burdens Plaintiffs' First Amendment rights.

81. NCSBE's failure to certify NCGP as a new political party is not justified by any legitimate or compelling state interest.

82. NCSBE's failure to certify NCGP as a new political party causes injury to and violates rights guaranteed to Plaintiffs by the First and Fourteenth Amendments.

CAUSES OF ACTION

(Violation of Plaintiffs' Rights Guaranteed by the Fourteenth Amendment)

83. Plaintiffs reassert each preceding allegation as if set forth fully herein.

84. NCSBE is required to determine the sufficiency of a new party's petitions "forthwith" and to notify the new party's chair of its determination "immediately". § 163-96(a)(2).

85. NCSBE's failure to certify NCGP as a new political party, despite NGCP's compliance with all applicable requirements under state law, without providing NCGP with notice or an opportunity to defend the validity of the signatures on its petitions or the integrity of its petitioning process, violates Plaintiffs' right to due process of law.

86. NCSBE's failure to certify NCGP as a new political party causes injury to and violates rights guaranteed to Plaintiffs by the Fourteenth Amendment.

PRAYER FOR RELIEF

87. WHEREFORE, Plaintiffs respectfully request that the Court:

A. Enter a declaratory judgment holding that NCSBE's failure to certify NCGP as a new political party pursuant to § 163-96(a)(2) is unconstitutional as applied;

B. Enter an order directing NCSBE to certify NCGP as a new political party entitled to place its candidates on North Carolina's November 8, 2022 general election ballot pursuant to § 163-96(a)(2), with sufficient time to ensure the candidates' inclusion on the ballots to be prepared in mid-August 2022, and enjoining NCSBE from enforcing the July 1 filing deadline under § 163-98 as applied to Plaintiffs;

C. Award other and further relief as the Court deems proper;

D. Award litigation costs and attorney's fees pursuant to 42 U.S.C. § 1988; and

E. Retain jurisdiction over this action and grant the Plaintiffs any further relief which may in the discretion of the Court be necessary and proper.

Dated: July 14, 2022

Respectfully submitted,

/s/ Pooyan Ordoubadi
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Counsel for Plaintiffs
**Local Civil Rule 83.1(d) Counsel*

EXHIBIT 1

(Letter: Rose Roby to NCSBE Investigator Matthew Martucci – June 29, 2022)



June 29, 2022

Matthew Martucci
Investigator
North Carolina State Board of Elections
430 North Salisbury Street
6400 Mail Service Center

Sent via email to: Matthew.Martucci@ncsbe.gov

Dear Mr. Martucci,

Per our discussion on June 27th, since last Thursday at least 20 voters who signed North Carolina Green Party ("NCGP") petitions have reported that they received calls, text messages and in-person visits to their homes by people aggressively attempting to compel them to remove their signature from our petitions. These people are contacting anyone who signed the NGCP petitions – this includes presumptive Green Party nominee for Senate, Matthew Hoh, and NCGP Co-Chair, Tony Ndege (Mr. Ndege recorded this call that has the caller identifying himself as being with the Green Party three times; the call is abruptly cut off after Mr. Ndege tries to inquire as to why the Green Party would be calling to ask him to remove his signature from their petition for ballot access.)

Disturbingly, Mr. Ndege is not the only person who has reported that the callers are identifying themselves as being representatives of the Green Party. Janet Nagel sent me an email detailing the call she received; she reported that the caller said she was calling "for the Green Party" and asked Ms. Nagel if she had signed the petition. When Ms. Nagel confirmed that she had signed, the caller said that the Green Party would split the Democratic Party's vote and hand victory to the Republicans, and would she remove her name from the petition. Ms. Nagel declined. The caller once again asked if Ms. Nagel would remove her signature. Ms. Nagel asked that this caller tell her who she was representing, and the caller once again said "I'm calling for the Green Party."

We have also had accounts of NGCP petition signers being told that they should remove their signatures because the Green Party is already on the ballot in NC. This is of course untrue.

On Tuesday, June 28th, we started receiving accounts of people showing up at petition signers' doors to attempt to get them to remove their name from the NCGP petitions. We have been given one detailed first-hand account of this happening by Connor Harney, who had already declined to remove his name in response to multiple text messages pressuring him to do so. Mr. Harney said that the person who came to his door introduced herself as being with the Board of Elections.

