STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 22CV011290

FILED
2022 SEP 15 P 1:28
WAKE CO., C.S.C.
BY

BARBARA DEAS; THE NORTH CAROLINA REPUBLICAN PARTY; and THE REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; STELLA ANDERSON, in her official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; STACY "FOUR" EGGERS IV, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; TOMMY TUCKER, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, in her official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS,

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND JOINT REQUEST FOR AN EXPEDITED HEARING

N.C. R. Civ. P. 65

NOW COME Plaintiffs Barbara Deas, the North Carolina Republican Party ("NCGOP"), and the Republican National Committee ("RNC") (collectively, "Plaintiffs") and, pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, respectfully move this Court for a preliminary injunction against Defendants the North Carolina State Board of Elections ("NCSBE"); Damon Circosta, in his official capacity as Chair of the State Board of Elections; Stella Anderson, in her official capacity as Secretary of the State Board of Elections; Jeff Carmon III, in his official capacity as Member of the State Board of Elections; Stacy "Four" Eggers IV, in his official

capacity as Member of the State Board of Elections; Tommy Tucker, in his official capacity as Member of the State Board of Elections; and Karen Brinson Bell, in her official capacity as Executive Director of the State Board of Elections (collectively, "Defendants"). Specifically, Plaintiffs seek to enjoin Defendants from enforcing the four-hour, one observer limitations as to at-large election observers during the 2022 general election. Additionally, Plaintiffs seek to enjoin Defendants from accepting civilian absentee-by-mail ballots through November 14, 2022. In anticipation of early voting starting on October 20, 2022, the Parties jointly request an expedited hearing on this matter pursuant to Local Rule 14.4, to occur the week of October 10, 2022.

In support of this Motion, Plaintiffs show the Court the following:

1. On September 9, 2022, Plaintiffs filed a Complaint pursuant to N.C. Gen. Stat. § 1-253 *et seq.* and Rules 65 and 57 of the North Carolina Rules of Civil Procedure in the above-captioned matter.

2. Plaintiffs' Complaint seeks the following declaratory and injunctive relief:

   a. A declaration that 08 N.C. Admin. Code § 20.0101(c) (the "Regulation") and the NCSBE's written guidance regarding enforcement of the four-hour, one-observer restrictions on at-large observers exceed the NCSBE's statutory authority;

   b. A declaration that the directive in Numbered Memo 2022-09 to extend the statutory deadline for receipt of civilian absentee-by-mail ballots exceeds the NCSBE's statutory authority;

   c. A declaration that the Regulation and the written guidance regarding enforcement of the four-hour, one-observer restrictions on at-large observers violate Plaintiffs' due process rights;

d. A declaration that the directive in Numbered Memo 2022-09 to extend the statutory deadline for receipt of civilian absentee-by-mail ballots violates Plaintiffs' due process rights;

e. A declaration that the NCSBE violated the federal Elections Clause by adopting the Regulation, Numbered Memos, and written guidance as to the four-hour, one-observer restrictions;

f. A declaration that the NCSBE violated the federal Elections Clause by adopting Numbered Memo 2022-09;

g. A declaration that the NCSBE failed to follow the North Carolina Administrative Procedures Act when issuing Numbered Memo 2022-09 in violation of Plaintiffs' procedural due process rights;

h. A preliminary and permanent injunction enjoining the NCSBE and its Members from enforcing the four-hour, one-observer restrictions as to at-large election observers; and

i. A preliminary and permanent injunction enjoining the NCSBE and its Members from accepting civilian absentee-by-mail ballots through November 14, 2022.

3. Counsel for Defendants accepted service of the Complaint on September 12, 2022.

4. A court may grant a preliminary injunction "(1) if a plaintiff is able to show likelihood of success on the merits of his case and (2) if a plaintiff is likely to sustain irreparable loss unless the injunction is issued, or if, in the opinion of the Court, issuance is necessary for the protection of a plaintiff's rights during the course of litigation." *A.E.P. Indus., Inc. v. McClure*, 308 N.C. 393, 401, 302 S.E.2d 754, 759–60 (1983) (internal quotation omitted); *see also* N.C. Gen. Stat. § 1A-1, Rule 65. Ultimately, issuance of a preliminary injunction "is a matter of

discretion to be exercised by the hearing judge after a careful balance of the equities." *A.E.P. Indus., Inc.*, 308 N.C. at 400–01, 302 S.E.2d at 759 (internal quotation omitted).

