

Notice of Complaint to the Bladen County Board of Elections on Behalf of the Bladen County Republican Party, Presented by the Republican Party Chairman, Mr. Wayne Schaeffer, Concerning the August 17th and September 14th Meetings of the BOE in Which Republican Judges Were Rejected Without Legitimate Cause and Election Statutes Were Violated — Presented This Date:

I. Concerning the August 17th BOE Meeting

Whereas the Republican Party Chair performed due diligence—per a correct interpretation and application of the applicable statute—to appoint qualified judges in-precinct where available, and presented a list of 17 qualified judges (15 of whom were experienced judges) with no insufficiencies other than there was only one appointment per precinct, and some were out-of-precinct;

Whereas the BOE Democrat Members removed without cause 4 in-precinct Republican nominees (Angela Pait, Phyllis Miller, Mary K. Mazur, Winfred Lewis Smith), **[Miller was reinstated on Sept. 14]**

Whereas the BOE Democrat Members reassigned 2 of the Republican judge nominees (Cathie Price, Jessica Taylor), to a different precinct without consent of Republican Party Chair,

Whereas the BOE Democrat Members removed the Republican Chair's out-of-precinct nominees without an attempt by the BOE to find Republican judges in-precinct, or to consult the Rep. Party Chair,

Whereas all substitutions by the Democrat Board Members were made from the Democrat Party Chair's list of nominees presented to the BOE Director Chris Williams. (Note: with the single exceptions of Erin Sharpe and Ellen Adams Bryan, who were nominated by the Republican Chair),

II. Concerning the September 14th BOE Meeting

Whereas, in direction violation of the applicable statute, 3 precincts on the approved list of judges by the partisan Democrat board members on the 14th of September, 2021, have 3 Democrat Judges and no Republicans (Carver's Creek, E-town 2 and Turnbull),

Whereas the result of the September 14th BOE meeting listed 8 precincts in which no Republican or Republican-nominated UNA was included in the staff, thus resulting in fully Democrat controlled precincts with no Republican representation whatsoever (Abbots, Carver's Creek, Cyp./Crk, E-town 1, E-town 2, Hollow, Turnbull, Whites Creek),

Whereas the similarities of the Democrat Party Chairman's unsigned list of August 10, and the final list of judges approved by the partisan Democrat BOE members at the Sept. 14th meeting, clearly suggests a private collaboration among the 3 Democrat BOE members to prevent Republican Board Members from having an opportunity to research and/or vet the Democrat nominees for legitimacy,

Whereas the Democrat members of the Bladen County Board of Elections disregarded the advice of counsel (Mr. Johnson and Ms. Tornow) as to the proper interpretation and application of the NC Voter Statute concerning seating judges, and failed to correct these abuses in the September 14th meeting of the BOE, including continuing to maintain three precincts with only Democrat Judges in clear violation of the Statute,

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Therefore, the Republican Party Chair believes the judges list as adopted by the BOE is defective, illegal, and requires immediate correction in accordance with the NC Statute.

III. The Republican Party Chair Finds the Following Interpretations of the NC Voter Statutes by the Democrat BOE Members to be Inconsistent with the Intent and Context of the NC Statutes :

- (1) That a judge nominated out-of-precinct is automatically disqualified, and may be replaced by an in-precinct judge who is not of the nominating county chairman's party, and who is taken from the opposing party chairman's list.
- (2) That a precinct staffed by two members of the same party, and an UNA appointed by the county party chairman of that same party, somehow fulfills the two-party requirement of the Statute.
- (3) That if only one name is offered for a precinct by a party chairman to serve as judge, the nominee is automatically disqualified for '*insufficiency*', *though that nominee is qualified in every other aspect*, and that the opposition party members are thus free to replace without cause, those nominees without regard to party affiliation.
- (4) That the Director's contention is that, before seeking an in-precinct replacement for an out-of-precinct nominee given by a party chair, they must exhaust the opposing party chair's list of nominees for that precinct, even if such an action results in a precinct of all one-party judges.

IV. The Republican Party Chair, on behalf of the Republican Party and All Citizens of Bladen County, Maintains the Following:

- (1) That if a party chairman appoints someone, be it an UNA or even a member of the opposing party, that same qualified nominee must be seated as a judge, representing the recommendation of the party who made the appointment.
- (2) That for the BOE to appoint an UNA to the opposing party's seat is unethical and inappropriate, when, in fact, the opposing party chair has nominated a qualified citizen to serve. Such a practice usurps the affected party chair's right to appoint nominees from his own party to serve as precinct judges.
- (3) That allowing party chairs to appoint judges who are not of their party could become an avenue for thwarting the intent of the law, since members of a party could easily register as UNA, or as members of the opposing party, in order to replace legitimate recommendations made by the affected party's chair. Such a

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practice would virtually assure a given party control of the elections and the voting process.

