IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:22-cv-276-D

NORTH CAROLINA GREEN PARTY, et al., Plaintiffs, v. NORTH CAROLINA STATE BOARD OF ELECTIONS, et al., Defendants.	)	**DECLARATION OF MATTHEW MARTUCCI**

I, Matthew Martucci, swear under penalty of perjury that the following information is true to the best of my knowledge and state as follows:

1. I am over 18 years old. I am competent to give this declaration and have personal knowledge of the facts set forth herein. I consulted with State Board staff to prepare this affidavit.

2. I am Lead Investigator for the North Carolina State Board of Elections, a position I have held since November 2019. In this role, I lead the State Board's Investigations Division, which is charged with investigating elections law violations, and supervise a staff of three investigators. I have been an investigator with the State Board since March 2015. From 2002 to 2014, I was an Assistant Supervisor for the Special Commissioner for the New York City Public School District, investigating school employees for corruption and misappropriation of funds. From approximately 1982 to 2002, I was a police detective with the New York City Police Department, investigating organized crime, narcotics, homicides, burglaries, robberies, and other crimes.

3. The following is a description of investigative steps and a timeline of the investigation into fraudulent signature petition pages submitted by the Green Party seeking to qualify as a new political party in 2022. The dates listed are in approximate chronological order.

4. On April 29, 2022, State Board legal staff received an email from Towanna Dixon, Director of Moore County Board of Elections, stating that during her office's review of a signature petition page submitted by the Green Party they discovered what appeared to be an exact signature match of a voter who died in 2017. After further review, Director Dixon alerted legal staff to additional discrepancies found in two batch submissions of April 17 and April 28. The batches contained a total of 12 pages and 59 signatures in which Director Dixon found some mismatched signatures that bore no resemblance to the voter's signature on file. Signatures were verified against all possible voter records retained on file.

5. As a result, State Board legal staff attempted contact with Anthony Ndege, Green Party Co-Chair, and requested a return call to discuss the discrepancies found in the Moore County petition pages and to clarify the process and methods used to obtain signatures. A voicemail was left for Mr. Ndege to return staff's call.

6. On or about May 10, 2022, Anthony Ndege left a voicemail stating that he was not responsible for everyone that turns in signatures and was unaware of the submission of fraudulent signatures. He requested several times during the voicemail written rules regarding the process of obtaining petition signatures. It did not appear that Mr. Ndege was willing to meet to discuss the concern of fraudulent signatures without first having written rules about the process.

7. On May 13, 2022, the matter was escalated to the Investigations Division and assigned to Investigator David Richards to attempt further contact and discussion with the Anthony Ndege and the Green Party.

8. On May 27, 2022, the Investigations Division received a complaint from the Wake County Board of Elections regarding a significant number of discrepancies found on the signature pages it received from the Green Party. The county board complained of mismatched signatures, similar handwriting for multiple signatures and incorrect dates of birth. On June 3, 2022, the Wake County Board forwarded a 25-page document date stamped as received on May 17, 2022, all displaying signature marks of individuals who will be identified herein only as "Petitioner A" or "Petitioner B" and what appeared to be noticeably identical handwriting for each voter's signature. Of the sheets with the marks of Petitioner A or Petitioner B, only 28 of 344 were accepted. (See Exhibit 11.)

9. On June 2, 2022, the Investigations Division received a complaint from the Durham County Board of Elections regarding significant discrepancies and multiple calls from voters claiming they did not sign a petition for the Green Party. The Investigations Division reviewed a call log that was created by Durham County staff to document complaints from voters. After further review, it was determined that most of the calls were coming from voters whose name and signature was listed on pages bearing the signature mark of Petitioner A on the petition pages and containing different dates of birth than what was on file for the voter. The Investigations Division maintained contact with Durham County staff to continue to monitor the call log and the number of calls received.