The calls and texts are coming from a handful of phone numbers that aren't reachable when re-dialed; when people have attempted to call them back they are given a message that the number is

disconnected. Several people have reported calls from the following numbers, 980-550-5118 and 919-987-7690. On Sunday, June 26th, Andrietta Mohammad received calls from 919-987-7690 four times over the course of just over 2 ½ hours (12:22 p.m., 1:09 p.m., 2:10 p.m., and 3 p.m.)

During the grassroots petition drive to gain ballot access for the NCGP, neither the party nor the campaign used a single one of the nearly 22,500 signatures collected to add to a database of supporters that could be contacted. It would not have been legal or ethical to do so. But because the petitions were public records, our understanding is that they were accessed by the Elias Group, a DC law firm and then given to the Democratic Senatorial Campaign Committee to engage in this unethical campaign to spam NCGP petition signers with calls, texts, and even visits to their homes in an attempt to use scare tactics, fraudulent representation of who they are acting on behalf of, and straight lies to compel them to remove their signatures from the petition to put the NCGP on the ballot.

This is not only disturbing in its attempt to undo the incredible grassroots petitioning that resulted in far exceeding the number of verified signatures required to place the NCGP on the ballot for the first time in its history; this also has far-reaching implications for minor party ballot access and petition drives across the United States. If registered voters can't sign their names to advance things that are meaningful to them without being subjected to harassment and fraud, this can have a chilling impact on grassroots democracy everywhere.

I'm including the names and contact information of the voters who have been subjected to these calls and texts who have given permission to be interviewed in this matter. I'm also providing relevant evidence and more can be furnished upon request.

Per our discussion, please forward this to your legal department and I would like them to acknowledge receipt.

I thank you for taking this matter seriously and for your commitment to a fair democratic process in North Carolina.

Sincerely,
Rose Roby
Campaign Manager
Matthew Hoh for U.S. Senate
727-623-3785
rose@matthewhohforsenate.org

People who have been contacted by texts/calls/visits to their homes by the DSCC who have given permission to be contacted by the SBOE in this matter:

Arron Mohammad, 603-505-1688
Andrietta Mohammad, 209-543-4706
Val Gould, 215-284-9418
Janet Nagel, 2nagels@gmail.com, 336-686-0832
Connor Harney, harneycb@gmail.com
Stacye Leanza, sleanza.art@gmail.com
Maple Osterbrink, 520-678-4122, maplemaryann@gmail.com
Tony Ndege, 336-577-1421, nc4jillstein@gmail.com
Michael Trudeau, 314-337-2154, mdtrudeau@gmail.com
Matthew Hoh, 703-999-8075, matthew_hoh@riseup.net
K. Ryan Parker, kennethryanparker@gmail.com
Drew Hicks, drew.g.hicks@gmail.com

Additional attachments (included in the body of the email):

Audio of Tony Ndege on phone with DSCC in which the caller falsely identifies himself as a "volunteer with the Green Party"

Screenshot of Andrietta Mohammad receiving 4 calls from a number associated with the DSCC's phone campaign over the course of just under 2 hours

Video of K. Ryan Parker receiving an at home visit urging him to remove his signature from the NCGP petition for ballot access.

Email from Connor Harney showing proof that he replied No to a text urging him to remove his name from the petition and was then visited in person by someone urging him to remove his name who identified herself as being with the Board of Elections.

Email from Janet Nagel detailing her conversation with a caller urging her to remove her name from the petition in which the caller identifies herself as calling "for the Green Party"

EXHIBIT 2

(NCGP Response to NCSBE Investigator David Richards – June 16, 2022)

June 16, 2022

Questions from State Board of Elections Investigator David Richards, with Answers in Bold from NCGP Officers

Hello Mr. Ndege,

Q: I hope you are well. We would like to meet in person, so we can go over the petitions that have been submitted by your canvassers.

- **How many signatures are in question by the State Board? Can the SBoE scan the petitions in question and send them to us to expedite the process?**
- **Is it necessary to meet in person? Our officers are in different parts of the state. If a meeting is mandatory can we meet on Zoom? That way our legal counsel Oliver Hall can be there.**
- **Regarding the term "your canvassers" in the State Board's question – there could be any number of people who submitted signatures to the county boards of election and/or to the NCGP whom we haven't been in direct touch with. Any person can collect signatures and/or submit signatures to the boards, not just "canvassers" whom the NCGP trains in petitioning. For instance, in Wake County alone there were over 450 formerly registered Greens to whom we mailed the petition sheet to ask them to sign it and to collect some additional signatures; we texted about 4,500 of our contacts to ask them to petition; and we called about 3,000 of our contacts on the phone to ask them to petition. As a result of these texts and phone calls, we mailed out hundreds of envelopes to our contacts who indicated they wanted to sign the petition and/or collect signatures. These mailings included instructions and/or links to instructions on the NCGP website, as well as a link to download the blank petition sheet from the NCGP website, both of which are still available at www.ncgreenparty.org/petition.**

Q: As part of the process when we meet we would like a list of all the canvassers and the firm that the Green Party contracted with to conduct the petition drive.

