No. 51P25 DISTRICT 10

SUPREME COURT OF NORTH CAROLINA

TELIA KIVETT; KARYN MULLIGAN; WAKE COUNTY REPUBLICAN PARTY; REPUBLICAN NATIONAL COMMITTEE; and NORTH CAROLINA REPUBLICAN PARTY,

Plaintiffs-Petitioners,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections; ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Election; JEFF CARMON, in his official capacity as Secretary of the North Carolina State Board of Elections; STACY EGGERS, IV, KEVIN N. LEWIS, and SIOBHAN O'DUFFY MILLEN, in their official capacities as members of the North Carolina State Board of Elections,

Defendants-Respondents,

DEMOCRATIC NATIONAL COMMITTEE,

Intervenor-Defendant-Respondent.

From N.C. Court of Appeals
P25-30

From Wake County
24CV041789-910

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THE DEMOCRATIC NATIONAL COMMITTEE'S RESPONSE TO PLAINTIFFS' PETITION FOR WRIT OF SUPERSEDEAS AND PETITION FOR WRIT OF CERTIORARI

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Just weeks ago, this Court unanimously reaffirmed the common-sense rule of law that, even in elections cases, extraordinary writs should not be used to circumvent the judicial process, especially where state law provides a process for redress of a party's grievances. *See Griffin v. NCSBE ("Griffin I")*, 910 S.E.2d 348, 348–49 (N.C. 2025) (mem). Petitioners ignore this recent admonition, seeking writs of certiorari and supersedeas on two issues that do not warrant extraordinary relief.

First, Petitioners ask this Court to compel the Court of Appeals to set aside its order staying proceedings in this case. The most obvious problem is that, as a matter of ordinary judicial process, Petitioners should have made that request first to the Court of Appeals, which they have not done; that is a dispositive basis to deny the request. In any event, the Court of Appeals did not abuse its discretion by entering (or maintaining) the stay. Petitioners' lawsuit raises legal and factual issues duplicative of a parallel election-protest proceeding involving the race for Associate Justice of this Court between the Democratic candidate, Associate Justice Allison Riggs, and the Republican candidate, Judge Jefferson Griffin. In that case, the trial court entered a final judgment rejecting Petitioners' legal and factual assertions, a judgment the Court of Appeals is reviewing on an expedited basis. Additionally, the federal courts already have jurisdiction over a duplicative, pending federal lawsuit that certain Petitioners filed months ago. And federal courts may exercise jurisdiction over some or all of this very case. Under these circumstances, the Court should decline extraordinary review and allow the Court of Appeals to determine the appropriate time to lift its stay.

Alternatively, Petitioners ask the Court to issue a writ of certiorari to retroactively disenfranchise tens of thousands of qualified, registered voters who duly cast their ballots in the 2024 general election. Petitioners allege that these voters were not lawfully registered because they did not provide their driver's license number or social security number on their voter registration form when they initially registered to vote. For several reasons, that argument is "almost certainly meritless," *Griffin I*, 909 S.E.2d 867, 871 (N.C. 2025) (Dietz, J., dissenting), and hence certiorari should be denied.

For starters, Petitioners' legal theory rests on the premise that any individual who registered to vote without providing driver's license or social security numbers is an illegal registration and thus an unlawful vote—a premise based largely on a North Carolina voter-registration statute that implements the requirements of the federal Help America Vote Act of 2002 ("HAVA"). That premise is wrong. To be sure, HAVA requires county boards of elections to collect voters' driver's license or social security numbers if they have such numbers, while North Carolina's voter-registration form effectuates that requirement by "requesting" that information from the voter. However, North Carolina law and HAVA contemplate that eligible voters may lawfully register without the county board collecting either number. In those instances, county boards (1) assign a unique identifying number to the voter, and (2) verify the voter's identity by requiring the voter to produce photo identification or

certain documents proving residency when they first vote. Petitioners' claim that voters were not lawfully registered or cast unlawful votes is thus baseless.[1]

In addition, Petitioners' request to retroactively disenfranchise tens of thousands of eligible voters violates a host of state laws. For over a century, this Court has forbidden the state from discarding ballots based on technical defects in a voter's registration. And the state elections code, which incorporates the National Voter Registration Act ("NVRA"), does not allow voters' registrations to be removed or challenged en masse based upon a failure to provide a driver's license number or social security number with the voter's registration form. That prohibition is also consistent with federal due process requirements. Indeed, other federal and state courts agree that it is fundamentally unfair and unreasonable to deny the franchise to voters affected by a recordkeeping error when the voters cast their ballots in reliance on established elections procedures. On top of all of these issues, Petitioners' request is so late as to be barred by equitable doctrines such as *Purcell* and laches.

Finally, Petitioners cannot demonstrate that extraordinary circumstances warrant review. Simply put, there is a gross disparity between the disruptive relief they seek—calling into question the validity of tens of thousands individuals duly

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[1] The DNC notes for the record its reservation to the disposition of this entire case by the state courts, and specifically requests that the court not rule on the many federal issues here. *See England v. Louisiana State Bd. of Med. Examiners*, 375 U.S. 411, 421–22, 84 S. Ct. 461, 468, 11 L. Ed. 2d 440 (1964). As explained in its *England* reservation filed contemporaneously herewith, the DNC raises arguments regarding federal law in this brief to give the Court notice of its defenses and to allow the Court to interpret state law in light of those defenses. The DNC does not seek to submit any federal issues to the state courts or litigate any federal issues in the state courts.

registered for years, in an interlocutory posture before any discovery or fact-finding—and the meager factual showing they have presented thus far—shifting allegations of how many individuals lacked driver's license or social security numbers, footnotes conceding that they are unsure of the actual numbers, and sworn affidavits from voters contradicting those allegations.

For example, Petitioners have offered *no evidence* of substantial harm if the Court denies their Petition—2024 election results target are certified (except in one case). Petitioners can only speculate that future litigation (*i.e.*, statutory quo warranto proceedings) *might* occur. But that undermines the notion of extraordinary circumstances (or cognizable harm)—Petitioners admit other judicial processes exist to redress their grievances. Likewise, prospective interlocutory relief is unnecessary.

On the other hand, Petitioners ask this Court—*at the writ stage*—to cast aside the constitutional rights of tens of thousands of North Carolinians who were qualified to vote and duly cast their ballots in the 2024 general election. These voters have been registered for years (in some cases decades), and many have cast ballots in election after election. Yet Petitioners seek to inflict irreparable harm on these voters by denying them their right to vote, without proving that *any* particular voter who cast a ballot was ineligible to vote. Worse still, parallel proceedings have proven that the voters Petitioners target confirmed their identities in the manner prescribed by both federal and state law. Many in fact produced driver's licenses or social security numbers when they registered or soon thereafter, others were exempt from the requirement, and all confirmed their identity prior to voting.

The Petitions for Writ of Certiorari and for Writ of Supersedeas should be denied.

RESPONSE TO PETITIONERS' STATEMENT OF FACTS AND PROCEDURAL HISTORY

I. The State Board of Elections registers voters pursuant to existing state law and HAVA for 20 years.

HAVA requires states to collect certain information from applicants, including an applicant's driver's license number or, if none, the last four digits of his or her social security number. 52 U.S.C. § 21083(a)(5)(A)(i). If a voter has neither, the state must assign a "unique identifier number to an applicant." 52 U.S.C. § 21083(a)(1)(A). North Carolina implemented these requirements in 2004, mandating that county boards of elections request a driver's license number or social security number of anyone registering to vote. 2003 North Carolina Laws S.L. 2003-226 §§ 1,9, 22 (H.B. 842); *see also* N.C. Gen. Stat. § 163-82.4(a)(11) (implementing 52 U.S.C. § 21083(a)(5)(A)(i)). In compliance with HAVA, county boards assign unique identifiers to each applicant who does not provide a driver's license number or social security number when registering. N.C. Gen. Stat. §§ 163-82.4(b), 163-82.10A.

County boards process voter-registration forms by inputting information from each application into the official statewide voter-registration database. Once such information is added, the voter rolls—not the original voter applications—are the official record of each voter's registration. *See id.* §§ 163-82.1(b) & (c), 163-82.7(a), 163-82.11(d); 52 U.S.C. § 21083(a)(5)(A)(iii). A voter's registration form is then merely "backup to the official registration record of the voter." N.C. Gen. Stat. § 163-82.10(a).

After inputting information, county boards compare voters' driver's license or social security numbers to other public databases to confirm each voter's identity. If they confirm a voter's identity, the voter is exempt from certain additional identification requirements. *See* N.C. Gen. Stat. § 163-166.12(d); 52 U.S.C. § 21083(b)(3)(B). If the information does not create a perfect match, the voter's driver's license number or social security number is removed from the official voter rolls. That voter may still vote if he or she provides (1) a current and valid photo identification or (2) a current utility bill, bank statement, government check, paycheck, or other government document showing the name and address of the voter (a "HAVA ID") before voting in his or her first federal election. N.C. Gen. Stat. § 163-166.12(a), (b) (adopting HAVA's identification requirement); *see also* 52 U.S.C. § 21083(a)(5)(A), (b)(1)(A), (b)(1)(B), (b)(2)(A) (applying HAVA's identification requirement to federal elections and elections in which states do not comply with HAVA registration procedures). State law is thus crystal clear: an issue with the voter's driver's license number or social security number "shall not prevent that individual from registering to vote and having that individual's vote counted" if the voter complies with ID requirements when voting. N.C. Gen. Stat. § 163-166.12(d).

For 20 years—from the time of North Carolina's implementation of HAVA in 2004 until January 2024—North Carolina's official voter-registration form requested each voter's driver's license number or social security number, just as North Carolina law prescribes. But certain iterations of the form did not designate these fields as

"required."[2] Some voters thus included one or both numbers on their applications, while some provided neither. If election officials verified a number provided against other state databases, they retained the number in the state's official voter file. Voters who did not include either number (or whose number could not be matched) were assigned a unique identifier and required to produce a photo ID or HAVA ID when they first voted to prove their identity, again in accordance with North Carolina law. *See* N.C. Gen. Stat. §§ 163-82.10A; § 163-166.12(a), (b). And, during the 2024 general election specifically, the same voters were again required to prove their identity to the county election officials, such as providing their identifying information on their absentee-ballot request forms, or presenting photo identification when they voted. App. 96 (item #3); N.C. Gen. Stat. §§ 163-166.16; 163-230.1(f1).

II. Republicans file a flurry of late challenges to disenfranchise voters ahead of, during, and after the November 2024 elections.

For 20 years, no one objected to the way North Carolina's voter-registration form collected this information and implemented the state's voter-registration laws. In the past 13 months, however, Republican party organizations, voters, and candidates made four attempts to disenfranchise these voters before filing this case.

In December 2023, a Republican voter named Carol Snow filed an administrative complaint with the State Board of Elections alleging that the Board's use (during certain periods) of a form that did not explicitly require submission of a driver's license number of social security numbers violated federal law. She asked

[2] For a table summarizing the relevant portions of every voter-registration from 2004 to 2024, *see* App. 110–14.

that voters who failed to supply either number be disenfranchised. The Board agreed to update the registration form to more clearly specify those numbers as "required" but declined to remove any voter from the rolls on this basis, since every voter targeted had already produced (or would be required to produce) a HAVA ID when first voting they first voted. App. 5–6. Ms. Snow did not pursue the issue further.

Nine months later, in August 2024, the Republican National Committee ("RNC") and the North Carolina Republican Party ("NCRP")—each a Petitioners here—sued the State Board. They demanded (as they do here) that voters whose official registration records did not reflect their driver's license number or social security number be either removed from the voter rolls or given provisional ballots that could later be discounted far more easily than a non-provisional ballot. App. 8–30. Following removal, a federal court dismissed one of the plaintiffs' two claims for failure to state a claim. *RNC v. NCSBE*, No. 5:24-CV-00547-M, 2024 WL 4523912, at *19–21 (E.D.N.C. 17 Oct. 2024) (subsequent history omitted). The court allowed the plaintiffs' other claim to proceed but ruled that "the outcome of this suit will have no bearing on the [2024] election." App. 35. NCRP and RNC did not appeal the dismissal, nor have they sought a preliminary injunction on their remaining claim. Litigation over that claim—again, entirely duplicative of their claim here—is ongoing.