10. On June 7, 2022, State Board staff began observing problematic petition pages submitted from Nash County. During review of these pages, it was discovered that several of

these pages also contained the same signature marks of Petitioner A and Petitioner B. Investigators were able to uncover the full name and likely identity of Petitioner B.

11. The Investigation Division elevated the Green Party investigation as a potentially criminal matter with high priority due to observing a pattern of petition pages submitted containing what appeared to be noticeably fraudulent signatures, largely submitted from three counties, and bearing the signature marks of the same two individuals throughout. It was at this time that investigators began narrowing their scope to focus on two persons of interest for signatures collected in Wake, Durham, and Nash counties.

12. On June 7, 2022, Investigator Richards emailed Anthony Ndege to request a meeting with the Green Party to inquire about their process of signature collection due to the numerous mismatched signatures received and at least one deceased voter contained on the petition pages. Anthony Ndege responded and requested any questions to be submitted in writing and was unresponsive on the State Board's request to meet. (See Exhibits 12 and 13.)

13. Investigators further discovered that the Green Party paid consulting firms First Choice out of Michigan and Evans Political Consulting Firm out of Arkansas to obtain signatures. Investigators unsuccessfully attempted contact with the owner of Evans Consulting firm, Lee Evans. A subpoena for records was later issued to Lee Evans.

14. Investigators also identified approximately seven hired petitioners paid by the Green Party and attempted contact with these individuals. Contact was made with one person. The remaining six petitioners were left voicemail messages and were later mailed contact notices requesting them to contact State Board Investigations.

15. On June 13, 2022, Attorney Oliver Hall, replied to the initial email sent on June 7 requesting that any further correspondence be directed to him as counsel for the Green Party. He

also requested a copy of any complaint or challenge that had been filed against his clients regarding the petitions and to identify the basis and authority to proceed with an investigation.

16. On June 15, 2022, State Board legal staff responded to Oliver Hall's email providing a basis and legal statute authorizing State Board investigators to investigate this matter. A second request to meet with the Green Party was made in the email along with explaining the urgency to obtain information from the Green Party to avoid any potential delays with the State Board certifying their petition to be recognized as a party. (See Exhibit 14.)

17. The Green Party responded and requested investigators to provide copies of "petitions containing the signatures referenced." In response, on June 16 State Board legal staff emailed a sample of problematic pages, identified by county and batch number, along with disclosing the names of the two petitioners of interest, Petitioner A and Petitioner B. A third request was made to schedule a time to meet with the Green Party in this email. (See Exhibit 15.)

18. On June 21, 2022, the Investigations Division and legal staff emailed additional inquiries to the Green Party requesting them to disclose any contractual arrangements and detail any terms of agreement with the consulting firms First Choice and Evans Political Consulting and any other hired or voluntary petitioner to collect signatures as well as contact information and training procedures.

19. On June 22, 2022, investigators received the requested information from the inquiries sent on June 21 from Michael Trudeau. Investigators and legal staff met virtually with Anthony Ndege, Matthew Trudeau, Rose Robly and Oliver Hall. From the information received, investigators now had a full name and contact information for the two persons of interest and expanded the investigative scope to include a third subcontractor, referred to herein as only Petitioner C, as a third person of interest.

20. On June 23, 2022, investigators emailed Chris Hoh, the Green Party's campaign committee treasurer, requesting payment information and records regarding the contracts with Petitioner A, Petitioner B, and Petitioner C. Hoh provided payment records. From this information, investigators were able to determine the payment amount per signature for each petitioner.

21. State Board staff examined roughly 3,560 submitted petition pages by county to identify pages believed to be submitted and bearing the signature marks of Petitioner A and Petitioner B. There were no identifying marks for Petitioner C on the signature pages. Staff then manually sorted through approximately 239 pages to count signatures from each of these marked pages while also documenting the number of signatures that were accepted and those rejected by the counties. During this process, staff also noted other suspicious signatures and what appeared to be old, recirculated petition pages that included the name of prior Green Party co-chairs.

