

RE: [External] Re: ELECTION PROTEST JULY 26, 2022 || AMENDED WITH AFFIDAVIT IN SUPPORT AND ADDITIONAL EVIDENCE

From: Cox, Paul (paul.cox@ncsbe.gov)

To: evolve@seetigressrun.com; tyronec.wade@mecklenburgcountync.gov

Cc: michael.dickerson@mecklenburgcountync.gov; kristin.mavromatis@mecklenburgcountync.gov; edward.yeager@mecklenburgcountync.gov; legal@ncsbe.gov

Date: Tuesday, August 9, 2022 at 09:43 PM EDT

Ms. McDaniel,

I hope this email finds you well.

I wanted to reach out to help clarify the process for election protests and appeals.

An appeal of a county board's decision on an election protest cannot be noticed or filed until the county board files its written order deciding the protest.

N.C.G.S. § 163-182.11(a) states:

Written notice of the appeal must be given to the county board within 24 hours after the county board files the written decision at its office. The appeal to the State Board must be in writing. The appeal must be delivered or deposited in the mail, addressed to the State Board, by the appropriate one of the following: (i) the end of the second day after the day the decision was filed by the county board in its office, if the decision concerns a first primary; or (ii) the end of the fifth day after the day the decision was filed in the county board office, if the decision concerns an election other than a first primary.

(Emphasis added.)

I understand that the county board's decision has not yet been filed. Therefore, the appeal you filed is premature and cannot be considered by the State Board.

Additionally, you filed a notice of appeal and appeal at the same time that you filed an amended protest with the county board. Typically, a notice of appeal would remove the case from the county board's purview and shift it to the State Board, assuming the appeal is correctly filed. But it appears that you may still want the county board to consider your amended protest. Can you

please clarify whether you are seeking to have the county board consider your amended protest, or you want the county board to issue its order on the original election protest that it already heard so that you can appeal that?

Thank you,

Paul Cox | Associate General Counsel

NORTH CAROLINA STATE BOARD OF ELECTIONS

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From: Tigress Sydney Acute McDaniel <sue@seetigressrun.com>

Sent: Monday, August 8, 2022 11:09 PM

To: tyronec.wade@mecklenburgcountync.gov; Cox, Paul <paul.cox@ncsbe.gov>

Cc: Bell, Karen B <Karen.Bell@ncsbe.gov>; Tucker, Tommy <Tommy.Tucker.Board@ncsbe.gov>; Eggers, Stacy <Four.Eggers.Board@ncsbe.gov>; Carmon, Jeff <Jeff.Carmon.board@ncsbe.gov>; Anderson, Stella <Stella.Anderson.Board@ncsbe.gov>; Circosta, Damon <Damon.Circosta.board@ncsbe.gov>; Michael Dickerson <Michael.Dickerson@mecklenburgcountync.gov>; M'Lou Greene <m'lou.greene@mecklenburgcountync.gov>; Kristin Mavromatis <kristin.mavromatis@mecklenburgcountync.gov>; Lucille Puckett <lpuckett68@gmail.com>; Tae McKenzie <bookingtaemckenzie@gmail.com>; Edward Yeager <edward.yeager@mecklenburgcountync.gov>; Stephanieforcharlotte Info <info@stephanieforcharlotte.com>; vilyles@charlottenc.gov

Subject: [External] Re: ELECTION PROTEST JULY 26, 2022 || AMENDED WITH AFFIDAVIT IN SUPPORT AND ADDITIONAL EVIDENCE

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To the county board foremost, and the state board for courtesy copy:

Per my first email, find the notarized affidavit in support for my amendment attached.