After the November elections, four Republican candidates who had lost their contests filed administrative protests in nearly all 100 of North Carolina's county boards of elections, raising the same challenge made here. *See* Nov. 2024 Election

Protests, North Carolina State Board of Elections, available at https://dl.ncsbe.gov/?prefix=Legal/Nov%202024%20Protests/ (the "Incomplete Registration Protests"). Specifically, these candidates alleged that more than 60,000 voters were not legally registered because they had not included a driver's license number or social security number when they first registered, and hence their votes in the November elections should not count. The State Board dismissed the protests on a number of federal and state-law grounds. App. 50–65.

In an effort to undo the State Board's decision without following the statutorily prescribed appeals process, one Republican candidate filed a petition for a writ of prohibition with this Court, seeking a declaration that these 60,000+ voters' ballots cannot count. This Court stayed the Board's certification of the Associate Justice race but dismissed the writ of prohibition as procedurally improper. *See Griffin I*, 910 S.E.2d at 348–49; *Griffin I*, 909 S.E.2d at 867–68. All other state elections in the 2024 general election were certified months ago.

In the meantime, the Republican candidate in the Associate Justice race filed an election protest concerning the same issues raised here. *Griffin v. NCSBE*, Case No. 24CV040620-910, Wake County Superior Court (20 Dec. 2024). The Wake County Superior Court entered a final judgment in that case (referred to here as "*Griffin II*"), affirming the State Board's decision to dismiss the candidate's protest and holding that counting the ballots at issue there (and here) was lawful. App. 81. The appeal of that decision to the Court of Appeals is proceeding on an expedited basis. App. 196–97.

III. Petitioners file this lawsuit, their request for emergency relief is denied, and their appeal is stayed.

On 31 December 2024—nearly *two months* after election day—Petitioners filed this case, raising the *very same* HAVA issues raised in the myriad other proceedings just described.[3]

Petitioners sought a temporary restraining order and preliminary injunction but submitted no affidavits, testimony, or exhibits, instead relying on the allegations in their complaint (which are almost entirely legal conclusions). The trial court, "after a careful balancing of the equities," held that it "cannot conclude by the greater weight of the evidence that a preliminary injunction is necessary to prevent immediate and irreparable harm." Pet. App. 145. The court "made no findings on the merits." *Id.*

Petitioners asked the Court of Appeals for a writ of supersedeas, a writ of certiorari, and a temporary stay and temporary injunction. On the State Board's motion, the Court of Appeals stayed Petitioners' appeal. Pet. App. 211–12. Petitioners then filed the instant Petition in this Court.

REASONS WHY THE WRITS SHOULD NOT ISSUE

I. Standards of review

"A writ of certiorari is intended 'as an extraordinary remedial writ to correct errors of law.'" *Button v. Level Four Orthotics & Prosthetics, Inc.*, 380 N.C. 459, 465, 869 S.E.2d 257, 264 (2022) (citation omitted). North Carolina law "establishes a two-

[3] This case was removed to federal court on 2 January 2025, and remanded four days later. The State Board's appeal of the remand order is pending.

factor test to assess whether certiorari review … is appropriate." *Cryan v. National Council of Young Men's Christian Associations of United States*, 384 N.C. 569, 572–73, 887 S.E.2d 848, 851 (2023). First, "a writ of certiorari should issue only if the petitioner can show merit or that error was probably committed below." *Id.* (cleaned up). Second, "a writ of certiorari should issue only if there are 'extraordinary circumstances' to justify it." *Id.* (cleaned up). Importantly, a writ of certiorari "is not intended as a substitute for a notice of appeal," so, to satisfy this second step, petitioners generally must show "substantial harm, considerable waste of judicial resources, or wide-reaching issues of justice and liberty at stake." *Id.* at 573 (cleaned up).

This Court has explained that a writ of supersedeas "is only granted in case of necessity." *McArthur v. Commonwealth Land & Timber Co.*, 164 N.C. 383, 384, 80 S.E. 403, 403 (1913). It is issued "to stay the execution or enforcement of any . . . order . . . when an appeal has been taken . . . to obtain review of the . . . order." N.C. R. App. P. 23(a)(1); *see also, e.g., City of New Bern v. Walker*, 255 N.C. 355, 356, 121 S.E.2d 544, 545–46 (1961) (per curiam). Put another way, "supersedeas may issue only in the exercise of, and as ancillary to, the revising power of an appellate court; *its office is to preserve the status quo pending the exercise of appellate jurisdiction.*" *Craver v. Craver*, 298 N.C. 231, 237–38, 258 S.E.2d 357, 362 (1979) (emphasis added).

"It is a rare case in which one may obtain a preliminary injunction for the asking, particularly pending appeal." *Benoit v. Gardner*, 345 F.2d 792, 793 (1st Cir. 1965) (per curiam).

> Unless an appellant can demonstrate … that there is great likelihood, *approaching near certainty*, that he will prevail when his case finally comes to be heard on the merits, he does not meet the standard which all courts recognize must be reached to warrant the entering of an emergency order of this kind.

Ogden v. Dep't of Transp., 430 F.2d 660, 661 (6th Cir. 1970) (emphasis added) (citing *Greene v. Fair*, 314 F.2d 200, 202 (5th Cir. 1963) (per curiam)).

II. The Court of Appeals' stay is appropriate.

The Court of Appeals' stay in this case is prudent and consistent with the established principle that "[i]f numerous parallel cases are filed, the courts have ample authority to stay useless litigation until the determination of a test case." *Stark v. Wickard*, 321 U.S. 288, 310, 64 S. Ct. 559, 571, 88 L. Ed. 733 (1944). Here, Judge Griffin's protests raise the same issues raised in this case. Judge Griffin and Justice Riggs—who have the greatest interest in the resolution of those issues—are parties to the litigation arising from those protests (but not to this case). And that litigation (*Griffin II*) is further along: the Wake County Superior Court has already entered a final judgment rejecting Petitioners' legal theory, App. 81, and the Court of Appeals has expedited review of that judgment. App. 196–97. The stay in this case thus appropriately conserves judicial resources and avoids potentially conflicting analysis in multiple cases of the identical legal issue. Further, as discussed in more detail below, the stay does not harm Petitioners, whereas Respondents (and the public) would suffer serious harm from lifting the stay. Given all this, the Court of Appeals did not abuse its discretion in entering a stay. *See generally Watters v. Parrish*, 252 N.C. 787, 791, 115 S.E.2d 1, 4 (1960).

Seemingly recognizing this, Petitioners argue that even if a stay was initially appropriate, "[s]ince entry of the Court of Appeals' stay order, the conditions upon which the NCSBE's motion were premised have passed." Pet. 5. But as this Court recently reaffirmed, extraordinary writs "do[] not lie for grievances which may be redressed[] in the ordinary course of judicial proceedings." *See Griffin I*, 910 S.E.2d at 349 (quoting *State v. Whitaker*, 114 N.C. 818, 820, 19 S.E. 376, 376–77 (1894)). Here, the "ordinary course" would be for Petitioners to ask the Court of Appeals to lift its own stay. That court could then determine whether maintaining its stay is appropriate in light of any changed circumstances. Petitioners' failure to provide the Court of Appeals the opportunity to do so bars their request for extraordinary relief here.

III. Petitioners' alternative request for extraordinary review of the trial court's order denying their motion for temporary restraining order and preliminary injunction should be rejected.

Petitioners alternatively ask this Court to issue a writ of certiorari and take jurisdiction over the trial court's order. Pet. 2, 27. That request to unwind hundreds of settled elections based on unsupported claims of voter registration errors was correctly rejected by the trial court, and the petition for certiorari is procedurally improper. N.C. R. App. P. 21(b). Just weeks ago, this Court declined to rush judgment

related to a similarly flawed petition in *Griffin I*. Consistent with that decision, this Court should deny certiorari.

A. The voters Petitioners target are lawfully registered, and there is no lawful basis to retroactively disenfranchise them post-election.

As two members of this Court has recently stated, Petitioners' argument that a court may retroactively disenfranchise tens of thousands of voters on the mere allegation that they did not include a driver's license number or social security number on their voter registration form is "almost certainly meritless." *Griffin I*, 909 S.E.2d at 870 (Earls, J., dissenting), 871 (Dietz, J., dissenting). Indeed, every North Carolina state or federal court to consider this issue has refused to disenfranchise voters in the 2024 general election. *See, e.g.*, App. 35, 81; *RNC*, 2024 WL 4523912, at *19–21. There are several reasons for this. First, North Carolina law does not require voters to provide a driver's license number or social security number to register or cast a ballot. Second, registered voters who are qualified to vote may not be retroactively disenfranchised based on technical defects in their registrations. Third, Petitioners' claims are manifestly untimely—they ignored administrative options to challenge ballots or election results, and instead brought this case nearly two months *after* the 2024 general election and weeks after the elections they challenge were certified. Any one of those reasons suffices to deny certiorari.

i. North Carolina's voter registration statutes do not require registered voters to provide their driver's license or social security numbers if they have proven their identity.

Petitioners' core legal argument is that voters who Petitioners allege—without evidence—failed to list a driver's license number or the last four digits of their social security number on their voter registration form are not legally registered or entitled to vote. That is wrong. As discussed, voters who failed to provide either number on their registration forms were appropriately given unique voter registration numbers. *See* N.C. Gen. Stat. §§ 163-82.4(b), 163-82.10A (implementing 52 U.S.C. § 21083(a)(1)(A), (5)(A)(ii)). They were then permitted to vote only if they submitted a photo ID or a document establishing their residency before they voted in their first federal election. N.C. Gen. Stat. § 163-166.12(a), (b). Voters who did so were lawfully registered, and county boards were required by statute to count their votes. *See* N.C. Gen. Stat. § 163-166.12(d); 52 U.S.C. § 21083(b)(1), (b)(2)(A).

Petitioners' contrary argument is flawed several times over. N.C. Gen. Stat. § 163-82.4. First, it depends on a state-law requirement that does not exist. The plain text of the applicable state statute merely provides that voter registration forms should "request" driver's license and social security numbers from voters. N.C. Gen. Stat. § 163-82.4(a). It is HAVA, not state law, that supplies the legal *requirement* that voters provide a driver's license number or social security number if they have one. 52 U.S.C. § 21083(a)(5)(A).

Petitioners also lean heavily on N.C. Gen. Stat. § 163-82.4(f), which provides in relevant part:

> If the voter fails to complete any required item on the voter registration form . . . the voter shall be notified of the omission and given the opportunity to complete the form. . . . If the voter corrects that omission within that time and is determined by the

> county board to be eligible to vote, the county board shall permit the voter to vote.

This provision does not help Petitioners because the structure of Article 7A of the elections code makes clear that the provision applies only *before* a county board accepts a registration form and registers an applicant. The first several provisions of the article—including the text Petitioners rely upon—address the content and submission of voter registration forms. N.C. Gen. Stat. §§ 163-82.1(a), 163-82.3, 163-82.4, 163-82.5, 163-82.6. Once a county board has accepted a voter's registration form, several other provisions govern the approval and processing of registrations by the county boards. *Id.* §§ 163-82.1(b), 163-82.7, 163-82.8, 163-82.10, 163-82.10A. These provisions are irrelevant here, because every voter at issue has already been registered, and § 163-82.4(f) is not a statute concerning maintaining the voting rolls. Once the county board has registered a voter, state law prescribes rules governing maintenance of the voting rolls or challenging the right of voters to "remain registered, or vote." *Id.* §§ 163-82.1(c), 163-82.11, 163-82.12, 163-82.13, 163-82.14; *see also, e.g.*, *id.* §§ 163-84, 163-85, 163-86, 163-90.1, 163-90.2. Because Petitioners admit that every voter at issue has already been registered, § 163-82.4(f) does not apply.

Even assuming § 163-82.4(f) were applicable here, the statute is silent on how a voter may "correct" the omission of a driver's license or social security number on the voter-registration form. HAVA, however, is explicit in this regard: a voter "corrects" the omission by providing identification when voting. 52 U.S.C. § 21083(a)(5)(A), (b)(1)(B), (b)(2)(A). And North Carolina law codifies this requirement—with which every voter at issue here complied. 2003 North Carolina

Laws S.L. 2003-226 § 16 (H.B. 842); *see* N.C. Gen. Stat. § 163-166.12(a), (b). Petitioners offer no basis to conclude that North Carolina law silently requires more than HAVA. *See* N.C. Gen. Stat. §§ 163-82.11(c), 163-82.27 (requiring that the county boards maintain the voter rolls consistent with HAVA).

ii. Voters may not be retroactively disenfranchised based upon technical defects in their voter registration.