5. A prohibitory injunction is "preventative in character" and "forbid[s] the continuance of a wrongful act or the doing of some threatened or anticipated injury." *Roberts v. Madison Cnty. Realtors Ass'n, Inc.*, 344 N.C. 394, 399, 474 S.E.2d 783, 787 (1996).

6. The relief Plaintiffs seek here is prohibitory—it does not require Defendants to "perform a positive act," but instead Plaintiffs seek to enjoin Defendants from enforcing unlawful regulations and written guidance in the upcoming 2022 general election. *See Auto Dealer Res., Inc. v. Occidental Life Ins. Co. of N.C.*, 15 N.C. App. 634, 639, 190 S.E.2d 729, 732 (1972). Therefore, the mandatory injunction standard does not apply.

7. Plaintiffs are likely to succeed on the merits of their claims. Defendants' interpretations of N.C. Gen. Stat. § 163-45 and N.C. Gen. Stat. § 163-231 are unreasonable and directly conflict with proper statutory construction of § 163-45 and § 163-231. The Regulation, Numbered Memos, and other written guidance by Defendants that are based upon Defendants' unreasonable interpretations are unlawful extensions of the NCSBE's statutory authority. *See* N.C. Gen. Stat. § 163-22(a) (limiting the NCSBE's authority "to make such reasonable rules and regulations with respect to the conduct of primaries and elections" to only those rules and regulations that do not conflict with any other provision of Chapter 163).

8. Defendants' imposition of the four-hour, one-observer limitations and their unilateral change of the deadline for receipt of civilian absentee-by-mail ballots also violate Plaintiffs' due process rights.

9. Further, Defendants' imposition of the four-hour, one-observer limitations and their unlawful change of the statutory deadline for receipt of civilian absentee-by-mail ballots violate

Article I, Section 4 of the United States Constitution (the Elections Clause) because the NCSBE does not have the legislative authority to determine the "Times, Places, and Manner" of federal elections.

10. Plaintiffs will sustain irreparable harm unless preliminary injunctive relief is issued. The infringement of constitutional rights, "for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976). "Courts routinely deem restrictions on fundamental voting rights irreparable injury." *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014). True and correct copies of affidavits verifying Plaintiffs' irreparable harm are attached hereto as **Exhibit A** and **Exhibit B**.

11. Early voting begins on October 20, 2022. Unless a preliminary injunction is granted prior to October 20, Plaintiffs will suffer irreparable harm through not being able to fully observe the election – as contemplated by the statute. As described by Ms. Deas, this has happened in the past and will likely occur during the 2022 general election, causing Plaintiffs to be unable to place observers at some voting places. This harm cannot be undone and cannot be remedied by monetary damages.

12. Likewise, if an injunction is not issued preventing Defendants from accepting civilian absentee-by-mail ballots through November 14, 2022, County Boards of Election will receive and tabulate ballots in the 2022 general election that were received after the deadline set forth in N.C. Gen. Stat. § 163-231.

13. Furthermore, preliminary relief is necessary to instill confidence that the NCSBE will act with transparency and within the rule of law in the impending 2022 general election, instead of unilaterally extending the deadline for the return of absentee-by-mail ballots.

14. The NCSBE will not be harmed if injunctive relief is granted. The relief sought by

Plaintiffs is consistent with established North Carolina law. NCSBE has, and will continue to have, the ability to properly adopt and enforce regulations that do not conflict with its statutory authority under Chapter 163 and rules that are adopted pursuant to the correct administrative process.

15. In light of the constitutional rights at issue, the lack of potential harm to Defendants, and the fact that Plaintiffs only request declaratory relief, Plaintiffs request this Court not require a security for the injunction, as permitted under N.C. R. Civ. P. 65. *See* N.C. Gen. Stat. § 1A-1, Rule 65; *Keith v. Day*, 60 N.C. App. 559, 562, 299 S.E.2d 296, 298 (1983).