We retained 28 petitioners, in our estimation, as trained, regular volunteers who are NCGP members or nonmember supporters who we know collected signatures. We retained 16 petitioners, in our estimation, as trained, regular petitioners who were paid stipends by either NCGP or the Matthew Hoh for Senate campaign (MH4S), or both, who are NCGP members or nonmember supporters who we know collected signatures. Additionally, NCGP and MH4S contracted with a petitioning firm, First Choice, which collected about 60 total signatures for us, about half of which were collected incorrectly (voters registered in various counties who signed the same sheet) and thus of no value, and then NCGP and MH4S ended that contract after the firm wasn't able to deliver more signatures. NCGP and MH4S canceled our contract with First Choice, and each party was issued a full refund from First Choice. The refund to NCGP can be seen in the NCGP's 2022 first-quarter financial report in the expenditures section at https://cf.ncsbe.gov/CFOrgLkup/ReportDetail/?RID=197127&TP=REC. NCGP and MH4S then contracted another firm, Evans Political Consulting, that collected several hundred signatures for us from three regular subcontractors. The firm's principal, Mr. Lee Evans, had difficulty

recruiting petitioners and eventually canceled our contract on his own initiative. Evans provided a partial refund of our fees. Upon cancellation of the contract, Mr. Evans further suggested that we should consider contracting directly with his three subcontractors so they could continue their work, and MH4S did so for a short period from May 11 to the afternoon of May 17.

Q: We would like to know what type of training was provided by the Green Party and what areas (grocery stores, malls, private residences, etc.) the canvassers were told to go to obtain signatures of voters.

- **NCGP provided thorough written and visual instructions, posted on the NCGP website and elsewhere, as well as weekly Zoom training sessions and in-person training. The instructions—written, visual, and oral—outlined the key petitioning requirements in state law.**
- **To untrained petitioners, NCGP suggested that petitioners sign the petition if registered to vote and collect signatures from friends and family if registered to vote.**
- **To trained petitioners, the NCGP suggested that petitioners collect signatures from registered voters at festivals and outside DMVs, public libraries, universities, rallies and demonstrations, parades, Earth Day events, and other large events on public property, and public parks, as well as outside polling precincts during Early Voting and Election and Primary Days in compliance with state law for canvassing outside voting precincts.**
- **NCGP emphasized to all petitioners the need to comply with all legal requirements during the petitioning process and to exercise diligence to ensure, to the extent possible, that they collected valid signatures.**

We would like to know what questions canvassers asked the voters while attempting to get signatures and what process the Green Party used to verify that the voters were registered to vote in NC.

- **The primary questions the NCGP instructed petitioners to ask potential signers upfront were**
    1. **would the person like to sign the petition to put the NCGP on the ballot,**
    2. **is the person registered to vote in North Carolina, and**
    3. **if the person is registered to vote in North Carolina, then (a) in which county is the person registered to vote, and (b) at what address in that county is the person registered to vote.**

  The signer was then given a petition sheet specific to their county and asked to provide their printed name, address, date of birth, and signature on the petition.
- **To our knowledge, there are no means for NCGP to verify that petition signers are registered to vote in North Carolina except by looking up signers one by one via the State Board's voter search tool, which would be a near impossible task given the time constraints of our petition drive. To the best of our knowledge, there is no legal requirement that NCGP verify each voter's registration. Additionally, it should be noted that in the absence of our petition signatures being returned to us by the county boards of election continually within the 14-day timeframe as directed by state statute §163-96, we weren't able to adequately review signatures rejected by the county boards to detect patterns that might have raised concerns.**

In order to move this along and expedite the process we would need your full cooperation in this matter. Thank you very much and take care.

David Richards

David Richards, MPA, CFE
Investigator
North Carolina State Board of Elections
Post Office Box 27255
Raleigh, NC 27611
919-616-4617 Cell
919-814-0753 Office
919-715-0135 Fax
www.ncsbe.gov

EXHIBIT 3

(NCGP Response to NCSBE Attorney Candace Marshall – June 22, 2022)

June 22, 2022

Follow-Up Questions from State Board of Elections Associate General Counsel Candace Marshall, with Answers in Bold from NCGP Officers

Retained Petitioners:

- Please provide the full name, address, email, and phone number of the retained 28 petitioners that were trained and regular volunteers and of the retained 16 petitioners that were trained and given a stipend.