Even if N.C. Gen. Stat. § 163-82.4 did require voters who did not provide a driver's license number or social security number on their registration form to correct that omission in some way other than by providing photo identification when first voting, Petitioners would still not be entitled to the relief they seek. That is because, for more than 100 years, North Carolina law has been clear: "a mere irregularity in registration will not vitiate an election." *Plott v. Bd. of Comm'rs of Haywood Cnty.*, 187 N.C. 125, 131–32, 121 S.E. 190, 193 (1924) (citing *Davis v. Bd. of Educ. of Beaufort Cnty.*, 186 N.C. 227, 229–30, 119 S.E. 372, 375 (1923)). Once a county board registers a voter who is otherwise "entitled to register and vote," the voter "cannot be deprived of his right to vote," even if the county board "inadverten[tly]" registered the qualified voter. *Gibson v. Bd. of Comm'rs of Scotland Cnty.*, 163 N.C. 510, 512–13, 79 S.E. 976, 977 (1913); *State v. Lattimore*, 120 N.C. 426, 429–30, 26 S.E. 638, 639 (1897).

Accordingly, "[w]here a voter has registered, but the registration books show that he had not complied with all the minutiæ of the registration law, his vote will not be rejected." *Woodall v. W. Wake Highway Comm'n*, 176 N.C. 377, 389, 97 S.E. 226, 232 (1918); *see also Overton v. Mayor & City Comm'rs of City of Hendersonville*,

253 N.C. 306, 315–16, 116 S.E.2d 808, 815 (1960); *accord Wilmington, O. & E.C.R. Co. v. Onslow Cnty. Comm'rs*, 116 N.C. 563, 568, 21 S.E. 205, 207 (1895) ("[T]he machinery provided by law to aid in attaining the main object—the will of the voters—. . . should not be used to defeat the object which they were intended to aid."). This venerable principle applies here, because a person's failure to provide a driver's license number or social security number does not establish that the person is ineligible to vote. People can be qualified voters despite not providing either number on their voter registration (as, again, HAVA recognizes, in providing that when a voter registers without providing either number, the state must simply assign a unique number to the voter). *See, e.g.*, N.C. Gen. Stat. §§ 163-82.4(b), 163-82.10A; 2003 North Carolina Laws S.L. 2003-226 §§ 9, 22 (H.B. 842); 52 U.S.C. §§ 21083(a)(5)(A), (d)(1)(A).

Federal law and precedents from other states show why *Woodall* and its progeny correctly construe the relationship between the state's voter-registration laws and voting. The right to vote and have one's vote counted is a fundamental constitutional right. *See Reynolds v. Sims*, 377 U.S. 533, 555 n.29, 84 S. Ct. 1362, 1378 n.29, 12 L. Ed. 2d 506 (1964); *Wesberry v. Sanders*, 376 U.S. 1, 17, 84 S. Ct. 526, 535, 11 L. Ed. 2d 481 (1964); *Gray v. Sanders*, 372 U.S. 368, 380, 83 S. Ct. 801, 808, 9 L. Ed. 2d 821 (1963). As such, the due process clause of the Fourteenth Amendment to the United States Constitution prohibits a state from discounting votes that were cast in reliance on "an established election procedure and/or official pronouncements about what the procedure will be in the coming election." *Bennett v. Yoshina*, 140

F.3d 1218, 1226–27 (9th Cir. 1998); *accord Hendon v. NCSBE*, 710 F.2d 177, 182 (4th Cir. 1983); *Griffin v. Burns*, 570 F.2d 1065, 1075–76 (1st Cir. 1978).

Consistent with these cases, the chief justice of the Arizona Supreme Court, when confronted this past election cycle with a request similar to Petitioners', refused to deny the right to vote to nearly 100,000 voters who had not provided documentary proof of U.S. citizenship ("DPOC") when they registered to vote in state and local elections. *See Richer v. Fontes*, 2024 Ariz. LEXIS 263, *8 (Ariz. Sept. 20, 2024) (Timmer, C.J.). The court ruled it was "unwilling" to "disenfranchise voters en masse" when doing so "is not authorized by state law and would violate principles of due process." *Id.* That was "particularly true" given that (1) it was a "state administrative failure" that led to voters being registered without DPOC, and (2) there was "so little time remaining before the beginning of the 2024 General Election." *Id.* at *7.

Similarly, North Carolina law prohibits the State Board from disenfranchising voters in masse close to (or in this case, after) an election. Although Petitioners say they are challenging voters' *ballots* and not their *registrations*, that is a "distinction without a difference," as the effect of having one's vote disregarded "is the same as not being eligible to vote." *Majority Forward v. Ben Hill Cty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1368 (M.D. Ga. 2021). Moreover, if the voters Petitioners challenge remain on the list of duly registered voters (as they must), then the Voting Rights Act requires states to count the votes cast by all eligible voters who appear on the state's official list of voters. 52 U.S.C. § 10307(a).

In short, Petitioners have provided no evidence that any of the voters they challenge are not qualified to register and vote, so this Court should uphold its long-established precedents rejecting challenges to eligible voters' ballots based on technical defects in their registration, consistent with federal and state law prohibiting retroactive disenfranchisement of voters.

iii. Petitioners' delay forecloses the equitable relief they seek.

Finally, Petitioners' post-election lawsuit comes *way* too late. Our state's corollary to the federal "*Purcell* principle" counsels against judicial intervention into election rules close to (or, in this case, after) an election. *Griffin I*, 909 S.E.2d at 871 (Dietz, J., dissenting) (citing *Purcell v. Gonzalez*, 549 U.S. 1, 127 S. Ct. 5, 166 L. Ed. 2d 1 (2006) (per curiam)). Altering election rules shortly before an election can "result in voter confusion." *Purcell*, 549 U.S. at 4–5, 127 S. Ct. at 7, *cited in RNC v. DNC*, 589 U.S. 423, 424, 140 S. Ct. 1205, 1207, 206 L. Ed. 2d 452 (2020) (per curiam). To do so *after* an election is even more problematic. Courts must therefore account for the "proximity to an election" in assessing whether equitable relief is appropriate. *See Pender Cnty. v. Bartlett*, 361 N.C. 491, 510, 649 S.E.2d 364, 376 (2007), *aff'd sub nom. Bartlett v. Strickland*, 556 U.S. 1, 129 S. Ct. 1231, 173 L. Ed. 2d 173 (2009).

Similarly, laches bars equitable relief where the plaintiff "failed to assert an equitable right for such time as materially prejudices the adverse party." *Franklin Cnty. v. Burdick*, 103 N.C. App. 496, 498, 405 S.E.2d 783, 784 (1991). To prove laches, the defendant must show that (1) the plaintiff's delay resulted in some change in the respective rights of the parties, (2) the delay is unreasonable and harmful, and (3) the

plaintiff knew or should have known of the grounds for the claim. *N.C. State Bar v. Gilbert*, 189 N.C. App. 320, 329, 663 S.E.2d 1, 7 (2008).

These elements are easily met here. Petitioners did nothing for decades as the North Carolinians whom Petitioners now challenge registered and voted (the latter time and time again) in primaries and general elections. Then, when the State Board resolved the petition of Carol Snow, Petitioners still did nothing. It was not until August 2024, right before voting was to begin in the 2024 election, that the RNC and NCRP brought a suit nearly identical to this one. And still months later, they filed this action in an effort to frustrate a ruling against them on the same issues in the active federal case. In the meantime, voters, elected officials, and the State Board relied on settled election rules. Every election that Petitioners challenge except for one has been certified. Petitioners' attempt to undo those rules now is contrary to core principles of equity, and should be rejected.

B. Petitioners have not asserted extraordinary circumstances warranting this Court's review of their request for preliminary injunctive relief.

In addition to the deficiencies identified above, Petitioners have not met their burden of showing that exceptional circumstances warrant this Court's review. Petitioners will suffer no substantial harm if review is denied: they admit that state law provides a statutory remedy where appropriate to try an elected official's title to office. Indeed, principles of justice and liberty counsel *against* extraordinary review. Petitioners' complaint (which is, as noted, the entirety of their presentation on their motion for preliminary injunction) falls far short of proving the facts needed to deprive tens of thousands of North Carolinians of their voting rights. And the facts

adduced in parallel proceedings show that tens of thousands of the voters Petitioners challenge complied with North Carolina's voter-registration laws even as Petitioners read them. *See infra*, Section III.B.ii. Given the significant disparity between the relief Petitioners request and their evidence regarding the balance of harms in this case, extraordinary review is not appropriate.

Even setting aside the legal deficiencies in Petitioners' claims, they have not met their burden of showing that extraordinary circumstances warrant review by this Court. Petitioners seek interlocutory equitable relief but will suffer no substantial harm if review by this Court is denied—they admit that state law provides a statutory remedy where appropriate to try an elected official's title to office. And here, wide-reaching issues of justice and liberty counsel *against* extraordinary review. Petitioners' Complaint (the entirety of their evidentiary presentation on their motion for preliminary injunction) falls far short of proving the facts needed to deprive tens of thousands of North Carolinians of their voting rights. Indeed, the facts adduced in parallel proceedings show that tens of thousands of the voters Petitioners challenge complied with their narrow, technical reading of North Carolina's voter registration laws. Given the significant disparity between the relief Petitioners request and their evidence regarding the balance of harms in this case, extraordinary review is not appropriate.

i. Denying the Petition will preserve the status quo and cause Petitioners no substantial harm.

Petitioners' claim that they seek preservation of "the true status quo" (Pet. 14-15) is preposterous. Every voter targeted is present on the voting rolls (and many

have been for years). Their votes have been counted. Every race but one has been certified, and certification in the remaining race is already on hold. Elected officers have been sworn in and are doing their jobs. *That* is the status quo, and Petitioners' post-election request to unwind certification and delete votes would manifestly disrupt it.

Petitioners never demonstrate any harm, much less "substantial harm" they would suffer if this Court denies their petition. Petitioners say the outcome of some state and local elections might be different if the tens of thousands of voters they target are disenfranchised. But they have offered no *evidence* to support that speculation. Speculation cannot justify extraordinary relief.

What is more, certification of the one outstanding race, for Associate Justice of this Court, cannot issue until Judge Griffin's litigation concludes. *Griffin I*, 910 S.E.2d at 348–49; *Griffin I*, 909 S.E.2d at 867–68. And Petitioners' attempt to unwind *all certified* state and local elections is not permitted. Neither the State Board nor any court has the authority to revoke election certifications, order a new election, or somehow unseat the occupant of the office for which the election was certified in response to this lawsuit. *In re Election Protest of Fletcher,* 175 N.C. App. 755, 759, 625 S.E.2d 564, 567 (2006); *Britt v. Bd. of Canvassers of Buncombe Cty.,* 172 N.C. 797, 805, 90 S.E. 1005, 1008 (1916); *In re Protest of Whittacre,* 228 N.C. App. 58, 59, 743 S.E.2d 68, 69 (2013) (issuance of an election certificate moots an election protest appeal).

As Petitioners apparently recognize (Pet. 15), the *only* lawful way for a private citizen to challenge election results after an official is certified, sworn, and qualified is by applying to the Attorney General for permission to try the official's title to office *quo warranto*. N.C. Gen. Stat. §§ 1-514; 1-515(1); 1-516; *see Ledwell v. Proctor*, 221 N.C. 161, 164, 19 S.E.2d 234, 236 (1942) (citing *Cohoon v. Swain*, 216 N.C. 317, 319, 5 S.E.2d 1, 3 (1939)). Such actions must be brought within 90 days of the official's induction into office and be supported by security sufficient to indemnify the State against all costs and expenses that could accrue in consequence of the action. N.C. Gen. Stat. §§ 1-516; 1-522. Petitioners argue that a stay in this case will prejudice their ability to bring such an action. But not only is there no prerequisite that Petitioners first pursue their claims in a private action; the statute *expressly abolishes* such private causes of action and *prohibits the relief* Petitioners seek here. *Id.* § 1-514.