16. Counsel for Plaintiffs has conferred with counsel for Defendants, and the parties have agreed to an expedited hearing in this matter to occur the week of October 10, 2022, as permitted by Local Rule 14.4, subject to the Court's approval. The parties respectfully request this Court set this Motion for an expedited hearing the week of October 10, 2022.

WHEREFORE, for the foregoing reasons and as further set out in Plaintiffs' forthcoming memorandum in support, Plaintiffs respectfully request this Court:

1. Enter a preliminary injunction enjoining Defendants from enforcing the four-hour, one-observer restrictions as to at-large election observers;

2. Enter a preliminary injunction enjoining Defendants from accepting civilian absentee-by-mail ballots through November 14, 2022;

3. Order that no security be required;

4. Set this matter for expedited hearing to occur the week of October 10, 2022; and

5. Grant such other and further relief as is just and proper.

Respectfully submitted, this the 16th day of September, 2022.

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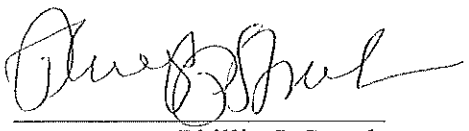
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing document was served upon the parties by electronic mail as was agreed and consented to by the following:

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Exhibit A

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No: 22-CV-011290

BARBARA DEAS, in her individual capacity; THE NORTH CAROLINA REPUBLICAN PARTY; and THE REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; STELLA ANDERSON, in her official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; STACY "FOUR" EGGERS IV, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; TOMMY TUCKER, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, in her official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS,

Defendants.

Affidavit of Jason Simmons

Jason Simmons, after first being duly sworn, deposes and says as follows:

1. My name is Jason Simmons. I am over the age of 18, competent to give this testimony, and have personal knowledge of the facts set forth herein.

2. I am a citizen and resident of Wake County, North Carolina. I have lived in Wake County for approximately ten (10) years.

3. I am the Executive Director of the North Carolina Republican Party.

4. The North Carolina Republican Party ("NCGOP") is a plaintiff in the lawsuit *Deas, et al. v. The North Carolina State Board of Elections, et al.*, Wake County Case No. 22-CV-011290.

5. I have reviewed the Complaint in this matter and, to the best of my knowledge, all the factual allegations therein are true.

6. I have been Executive Director of the NCGOP since April 2021. As Executive Director of the NCGOP, it is my responsibility to execute, on a day-to-day basis, the mission of the NCGOP. This includes, but is not limited to, recruiting and supporting qualified Republican candidates for office, recruiting, organizing, and supporting Republican volunteers and voters, and working to ensure Republican voters can have confidence in elections and the outcome of elections.

7. Prior to serving as Executive Director of the NCGOP, I served as the Regional Political Director for the Republican National Committee ("RNC"). I was responsible for the RNC's on-the-ground operations in multiple states, including North Carolina. These responsibilities included ensuring that the states for which I was responsible were organized and prepared for election day.

8. The NCGOP is a political party as defined in Article 9 of Chapter 163 of the North Carolina General Statutes, and is the state political organization of the Republican Party. A significant part of the NCGOP's mission is to support Republican candidates running in North Carolina elections. The NCGOP also supports Republican voters through, among other things, its

efforts to ensure North Carolina elections are conducted openly, transparently, and according to law.

9. Since observers are authorized to observe in North Carolina elections by statute, the NCGOP has assisted in identifying, recruiting, organizing, and training Republican Party-affiliated election observers.

10. The NCGOP supports and assists in appointing certain at-large election observers for the 2022 general election, and trains them on appropriate conduct while observing.

11. It is my understanding that, on election day in the 2022 general election, each of the voting places are open for thirteen (13) hours.

12. During early voting, the one-stop voting places are open for various amounts of time, from a few hours in some places to a full day in others, depending on the county and voting place.

13. The NCGOP asks its voting place-specific observers if they will be able to serve at least a minimum four-hour shift. In order to have full coverage for a voting place, the NCGOP recommends that county parties have at least two voting place-specific observers at each voting place in their county for early voting and on election day.

