NOVEMBER 1, 2024

James Womack
North Carolina Election Integrity Team
101 S. Steele St., Sanford, NC 27330
www.nceit.org

Via Electronic Mail and U.S. Mail

Dear Mr. Womack:

We write on behalf of our clients, El Pueblo, North Carolina Asian Americans Together (NCAAT) and the North Carolina State Conference of the NAACP (NC NAACP) to place you on notice that we have received information indicating that you and members of your organization, the North Carolina Election Integrity Team ("NCEIT"), are working together in a potentially unlawful manner that may interfere with the fundamental right of Hispanic and other citizens to vote in the upcoming election on November 5, 2024 ("Election Day"). While our clients reserve all rights to take legal action to protect the rights of their members and the communities they serve, as well as to seek redress for the harm that your and NCEIT's actions may cause or may have caused, we write to demand the following:

- that you, Mr. Womack, immediately cease and desist from any such unlawful interference with the rights of Hispanic and other citizens to vote;

- that you immediately instruct NCEIT's members in clear and unequivocal language not to engage in any such interference before, on, or after Election Day; and

- that you immediately take steps to preserve all relevant documents and information pertaining to your and/or NCEIT's activities, including but not limited to hard copy documents, video and audio recordings, and documents and information stored electronically such as emails, text messages, messages on internal forums, and any other messages sent electronically (such as messages sent via Signal, Telegram, WhatsApp, Facebook Messenger, or other apps or platforms).

There is evidence that you and NCEIT have orchestrated or are orchestrating a scheme to interfere with the fundamental right of Hispanic and other citizens to vote by baselessly challenging Hispanic voters' eligibility to vote and attempting to intimidate Hispanic voters so as to deter them from voting.

During the week of October 21, 2024, after early voting began in North Carolina, NCEIT made and placed bright yellow signs in roadways and outside of polling locations that warn—in Spanish only—that any person who votes in this election who is not a citizen could be charged with a crime and face deportation from the United States. NCEIT's signs have been reported at polling sites in at least eleven counties in North Carolina. We and our clients have received numerous reports from voters, observers, and poll workers who have seen these "warning" signs and who have expressed concern about how these signs are intimidating to Hispanic citizens seeking to exercise their right to vote, including out of fear of harassment based on the misconception that those who speak Spanish are non-citizens.

We are also aware that NCEIT has educated and instructed its members to be "aggressive" in their poll monitoring. And this "aggressive" monitoring is not applied to all voters. As has been publicly reported, Mr. Womack has conducted several trainings by videoconference in which he has instructed NCEIT members to specifically challenge voters who have "Hispanic-sounding last names."[1] Both of you have also previously touted widely debunked theories about the supposed prevalence of non-citizen voting, and have called for scrutiny of voter lists to identify individuals with Hispanic or Arabic sounding names who you have baselessly suggested deserve closer scrutiny.

Under North Carolina law, having a "Hispanic-sounding last name" and being a recently registered voter is not sufficient probable cause even to challenge a voter's eligibility, let alone to sustain a challenge. North Carolina law states, "Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person is not to be qualified and entitled to vote."[2] "No challenge shall be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter is properly registered or affiliated."[3] We direct you to the North Carolina State Board of Elections' "Voter Challenge Procedures Guide,"[4] which states that state law prohibits the use of "[g]eneric evidence conveying no information about each challenged voter's specific circumstances."[5] A person's race or ethnicity, or the ethnicity of their name, convey no

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[1] Madeline May, CBS News, *"Election Protection" Activist Says He Plans to Flag Voters with "Hispanic-Sounding" Names as "Suspicious"* (Oct. 21, 2024), https://www.cbsnews.com/news/election-integrity-north-carolina-voters-hispanic-sounding-names/.

[2] N.C. Stat. § 163-90.1(a).

[3] N.C. Stat. § 163-90.1(b).

[4] *Available at* https://www.ncsbe.gov/about-elections/legal-resources/challenge-protest-appeal-and-complaint-forms.

[5] *Id*. at 6.

information about their citizenship. Moreover, voter challenges must be made under oath, and false affidavits are punishable as a felony.[6]

Based on this conduct, it is apparent that you and NCEIT's members may be engaging in a conspiracy to discourage Hispanic and other voters from exercising their right to vote, and that you and NCEIT's members intend to challenge the votes of those who do show up to the polls based on nothing more than racial profiling. Furthermore, based on public comments that you have made, it is apparent that you intend to continue challenging Hispanic citizens' votes after Election Day, during North Carolina's canvassing process and beyond.[7]

These actions by you and NCEIT's members may violate North Carolina and federal law. The Ku Klux Klan Act of 1871 prohibits conspiracies to deprive civil rights, conspiracies to hinder or obstruct equal protection of the law, and conspiracies to intimidate voters.[8] The Voting Rights Act of 1965 and the Civil Rights Act of 1957 prohibit voter intimidation.[9] It is also a federal crime to interfere with the right to vote or to conspire to deprive civil rights.[10] North Carolina law also prohibits voter intimidation and other forms of interference with the right to vote.[11] Remedies available to our clients include but are not limited to injunctive relief, compensatory and consequential damages, punitive damages, and a monetary award to cover attorneys' fees and litigation costs.

We demand that you and NCEIT's members immediately cease and desist these types of activities, and we reserve all rights to pursue any and all relief that may be available should you fail to comply with the demands set forth herein. Accordingly, we further demand that you and NCEIT immediately preserve all records, including hard copy and electronic documents and communications, relating to the subject matter of this letter, including but not limited to documents relating to: any statements that you or any other individuals associated with NCEIT have made in the last two years related to voting by Hispanics, Spanish-speaking voters, voters of color, or immigrants; any trainings that you or any other individuals associated with NCEIT have conducted in the last two years for poll watchers or elections observers; any written communications, including email, text messages, online chats or forum posts, social media posts, or other writings involving the work of NCEIT or any subject raised in this letter; any signs that you or NCEIT have put up regarding voting by non-citizens; and any documented ideas,

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[6] *Id*. at 6-7.

[7] *See* Alexandea Berzon and Michael Wines, N.Y. Times, *Monitors, Once Meant to Prevent Election Fraud, Now Seek to Prove It* (Oct. 30, 2024), https://www.nytimes.com/2024/10/30/us/election-poll-monitors.html.

[8] 42 U.S.C. § 1985.

[9] 52 U.S.C. § 10307(b); 52 U.S.C. § 10101(b).

[10] 18 U.S.C. §§ 241, 245(b).

[11] N.C. GEN. STAT. § 163-275(17) (2024); N.C. GEN. STAT. § 163-274 (2024); N.C. GEN. STAT. § 163-273(a)(3) (2024); N.C. GEN. STAT. § 163-273(a)(4) (2024); N.C. GEN. STAT. § 14-12.13 (2024).

proposals and/or plans regarding voter challenges in connection with the November 5, 2024 election, whether before, on, or after Election Day.

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This letter is not intended to be a complete statement of the relevant facts or our clients' rights, and is not intended to be, and should not be construed as, a waiver of any of our clients' rights or remedies.

We are available to discuss this letter should you wish to do so and anticipate your timely response to our demands. Please acknowledge receipt and your intent to comply within 24 hours.

Sincerely,

Caitlin Swain, Co-Director
Kathleen Roblez, Senior Voting Rights Counsel
Ashley Mitchell, Staff Attorney
FORWARD JUSTICE

Anne Tindall, Special Counsel & NC Policy Lead
Jessica Marsden, Director of Impact Programs
PROTECT DEMOCRACY

Prof. Irving Joyner
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Marc Epstein, Senior Digital Justice Counsel
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