In short, all Petitioners offer this Court is speculation that future litigation *might* occur challenging unspecified officials' right to hold office. In other words, Petitioners concede that other remedies at law, which they have not availed themselves of, are available to redress the grievances they assert here. That further precludes their request for extraordinary relief.

ii. Petitioners' threadbare complaint does not warrant burdening the liberty interests of tens of thousands of North Carolinians and all state and local officeholders.

The DNC agrees with Petitioners that widespread issues of liberty and justice are implicated by their extraordinary request to disenfranchise tens of thousands of voters. But those interests weigh decisively against Petitioners' request for review.

"By definition, '[t]he public interest . . . favors permitting as many qualified voters to vote as possible.'" *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also Harper v. Hall*, 384 N.C. 292, 361, 886 S.E.2d 393, 438 (2023); *see Kennedy v. NCSBE*, 386 N.C. 620, 621, 905 S.E.2d 55, 57 (2024). As evidence presented in *Griffin II* has shown, Petitioners' petition (like their underlying Complaint) is riddled with far too many factual deficiencies about the voters they challenge to warrant extraordinary relief curtailing their fundamental right to vote.

First, Petitioners have not shown that even a single one of the voters they challenge is not eligible to vote. *See, e.g.*, App. 116, 119, 122–23, 125–26, 128, 131, 134, 137, 141, 144, 147, 151, 154, 158, 162, 165, 168, 171, 174, 178, 182, 185, 188, 192. This evidentiary failure is dispositive. *See, e.g.*, *Woodall*, 176 N.C. at 389, 97 S.E. at 232.

Second, Petitioners do not offer any evidence as to which (if any) voters would be subject to their flawed theory. Petitioners refer to the 225,000 registered voters they challenged in their first lawsuit and the 60,000 voters challenged by Judge Griffin interchangeably without specifying who these voters are or whether, in fact, they have failed to produce the relevant information to elections officials.

Of the 62,027 *Griffin II* voters that Petitioners challenge, the State Board's data showed that *29,971 of them actually provided one of those numbers on their voter registration form and another 1,196 indicated on their forms that they do not have a driver's license number or social security number*. App. 102–05 (¶¶ 8–13). With respect to the remaining voters, a case-specific investigation of each voter would be

required to determine whether the voter ever provided one of the identification numbers at issue or they were exempt from providing one. App. 105–07 (¶¶ 14–15). Petitioners have made no effort to do so or to support either their Complaint or their petitions with those requisite facts.

Additionally, many of the individual voters Petitioners seek to disenfranchise have independently come forward and submitted affidavits debunking Petitioners' claims. *See generally* App. 116–94. Some recall submitting their driver's license number or social security number with their voter registration form, while others retrieved their registration forms and confirmed that they had indeed submitted such numbers. *See* App. 117, 120, 132, 135, 138, 142–43, 145, 148, 152, 155, 159–60, 163, 169, 174–75, 179, 183, 189, 193. Still others testified that they provided identification that necessarily included such identifying numbers when they voted. App. 117, 120, 123, 126, 132, 138, 145, 148, 152, 155, 159, 163, 166, 169, 172, 175, 179, 183, 186, 189, 193.

Third, to the extent that Petitioners rely on the list of approximately 60,000 voters challenged by Judge Griffin, they fail to disclose to this Court that his challenge is an incomplete, strategically selected subset of the class of voters they are attacking. Specifically, this set of 60,000 voters is limited to absentee and in-person early voters and excludes election day voters. But a court cannot punish some voters for this alleged deficiency but privilege others. Equal protection requires that similarly situated voters "be treated alike." *Blankenship v. Bartlett*, 363 N.C. 518,

521–22, 681 S.E.2d 759, 762 (2009); *Stephenson v. Bartlett*, 355 N.C. 354, 378, 562 S.E.2d 377, 393 (2002).

Petitioners have not alleged, much less brought forward, any of the material facts this or any court would need to conduct a meaningful assessment of the registration and voter history of the North Carolinians targeted by this suit. Even if Petitioners had stated a claim (and they do not), careful factfinding based on discovery and a trial on the merits, not preliminary relief by way of an extraordinary writ, is how to test Petitioners' allegations (as in any other civil lawsuit). Contrary to Petitioners' assertions, the evidence is likely to show that the North Carolinians targeted by Petitioners are (1) qualified to vote, (2) have been registered and voted in North Carolina for years (sometimes decades), and (3) lawfully cast their ballot in the 2024 general election and had it counted weeks ago. *See* App. 116–94. "[I]t would now be a fraud on the electors, as well as on the parties for whom they voted and also upon the State, to reject these votes" based on Petitioners alleged, unsubstantiated defects in these eligible voters' registrations. *Lattimore*, 120 N.C. at 430–31, 26 S.E. at 639.

CONCLUSION

The 2024 general election is over, and the voters, elected officials of this State, and even unsuccessful candidates have a strong interest in the finality of election results. *See, e.g.*, *In re Advisory Opinion*, 227 N.C. 705, 706, 41 S.E.2d 749, 750 (1947); *Hutchinson v. Miller*, 797 F.2d 1279, 1286 (4th Cir. 1986). Petitioners' challenge here—selectively targeting some voters and races—is directly contrary to that finality

principle, and "invites incredible mischief." *Griffin I*, 909 S.E.2d at 872 (Dietz, J., dissenting). It would also

> invade the secrecy of the ballot, . . . invite unwarranted and dilatory claims by defeated candidates and keep perpetually before the courts the same excitements, strifes, and animosities which characterize the hustings, and which ought, for the peace of the community, and the safety and stability of our institutions, to terminate with the close of the polls.

N.L.R.B. v. A.J. Tower Co., 329 U.S. 324, 331–32, 67 S. Ct. 324, 328, 91 L. Ed. 322 (1946) (quotation marks omitted). To avoid all those deeply deleterious consequences, the Petitions should be denied.

Respectfully submitted this the 18th day of February, 2025.

Electronically Submitted
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N.C. R. App. P. 33(b) Certification: I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing document was served upon the parties by email on 18 January 2025, addressed as follows:

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This the 18th day of February, 2025.

Electronically Submitted
William A. Robertson

No. 51P25 DISTRICT 10

SUPREME COURT OF NORTH CAROLINA

TELIA KIVETT; KARYN MULLIGAN; WAKE COUNTY REPUBLICAN PARTY; REPUBLICAN NATIONAL COMMITTEE; and NORTH CAROLINA REPUBLICAN PARTY,

Plaintiffs-Petitioners,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections; ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Election; JEFF CARMON, in his official capacity as Secretary of the North Carolina State Board of Elections; STACY EGGERS, IV, KEVIN N. LEWIS, and SIOBHAN O'DUFFY MILLEN, in their official capacities as members of the North Carolina State Board of Elections,

Defendants-Respondents,

DEMOCRATIC NATIONAL COMMITTEE,

Intervenor-Defendant-Respondent.

From N.C. Court of Appeals
P25-30

From Wake County
24CV041789-910

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APPENDIX OF EXHIBITS TO THE DEMOCRATIC NATIONAL COMMITTEE'S RESPONSE TO PLAINTIFFS' PETITION FOR WRIT OF CERTIORARI AND PETITION FOR WRIT OF SUPERSEDEAS

****

EXHIBIT

A

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE: HAVA COMPLAINT OF CAROL SNOW	))))))	**ORDER**

Carol Snow (Petitioner) filed a Help America Vote Act (HAVA) Complaint with the State Board of Elections on October 6, 2023, pursuant to procedures set forth in 52 U.S.C. § 21112, N.C.G.S. § 163-91, and the State Board's adopted HAVA Administrative Complaint Procedure.

Petitioner alleged a violation of Section 303(a)(5)(a) of HAVA, contending that North Carolina's voter registration form—on the face of the form and in its instructions—does not clearly state that a voter registration applicant is required to provide their driver's license number or last four digits of their Social Security number if they have been issued such a number, for their registration to be processed. She also asserts that a State Board informational video on YouTube regarding the registration form fails to explain that one of these identification numbers must be provided by the applicant.

Petitioner requests that the voter registration form be revised "to use red colored text and red tinted background for all required personal identifying information, including the Driver License number if issued, or if no Driver License, the last 4 digits of their Social Security Number if issued," and for a voter without one of those numbers to be required to verify that they lack those numbers on the form. She also requests that the associated YouTube video be revised accordingly. She also requests that no current voter registration applications in

circulation be accepted; only forms as revised per her request. Finally, she requests that any registered voters for whom there is no driver's license or last four digits of their Social Security number listed on their voter registration record be asked to provide this information, if possessed.

The relevant provision of HAVA states as follows:

> **52 U.S.C. § 21083. Computerized statewide voter registration list requirements and requirements for voters who register by mail**
>
> **(a) Computerized statewide voter registration list requirements**
> . . .
> **(5) Verification of voter registration information**
> **(A) Requiring provision of certain information by applicants**
> **(i) In general**
> Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—
> (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
> (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.
> **(ii) Special rule for applicants without driver's license or social security number**
> If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. To the extent that the State has a computerized list in effect under this subsection and the list assigns unique identifying numbers to registrants, the number assigned under this clause shall be the unique identifying number assigned under the list.
> **(iii) Determination of validity of numbers provided**
> The State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law.
> . . .

A separate provision of the same section of HAVA addresses how an applicant for registration is to have their identity verified, before they are allowed to vote a regular ballot, if they do not provide a driver's license number or last four digits of a Social Security number than can be verified. That provision states as follows:

> **52 U.S.C. § 21083. Computerized statewide voter registration list requirements and requirements for voters who register by mail**
>
> . . .
>
> **(b) Requirements for voters who register by mail**
>
> **(1) In general**
>
> Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) [now 52 U.S.C. 20505(c)] and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—
>
> (A) the individual registered to vote in a jurisdiction by mail; and
>
> (B)(i) the individual has not previously voted in an election for Federal office in the State; or
>
> (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).
>
> **(2) Requirements**
>
> (A) In general
>
> An individual meets the requirements of this paragraph if the individual—
>
> (i) in the case of an individual who votes in person—
>
> (I) presents to the appropriate State or local election official a current and valid photo identification; or
>
> (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
>
> (ii) in the case of an individual who votes by mail, submits with the ballot—
>
> (I) a copy of a current and valid photo identification; or
>
> (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B) Fail-safe voting

(i) In person

An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 21082(a) of this title.

(ii) By mail

An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 21082(a) of this title.

. . . .

The State Board met on November 28, 2023, and concluded that a violation of Section 303 of HAVA could occur as a result of the current North Carolina voter registration application form failing to require an applicant to provide an identification number or indicate that they do not possess such a number, and that the appropriate remedy is to implement changes recommended by staff to the voter registration application form and any related materials.

The State Board did not approve the request that county boards refuse to accept any voter registration forms currently in circulation, since HAVA can be complied with by instructing the county boards of elections to require an applicant to complete the required information before processing the voter registration application in its existing form.

The State Board did not approve the requested remedy to contact all existing registered voters whose electronic records do not show a driver's license number of last four digits of a Social Security number, since that remedy, when applied to an existing registered voter (as opposed to registration applicants), is not specifically authorized in HAVA. Importantly, the law's purpose of identifying the registrant upon initial registration is already accomplished because any voter who did not provide a driver's license number or the last four digits of a Social Security number would have had to provide additional documentation to prove their identity

before being allowed to vote, by operation of the separate provision of HAVA identified above. In other words, no one who lacked this information when registering since the enactment of HAVA would have been allowed to vote without proving their identity consistent with HAVA.

It is so ordered.

This 6th day of December, 2023.

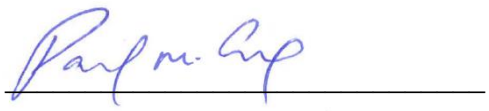
Alan Hirsch, Chair
STATE BOARD OF ELECTIONS

CERTIFICATE OF SERVICE

I, Paul M. Cox, General Counsel for the State Board of Elections, today caused the forgoing document to be served on the following Petitioner via email:

Carol L. Snow
6281 Jenkins Rd
Morganton, NC 28655
cls28655@gmail.com

This 6th day of December, 2023.