14. Due to the large number of voting locations, varying schedules, last minute conflicts, and other obligations, NCGOP has not been able to staff voting place-specific observers at each voting place for all times the polls are open in past elections and many observers cannot stay at a voting place for an entire day or even for four hours.

15. In addition, even for the voting places where NCGOP has voting place-specific observers scheduled to attend, some individuals have had last-minute conflicts, fall ill, have to care for family members, or other issues causing them to be unable to serve as an observer.

16. Accordingly, the NCGOP uses at-large election observers to observe at voting places where it may not have voting place-specific election observers.

17. For example, Mecklenburg County alone has 195 precincts. Staffing each of the 195 precincts for thirteen hours is difficult and logistically complex, as it requires many more than 195 volunteers who will take a day or partial day away from work or taking care of family and who are willing to devote the time prior to the election for training. Smaller counties are no better off. Lee County, for example, was only able to recruit 10 observers for its 10 precincts in the 2022 primary election. As a result, NCGOP uses at-large observers to observe at voting places where there may not be a voting place-specific observer or where other scheduling issues may have arisen.

18. It is also difficult to find Republican volunteers to serve as voting place-specific observers in counties where the Republican population is sparse. At-large NCGOP-affiliated observers help to staff these locations when voting place-specific observers are not available or become unavailable at the last minute.

19. The NCGOP generally helps coordinate where and when Republican Party-affiliated election observers serve, and may direct at-large observers to certain voting sites, based on historical or current incidents.

20. In addition, the NCGOP is responsible for coordinating responses to election issues that arise during the election process. Responding to issues during the election process can – and usually does – involve the dispatch of at-large observers to personally visit the voting places where many of these issues arise.

21. While voting place-specific observers are not usually attorneys, the at-large observers who are dispatched to voting places where election issues arise are often attorneys with election law training or experience.

22. Since at-large observers are not limited to one specific voting place, they can be dispatched to multiple voting places for which the NCGOP has received reports of voting incidents.

23. For example, a voter in Nash County in the 2022 primary reported an issue regarding improper signage, which allowed the NCGOP to contact a Nash County at-large observer who traveled to the voting location and was able to confirm the existence of the improper sign.

24. This context provides a good example of why the NCSBE's limitations on at-large observers are harmful. If there is an incident at a voting place and an at-large observer responds, enters the voting enclosure to perform due diligence on the incident, but then leaves the voting enclosure to travel to another voting place, under my understanding of the NCSBE's rules that at-large observer cannot be replaced by another at-large observer until another four hours has elapsed.

25. From a practical perspective, this requires the at-large observers who first respond to election incidents to stay at or near that voting place until the NCSBE's mandated four-hour period of time runs out – especially when there are no voting place-specific observers at that voting place. This defeats the purpose of having at-large observers, and severely restricts the ability of at-large observers to cover larger numbers of voting places.

26. I believe this will substantially and materially limit at-large observers' ability to assist the NCGOP in ensuring that the election is being conducted openly, transparently, and according to law.

Exhibit B

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 22-CV-011290

BARBARA DEAS, in her individual capacity; THE NORTH CAROLINA REPUBLICAN PARTY; and THE REPUBLICAN NATIONAL COMMITTEE,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; STELLA ANDERSON, in her official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; STACY "FOUR" EGGERS IV, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; TOMMY TUCKER, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; and KAREN BRINSON BELL, in her official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS,

Defendants.

Affidavit of Barbara Deas

Ms. Barbara Deas, after first being duly sworn, deposes and says as follows:

1. My name is Barbara Deas. I am over the age of 18, competent to give this testimony, and have personal knowledge of the facts set forth herein.

2. I am a citizen and resident of Hayesville, North Carolina, which is located in Clay County, North Carolina. I have lived in Clay County for approximately eight (8) years.

3. I am a plaintiff in the lawsuit *Deas, et al. v. The North Carolina State Board of Elections, et al.*, Wake County Case No. 22-CV-011290.

4. I hereby verify that the following paragraphs in the Complaint are true to the best of my knowledge: 5-10, 16, 24, 26-27, 47, 50, 52, 57, 69-73, 87, 90-93, 96-100, 121, and the Prayer for Relief.

