

November 4, 2014

*VIA HAND DELIVERY AND EMAIL*

Ms. Kimberly Westbrook Strach, Executive Director  
Donald M. Wright, Esq., General Counsel  
North Carolina State Board of Elections  
506 North Harrington Street  
Raleigh, North Carolina 27603

*Re: Representative Murry and NC Healthy Leadership Committee Complaint*

Dear Ms. Strach and Mr. Wright:

We represent the North Carolina Association of Educators (“NCAE”). Given the urgency of this matter, we will be following up later this afternoon with a more formal complaint. However, NCAE wishes to bring to the North Carolina State Board of Elections’ attention alleged violations of N.C.G.S. §§ 163-278.39(c) and 163-274, Class 1 and 2 misdemeanors.

Currently, paid temporary staff workers are distributing “look alike” endorsement print media (attached) paid for by NC Healthy Leadership Committee (the campaign committee for Tom Murry) with misleading statements for candidates Tom Murry, John Szoka, and Chris Whitmire.

The materials suggest NCAE endorses these candidates. NCAE most emphatically did not. The “Apple Card” is paid for by the NCAE-PAC and lists educators recommended by the NCAE. This is a well-known election material, with over 275,000 printed and distributed statewide for the 2014 elections. The Apple Card has been in use for many previous election cycles (the current NCAE Apple Card is attached).

As clearly demonstrated on the attached print media, the Murry “apple card” print media with the largest font on the card states “SUPPORTED BY THE NORTH CAROLINA ASSOCIATION OF EDUCATORS.” This is unequivocally false. The statement is made knowingly, in reckless disregard of the truth. Murry’s “apple card” was produced and is being distributed with the calculation and intention to affect the chances of the candidates mentioned being elected.

Underneath this in the second largest font on the page is a check box checked for Representative Tom Murry. In smaller font it states “Please vote for these candidates who support our teachers and work on legislation” [then in large font supported by the North Carolina Association of Educators] with candidates John Szok and Chris Whitmire also are listed with check boxes.

Ms. Kim Westbrook Strach  
NC State Board of Elections  
November 4, 2014  
Page 2

NCAE did not endorse Tom Murry, or John Szok or Chris Whitmire.

- In House District 41, NCAE endorsed Gale Adcock, Tom Murry's opponent.
- In House District 113, NCAE endorsed Norm Bossert, Chris Whitmire's opponent.
- In House District, 45, NCAE did not make any endorsements.

The cards are being distributed at multiple Wake County precincts, including the Cary Firestation, #5, the church on West High Street, Davis Drive Middle School, and a precinct in Apex. Upon information and belief, the "apple cards" are being distributed in numerous other precincts.

The NCAE respectfully requests that the State Board of Elections immediately commence an investigation pursuant to its lawful authority and obligation and issue a Cease-and-Desist Order prohibiting NC Healthy Leadership Committee, Tom Murry, or John Szok or Chris Whitmire from distributing the offending "apple cards" as the current activities represent substantial and repeated violations of N.C.G.S. §§ 163-278.39(c) and 163-274 and other applicable provisions of Chapter 163 of the North Carolina General Statutes.

Should you require any further clarification, please do not hesitate to contact me at 919.828.0731 or [mlweisel@bdixon.com](mailto:mlweisel@bdixon.com).

Very truly yours,

BAILEY & DIXON, LLP



Michael L. Weisel

MLW/db

Enclosures: As stated





Please vote for  
these candidates who support  
our teachers and work on legislation

**SUPPORTED BY THE  
NORTH CAROLINA  
ASSOCIATION OF EDUCATORS**

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**Representative Tom Murry**

Representative John Szoka

Representative Chris Whitmire



# NC A&E SUPPORTED

legislation

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013  
SESSION LAW 2013-268  
HOUSE BILL 767

AN ACT ENACTING THE CORPORAL PRUITT RAINEY CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EXAMINERS TO ESTABLISH RULES FOR AWARDING CREDIT FOR THE EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES.

Whereas, formal education and training for both officers and ranks includes a tremendous breadth and depth of credit and vocational training, which is applied operationally for additional follow-up support and continuing education; and

Whereas, in addition to technical and vocational training, military members who spend more than one tour and several tours in uniform take one or several professional military programs that are the envy of some of the best graduate institutions in the United States, and these professional credit programs are college programs and certainly worthy of credit;

Whereas, select members of the military community are school wrestlers, served during Operation Enduring Freedom at the age of 22

NOT AUTHORIZED BY JOHN SZOKA  
OR CHRIS WHITMIRE

Paid for by NC Healthy Leadership Committee





North Carolina Association of Educators  
Wake NCAE

## Educators Recommend

### Statewide Offices

#### *NC Supreme Court*

Justice Cheri Beasley, Justice Robin Hudson, Justice Mark Martin, Judge Sam Ervin, IV

#### *NC Court of Appeals*

Judge John Arrowood, Judge Mark Davis, Judge Lucy Inman, Judge Donna Stroud

### NC General Assembly

Senate 14: Dan Blue  
Senate 15: Tom Bradshaw  
Senate 16: Josh Stein  
Senate 17: Tamara Barringer  
Senate 18: Sarah Crawford

House 11: Duane Hall  
House 33: Rosa Gill  
House 34: Grier Martin  
House 35: Brian Mountcastle  
House 36: Lisa Baker  
House 38: Yvonne Lewis Holley  
House 39: Darren Jackson  
House 41: Gale Adcock  
House 49: Kim Hanchette

### Wake County Board of Commissioners

(Elected county wide- vote for four)

John Burns  
Matt Calabria  
Jessica Holmes  
Sig Hutchinson

Paid for by the NCAE-PAC  
Not authorized by  
any candidate.