Paul M. Cox

EXHIBIT
B

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION NO. 24CV026995-910
REPUBLICAN NATIONAL COMMITTEE; and NORTH CAROLINA REPUBLICAN PARTY, *Plaintiffs*, v. NORTH CAROLINA STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections; ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections; JEFF CARMON, in his official capacity as Secretary of the North Carolina State Board of Elections; STACY EGGERS IV, KEVIN N. LEWIS, and SIOBHAN O'DUFFY MILLEN, in their official capacities as members of the North Carolina State Board of Elections, *Defendants*.	**VERIFIED COMPLAINT**

NOW COMES Plaintiffs the Republican National Committee ("RNC") and the North Carolina Republican Party ("NCGOP"), by and through undersigned counsel and, pursuant to Rule 7 of the North Carolina Rules of Civil Procedure file this Verified Complaint seeking a Writ of Mandamus compelling the North Carolina State Board of Elections ("NCSBE") and its members, Alan Hirsch, Jeff Carmon, Siobhan Millen, Stacy Eggers IV, and Kevin Lewis in their respective official capacities, and the NCSBE's Executive Director Karen Brinson Bell (collectively "Defendants") to fulfill their duties set forth in N.C. Gen. Stat. § 163-82.11 *et seq.* In support, Plaintiffs allege as follows:

INTRODUCTION

1. "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised." *Purcell v. Gonzalez*, 549 U.S. 1, 4, 166 L. Ed. 2d 1, 7 (2006).

2. Free and fair elections are the bulwark of the citizenry's trust in their government. Ensuring that qualified voters—and only qualified voters—are able to vote in elections is the cornerstone of that compact between the state and its citizens. But trust must be earned.

3. The North Carolina State Board of Elections ("NCSBE") betrayed that trust when it allowed over 225,000 people to register to vote with registration forms that failed to collect certain required identification information before the registration forms were processed, a plain violation of Section 303 of the Help America Vote Act ("HAVA"). Because of these errors, the North Carolina voter rolls, which both HAVA and state law mandates that Defendants regularly maintain, are potentially replete with ineligible voters—including possible non-citizens—all of whom are now registered to vote.

4. By failing to collect certain statutorily required information prior to registering these applicants to vote, Defendants placed the integrity of the state's elections into jeopardy.

5. Defendants admit they violated HAVA and, as a result, state law. Yet, even when concerned citizens brought these issues to their attention, Defendants inexplicably refused to correct their wrongs. All Defendants offer as a solution is a half-hearted promise that those who were ineligible to register but were allowed to anyway will naturally filter themselves out from the state's voter rolls when they conduct other election-related activities.

6. This inaction misses the mark. Not only does this "solution" fail to remedy the ongoing violations of state and federal law or account for Defendants' responsibilities under the same, but it leaves North Carolinians to wonder how they can trust in the security of their elections, especially when those tasked with protecting their rights cannot be bothered to do what is required by law.

7. Even worse, this "solution" sends the message to the millions of duly qualified and registered voters in North Carolina that their chief elections officials will shirk their responsibilities and refuse to verify whether those who vote in the state's elections are entitled to do so in the first place.

8. This ominous message eviscerates confidence in North Carolina's elections and it ensures that *Purcell*'s warning of distrust and disenfranchisement may soon come true.

9. By failing to do the required work to determine if Defendants' violation of HAVA has resulted in the registration of ineligible voters, and thereby allowing unlawfully registered persons to vote in the state's elections, Defendants' actions further jeopardize the individual right to vote that is guaranteed to every qualified voter in North Carolina. *See,* N.C. Const. art. VI § I; *see also Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018) (quoting *Reynolds v. Sims*, 377 U.S. 533, 561 (1964)).

10. With the November 2024 election fast approaching, North Carolinians cannot afford to simply wait and see. Defendants admit they violated federal law. Now, they must be required to remedy their actions before these failures impact the results of the 2024 elections.

PARTIES

11. The Republican National Committee is the national committee for the Republican Party; representing all registered Republicans across both the state and nation, as well as the values

they stand for. The RNC serves as the collective voice for the Republican Party's platform. It is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14) and a political party as defined by N.C. Gen. Stat. § 163-96. The RNC's principal place of business is 310 First Street SE, Washington, D.C.

12. The RNC's core mission involves organizing lawful voters and encouraging them to support Republican candidates at all levels of government, including throughout North Carolina. The RNC expends significant time and resources fighting for election security and voting integrity across the nation, including in North Carolina. These efforts are intended to ensure that the votes and voices of its members, its candidates, and the party are not silenced or diluted in any way. Recent rises in non-citizens and other unqualified persons voting or seeking to vote in elections has forced the RNC to divert its efforts and funds in order to hold elections officials accountable to what both federal and state laws require.

13. The North Carolina Republican Party is a state committee of the Republican Party, as defined by 52 U.S.C. § 30101(15), and a political party as defined by N.C. Gen. Stat. § 163-96. The NCGOP represents the interests of registered Republicans across North Carolina. Its headquarters and principal place of business is 1506 Hillsborough St, Raleigh, NC 27605. The NCGOP represents the interests of registered Republican voters, residing across all one hundred counties in the state. The NCGOP also advocates for the interests of tens of thousands of non-affiliated voters who align with various aspects of the Republican Party platform.

14. The NCGOP's mission and platform largely mirror that of the RNC, including an emphasis on election integrity and security. The NCGOP's core mission includes counseling interested voters and volunteers on election participation including hosting candidate and voter registration events, staffing voting protection hotlines, investigating reports of voter fraud and

disenfranchisement, and providing election day volunteers in all one hundred counties across North Carolina. The NCGOP spends tremendous time and effort advocating for its members throughout all levels of state government, working to make sure they are heard both at the ballot box and beyond.

15. Plaintiffs have organizational standing to bring this action. Defendants' actions and inaction directly impact Plaintiffs' core organizational missions of election security and providing services aimed at promoting Republican voter engagement and electing Republican candidates for office. Defendants' violations of HAVA and the subsequent refusal to remedy their wrongdoing, in accordance with what state law requires, has forced Plaintiffs to divert significantly more of their resources into combatting election fraud in North Carolina. Plaintiffs' organizational and voter outreach efforts have been and will continue to be significantly stymied due to Defendants' ongoing failures. As a result, Plaintiffs will have no choice but to expend increased amounts of time and money, beyond what they would have already spent, in order to combat this unwarranted interference with their central activities. For example, because of Defendants' violations of state law, Plaintiffs will need to commit added time and resources into monitoring North Carolina's voter rolls, voter activity, and responding to instances of potential voter fraud in upcoming elections, tasks required of Defendants under state and federal law.

16. Additionally, NCGOP has associational standing because its members have standing in their own right to challenge Defendants' actions here. NCGOP represents millions of registered Republican voters across the state of North Carolina, including at least one registered Republican voter in every one of the state's one hundred counties, which is a matter of public record. NCGOP's members are harmed by these inaccurate voter rolls as well as Defendants' ongoing HAVA and state law violations. These members' votes are undoubtedly diluted due to

ineligible voters participating in elections due to Defendants' statutory violations. Additionally, these members' rights to participate in a fair and secure electoral process, free from voter fraud, will be significantly hindered. Ensuring such freedom and security in all elections throughout North Carolina is germane to the NCGOP's organizational mission.

17. Plaintiffs are further harmed in their ability to effectively compete in elections across the state as Defendants' refusal to maintain accurate and updated voter rolls risks opening the door to potentially fraudulent votes and inaccurate election results. This harm is especially palpable considering North Carolina's party-based primary system which makes verifying the accuracy of each voter registration form that much more crucial.

18. The North Carolina State Board of Elections is the state agency tasked with "general supervision over primaries and elections of the state." *See* N.C. Gen. Stat. § 163-22. NCSBE is tasked with ensuring that elections in North Carolina comply with all relevant state and federal laws and, in NCSBE's own words, "ensur[ing] that elections are conducted lawfully and fairly."[1]

19. Karen Brinson Bell is the Executive Director of NCSBE and the state's "Chief Election Official" as defined by N.C. Gen. Stat. § 163-82.2. In this capacity, Ms. Brinson Bell oversees elections in all one hundred counties in North Carolina and administering all elections occurring therein. *See* N.C. Gen. Stat. § 163-27(d). Ms. Brinson Bell is sued in her official capacity.

20. Alan Hirsch is the Chair of NCSBE. He resides in Chapel Hill, North Carolina. Mr. Hirsch is sued in his official capacity.

21. Jeff Carmon is the Secretary of NCSBE. He resides in Snow Hill, North Carolina. Mr. Carmon is sued in his official capacity.

[1] https://www.ncsbe.gov/about

22. Stacy Eggers, IV is a member of NCSBE. He resides in Boone, North Carolina. Mr. Eggers, IV is sued in his official capacity.

23. Kevin N. Lewis is a member of NCSBE. He resides in Rocky Mount, North Carolina. Mr. Lewis is sued in his official capacity.

24. Siobhan O'Duffy Millen is a member of NCSBE. She resides in Raleigh, North Carolina. Ms. Millen is sued in her official capacity.

JURISDICTION AND VENUE

25. This Court has jurisdiction over the claims asserted herein pursuant to N.C. Gen. Stat. § 7A-245.

26. This Court has personal jurisdiction over NCSBE as it is a state agency in North Carolina.

27. This Court has personal jurisdiction over Executive Director Karen Brinson Bell, Chair Alan Hirsch, Secretary Jeff Carmon, Stacy Eggers IV, Kevin Lewis, and Siobhan O'Duffy Millen as each is sued in their official capacities as appointed officials in North Carolina. Each is a citizen of North Carolina and each resides in the state.

28. Venue is proper in this court pursuant to N.C. Gen. Stat. § 1-82.

FACTUAL ALLEGATIONS

29. Defendants are required to maintain accurate and updated statewide voter registration lists ("voter rolls"). N.C. Gen. Stat. § 163-82.11.

30. In addition to other standards, Defendants must ensure that the voter rolls are in full compliance with the requirements of Section 303 of HAVA. *Id.* at § 163-82.11(c) ("The State Board of Elections *shall* update the statewide computerized voter registration list and database to meet the requirements of section 303(a) of [HAVA].") (emphasis added).

31. Due to this express mandate that North Carolina's voter rolls must be maintained in a manner compliant with section 303(a) of HAVA, it is important to review what that section requires of Defendants. This, in turn, illustrates Defendants' failure to fulfill their statutory duties under state law.

32. Congress, through HAVA, set requirements for how states must implement and maintain their voter rolls. *See, e.g.*, 52 U.S.C. § 21081, 21082, and 21083.

33. Among other standards, HAVA mandates that states must implement computerized statewide voter rolls to serve as the "single system for storing and managing the official list of registered voters throughout the State." *Id.* at § 21083(a)(1)(A)(i).

34. HAVA goes on to require that the rolls will "be coordinated with other agency databases within the state" and that "[a]ll voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official." *Id.* at § 21083(a)(1)(A)(iv), (vi).

35. HAVA further provides that "[t]he computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State." *Id.* at (viii).

36. Once a state has established the computerized voter registration list required by HAVA, 52 U.S.C. § 21083(a)(2) provides certain actions the state must take to ensure the list is accurately maintained "on a regular basis." *Id.*

37. Importantly, these maintenance instructions include processes and procedures for removing the names of ineligible voters from the state's voter rolls. *Id.* at § 21083(a)(2)(A). HAVA also sets the standard of conduct for voter roll maintenance, requiring the state to ensure that: "(i) the name of each registered voter appears in the computerized list; (ii) only voters who are not

registered or who are not eligible to vote are removed from the computerized list; and (iii) duplicate names are eliminated from the computerized list." *Id.* at § 21083(a)(2)(B).

38. Next, HAVA mandates that states maintain the technological security of their voter rolls, requiring the states to implement provisions making "a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters." *Id.* at § 21083(a)(3)(4).

39. In addition to setting the standards for establishing and maintaining accurate state voter rolls, HAVA has a clearly described process for verifying the identification of applicants registering to vote. *See id.* at § 21083(a)(5)(A)(i).

40. First, it requires that applicants provide either a driver's license number or the last four digits of their social security number. Providing this information is a necessary prerequisite **before** the registration form can be processed by the state. *Id.* at § 21083 (viii). In fact, § 21083(a)(5) prevents a state from accepting a voter registration form for an election for Federal office unless the form includes the listed information. *Id.*

41. Only if a registrant affirmatively confirms they do not have either form of identification, the state must "assign the applicant a number which will serve to identify the applicant for voter registration purposes . . . [which] shall be the unique identifying number assigned under the list." *Id.* at § 21083(a)(5)(A)(ii).