  We retained 28 people, in our estimation, as trained, regular volunteer petitioners. They are as follows:

Abir Chowdhry, [redacted]

Anna Ordoubadi, [redacted]

Anne Cassebaum, [redacted]

Anthony Pranger, [redacted]

Aviel Washington, [redacted]

Charlie Hammerle, [redacted]

Cole McMullin, [redacted]

Davion Washington, [redacted]

Emily Przykucki, [redacted]

Faith Orr, [redacted]

Gerald Werhan, [redacted]

Haley Kinsler, [redacted]

Haley Nelms, [redacted]

Hwa Huang, [redacted]

Jacob Samuels, [redacted]

Jacqueline Knable, [redacted]

Jan Martell, [redacted]

Jeanine Couto, [redacted]

LeAnne Bartelt, [redacted]

Matthew Hoh, [redacted]
Matthew Skolar, [redacted]
Michael Martelli, [redacted]
Mike Nutt, [redacted]
Rohima Miah, [redacted]
Scott Satalino, [redacted]
Tommie James, [redacted]
Tyra Frye, [redacted]
Wayne Turner, 146 Robert Alston Jr, Pittsboro, NC 27312, (919) 491-3186, build4green@protonmail.com

We retained 16 people, in our estimation, as regular, trained petitioners to whom NCGP or MH4S, or both, paid stipends. They are as follows:

Ahmed Selim, [redacted]
Brookie Mattingly, [redacted]
David Slesinger, [redacted]
Gayle Gorlewski, [redacted]
Gino Fernandes, [redacted]
Jacob Falzone, [redacted]
James Doonquah, [redacted]
Janie Ekere, [redacted]
Javier Madrigal, [redacted]
Matthew Richmond, [redacted]
Michael Trudeau, [redacted]
Nicholas DiDonna, [redacted]
Sadie Spence, [redacted]
Samantha Spence, [redacted]
Samantha Worrel, [redacted]
Tony Ndege, [redacted]

To the best of our knowledge, no other individuals collected more than a negligible amount of signatures for our drive, with the exception of the firms' workers, who are mentioned below.

- Were First Choice and Evans Political Consulting Firm the only two businesses contracted with to obtain signatures?

  Yes.

First Choice:

- Please provide a copy of your contract with First Choice.

  The contract is available online: First Choice and Mack Douglas Contract with NCGP and Matt Hoh for Senate_27_Jan_2022-214453.pdf

- What were the dates of service or range of dates when names were collected?

  The contract start date was January 27, 2022, with an estimated completion date of February 20. The goal, stated in the contract, was for the firm to deliver 2,000 signatures to NCGP by February 20. However, the first and only batch of First Choice signatures the NCGP received contained just 59 good signatures (where in this case "good" means complete, legible, and on the correct county sheet) and were delivered by First Choice on February 14, 2022, to NCGP officer Jan Martell in Durham. The rest of that batch contained 50 "bad" signatures, in that there was no county name written at the top of the sheet at all, and a cursory look showed that signers were from different parts of the state. We are unsure whether these 50 "bad" signatures were ultimately submitted to county boards. With only a few days remaining for the firm to deliver the 2,000 good signatures by our target date of February 20, and after much back-and-forth with First Choice over the ensuing days, it became apparent to us that the firm was not collecting the signatures it had agreed to, and so we ended the contract, as the firm had missed the February 20 deadline to deliver 2,000 and delivered only the one small usable batch on February 14.

- Further explain the circumstances as to why First Choice was not able to deliver any more signatures and termination of the contract.

  As far as we can tell, First Choice had a more lucrative contract in Durham that seemed to consume its focus. We believe this in part due to the firm's initial letter of inquiry by its principal to NCGP, in which that other priority is implied: Initial email inquiry from Shawn Wilmoth of First Choice.pdf**. Regardless, the fact that First Choice**

was not regularly collecting signatures for us was in violation of our contract—as, per the contract, the firm was supposed to deliver signatures to us each week but wasn't. We do not know why First Choice was unable to deliver more signatures; but we can suppose that the firm was unable to find and train petitioners. We asked First Choice principal Shawn Wilmoth to return our fee after several weeks of their not delivering signatures, and he did refund both NCGP and MH4S the entirety of our fees. We had no faith that the firm would collect the agreed-upon signatures within the timeframes outlined in the contract or at a later point in the coming months, and the firm's lack of communication and lack of concern for our feedback (i.e., that roughly half the small batch of signatures the firm did collect were incorrectly done) did not encourage our further trust in the company.

