



# NORTH CAROLINA STATE BOARD OF ELECTIONS

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## **Question & Answer – 9<sup>th</sup> Congressional District Investigation and Special Election**

### **Why was Dan McCready not declared the winner? Why was a new election ordered?**

Because the State Board of Elections found that the election was tainted and could not determine who would have won the election if not for absentee voting and other irregularities, it did not certify a winner. The State Board has ordered a new election, which gives all voters of the 9<sup>th</sup> Congressional District the opportunity to vote for the candidate of their choice.

The State Board ordered a new election under N.C.G.S. § 163-182.13(a)(4), which provides that the Board may call for a new election if “irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.” The vote to hold a new election was unanimous – three Democrats and two Republicans.

### **When will the 9<sup>th</sup> Congressional District new election be held?**

The candidate filing period will be held from 8 a.m. to 5 p.m. March 11-15. The primary election will be May 14. If a second primary is necessary (if no candidate receives more than 30 percent of the votes), it would be September 10. If a second primary is not necessary, the general election would be September 10. If a second primary is held September 10, the general election would be November 5.

### **Is anyone being prosecuted in connection with absentee voting activities in the 9<sup>th</sup> Congressional District contest?**

Yes. Wake County District Attorney Lorrin Freeman announced February 27 that several people, including McCrae Dowless, had been indicted in connection with alleged fraudulent activities in the 2016 election and 2018 primary election. The investigation continues, and additional prosecutions are possible.

The purpose of the evidentiary hearing of the State Board of Elections was limited to the question of whether new elections should be held in contests affected by absentee voting irregularities. Evidence presented during the State Board hearing will be used as part of the criminal investigation.

The State Board has statutory authority to investigate election irregularities and fraud and refer findings to prosecutors for possible criminal charges. The State Board does not have authority to charge anyone with a crime.

### **How did the 9<sup>th</sup> Congressional District investigation begin?**

The State Board employs a team of experienced investigators, led by former FBI Special Agent Joan Fleming. This team opened an investigation based on reports from Bladen County. After gathering evidence, investigators presented preliminary information to the former nine-member State Board of Elections and Ethics Enforcement on November 27. As a result, the former nine-member Board unanimously declined to certify the results in the 9<sup>th</sup> Congressional District. Three days later, after hearing additional evidence, the same Board voted 7-2 not to certify the results and to conduct an evidentiary hearing.

### **What additional new elections did the State Board order?**

The State Board also ordered new elections for Bladen County Commissioner District 3 and Bladen County Soil and Water Conservation District Supervisor. Those elections will be May 14. Those contests will not have primaries, and the only candidates will be those on the ballot in the November general election.

### **Did the State Board investigation into absentee voting irregularities end with the evidentiary hearing?**

No. State Board investigators continue to review and organize evidence for the Wake County District Attorney's Office. It is the State Board's goal to provide the district attorney with as much evidence as possible. This agency also is prepared to do any additional investigating that the district attorney deems necessary.