



Major Dave Goetze <majordave@electoraleducationfoundation.com>

Response to your rebuttal regarding Alamance County ballots

7 messages

Gannon, Patrick <Patrick.Gannon@ncsbe.gov>

Thu, Dec 16, 2021 at 7:01 PM

To: "hello@electoraleducationfoundation.com" <hello@electoraleducationfoundation.com>

Cc: "majordave@electoraleducationfoundation.com" <majordave@electoraleducationfoundation.com>, "Bell, Karen B" <Karen.Bell@ncsbe.gov>, "Cox, Paul" <paul.cox@ncsbe.gov>, "Wakely, Lindsey" <Lindsey.Wakely@ncsbe.gov>, "Amy.Galey@ncleg.gov" <Amy.Galey@ncleg.gov>, "Bob.Steinburg@ncleg.gov" <Bob.Steinburg@ncleg.gov>, "Robert.Hanig@ncleg.gov" <Robert.Hanig@ncleg.gov>, "Brenden.Jones@ncleg.gov" <Brenden.Jones@ncleg.gov>, "Carl.Ford@ncleg.gov" <Carl.Ford@ncleg.gov>, "Chris.Humphrey@ncleg.gov" <Chris.Humphrey@ncleg.gov>, "Chuck.Edwards@ncleg.gov" <Chuck.Edwards@ncleg.gov>, "Deanna.Ballard@ncleg.gov" <Deanna.Ballard@ncleg.gov>, "Dennis.Riddell@ncleg.gov" <Dennis.Riddell@ncleg.gov>, "Destin.Hall@ncleg.gov" <Destin.Hall@ncleg.gov>, "Donnie.Loftis@ncleg.gov" <Donnie.Loftis@ncleg.gov>, "Edward.Goodwin@ncleg.gov" <Edward.Goodwin@ncleg.gov>, "Erin.Pare@ncleg.gov" <Erin.Pare@ncleg.gov>, "Rep. George Cleveland" <George.Cleveland@ncleg.gov>, "Rep. Grey Mills" <Grey.Mills@ncleg.gov>, "Jake.Johnson@ncleg.gov" <Jake.Johnson@ncleg.gov>, "Jason.Saine@ncleg.gov" <Jason.Saine@ncleg.gov>, "Rep. Jeffrey C. McNeely" <Jeffrey.McNeely@ncleg.gov>, "Jim.Perry@ncleg.gov" <Jim.Perry@ncleg.gov>, "John.Bradford@ncleg.gov" <John.Bradford@ncleg.gov>, "John.Szoka@ncleg.gov" <John.Szoka@ncleg.gov>, "John.Torbett@ncleg.gov" <John.Torbett@ncleg.gov>, "Rep. Jon Hardister" <Jon.Hardister@ncleg.net>, "Joyce.Krawiec@ncleg.gov" <Joyce.Krawiec@ncleg.gov>, "Julia.Howard@ncleg.gov" <Julia.Howard@ncleg.gov>, Keith Kidwell <Keith.Kidwell@ncleg.net>, "Kelly.Hastings@ncleg.gov" <Kelly.Hastings@ncleg.gov>, "Kyle.Hall@ncleg.gov" <Kyle.Hall@ncleg.gov>, "Larry.Pittman@ncleg.gov" <Larry.Pittman@ncleg.gov>, "Lisa.Barnes@ncleg.gov" <Lisa.Barnes@ncleg.gov>, "Mark.Brody@ncleg.gov" <Mark.Brody@ncleg.gov>, "Mike.Clampitt@ncleg.gov" <Mike.Clampitt@ncleg.gov>, "Norman.Sanderson@ncleg.gov" <Norman.Sanderson@ncleg.gov>, "Phil.Berger@ncleg.gov" <Phil.Berger@ncleg.gov>, "Phil.Shepard@ncleg.gov" <Phil.Shepard@ncleg.gov>, "Ralph.Hise@ncleg.gov" <Ralph.Hise@ncleg.gov>, "Ray.Pickett@ncleg.gov" <Ray.Pickett@ncleg.gov>, "Steve.Jarvis@ncleg.gov" <Steve.Jarvis@ncleg.gov>, "ted.alexander@ncleg.gov" <ted.alexander@ncleg.gov>, "todd.johnson@ncleg.net" <todd.johnson@ncleg.net>, "Sen. Vickie Sawyer" <Vickie.Sawyer@ncleg.gov>, Senator Warren Daniel <Warren.Daniel@ncleg.net>, Phillip Thomas <phillip.thomas@ncgop.org>

Mr. Weatherman,

On behalf of Executive Director Karen Brinson Bell, please see the attached "Correspondence" document, which is the State Board staff's response to your organization's "Rebuttal" document, also attached. Also attached are supportive documents referenced in our correspondence. We respectfully request that you post these documents to your website and social media accounts so your audience can have a complete and accurate picture of these issues.