5. I am a registered voter, and a registered member of the Republican Party.

6. I regularly vote in elections. I voted in the 2022 primary election in Clay County, NC, and intend to vote in the 2022 general election in Clay County, NC.

7. I also regularly participate in the political and electoral process. In the past, I worked as a paid precinct poll worker in the Sweetwater voting place in Clay County, a runner for the Shooting Creek voting place in Clay County, and provided other election-based support in the Clay County Republican Party headquarters for the 2020 and 2016 elections.

8. I am the current Chairwoman of the Clay County Republican Party. I was elected Chairwoman of the Clay County Republican Party in March of 2022, but I started acting as Chairwoman of the Clay County Republican Party in the fall of 2021.

9. The Clay County Republican Party is generally responsible for, among other things, advocating for Republican candidates and voters in Clay County. This includes coordinating with district and state-level party committees for all state and federal elections and party activities, encouraging qualified Republican candidates to run for office in Clay County, organizing volunteers and voters on a local level in Clay County, educating Clay County voters as to the rules for voting, recommending nominees to the State Chair for appointments for members of the Clay

County Board of Elections, and raising money for the North Carolina Republican Party ("NCGOP") and assisting candidates with fundraising.

10. One of my responsibilities as Chairwoman of the Clay County Republican Party is interfacing with and educating Republican voters to explain the voting process, including but not limited to why voters can trust the procedures and results of the voting process.

11. As Chairwoman, I am generally responsible for supervising the affairs of the Republican Party within Clay County, as described above.

12. As Chairwoman, I am authorized to designate two voting place-specific observers to observe polling at each voting place for every primary and general election. N.C. Gen. Stat. § 163-45(a).

13. As Chairwoman, I am also authorized to designate ten (10) additional at-large observers who are residents of Clay County who may attend any voting place in Clay County to observe elections. N.C. Gen. Stat. § 163-45(a).

14. I intend to designate myself as an at-large observer for the 2022 general election.

15. Consistent with the requirements in N.C. Gen. Stat. § 163-45(a), I designated both voting place-specific observers and an at-large observer for the 2022 primary election.

16. During the 2022 primary, I did not designate myself as an at-large election observer, but I recruited and helped manage the only at-large observer volunteer for the Clay County Republican Party that we were able to field. I also took calls from volunteers (including observers), reported to the NCGOP any election incidents, and assisted with other various get-out-the-vote operational matters. I had numerous phone calls with observers, including the at-large observer, during the day.

17. There were nine (9) voting places at which voters voted in the 2022 primary election in Clay County.

18. The polls in Clay County were open on May 17, 2022, primary election day, for thirteen (13) hours from 6:30 a.m. to 7:30 p.m.

19. Due to the length of time that the polls were open, I, along with assistance from the NCGOP and the RNC, attempted to recruit observer volunteers to work in four-hour shifts. This meant that I had to fill four (4) observer time slots for each voting place, or a total of thirty-six (36) time slots for voting place-specific observers.

20. I was not able to fill all of the time slots for voting place-specific observers for the 2022 primary election.

21. In the 2022 primary election, I designated eight (8) voting place-specific observers.

22. Of the eight voting-place specific observers, two (2) were unable to fulfill their volunteer obligations as observers due to illness and unforeseen work-related travel.

23. Because I was not able to staff all of the time slots at all of the voting places with voting place-specific observers, I tried to use the at-large observers to observe at the locations where either (1) I was unable to fill all the time slots, or (2) election issues came up that needed additional attention.

24. For example, the Shooting Creek voting place observer was called away on an unexpected business trip the day before the election and could not act as an observer on election day. Shooting Creek is one of Clay County's larger voting places. Our (one) at-large observer went to Shooting Creek as his third stop of the day at approximately 11:15 a.m., and when he left there, the Elections Director for Clay County called me and said that the at-large observer could

not enter Shooting Creek, or any other voting place, until at least 3:15 p.m. since he'd already been to "a bunch of them" in violation of the 4-hour rule.

25. After the Elections Director called me and informed me that Clay County's one at-large observer could not got to any voting places until after 3:15 p.m., I told the observer to stand down and to comply with the elections director's instructions.