42. Prior to December 2023, NCSBE used voter registration forms that failed to collect this required information. Specifically, NCSBE collected, processed, and accepted voter registration applications that lacked **both** the driver's license number and social security number because NCSBE's form did not tell the voter the information was required.

43. As a result of these errors, voters did not utilize the catchall provision of § 21083(a)(5)(A)(ii) as the registration forms failed to make registrants aware that the driver's license or social security number identifying information was necessary for the application to be processed. Thus, any affirmative attestation regarding one's lack of those relevant documents was impossible.

44. Defendants ignored HAVA's requirement that the identifying information be collected before an application can be accepted and processed. As a result, NCSBE accepted hundreds of thousands of voter registration applications without applying the HAVA identifying information requirement, resulting in approximately 225,000 applicants being registered to vote in a manner out-of-compliance with HAVA.

I. *Defendants Admit They Used Voter Registration Forms Which Were HAVA Non-Compliant*

45. In North Carolina, an individual must register to vote prior to voting. *See* N.C. Gen. Stat. §§163-54, 163-82.1(a); *see also* N.C. Const. art. VI § 3(1).

46. The state's registration form asks certain information, seeking to ascertain whether the applicant is qualified to vote under applicable state and federal laws. N.C. Gen. Stat. §163-82.4(e). In addition to the information on the form, an elections official may ask an applicant for other "information [that is] necessary to enable officials of the county where the person resides to satisfactorily process the application." *Id.* at § 163-82.4(a).

47. Despite the informational requirements mandated by both state and federal law—along with the processes and procedures under state law for obtaining the same information—Defendants wholly failed to uphold their statutory duties.

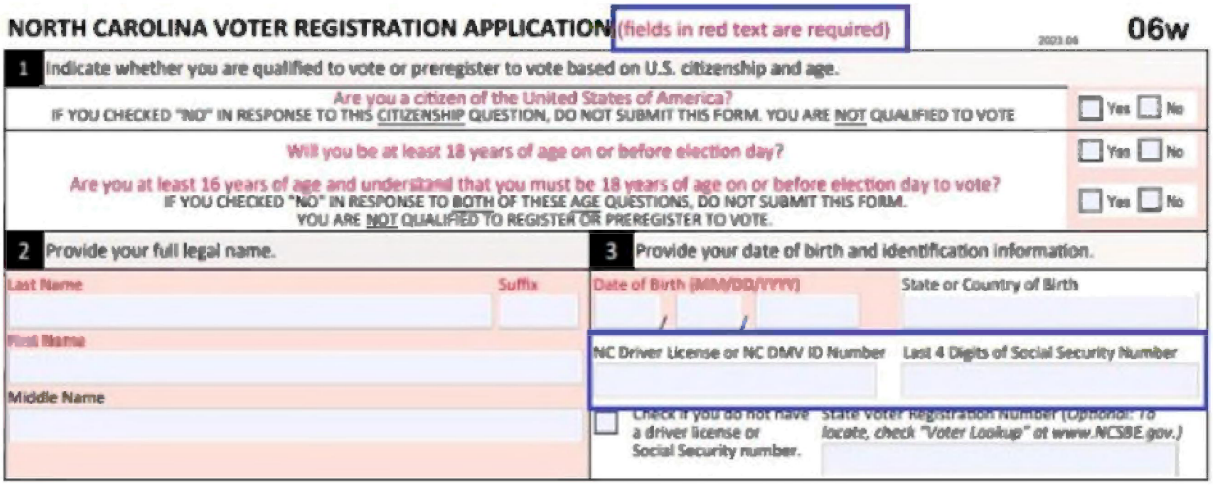
48. Defendants' noncompliance with HAVA was first raised when a concerned citizen, Carol Snow, filed a complaint with NCSBE on October 6, 2023. (hereinafter, "Snow Amended HAVA Complaint").[2]

49. In her complaint, Ms. Snow alleged that NCSBE's voter registration form, which was still in use at the time of her filing, failed to indicate that "the applicant's qualifying identification of the applicant's driver's license number or last 4 digits of the applicant's social security number, are required if one or the other have been issued to the applicant." *See* Snow Amended HAVA Complaint, p. 1.

50. As Ms. Snow's complaint pointed out, the relevant portion of NCSBE's voter registration form then in use identified certain categories of **required** information by denoting them in text blocks with red background. This is contrasted by the white background used for **optional** categories of information on the form. Despite HAVA requiring either a driver's license number or the last four digits of a social security number be provided by the applicant, the registration form had a white text box background for this information, not red. *See* Fig. 1, below; *see also* Snow Amended HAVA Complaint, p. 2. The applicant had no way to know from the form that the driver's license number or the social security number were required for their form to be accepted and processed by NCSBE.

[2] Publicly available at: https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2023-11-28/Snow%20Amended%20HAVA%20Complaint.pdf

Fig. 1 – NCSBE Voter Registration Form Prior to NCSBE's December 6, 2023 Order



NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required) 2023.04 06w

1 Indicate whether you are qualified to vote or preregister to vote based on U.S. citizenship and age.

Are you a citizen of the United States of America? ☐ Yes ☐ No
IF YOU CHECKED "NO" IN RESPONSE TO THIS CITIZENSHIP QUESTION, DO NOT SUBMIT THIS FORM. YOU ARE NOT QUALIFIED TO VOTE

Will you be at least 18 years of age on or before election day? ☐ Yes ☐ No

Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote? ☐ Yes ☐ No
IF YOU CHECKED "NO" IN RESPONSE TO BOTH OF THESE AGE QUESTIONS, DO NOT SUBMIT THIS FORM.
YOU ARE NOT QUALIFIED TO REGISTER OR PREREGISTER TO VOTE.

2 Provide your full legal name.

Last Name | Suffix
First Name
Middle Name

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) | State or Country of Birth
NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number
☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number (Optional: To locate, check "Voter Lookup" at www.NCSBE.gov.)

51. At its meeting on November 28, 2023, NCSBE considered Ms. Snow's complaint. At the meeting[3] and in its December 6, 2023 Order,[4] NCSBE acknowledged that its voter registration forms did not sufficiently notify applicants that their driver's license number or last four digits of their social security number were required in order for their registration to be processed and accepted.

52. Defendants further acknowledged that they used the voter registration form which failed to comply with HAVA for approximately 225,000 voters throughout North Carolina.[5]

53. It follows then, that by failing to comply with HAVA, Defendants admittedly violated their duties under N.C. Gen. Stat. § 163-82.11(c).

54. Ultimately, Defendants granted Ms. Snow's request to change the voter registration form **moving forward**.

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[3] Meeting documents and a recording of NCSBE's November 28, 2023 meeting is available here: dl.ncsbe.gov/?prefix=State_Board_Meeting_Docs/2023-11-28/

[4] The December 6, 2023 Order from NCSBE is available here: https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Other/2023%20HAVA%20Complaint%20-%20Snow.pdf

[5] Given that NCSBE could approximate the number of voters registered in this manner, Defendants, upon information and belief, have the ability to track which voters were registered using the non-compliant form and thus, can contact those voters and request the missing information from them.

55. In contrast, Defendants denied Ms. Snow's request to identify and contact voters whose registrations were improperly accepted due to their forms lacking the necessary identification information. Specifically, Defendants took the position that:

a. HAVA does not authorize NCSBE to contact registered voters (as opposed to applicants)[6]; and

b. Even if those registered voters did not provide the required identification information as part of their application, they would have to provide other identifying information in connection with other features of the voting process, such as requesting an absentee ballot.

56. Recognizing the inadequacy of Defendants'' "solution," Ms. Snow raised the need to actually remedy these improper registrations during NCSBE's March 11, 2024 and April 11, 2024 meetings. Both times NCSBE denied Ms. Snow's requests.

57. Under the plain text of HAVA, NCSBE should not have accepted or processed these registration forms since they lacked either the required identification or an affirmative attestation that the registrant did not have the necessary information. *See* 52 U.S.C. §21083(a)(5).

58. Similarly, Defendants should have taken immediate action to correct the accuracy of the state's voter rolls, a task mandated by HAVA and, in turn, state law. *See id.* at §21083(a)(2); *see also* N.C. Gen. Stat. § 163-82.11(c).

[6] Curiously, this position is not supported by the plain language of HAVA which provides, among other things, processes for identifying and removing the names of "ineligible **voters**" from the state's voter rolls. *See* 52 U.S.C. § 21083(a)(2)(A)(B). To the extent Defendants believe HAVA only allows them to notify applicants of issues with their registration forms, *see id.* at § 21083(4), Defendants failed to do so on the front end and instead, improperly processed and accepted their registration forms. Thus, NCSBE's logic is self-defeating; it cannot violate the statute by allowing these invalid applicants to become registered voters, only to then say they cannot contact them because those registrants are not "applicants."

59. Nevertheless, public records provided by Defendants reveal that 225,000 voter registrations were processed and accepted despite missing both the applicant's driver's license number and the last four digits of the registrant's social security number.

60. Thus, Defendants' refusal to correct their violations is unjustifiable.

61. Defendants' dismissal of Ms. Snow's straightforward solution is irreconcilable with their duties, and it damages lawfully-registered North Carolina voters and candidates, including Republican voters who are members of Plaintiffs, and Republican candidates whom Plaintiffs and their members support.

II. ***Despite Their Errors, Defendants Refuse to Identify Unqualified Voters or Remove Them From The State's Voter Rolls***

62. HAVA places the burden on the state to "determine whether the information provided by an individual is sufficient to meet the requirements of [the statute]." *See* 52 U.S.C. § 21083(a)(5)(A)(iii). Similarly, N.C. Gen. Stat. § 163-82.11(c) mandates that the state maintain its voter rolls in accordance with what HAVA requires.

63. Through this affirmative directive—along with the other enumerated requirements throughout the statute—Defendants either knew or should have known that they were tasked with ensuring that only properly completed registration forms were accepted and processed. Even still, Defendants permitted hundreds of thousands of people to register without providing the basic information HAVA requires.

64. After this failure, Defendants should have immediately taken action to remedy this mistake, including confirming that ineligible voters were not on the state's voter rolls. *See* 52 U.S.C. § 21803(a)(2)(A)(B); *see also* N.C. Gen. Stat. § 163-82.11(c).

65. By declining to uphold their statutory duties, Defendants violated both state and federal law, irreparably damaged North Carolina voters, the NCGOP, the RNC, and their

organizational missions, and most importantly, their members. Defendants opened the door to insecure elections in North Carolina, marred by potentially fraudulent votes.

III. *By Failing to Correct Their HAVA Violations, Defendants Place Foundational Election Principles Into Jeopardy*

66. Many states, including North Carolina, have recently confronted issues relating to non-citizens and other ineligible persons attempting to register to vote. *See, e.g.,* N.C. Gen. Stat. § 163-82.14(c1).[7]

67. North Carolina's statutory requirements notwithstanding, Defendants' failure to require necessary HAVA identification information before processing and accepting hundreds of thousands of voter registration forms allowed untold numbers of ineligible voters to register. Now, those ineligible voters could vote in the upcoming November 5, 2024 election and beyond.

68. Upon information and belief, Defendants' violations of HAVA allowed non-citizens to register to vote in North Carolina, in direct contravention of both federal and state law. *See, e.g.,* N.C. Const. art. VI §I.

69. By allowing ineligible voters to register and then remain on the North Carolina voter rolls, Defendants have brought the security and validity of the state's elections into question.

70. Even worse, by refusing to correct their errors, Defendants are willfully ignoring their statutory responsibilities.

71. If Defendants do not remove ineligible voters from the state's voter rolls, then the legitimate votes of qualified voters will be diluted and disenfranchised in upcoming elections. This

[7] On Wednesday, August 21, 2024, Ohio announced that it had identified at least 597 non-citizens who registered and/or voted in recent elections. This finding was precipitated by a comprehensive statewide audit which identified 154,995 ineligible registrants on the state's voter rolls. *See* https://apnews.com/article/ohio-voters-citizenship-referrals-42799a379bdda8bca7201d6c42f99c65 [last accessed 08.22.2024].

reality will, in turn, have a substantial chilling effect on North Carolinians' right to vote in free and fair elections. *See* N.C. Const. art. I §10.