As always, please feel free to reach out if you have any questions.

Thanks,

Pat

Patrick Gannon

Public Information Director








O: (919) 814-0765

TAB G

M: (984) 204-0767



7 attachments

-  **Correspondence_Weatherman_Alamance2_12162021.pdf**
296K
-  **Print Elect Ballot Order Dates.pdf**
144K
-  **UPS NOV MUNICIPAL BALLOTS.pdf**
546K
-  **Invoice 11.2.21 Burlington Ballots.pdf**
27K
-  **Proof of Delivery UPS Nov Burl Ballots.pdf**
15K
-  **UPS Burlington November Ballots.pdf**
238K
-  **20211204 - NCSBE Letter #4 - Rebuttal to NCSBE Response on Alamance Ballots.pdf**
302K

Major Dave Goetze <majordave@electoraleducationfoundation.com>

Wed, Jan 12, 2022 at 6:55 PM

To: "Gannon, Patrick" <Patrick.Gannon@ncsbe.gov>

Cc: "hello@electoraleducationfoundation.com" <hello@electoraleducationfoundation.com>, "Bell, Karen B" <Karen.Bell@ncsbe.gov>, "Cox, Paul" <paul.cox@ncsbe.gov>, "Wakely, Lindsey" <Lindsey.Wakely@ncsbe.gov>, "Amy.Galey@ncleg.gov" <Amy.Galey@ncleg.gov>, "Bob.Steinburg@ncleg.gov" <Bob.Steinburg@ncleg.gov>, "Robert.Hanig@ncleg.gov" <Robert.Hanig@ncleg.gov>, "Brenden.Jones@ncleg.gov" <Brenden.Jones@ncleg.gov>, "Carl.Ford@ncleg.gov" <Carl.Ford@ncleg.gov>, "Chris.Humphrey@ncleg.gov" <Chris.Humphrey@ncleg.gov>, "Chuck.Edwards@ncleg.gov" <Chuck.Edwards@ncleg.gov>, "Deanna.Ballard@ncleg.gov" <Deanna.Ballard@ncleg.gov>, "Dennis.Riddell@ncleg.gov" <Dennis.Riddell@ncleg.gov>, "Destin.Hall@ncleg.gov" <Destin.Hall@ncleg.gov>, "Donnie.Loftis@ncleg.gov" <Donnie.Loftis@ncleg.gov>, "Edward.Goodwin@ncleg.gov" <Edward.Goodwin@ncleg.gov>, "Erin.Pare@ncleg.gov" <Erin.Pare@ncleg.gov>, "Rep. George Cleveland" <George.Cleveland@ncleg.gov>, "Rep. Grey Mills" <Grey.Mills@ncleg.gov>, "Jake.Johnson@ncleg.gov" <Jake.Johnson@ncleg.gov>, "Jason.Saine@ncleg.gov" <Jason.Saine@ncleg.gov>, "Rep. Jeffrey C. McNeely" <Jeffrey.McNeely@ncleg.gov>, "Jim.Perry@ncleg.gov" <Jim.Perry@ncleg.gov>, "John.Bradford@ncleg.gov" <John.Bradford@ncleg.gov>, "John.Szoka@ncleg.gov" <John.Szoka@ncleg.gov>, "John.Torbett@ncleg.gov" <John.Torbett@ncleg.gov>, "Rep. Jon Hardister" <Jon.Hardister@ncleg.net>, "Joyce.Krawiec@ncleg.gov" <Joyce.Krawiec@ncleg.gov>, "Julia.Howard@ncleg.gov" <Julia.Howard@ncleg.gov>, Keith Kidwell <Keith.Kidwell@ncleg.net>, "Kelly.Hastings@ncleg.gov" <Kelly.Hastings@ncleg.gov>, "Kyle.Hall@ncleg.gov" <Kyle.Hall@ncleg.gov>, "Larry.Pittman@ncleg.gov" <Larry.Pittman@ncleg.gov>, "Lisa.Barnes@ncleg.gov" <Lisa.Barnes@ncleg.gov>, "Mark.Brody@ncleg.gov" <Mark.Brody@ncleg.gov>, "Mike.Clampitt@ncleg.gov" <Mike.Clampitt@ncleg.gov>, "Norman.Sanderson@ncleg.gov" <Norman.Sanderson@ncleg.gov>, "Phil.Berger@ncleg.gov" <Phil.Berger@ncleg.gov>, "Phil.Shepard@ncleg.gov" <Phil.Shepard@ncleg.gov>, "Ralph.Hise@ncleg.gov" <Ralph.Hise@ncleg.gov>, "Ray.Pickett@ncleg.gov" <Ray.Pickett@ncleg.gov>, "Steve.Jarvis@ncleg.gov" <Steve.Jarvis@ncleg.gov>, "ted.alexander@nceg.gov" <ted.alexander@nceg.gov>, "todd.johnson@ncleg.net" <todd.johnson@ncleg.net>, "Sen. Vickie Sawyer" <Vickie.Sawyer@ncleg.gov>, Senator Warren Daniel <Warren.Daniel@ncleg.net>, Philip Thomas <philip.thomas@ncgop.org>, Debra.Bechtel@alamance-nc.com, dan.blue@ncleg.gov, Michael.Garrett@ncleg.gov, Kathy.Harrington@ncleg.gov, Paul.Newton@ncleg.gov, Wiley.Nickel@ncleg.gov, Bill.Rabon@ncleg.gov, lawyerstevenwalker@gmail.com