26. The Elections Director's restrictions on our only at-large observer's ability to observe the election resulted in no observer coverage for the Brasstown voting place (where our designated observer did not show up due to illness) and no observer coverage for the Hayesville Central voting place, where we were unable to get a voting place-specific observer to volunteer.

27. Because we had been unable to fill volunteer slots for more than one four-hour shift in each of the voting places, we asked our volunteers to give us whatever time they could. Two volunteers stayed the entire day at their assigned voting places, others worked a double shift and remaining voting places were covered for only one shift or not at all. The loss of our at-large observer less than halfway through the voting day caused us to have little to no coverage at several of the voting places.

28. Consistent with the requirements in N.C. Gen. Stat. § 163-45(a), I intend to designate both voting place-specific and at-large observers for the 2022 general election.

29. Due, however, to Clay County being a rural county, it is often challenging for the Chair of the Clay County Republican Party to fully staff voting place-specific time slots for observers.

30. At-large observers, thus, fill in a crucial gap in our ability to observe the voting process.

31. I am allowed only ten (10) at-large observers, though, and the Chair of the Clay County Republican Party often cannot fill each of those slots.

32. Even if the Chair can fill all ten (10) of the at-large observer slots, those volunteers are often not available for the full thirteen (13) hours of voting, with the practical effect being that there are usually a very limited number of at-large observers to "fill in the gap" for voting places where we may not have a voting-place specific observer or where there may be voting issues.

33. For example, Clay County uses the NCSBE's electronic pollbook system to check in voters. I understand that during the primary there were issues in a number of counties in using the electronic pollbook in opening polling locations at 6:30 a.m. If, for example, I was unable to designate observers at two Clay County voting places, e.g., Brasstown and Hayesville Two, and only had one at-large observer available to me in the morning, that at-large observer would be able to visit Brasstown and Hayesville Two, but the moment that she or he left the first voting place to visit the second one, she or he would not be ablet to return to the first voting place for approximately four hours. As such, the NCSBE's mistaken interpretation of N.C. Gen. Stat. § 163-45(a) would prevent me from sending that at-large observer – or any other at-large observer – back to the first voting place within that four-hour period.

34. Even worse, the Elections Director for Clay County could, again, forbid the at-large observer from entering any voting place until 4 hours had passed since the at-large observer entered the last voting place.

35. This restriction harms my ability, as the Chair of the Clay County Republican Party, an at-large observer, and as a voter, and to ensure the integrity and openness of the election process.

36. This restriction also harms my ability, as the Chair of the Clay County Republican Party, an at-large observer, and as a voter, to observe the electoral process and communicate

concerns where appropriate, as well as to be able to inform the members of the Clay County Republican Party that the elections conducted in Clay County were performed open, transparently, and according to law.

37. In addition, the NCSBE's decision to move the deadline for receipt of civilian absentee-by-mail ballots from Friday, November 11, 2022 to Monday, November 14, 2022, damages me in that it dilutes my lawful vote. I intend to vote either on election day or prior to it, such that my ballot will be received by the Clay County Board of Elections on or prior to election day. If the Clay County Board of Elections accepts civilian absentee-by-mail ballots after the November 11, 2022 statutory deadline, those ballots will dilute, or cancel out, the votes on the ballot I cast.

38. Allowing the deadline for the Clay County Board of Elections to receive civilian absentee-by-mail ballots to move from November 11, 2022 to November 14, 2022 will decrease the impact of my vote by allowing votes cast in violation of the rules for voting to be nonetheless counted. In a close race, the votes cast in violation of the statutory deadline for the receipt of civilian absentee-by-mail ballots could change the outcome of the election, meaning that a candidate I vote for could win the election if only the votes which comply with the statutory deadline are counted, but could lose the election if the votes which do not comply with the statutory deadline are counted.

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This the 16 day of September 2022.

Barbara Deas

Barbara Deas

SWORN TO AND SUBSCRIBED BEFORE ME

This the 16 day of September, 2022.

Cindy L Shook

Notary Public

My Commission Expires: 12/28/2024

Cindy L. Shook
Notary Public
Clay County, North Carolina