

*Office of the Governor
State of North Carolina*

*Roy Cooper
Governor*



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December 28, 2018

The Hon. Wayne Goodwin, Chairman
North Carolina Democratic Party
220 Hillsborough St.
Raleigh, N. C. 27603
waynegoodwin@ncdemocraticparty.org

The Hon. Robin Hayes, Chairman
North Carolina Republican Party
1506 Hillsborough St.
Raleigh, N. C. 27605
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RE: State Board of Elections Appointments

Dear Chairmen Goodwin and Hayes:

Yesterday, the Legislature passed a law that creates a new Elections Board effective January 31, 2019. This letter provides instruction on what we must do until that date. In order to hasten the investigatory work by the Board and maintain continuity, I plan to proceed with making elections board appointments under the 2015 law once the stay expires. These members will serve until the law enacted yesterday takes effect at the end of January 2019.

As you know, the current Board of Ethics and Elections has been declared unconstitutional by the courts. Because the Ninth Congressional District has not yet been certified, both I and the Legislative Defendants in the case asked the court to extend its stay beyond December 28, 2018 so that this current board could finish its decision making on that race. The court denied our request. Therefore, as per the advisory letter issued by the Attorney General, I will appoint a new Board of Elections under N.C.G.S. § 163-19 (2015) which is the last constitutional Elections Board statute that was in existence. This Board will serve until the new Elections Board statute takes effect on January 31, 2019.

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Because of the complicated nature and importance of the decisions concerning the Ninth Congressional District election, I plan to appoint a five-member subset of the current board to serve on this reconstituted Board of Elections until January 31, 2019.

I appointed those current elections and ethics members from lists you provided to me previously. I plan to use those lists unless you believe different members should be appointed. If that is the case, I ask you to send me five new names by the close of business today, Friday, December 28, 2018. However, I strongly encourage you to include current members on any new list you may submit to me.

If you do not provide new names, I will proceed to appoint the new five-member board from the members of the current board.

All of these members have election law experience and an awareness of the circumstances around the allegations involved in the Ninth Congressional District election. They have all cleared ethics and conflicts checks and new members would require extra time to have that process completed. Appointing from the previous lists you provided complies with the law and causes the least amount of disruption.

Thank you for your attention to this important matter and feel free to contact my General Counsel, William McKinney, or me if you have questions,

Very truly yours,

A handwritten signature in black ink that reads "Roy Cooper". The signature is written in a cursive, slightly slanted style.

Roy Cooper

RAC/wcm