Mr. Gannon,

We have digested the materials you provided regarding the appearance that some November 2nd 2020 Municipal Election ballots may have been ordered, printed and mailed to voters prior to the conclusion of the October 5th Primary that those who would appear on them, and continue to find them inconclusive.

We requested our staff attorney to reach out to Ms. Debra Bechtel, Interim County Attorney for Alamance for additional information which she has since provided that does provide greater insight into when the Burlington Municipal election ballots (N0005) were ordered and printed. Attached are the documents provided to us by her office. The only change we made was to append an enclosure number at the beginning of each filename for clarification and ease of reference to the explanations below. We request that you forward this e-mail to each member of The NC State Board of Elections for their review and comment.

We did not bother with the UPS shipping documents she included since they do not show package contents nor do they tie tracking numbers to specific purchase orders and thus hold no probative value.

Encl 1: (1 page) Purchase Order #20220320 that does appear to be for the 15,010 N0005 Burlington Municipal Ballots showing an order date of Nov 10th, 2021 but that is more than a week after the Nov 2nd election was held in which those ballots were purportedly used, and roughly a month after they admit the first ballots were actually mailed out to the voters.

Encl 2: (1 page) PrintElect Billing Invoice #26578 dated November 4th, 2021 for the N0005 Burlington Municipal Ballots, but that means they were invoiced 6 days before Encl 1 says they were even ordered.

Encl 3: (4 pages) Undated screenshots from PrintElect showing the order for N0005 ballots. Proves nothing except that the ballot coding had already been done at the time the order was placed and was being forwarded on to the print shop for printing.

Encl 4: PrintElect screenshot showing unspecified Nov 2nd election materials being ordered on Sept 22nd, 2021 for the Nov 2nd election which would be consistent with premature ballot configuration and ordering. We have not seen this document previously. This requires further investigation to determine what was ordered then since all documentation received to date purports to account for all Alamance County November ballots being ordered well after that date.

Encl 5: PO #20220285 dated Oct 26th, 2021 for all Alamance Ballots styles other than N0005. We still question this because hundreds of By-Mail ballots are shown in your data files as going out to the other voters not involved in the Primary well before this date. There is no readily apparent need to have delayed the ordering of these ballots since they were under a statutory (NCGS §163-227-10(a)) 30-day deadline to have them available.

Encl 6: PrintElect Billing Invoice #26283 for all Alamance Ballot styles other than N0005 dated Oct 12th, 2021, 14 days prior to the date shown in Encl 5 that those ballots were allegedly ordered.

Encl 7: (3 pages) PrintElect undated screengrabs showing the breakdown of ballot styles ordered except N0005. We can tell this from the column headed "SEQ" that 0005 is missing from that list.

Ballots not ordered until after Election Day (Encl 1)?
Ballots invoiced before they were even ordered (Encl 2 & 6)?
Ballots not ordered in time to meet the deadline for mailing (Encl 5)?

We need to determine if the actual ballot configuration is designed at the county level or at the state level. Either way, there should be a screenshot we can get of your or their system files showing the date each of those ballot styles was created for forwarding to the printer. That would be the best determinant of just when the primary winners were actually decided.