- What alerted you that there may have been some irregularities with about half of the signatures that were collected by First Choice subcontractors?

  To clarify, roughly half of the First Choice signatures were "irregular," in our view, only in that the firm had collected signatures from voters in different counties on the same sheets, when signatures need to be collected per county—e.g., a voter registered in Durham needs to sign a sheet with "Durham County" written at the top. The firm's error was immediately evident because the petitioner hadn't written a county name at the top of five petition sheets at all, so we examined those signatures closer and found addresses from different parts of the state on the same sheet. The signatures First Choice delivered did not appear to be illegitimate apart from roughly half simply being collected on the wrong county sheet; we assume the errors were mistakes and nothing more. Collecting signatures from multiple counties on the same sheet is the main mistake that new circulators make, even, in our experience, when this is clearly communicated to them in training and in written and visual instructions. We made it clear to First Choice that they had to ask the person signing which county they are registered to vote in. Per our contract with First Choice, though, that training was the firm's responsibility.

- Were petition pages and signatures verified through First Choice or the NC Green Party?

  Per the contract, the signatures were supposed to be verified by First Choice and were to carry at least a 70% validity rate, but to our knowledge the firm did not attempt to verify them.

- What county were these petition pages submitted to?

We submitted the 59 good First Choice signatures, mentioned above, to the Durham County Board of Elections. We aren't sure if we submitted the remaining 50 signatures with no county written at the top of the sheet, but if we did they were likely submitted to Durham County as well.

- Please provide the full name, address, email and phone number of the subcontractors that were used from First Choice.

  We do not have all of this information because our contract was with First Choice, to the best of our knowledge, not with its workers. Our contract does indicate a Mack Douglas LLC ([redacted]) as a party to the contract, with First Choice as the party with "financial Responsibility to this project and for payment of all contractors executing services rendered," but to our recollection we had no contact with a Mack Douglas of any kind or understanding of his role in the agreement, and initial drafts of the contract were even more unclear in this regard. We do have a name and a cell phone number of one of First Choice's petitioners, who we believe is the person who delivered the sole batch of signatures to Martell on February 14: James Connor, [redacted].

- Did you ever have direct contact with subcontractors from First Choice?

  We did not meet any First Choice employee or subcontractor in person, with the exception of the single dropoff of signatures—by Connor, we believe—at Martell's house on February 14, but the meeting was very brief. NCGP officer Wayne Turner called Connor multiple times and spoke with him once or twice. Turner called him because the firm was not delivering signatures as required in the contract, and we were seeking answers. To the best of our recollection, Connor responded to Turner that we should direct our questions to Wilmoth.

Evans Political Consulting Firm:

- Please provide a copy of the contract with Evans Political consulting firm.

  The contract is available online: Lee Evans Petitioning Contract.pdf

- Please provide the full name, address, email and phone number of the subcontractors used.

We don't know with certainty how many subcontractors Evans (or First Choice, for that matter) used. It was the firms' responsibility to hire the subcontractors. In fact, initially we did not know what relationships the firms had with their petitioners—i.e., whether their petitioners were experienced employees of the firms or experienced subcontractors or even inexperienced ones. We can give three names and contact information for three Evans Consulting subcontractors we know of, and we know of them because Evans recommended that we contract with the three directly because they were, to our knowledge, the only regular petitioners Evans had been able to retain. In turn, MH4S did briefly contract with the three petitioners, from May 11 to the afternoon of May 17. They are:

- **LaCourtney "A.C.E." Griffin, 9211 Calabria Dr, #102, Raleigh, NC 27617, 252-314-0227**
- **Joshua Mullins, 9211 Calabria Dr, #102, Raleigh, NC 27617, 252-822-3626**
- **John Williams, 3306 Parable Way, Cary NC 27519, 919-724-1010**

- Please provide the county and location of where they collected signatures.

  The primary counties were Wake and Durham, but we do know that Griffin and Mullins wrote their names or initials on all of their petition sheets—either "A.C.E." for Griffin or "Josh M." or the like for Mullins.

- Was there any type of review or verification process on the petition pages before being submitted to the county?