Any political party could conceivably corrupt the entire intent of the voting statute, if they so chose, when holding a majority on the board. Such actions would usurp the duties of the Party Chairs in appointing judges, and violate the context and intent of the voter statutes which is to have the two largest parties in a county appoint the judges, and both parties be represented at the poll.) UNAs are not a party, and are not mentioned in the statutes to be appointed as judges.

- (4) That if the Democrat-controlled BOE's reasoning concerning seating judges-- which they clearly expressed in the two BOE meetings noted here--is followed, the party with a majority of board members can appoint all of the judges in any way that they see fit. There would thus be no reason to ask party chairs for lists of nominees. The people who are represented by the minority on the board would have no representation in elections. Such a continued erosion of Bladen County voter's trust in our BOE will only serve to undermine the integrity of our elections, and the election process.
- (5) That we can unquestionably look forward to more illegal voter fraud, if we allow any single political party this sort of illegitimate latitude in controlling all judge appointments and poll worker appointments.

V. Party Chair's Final Observations and Recommendation for Correcting the Judges Lists, in Order to Comply with the Intent and Context of the NC Voter Statutes:

Democrats on this county's BOE believes that they have complete autonomy because they have the majority vote. In effect, their County Democrat Party Chair appointed all of the judges, except 2, whom they approved in the August 17th meeting; 15 were already on their Party Chairman's list submitted to Director Chris Williams on the 10th and in the same position as on the final approved list.

I note that the Democrats on the BOE were correct in approving an out-of-precinct judge, where necessary and when it suited their purpose, in their final approved list. To explain:

Vonzell Chancy is out-of-precinct in Carver's Creek, but is not marked out-of-precinct on both the Aug. 17th and the Sept. 14th judges lists. Vonzell Chancy's precinct as listed on NCSBOE Voter Search is White's Creek. Therefore, replacing Republican nominee Dale Eaton (R), who was also out-of-precinct at Carver's Creek, defies logic, since contrary to NC Statute, it creates an all-Democrat slate of judges at that precinct.

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Two corrections were made in the Sept. 14th BOE meeting which gave the Republicans 2 more seats. Helen Nance and Ellen Bryan Adams, two Republicans, were seated in the original precincts as on the Republican Chair's August 3 list of nominees.

The Republican Chair maintains that the result from both BOE meetings is that Republicans are represented at only 7 precincts by his **original** appointees, since the Democrat BOE members ultimately denied all Republican Chair nominees except for 7, and arbitrarily replaced them with the nominees from their own County Party Chairman's list. There were 2 Republican judges on both lists--Clark Valentiner and Jessica Taylor--who were assigned where the Democrat Party Chair had put them on his list, not where the Republican Chair had placed them. Thus, it is legitimate to conclude that they became Democrat Chair appointees.

The Republican Chair maintains that 3 precincts are in clear and obvious violation of the NC Statutes, since they have only Democrat judges. (Carver's Creek, Elizabethtown #2, and Turnbull) This was not corrected at the September 14th BOE meeting.

The Republican Chair maintains that the definition of '*insufficient*' can, and should be, waived when the party chair nominates at least one qualified judge for each seat available to his party. Republican Chair maintains that the intent and context of the NC Statute supports this view.

The Republican Party Chair maintains that the intent and context of the statutes assumes and dictates that the two largest parties have representation at the polling place. When a party replaces a nominee, or replacement is sought by the BOE, the assumption is that the board must fill the seat with a member of the affected party, or use the nominee of the party chair in the case of out-of-precinct appointments of judges. Per Statute, the chief judge must be in-precinct.

Therefore: The Bladen County Republican Party Chair, on behalf of Bladen County Republicans and the voting citizens of Bladen County, recommends that the Democrat Board Member's partisan substitutions for the Republican judge nominees placed on the approved judges list from the Sept. 14th, 2021, BOE meeting be denied, and the judges nominated by the Republican Party Chair be installed as recommended, and as listed on the August 3, 2021 Republican Party Chair's signed list of recommendations.

Addendum: Directions to NCGS 163-41 C with a Brief Summary of Text--

1. NCGS § 163-41(c), ¶1 — Party Chair Recommendations
 - a. Appointment of party chairs nominees with-in precincts should be seated.
2. NCGS § 163-41(c), ¶1 Appointments **must be** from Party Chair's list even if the party Chair provides only one name for a given seat.
3. NCGS § 163-41(c) ¶2 In-precinct, non-party chair recommended members
 - a. When recommendations from party chairs are "**insufficient**," appointment by unanimous vote of county board members of judges within the precinct who were not recommended by the party chairs.
4. NCGS § 163-41(c) ¶2, Sentence 2-3 — Out-of-Precinct

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- a. **After diligently seeking to fill positions within precinct and still there are insufficient numbers of officials, county board by unanimous vote may go outside the precinct to select qualified officials, *provided that where possible the county board seek and adopt the recommendation of the county chair of the political party affected.***

(Bladen County GOP Chairman Wayne Schaeffer)

(Date)

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