We hope you share our ongoing concern that after more than 6 weeks of exchanges between us and the various parties that we seem to be no closer to a definitive answer on this issue, bearing in mind that we await responses from the other four counties in a similar situation (Cleveland, Henderson, Iredell and Moore). Any assistance you can provide is greatly appreciated.

[Quoted text hidden]

--

David W. Goetze
Vice President For Research
Electoral Education Foundation
(919) 616-4601

TAB G

Rest assured our analysis of your data is very complex and detailed to insure we do not raise questions for which there is an obvious and simple explanation, or perhaps the result of something we do not yet know about how elections work.

We always look first for any reasonable and rational explanation, and have dismissed numerous other questions from being raised on that basis alone. No one at the Electoral Education Foundation has any interest in recklessly impugning the integrity of the State Board of Elections, its staff or the system(s) they use to capture and report election data, but we are obliged to hold those systems accountable to the public for any irregularities that are inconsistent with accuracy, transparency or state law.

Again, we would welcome the opportunity to answer questions your organization may have before it disseminates incorrect or misleading information about elections. Your organization has not been providing the State Board that opportunity, however.

Please see our written response to your November 30, 2021, letter about Inactive voters (attached). To our knowledge, you did not provide the State Board an opportunity to answer your organization's questions about the list maintenance process before you sent inaccurate information to numerous state legislators and the public through your organization's letter and the video on the Electoral Education Foundation's official website and Facebook page.

Questions posed in that video about "Inactive" voters – which you suggested could be "sloppy bookkeeping," among other things – are answered by the text of federal and state statutes, and by consulting the State Board's list maintenance policy, which has been available at NCSBE.gov for several years: Maintaining the Voter Registration Database in North Carolina

In addition, your organization's "rebuttal" to our response about Alamance County absentee data includes numerous assumptions and inaccuracies, which we explain below; yet you sent it to numerous individuals without first asking questions or seeking clarification from the State Board.

The State Board routinely answers questions about elections data from data scientists, researchers, political parties, students, and voters to avoid the possibility that data are misinterpreted or misrepresented. We welcome such dialogues, as we do with your organization.

In her response, she made several statements that still are inconsistent with the data and the documentation that have been provided to us by the Alamance County Board of Elections and their County Purchasing Department, so we seek additional clarification to resolve this. We hasten to add that we do not challenge her personal integrity or truthfulness because we do believe she only has whatever information is provided to her by the staff or the various County Boards of Elections.

She states that the "ballot_send_dt" is generated from the date the mailing labels for those ballots are printed and not the actual date they are deposited with the USPS, and we find that troubling from a transparency standpoint because the data field label in the daily Absentee Data file suggests it represents the latter, not the former, and is contrary to N.C.G.S. § 163-228(a)(8) that specifies the date a ballot is sent to a voter to be a matter of public record, not the date the mailing label was produced.

Purchase Order #20220285 is an invoice sent by Printelect to the Alamance board multiple weeks after the ballots were received by the county board. The date on the purchase order, October 26, is the date that the invoice was sent to the county board (i.e., it is the date that county board was billed).

More specifically, the Alamance board ordered the ballots in Purchase Order #20220285 (i.e., all ballots except City of Burlington ballots) on **September 22**, and UPS delivered these ballots to the Alamance board on **September 28**. Please see the attached documents (“Print Elect Ballot Order Dates.pdf” and “UPS NOV MUNICIPAL BALLOTS.pdf”) which confirm these two dates. As such, it makes sense that the data would show ballot send dates as early as September 29, since that was the day after the Alamance board received the ballots.

Lastly, in response to your question about daily label printing (i.e., the 13 days): Yes. It is the common, legal, and necessary practice for county boards to print absentee-by-mail mailing labels daily, since the county boards receive absentee requests daily throughout the absentee voting period.

We would like to also renew our original request for your assistance in obtaining a copy of the Purchase Order and shipping or material receipt documents for the N0005 ballots that the County has twice failed to provide us with so that we may both be assured of just when that order was placed and when those ballots were received by the Alamance BoE for issuance.

Please see the attached Printelect invoice (“Invoice 11.2.21 Burlington Ballots.pdf”), UPS tracking (“UPS Burlington November Ballots.pdf”), and UPS proof of delivery (“Proof of Delivery UPS Nov Burl Ballots.pdf”). Although these are not the State Board’s records under Chapter 132, we nonetheless obtained them from the county board in this instance.

* * *

As always, we are happy to answer any additional questions about this issue or any others to help ensure that voters receive accurate information about elections.

Sincerely,



Karen Brinson Bell
Executive Director, State Board of Elections