  We submitted over 22,000 signatures to the county boards. We would review signatures when time permitted for missing and illegible information, but time rarely did permit it, and no one was being paid for such work, and to our knowledge state statute does not require us to research every name and signature. Typically the process was that NCGP secretary Michael Trudeau would tally up the Evans firm's good signatures (where "good" means complete and legible information) in the evenings and communicate the numbers to Evans. Trudeau was told by Mullins and Griffin that they were professional canvassers, and he assumed their good faith.

- Please provide the contract with the subcontractors that Evans Political Consulting suggested that you continue to use after your initial contract was canceled.

To be clear, MH4S contracted individually with the three former Evans subcontractors, not as a group of individuals, so there are three separate contracts. The contracts are available online:

- **LaCourtney Griffin contract,** Matthew Hoh for Senate Petitioner contract -- LaCourtney Griffin_copy.pdf
- **Joshua Mullins contract,** Matthew Hoh for Senate Petitioner contract -- Joshua Mullins_copy.pdf
- **John Williams contract,** Matthew Hoh for Senate Petitioner contract -- John Williams_copy.pdf

- Did you have direct contact with these subcontractors?

Yes. The petitioners would typically drop off signatures at NCGP secretary Michael Trudeau's house in Cary. One of them (Williams) would do so in the afternoons by himself, and two of them (Griffin and Mullins) would do so together. The process was that Trudeau would count up their good signatures (where "good" means complete and legible information) that evening and communicate the numbers to Evans Consulting. On May 17, the petitioners also met with Trudeau and NCGP cochair Jan Martell in the afternoon at two different county boards of election (Wake and Durham) to hand in their latest signatures directly to the boards they had presumably collected that day on Primary Day. Williams and Griffin met Martell at the Durham Board separately at different times that day, and Mullins met Trudeau at the Wake board.

Training:

- Did subcontractors from First Choice and Evans Political Consulting also participate in the training and zoom sessions conducted by the NC Green Party?

No. Our understanding was that it was the firms' responsibility to train its petitioners.

JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

North Carolina Green Party, Anthony Ndege, Michael Trudeau, Matthew Hoh, Samantha Worrell, Samantha [redacted]

(b) County of Residence of First Listed Plaintiff Chatham
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Pooyan Ordoubadi, Lopez-Cobb and Ordoubadi, PLLC, (919) 695-5569; Oliver B. Hall, Center for Competitive Democracy, 202-248-9294

DEFENDANTS

North Carolina State Board of Elections

County of Residence of First Listed Defendant Wake
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability		INTELLECTUAL PROPERTY RIGHTS	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 368 Asbestos Personal Injury Product Liability		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability	PERSONAL PROPERTY	LABOR	☐ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	SOCIAL SECURITY	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 360 Other Personal Injury		☐ 790 Other Labor Litigation	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice		☐ 791 Employee Retirement Income Security Act	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise				☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/ Exchange
				☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
				☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
					☐ 893 Environmental Matters
				FEDERAL TAX SUITS	☐ 895 Freedom of Information Act
				☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 896 Arbitration
				☐ 871 IRS—Third Party 26 USC 7609	☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
					☐ 950 Constitutionality of State Statutes

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	**Habeas Corpus:**	☐ 462 Naturalization Application
☐ 220 Foreclosure	☒ 441 Voting	☐ 463 Alien Detainee	☐ 465 Other Immigration Actions
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence	
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General	
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment	☐ 535 Death Penalty	
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other	**Other:**	
	☐ 448 Education	☐ 540 Mandamus & Other	
		☐ 550 Civil Rights	
		☐ 555 Prison Condition	
		☐ 560 Civil Detainee - Conditions of Confinement	

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
42 U.S.C. § 1988

Brief description of cause:
Plaintiffs challenge the constitutionality of Defendant's failure to certify the North Carolina Green Party as a party under state law.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE
Jul 14, 2022

SIGNATURE OF ATTORNEY OF RECORD
/s/Pooyan Ordoubadi

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

North Carolina Green Party, Anthony Ndege, Michael Trudeau, Matthew Hoh, Samantha Worrell, Samantha Spence, K. Ryan Parker and Aaron Mohammed *Plaintiff(s)* v. North Carolina State Board of Elections *Defendant(s)*	)	Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* North Carolina State Board of Elections
Dobbs Building, Third Floor
430 N. Salisbury St.
Raleigh NC 27603-1362

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Pooyan Ordoubadi
Lopez-Cobb and Ordoubadi, PLLC
134 Salem Towne Court
Apex, NC 27502
Tel: (919) 695-5569
Fax: (919) 882-9797

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk