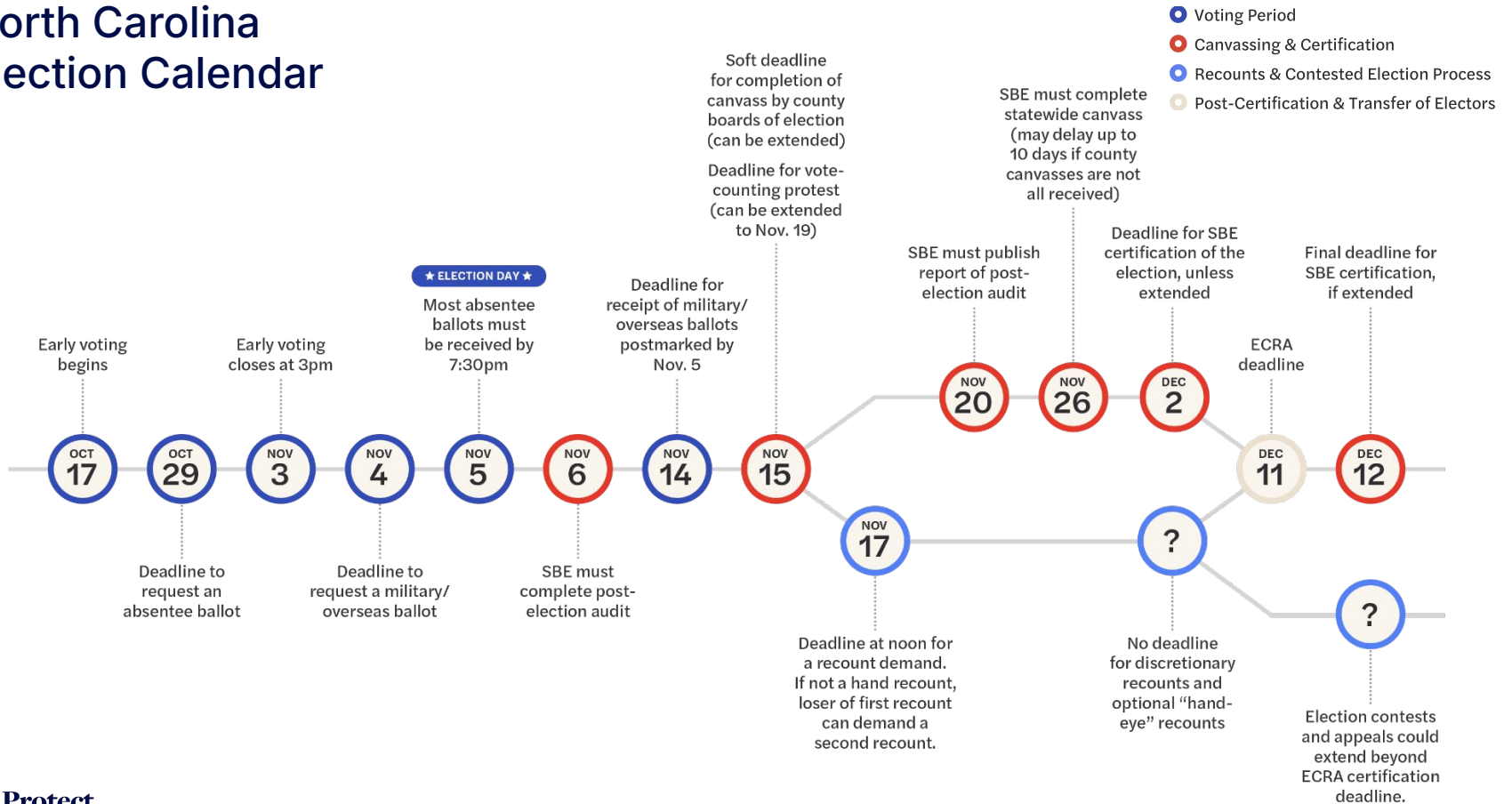


2024 North Carolina Election Assessment: **Present Threats & Key Actors**

North Carolina Election Calendar



Where we are now

- RNC, NC GOP, and allies have filed at least seven [“zombie lawsuits”](#) laying groundwork to **Deny** results.
 - These lawsuits **do not**
 - Change rules for voting
 - These lawsuits **do**
 - Raise baseless claims about noncitizen voting
 - Raise baseless claims about absentee ballots, including military/overseas voters
 - Create risk of disenfranchisement of hundreds of thousands of voters
- **Deceive** voters with election disinformation.
 - [Lies](#) about hurricane response and its impact on voting
- **Disrupt** with [intimidation, threats, and/or violence](#) directed at election workers and voters
 - Attacks on immigrant and nonwhite voters, e.g. identifying new voters with [“Hispanic-sounding names” as inherently “suspicious”](#)

Unique Legal Vulnerabilities

- North Carolina law includes unique vulnerabilities that bad-faith actors could exploit.
 - Lack of post-election deadlines for resolution of protests, recounts, and other steps in the path to certification could slow the process and cause the state to miss the December 11 deadline in the Electoral Count Reform Act (ECRA)
 - The General Assembly **may attempt to overturn the will of the voters** by appointing alternative presidential electors if the State Board of Elections is delayed in certifying the results (NC GS § 163-213)
 - The General Assembly **may attempt to overturn the will of the voters** by deciding Council of State and state legislative races contrary to certified results through contest process (NC GS § 163-182.13A)

Key Actors

Whether N.C.'s unique vulnerabilities are exploited to overturn election results will depend on steps taken by these key actors.

Campaigns and allies can dispute results

- Trump, Robinson, Bishop, Morrow campaigns
- State and national political parties
- North Carolina Election Integrity Team (NCEIT) and national "election integrity" groups

State Executive officials must canvass/certify fairly and quickly

- Governor Roy Cooper
- Karen Brinson Bell, SBE Executive Director
- Alan Hirsch, SBE Chair, Cooper appointee
- Republican SBE Members: Four Eggers, Kevin Lewis
- Democratic SBE Members: Siobhan Millen, Jeff Carmon

County Boards of Election (CBOE) could slow process, cast doubt on results

- CBOE Members associated with "election integrity" groups
- Some CBOE actions require bipartisan support or can be initiated by 1-2 Members

N.C. Courts control the timeline for dispute resolution and whether voters who followed the rules will see their votes counted

- Chief Justice Paul Newby
- N.C. Supreme Court justices
- Judge Margaret Eagles, Wake County Superior Court Chief

N.C. General Assembly can entertain or rebuff efforts to overturn results

- Senate President Pro Tem Phil Berger Sr.
- House Rules Committee Chair and likely next Speaker Destin Hall

Influential conservatives shape how key actors behave/public reacts

- Former President Donald J. Trump
- Senators Thom Tillis, Ted Budd
- Richard Hudson (R-NC 9)
- Pope Foundation, Locke Foundation, [RightCount](#), Chamber of Commerce

If Key Actors Don't Follow the Law

- **Certification delays**
 - All key actors may affect the certification timeline, but particularly the **County Boards of Election (CBOE)**, **State Executive branch** actors, and **N.C. Courts** and their respective responses to **campaign** and **NCEIT** or other “election integrity” group actions to disrupt election processes
- **Voter disenfranchisement and subversion of the will of the electorate**
 - **CBOEs** and **SBE** may, in response to challenges or protests, exclude ballots by voters who followed the rules in place when they voted
 - **N.C. General Assembly** may take advantage of constitutionally questionable state statutes to appoint electors or declare Council of State/General Assembly candidates winners regardless of canvass results
 - **RNC** and **NC GOP** “zombie lawsuits” put voters’ eligibility into the hands of the **SCONC**
- **Appearance of partisan decisions by the judiciary**
 - **SCONC**’s controversial gerrymandering, RFK Jr., and Berger Jr. recusal decisions have led some observers to fear that partisanship impacts decisions in politically charged cases

Thank you.

For more information about this assessment or to quickly arrange a briefing on Present Threats & Key Actors, please contact Anne Tindall at anne.tindall@protectdemocracy.org

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