IV. ***Remedying These Errors Will Not Burden NCSBE***

72. Defendants already maintain processes for seeking out additional information from voters who fail to provide necessary information.

73. For example, the county boards of elections regularly contact voters who vote with a provisional ballot on election day, seeking additional identifying information from these voters as part of post-election day processes.

74. Notably, accurate voter roll maintenance, including removing the names of ineligible voters from voting rolls, is already required by HAVA and state law. *See* 52 U.S.C. § 21083(a)(2)(A)(B); N.C. Gen. Stat. § 163-82.11(c). Thus, any burden on Defendants in terms of time required to correct the state's voter rolls is mitigated by the fact that federal law mandates the same.

75. Unlike the minimal burden Defendants would face if required to correct the state's voter rolls in compliance with federal law, the burden placed on Plaintiffs is palpable. Absent immediate corrective action by Defendants, the significant harm faced by Plaintiffs will only increase. Not only will Plaintiffs' members be disenfranchised, but Plaintiffs' mission of advocating for Republican voters, causes, and candidates will be impeded by contrary votes of potentially ineligible voters.

76. With the November 5, 2024 election now three months away, early voting starting in less than two months, and ballots being mailed starting September 6, 2024, it is exceedingly important that Defendants take immediate actions to correct their wrongs, guaranteeing that qualified voters are able to vote, while preventing ineligible persons from trying to do the same.

CLAIMS FOR RELIEF

COUNT ONE: VIOLATION OF N.C.G.S. § 163-82.11(c) – WRIT OF MANDAMUS

77. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

78. North Carolina law unambiguously requires Defendants to maintain the state's voter rolls in a manner compliant with Section 303 of HAVA. N.C. Gen. Stat. § 163-82.11(c).

79. Section 303 of HAVA requires that North Carolina create a computerized statewide voter registration list containing the names and registration information of every legally registered voter. 52 U.S.C. § 21083(a)(1)(A).

80. HAVA similarly mandates that North Carolina verify the accuracy of a prospective voter's registration information, **prior** to accepting the registration. Specifically, the state must collect the registrant's driver's license number or last four digits of their social security number or, alternatively, the registrant must affirmatively attest that they have neither. *Id.* at § 21083(a)(5)(A).

81. HAVA also requires that Defendants regularly review and maintain the accuracy of the state's voter registration list, including, if applicable, removing ineligible persons from the voter roll. *Id.* at § 21083(a)(2)(4).

82. North Carolina law similarly mandates the collection of certain identification information from applicants, creating certain tools for verification of the same. *See* N.C. Gen. Stat. §§163-54, 163-82.1(a); 163-82.4 (a)(e).

83. Upon information and belief, Defendants failed to collect the statutorily required information from at least 225,000 registrants whose registrations were, in turn, processed and accepted despite lacking this necessary information.

84. Upon information and belief, even once this error was identified and corrected on a forward-looking basis, NCSBE refused, and continues to refuse, to contact these registrants or

verify if they have the necessary information in order to correct the accuracy of the state's voter registration list.

85. Not only does the language of N.C. Gen. Stat. § 163-82.11(c) create a duty for Defendants to maintain accurate voter rolls in compliance with HAVA, but Defendants have no discretion or permissible freedom to deviate from this mandate.

86. It is without dispute that, even when this was brought to their attention, Defendants failed to act. In fact, Defendants affirmatively refused to act and correct the accuracy of the state's voter rolls as to be compliant with HAVA.

87. Due to Defendants' unambiguous refusal to act, even after acknowledging their own violation of the law, Plaintiffs have no other adequate remedy than to seek relief from this Court.

88. Unless enjoined and ordered to comply with their statutory duties, Defendants will continue to violate state law by refusing to maintain accurate voter rolls and declining to remedy the 225,000 voter registrations that should have never been processed or accepted in the first place.

COUNT TWO: VIOLATION OF N.C. CONST. ART. I § 19 – MANDATORY INJUNCTION

89. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

90. As described more fully above, Defendants have a non-discretionary, statutory duty to maintain the state's voter rolls in a manner compliant with Section 303(a) of HAVA.

91. N.C. Gen. Stat. § 163-82.11(c) is an affirmative command, creating a duty imposed by law.

92. Defendants admit they failed to uphold this duty when they accepted hundreds of thousands of voter registrations which were plainly non-compliant with Section 303(a) of HAVA.

93. Despite this admission, Defendants refuse to take any action to remedy their violations.

94. Defendants' actions directly interfere with North Carolinian's fundamental right to vote. By allowing potentially ineligible persons to vote in the state's elections and remain on the state's voter rolls, Defendants have ignored their statutory and constitutional duties while simultaneously opening the door to potential widespread dilution of legitimate votes in upcoming elections.

95. Defendants cannot offer any legitimate justification, let alone a compelling interest, for this dereliction of duty.

96. Defendants must be ordered to immediately and permanently rectify this harm in order to protect the integrity of North Carolina's elections .

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Issue a writ of mandamus and a mandatory injunction ordering Defendants to develop, implement, and enforce practices and policies to ensure compliance with HAVA and, in turn, N.C. Gen. Stat. § 163-82.11(c);
2. Direct Defendants, under a court-approved plan to be completed no later than September 6, 2024, including mandatory reporting and monitoring requirements, to take all actions necessary to remedy their violations of state law and HAVA, specifically, identifying all ineligible registrants and removing them from the state's voter registration lists in a manner consistent with state and federal law, and to the extent such removal is not feasible prior to the date set forth herein, then direct Defendants to require all individuals who failed to provide necessary HAVA identification information but were still registered to vote under

the state's prior registration form, to cast a provisional ballot in upcoming elections pending Defendants' receipt and confirmation of the required HAVA information;

3. Direct Defendants, under a court-approved plan including mandatory reporting and monitoring requirements, to take all actions necessary to ensure future compliance with state law and HAVA, specifically, registering only eligible, qualified voters in a manner consistent with both statutes and maintaining the state's voter registration lists in accordance therewith;
4. Award Plaintiffs their reasonable attorney's fees, litigation expenses, and associated costs incurred in connection with this action, as otherwise permitted by law;
5. Retain jurisdiction over this matter to ensure Defendants comply with any orders issued by this Court; and
6. Grant such additional relief deemed just and proper.

This, the 23rd day of August, 2024.

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VERIFICATION

I, Matthew Trudge, affirm under the penalty of perjury, that the foregoing representations in this Verified Complaint are true to my own knowledge, except as to matters stated upon information and belief, and as to those matters, I believe them to be true.

By: _____

Executive Director, NCGOP

Date: 08/23/2024

Wake County

STATE OF NORTH CAROLINA

Sworn and subscribed to me on this, the 23 day of August, 2024

BROOKE PETERSON NOTARY PUBLIC WAKE COUNTY, N.C. MY COMMISSION EXPIRES 7/19/2027

Brooke Peterson

Notary Public

My commission expires: 07-19-27

EXHIBIT

C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00547-M

REPUBLICAN NATIONAL COMMITTEE and NORTH CAROLINA REPUBLICAN PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,

Defendants,

and

DEMOCRATIC NATIONAL COMMITTEE,

Intervenor Defendant.

ORDER

This matter comes back to the court after the United States Court of Appeals for the Fourth Circuit reversed this court's order remanding Count 2 of Plaintiffs' Complaint to state court and remanded the matter (to this court). *Republican National Committee and North Carolina Republican Party v. North Carolina State Board of Elections et al.*, No. 24-2044 (4th Cir. Oct. 29, 2024), ECF. No. 66 at 4-5; *see also* DE 72 (mandate taking effect Nov. 21, 2024). The Fourth Circuit concluded that this court possesses federal question jurisdiction over Count 2, as well as removal jurisdiction under 28 U.S.C. § 1443(2). *Id.* at 5.

The court accepts subject matter jurisdiction, as ordered. Defendants' motion to dismiss [DE 30] remains partially pending as to Count 2, Plaintiffs' state constitutional claim. The

Democratic National Committee ("DNC") filed a memorandum in support of Defendants' motion, DE 48, and Plaintiffs opposed the motion, DE 50. The court has previously considered these filings and held a hearing on them. DE 57. With that background, the court finds that Defendants' motion to dismiss Count 2 should be denied, for the following reasons:

- Defendants contend that Plaintiffs' "threadbare allegations" of vote dilution "cannot survive a motion to dismiss." DE 31 at 22. The court disagrees. Plaintiffs have alleged (1) that Defendants improperly permitted 225,000 individuals to register to vote in North Carolina, (2) that some subset of those 225,000 individuals are ineligible to vote, and (3) that ineligible voters will vote in future elections and dilute the votes of eligible voters. DE 1-3 at 3-4, 11, 15-17, 20. These allegations based on Plaintiffs' "information and belief" are sufficient at this stage because "the necessary information" to substantiate them "lies within defendants' control." *Kareem v. Haspel*, 986 F.3d 859, 866 (D.C. Cir. 2021); *accord Innova Hosp. San Antonio, Ltd. P'ship v. Blue Cross & Blue Shield of Georgia, Inc.*, 892 F.3d 719, 730 (5th Cir. 2018) ("when discoverable information is in the control and possession of a defendant, it is not necessarily the plaintiff's responsibility to provide that information in her complaint"); *cf. Arista Recs., LLC v. Doe 3*, 604 F.3d 110, 120 (2d Cir. 2010) (holding that plaintiff may make allegations upon information and belief "where the belief is based on factual information that makes the inference of culpability plausible");
- Defendants assert that Plaintiffs' equal protection claim "is [] foreclosed by a wealth of case law," in that "[f]ederal courts have routinely rejected [federal] equal-protection claims . . . grounded in vote dilution." DE 31 at 24. This assertion is unpersuasive because Plaintiffs' constitutional claim arises under North Carolina's Constitution. *See Cooper v.*

State of Cal., 386 U.S. 58, 62 (1967) (acknowledging "State's power to impose higher standards [for analogous state constitutional provisions] than [those] required by the Federal Constitution if it chooses to do so"); *see also Deminski on behalf of C.E.D. v. State Bd. of Educ.*, 377 N.C. 406, 413, 858 S.E.2d 788, 793 (2021) (plaintiff pleads a colorable state constitutional claim where theory represents "a reasonable and logical extension or modification of the current law");

- The DNC argues that Plaintiffs' equal protection claim is not cognizable, citing *Harper v. Hall*, 384 N.C. 292, 886 S.E.2d 393 (2023). DE 48 at 19. But that case merely held that partisan gerrymandering does not violate the state Equal Protection Clause because it does not implicate "the one-person, one-vote standard." *Harper v. Hall*, 384 N.C. 292, 367, 886 S.E.2d 393, 441 (2023). *Harper* is inapposite in the context of a vote dilution claim premised on a theory of dilution by ineligible voters, not eligible voters of another political party;
- The DNC contends that "the NVRA precludes states from removing people from the voter rolls as plaintiffs request." DE 48 at 20. This contention may be correct, based on a recent opinion from the Fourth Circuit. *See Virginia Coalition for Immigrant Rights v. Beals*, Case No. 24-2071, at 3-4 (4th Cir. Oct. 27, 2024), ECF No. 22; *but see Beals v. VA Coal. for Immigrant Rts.*, No. 24A407, 2024 WL 4608863, at *1 (U.S. Oct. 30, 2024) (staying 4th Circuit's order pending appeal and petition for certiorari). But that would be a reason to deny Plaintiffs a particular form of relief, not to dismiss their constitutional claim outright. *See* Fed. R. Civ. P. 8(a)(3) (pleading must contain "a demand for the relief sought, which may include relief in the alternative or different types of relief");

- The DNC asserts that *Purcell v. Gonzalez*, 549 U.S. 1 (2006) prohibits granting Plaintiffs relief in connection with the most recent election. DE 48 at 28. Again, this assertion has merit, but not in the context of a motion to dismiss, particularly where Plaintiffs also seek prospective relief unconnected with the most recent election. *See* DE 1-3 at 21 (seeking "court-approved plan . . . to ensure future compliance with state law and HAVA"); and
- Both Defendants and the DNC argue that the doctrine of laches bars Plaintiffs' claim. DE 3 at 12-15; DE 48 at 26-28. But for that affirmative defense to apply, the plaintiff's delay in bringing suit "must have worked to the disadvantage, injury or prejudice of the person seeking to invoke" the defense. *Stratton v. Royal Bank of Canada*, 211 N.C. App. 78, 89, 712 S.E.2d 221, 231 (2011). Plaintiffs in this action are not going to obtain any relief in connection with the most recent election. But as the court noted at the October 17 hearing, there will be future elections. The alleged improprieties Plaintiffs have raised in their Complaint will persist. To the extent Plaintiffs delayed in bringing this suit, that delay will not operate to the prejudice of Defendants or the DNC because the outcome of this suit will have no bearing on the most recent election.

