

## Federal Court Sets Aside New Absentee Ballot Rules

By Administrator

Thursday, 01 October 2020 08:49 - Last Updated Thursday, 01 October 2020 08:55

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Federal Judge William Osteen today issued an order that in no uncertain terms, condemns the N.C. State Board of Elections' news rules regarding absentee ballots. Senator President Phil Berger said the new rules, which were part of a legal settlement negotiated between Democratic Party lawyer Marc Elias, the Board of Elections and Attorney General Josh Stein, effectively eliminate the requirement for a witness to sign an absentee ballot.

The Board had previously told the public that it's action to undo absentee ballot fraud laws was in direct response to Judge Osteen's Aug. 4, 2020 order. Judge Osteen's order contradicts the Board's claims. Here are excerpts.

- &quot;...Because silence could be misconstrued as approval from this court, this court has reviewed the attached Memo 2020-19 and does not find it consistent with this court's order entered on August 4, 2020.&quot;
- &quot;Memo 2020-19 issued by the North Carolina State Board of Elections may be reasonably interpreted to eliminate the one-witness requirement under the guise of compliance with this court's order.&quot;
- &quot;...Alleged compliance with this court's order is resulting in elimination of a duly-enacted statute requiring a witness to an absentee ballot.&quot;
- &quot;This court's order cannot in any way be construed to permit a missing witness signature to be cured by 'sending the voter a certification,' as indicated by Memo 2020-19.&quot;
- &quot;This court finds, following review, and preliminarily, that procedure and cure as set out in Memo 2020-19 is not consistent with this court's order.&quot;
- &quot;...sending the 'voter a certification' to remedy the absence of a witness signature appears to allow the voter to perform some type of post-election certification of the ballot such that the witness requirement is eliminated entirely.&quot;
- &quot;That policy ignores the fact that this court's order upheld the one-witness requirement and in so doing found that it was a reasonable measure to deter fraud.&quot;
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&quot;The procedure undermines and in effect eliminates the Legislature's interest in preventing ballot fraud.&quot;

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&quot;This court finds such an interpretation unacceptable.&quot;

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&quot;...those laws were modified by the North Carolina State Board of Elections without legislative action, apparently, for the purpose of compliance with this court's order.&quot;