

The Boston Globe

Nation

North Carolina judge declines to certify 9th District congressional race



ROBERT WILLETT/THE NEWS & OBSERVER VIA AP, POOL

Wake County Superior Court Judge Paul Ridgeway issued his ruling following the *Mark E. Harris v. NC State Board of Elections* hearing on Tuesday in Superior Court in Raleigh, N.C.

By Amy Gardner | WASHINGTON POST JANUARY 22, 2019

A state judge in North Carolina has declined to certify election results in the 9th Congressional District, citing state election officials' authority to delay certification while

they continue to investigate allegations of election fraud.

In a court hearing in Raleigh on Tuesday, Wake County Superior Court Judge Paul Ridgeway ruled against Republican Mark Harris, who leads Democrat Dan McCready by 905 votes in unofficial results from the Nov. 6 election.

The State Board of Elections voted not to certify the results after accusations of election fraud surfaced in the 9th District, a rural swath of farm land and small towns that stretches from Charlotte to Fayetteville along the South Carolina border.

A lawyer for Harris argued that the state board has not presented evidence that the fraud was widespread enough to affect the outcome. Harris has said the investigation should continue but argued that he should be seated in the meantime.

Lawyers for the state board and for McCready argued that enough ballots are under review to call the margin into question. Marc Elias, a Washington-based election law attorney who represents Democratic political committees and candidates, argued for McCready that there is nothing in North Carolina law that requires the investigation to be completed by a certain date.

Ridgeway suggested in court that he was reluctant to intervene in a matter that falls under the authority of another branch of government.

At issue are accusations that a political operative hired by Harris to run his absentee-ballot program illegally collected mail-in ballots from voters. Also under investigation is whether the operative, Leslie McCrae Dowless, or his employees discarded ballots that were not cast for Harris.

The lawyer for the state board noted that the nine-member board — made up of four Republicans, four Democrats, and one unaffiliated voter — had voted unanimously not to certify the 9th District results.

Further complicating the investigation is the fact that the State Board of Elections was disbanded in December, following a court ruling earlier in the year that had found the

board's makeup unconstitutional.

The board is expected to be reconstituted on Jan. 31 under a new state law approved in December.

Even if Ridgeway had ordered the board's staff to certify the results, it's not clear that Harris would have been welcomed to Congress. House Democrats have vowed not to seat Harris until the state investigation is complete, and have the power with their new majority to call for a new election.

© 2019 Boston Globe Media Partners, LLC