22. On June 24, 2022, the State Board received a fourth submission of timely petition pages from approximately 20 counties, and investigators continued the process of manually sorting through these pages to confirm any pages with the identifying signature mark of Petitioner A and Petitioner B. Again, signatures were counted and sorted by accepted or rejected.

23. Based on the foregoing, it was determined that 1,472 signatures were collected on sheets that were identified as having been collected by Petitioner A and Petitioner B. Of those, 624 signatures were accepted and 848 were rejected.

24. From the lists of accepted names found on the pages that appeared to be obtained by Petitioner A and Petitioner B, investigators began researching and deciphering these handwritten voter's names and signatures to find telephone numbers in the voter record in the State Election Information Management System (SEIMS) for at least 224 voters. Investigators

began making cold calls to determine if the voters signed the Green Party petition. This process occurred over the course of 3 days and included calling, texting, and leaving voicemails for each voter. Based on the foregoing, it was determined that approximately 28 individuals did not sign the petition, 12 did not remember whether they signed, 10 did sign it, and 4 thought they were signing a petition for something else. The remaining voters contacted did not respond.

25. State Board investigators also worked to clarify the universe of petition signatures gathered by the subcontractors. Records provided by Matthew Hoh indicate that he paid Petitioner A, Petitioner B, and Petitioner C for collecting a total of 1,382 signatures. Of these, 1,113 signatures were collected by Petitioner A or Petitioner B, who were then suspected and now known to have submitted numerous fraudulent signatures. Statements by Chris Hoh, Green Party Treasurer, indicate that Evans Consulting paid subcontractors to collect at least 1,271 petition signatures. The signatures were collected by Petitioner A, Petitioner B, and Petitioner C; it is unknown whether other individuals engaged in signature collection for Evans Consulting on behalf of the Green Party. It is also unknown whether fraudulent signatures were submitted by First Choice or any other contractors or petitioners paid by the Green Party. Therefore, the entire universe of possibly fraudulent signatures was believed to be greater than 2,600. However, it is not possible to identify the pages that include all of the 2,600 signatures. As explained in Paragraph 23, only 1,472 signatures were on sheets identified as having been collected by Petitioner A and Petitioner B.

26. Investigators attempted contact with Shawn Wilmoth with First Choice regarding its contract with the Green Party. Investigators also contacted and interviewed an individual who will be identified as "Petitioner D", who was a subcontractor hired by Wilmoth and believed to have collected signatures for the Green Party out of Durham County. Subpoenas were issued

regarding Wilmoth's involvement and suspected possible overlap in this case and another matter involving discrepancies in a signature petition campaign.

27. On June 27, investigators contacted Lee Evans requesting a meeting to discuss the contractual agreement with the Green Party. He responded that his attorney was in trial and therefore unavailable. Again, on June 29, July 5, and July 6, investigators unsuccessfully reattempted contact with Lee Evans requesting to meet and contact information for his attorney. On July 13, Evans responded and refused to cooperate with the investigation. He also later disclosed to a media source that he had no intentions on cooperating with the investigation.

28. On July 7, 2022, investigators unsuccessfully attempted contact to interview Petitioner A, Petitioner B and Petitioner C at their residences. None of the individuals were present and contact information was left for them to contact the Investigations Division.

29. On July 14, 2022, Petitioner A was contacted by investigators and interviewed via phone. A follow up in person interview was scheduled for July 19 for further questioning and verification. Petitioner A canceled this interview the day before citing that she forgot and unavailable due to work. Investigators have unsuccessfully attempted to reschedule an interview and there has been no further response or correspondence for Petitioner A to date.

30. This matter is still an active criminal investigation and will be referred to prosecutors if warranted by the evidence.

This concludes my declaration.

Pursuant to 28 U.S.C. § 1746(2), I verify under penalty of perjury that the foregoing Declaration is true and correct in substance and in fact to the best of my knowledge and belief.

This the 29th day of July, 2022.



Matthew Martucci