Defendants' motion to dismiss [DE 30] is DENIED IN PART as to Count 2. That claim shall proceed, and this matter is referred to Magistrate Judge Robert B. Jones, Jr. for entry of a scheduling order.

SO ORDERED this 22nd day of November, 2024.

Richard E Myers II

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBIT
D

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN RE ELECTION PROTESTS OF JEFFERSON GRIFFIN, ASHLEE ADAMS, FRANK SOSSAMON, AND STACIE McGINN	)	**DECISION AND ORDER**

At a public meeting held on December 11, 2024, the State Board of Elections ("State Board") considered election protests filed by four candidates in the 2024 General Election: Jefferson Griffin, a Republican candidate for associate justice of the Supreme Court of North Carolina; Ashlee Adams, a Republican candidate for N.C. Senate District 18; Stacie McGinn, a Republican candidate for N.C. Senate District 42; and Frank Sossamon, a Republican candidate for N.C. House District 32 (collectively, the "Protesters"). The Board consolidated the protests filed by these candidates for its decision, because they all involve the same sets of legal issues.

Upon consideration of the protest materials submitted by the Protesters; the briefs submitted by the Protesters, opposing candidates, and other interested parties; the oral argument presented to the State Board by counsel for the candidates; and the matters upon which judicial notice was taken, the Board concluded that the protests did not substantially comply with the service requirements and did not establish probable cause to believe that a violation of election law or irregularity or misconduct occurred in the protested elections. The Board therefore dismisses these protests.

I. BACKGROUND

On November 19, 2024, the Protesters filed over 300 protests across the state challenging the apparent results of their elections. After the county boards of elections conducted recounts in all of these contests, the final canvassed results are as follows:

CONTEST	CANDIDATE	PARTY	BALLOT COUNT	PERCENT
Supreme Court Associate Justice	Allison Riggs	DEM	2,770,412	50.01%
	Jefferson G. Griffin	REP	2,769,678	49.99%
NC Senate District 18	Terence Everitt	DEM	59,667	48.47%
	Ashlee Bryan Adams	REP	59,539	48.36%
	Brad Hessel	LIB	3,906	3.17%
NC Senate District 42	Mrs. Woodson Bradley	DEM	62,260	50.08%
	Stacie McGinn	REP	62,051	49.92%
NC House District 32	Bryan Cohn	DEM	21,215	48.95%
	Frank Sossamon	REP	20,987	48.42%
	Ryan Brown	LIB	1,140	2.63%

Protests were filed in almost every county in the state.[1] Those protests are based on six categories of allegations that certain general election voters' ballots were invalid. Those six categories and the number of voters challenged per category are:

[1] The legislative candidates filed protests in only those counties within the jurisdiction of their legislative contests.

1. Ballots cast by registered voters whose voter registration database records contain neither a driver's license number nor the last-four digits of a social security number—60,273 voters challenged;
2. Ballots cast by overseas citizens who have not resided in North Carolina but whose parents or legal guardians were eligible North Carolina voters before leaving the United States—266 voters challenged;
3. Ballots cast by military or overseas citizens under Article 21A of Chapter 163, when those ballots were not accompanied by a photocopy of a photo ID or ID Exception Form—1,409 voters challenged;[2]
4. Ballots cast by voters who were serving a felony sentence as of Election Day—240 voters challenged;
5. Ballots cast by voters who were deceased on Election Day—156 voters challenged; and
6. Ballots cast by voters who registration was denied or removed—572 voters challenged.[3]

Across all counties and among the four Protesters, the protests alleging the same category of allegedly ineligible voters are structured and pleaded in the same fashion. The only differences among county protests of the same category are the identities of the voters being

[2] Griffin has sought to add voters to the second and third protest categories in supplemental filings submitted after the deadline to file an election protest. *See* G.S. § 163-182.9(b)(4). Because the Board determines these protests are legally deficient, it need not determine whether such supplementations are allowable under the General Statutes and Administrative Code.

[3] Some challenged voters are included in multiple protests filed in the same county. For instance, voters removed after dying before Election Day may be in both the deceased and removed protests. Additionally, Griffin has withdrawn his protests in a few counties. Accordingly, while these last three types of protests together appear to total 968 voters, in actuality they involve a combined 817 voters.

challenged—i.e., only voters registered in the county receiving the protest are part of a protest that the county board received.

On Wednesday, November 20, 2024, the State Board held a meeting, noticed on an emergency basis under N.C.G.S. § 143-318.12, to consider whether to take jurisdiction over some of the protests, which the State Board may do under N.C.G.S. § 163-182.12. The Board voted unanimously to take jurisdiction over the first three categories of protests, which presented legal questions of statewide significance. The Board instructed the county boards of elections to retain jurisdiction to consider the remaining three categories of protests, which were focused on individual, fact-specific determinations of voter eligibility.

Currently, the last three categories of protests are at various stages in the election protest process, with some still pending with and yet to be finally decided by the county boards, some having been decided with no timely appeal, some that are subject to appeal, and some that have been withdrawn by the Protester.

This decision concerns the first three categories of election protests.

II. STANDARD OF DECISION

The State Board assumed jurisdiction over these protests pursuant to its authority under N.C.G.S. § 163-182.12, which states, in relevant part:

> The State Board of Elections may consider protests that were not filed in compliance with G.S. 163-182.9, may initiate and consider complaints on its own motion, may intervene and take jurisdiction over protests pending before a county board, and may take any other action necessary to assure that an election is determined without taint of fraud or corruption and without irregularities that may have changed the result of an election.

When a protest is filed with a county board, the county board must first hold a "preliminary consideration" meeting. N.C.G.S. § 163-182.10(a). At that meeting, before a protest

may advance to an evidentiary hearing on the allegations, the county board must first "determine whether the protest substantially complies with G.S. 163-182.9 and whether it establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred." *Id.* Only if a protest satisfies both of these requirements will it advance to an evidentiary hearing. *Id.*

The first preliminary consideration requirement considers whether the protest satisfied the filing requirements in N.C.G.S. § 163-182.9. These requirements include the deadline by which a protest must be filed, how the protest must be filed, and the use of the State Board's election protest form, which is promulgated in an administrative rule, 08 NCAC 02 .0111, pursuant to a statutory mandate for the State Board to "prescribe forms for filing protests." N.C.G.S. § 163-182.9.

The second preliminary consideration requirement considers whether the substance of the protest meets the pleading threshold to advance to a hearing—"whether it establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred." N.C.G.S. § 163-182.10(a)(1). This standard involves both legal and factual questions. Legally, the Board must decide whether the claims made in the protest are actionable via a protest as a matter of law—whether the allegations even amount to a violation, irregularity, or misconduct in the conduct of the election. If so, the Board must decide whether the factual allegations and evidence attached to the protest establish probable cause to believe that the alleged violation, irregularity, or misconduct actually occurred.

Probable cause is a commonsense, practical standard: Is the material submitted by the protester sufficient for a reasonable and prudent person to believe that election law violations, irregularities, or misconduct occurred in the conduct of the election. It does not mean that such a

belief is necessarily correct or more likely true than false. A probability of an irregularity in the conduct of the election is sufficient. *See Adams v. City of Raleigh*, 245 N.C. App. 330, 336–37, 782 S.E.2d 108, 113–14 (2016).

The General Statutes are not clear whether the State Board must conduct preliminary consideration, which is prescribed for county board protest procedures in N.C.G.S. § 163-182.10, when the State Board exercises jurisdiction over a protest in the first instance under N.C.G.S. § 163-182.12. Nonetheless, the State Board adopts this established preliminary consideration procedure with regard to these protests, in the interest of the efficient administration of justice.

III. ANALYSIS

The protests at issue were not served on affected voters in accordance with law. Additionally, each of the three categories of protests is legally deficient. The protests are therefore dismissed.

A. Service of Protests on Challenged Voters[4]

The Board first concludes that the Protesters failed to serve the registered voters they seek to challenge in their protests in a manner that would comply with the North Carolina Administrative Code and be consistent with the requirements of constitutional due process.

When a board of elections conducts its preliminary consideration of a protest filing, it is tasked with first determining "whether the protest substantially complies with G.S. 163-182.9." N.C.G.S. § 163-182.10(a)(1). That statute requires certain information to be contained within the protest filing (*i.e.*, identification of the protestor, the basis of the protest, and the remedy

[4] A small number of the protests encompassed within this order may not have been timely filed under G.S. § 163-182.9(b)(4), including all of Adams's protests and the Griffin protests filed in Moore, Orange, and Richmond counties. Nonetheless, the Board does not need to decide whether they were timely or whether the Board would exercise its jurisdiction under G.S. § 163-182.12 to consider such untimely protests, as it is dismissing these protests for other reasons.

requested), while also stating the following: "The State Board of Elections shall prescribe forms for filing protests." N.C.G.S. § 163-182.9(c).

The State Board has promulgated such a form in the administrative code at 08 NCAC 02 .0111. This rule, which carries the force of law, makes clear the protestor's responsibilities in completing, filing, and serving the form. The Board promulgated this rule in 2020 under its specific statutory authority to do so under N.C.G.S. §§ 163-182.9(c) and 163-182.10(e), and under its general statutory authority for rulemaking under N.C.G.S. § 163-22(a).

Any voters whose right to vote is called into question by the protest are "affected parties" who must be served with copies of all protest filings, as follows:

> *You must serve copies of all filings* on every person with a direct stake in the outcome of this protest ("Affected Parties"). . . . *If a protest concerns the eligibility or ineligibility of particular voters, all such voters are Affected Parties and must be served.* Address information for registered voters is available from the county board of elections or using the Voter Lookup at www.ncsbe.gov.

08 NCAC 02 .0111 (emphasis added).

The rule provides the following instruction for how and when to serve the protest filings:

> *Materials may be served by personal delivery, transmittal through U.S. Mail or commercial carrier service to the Affected Party's mailing address of record on file with the county board of elections or the State Board, or by any other means affirmatively authorized by the Affected Party*. . . . Service must occur within one (1) business day of filing materials with the county board of elections. If service is by transmittal through the U.S. Mail or commercial carrier service, service will be complete when the properly addressed, postage-paid *parcel* is deposited into the care and custody of the U.S. Mail or commercial carrier service. It is [the protester's] responsibility to ensure service is made on all Affected Parties.

Id. (emphasis added).

The question at hand is whether the Protesters' method of service satisfies the requirement in 08 NCAC 02 .0111 to "serve" the voters with "copies of all filings."

i. Method of service used by the Protesters

The Protesters did not personally deliver physical copies of the filings to the voters or mail physical copies of the filings to the voters' address in their voter registration record. Instead, the Protesters mailed a postcard, with the sender identified as the North Carolina Republican Party, and this message: "your vote may be affected by one or more protests filed in relation to the 2024 General Election," and an instruction to scan a QR code[5] to view the protest filings. The postcard does not inform the voter that it is Griffin, Adams, McGinn, or Sossamon protesting, that they are challenging the voter's eligibility to vote, or include the text of the link that the QR code points to (https://www.nc.gop/griffin_protest). This means that the method of service used by Griffin requires a recipient to somehow know this postcard is intended to be a legal document, and to trust the card is not a scam[6] or junk mail. The voter must also have a smartphone and know how to scan a QR code.[7] There is no other way from the face of the postcard for the recipient voter to know what website to visit to obtain access to the information and materials necessary to know the nature of the proceeding and how the voter is affected by it.

[5] "QR codes (or Quick Response codes) are two-dimensional codes that you can scan with a smartphone. The code contains information, usually a site address, and once you scan it, the code connects you with a resource on the web." *Introduction to QR codes*, Digital.gov, available at https://digital.gov/resources/introduction-to-qr-codes/ (last visited December 9, 2024).

[6] While generally useful and increasingly more common, the federal government has made clear that there can be security issues with using QR codes, because "[c]ybercriminals can tamper with QR codes, replacing them altogether with QR code stickers or interfering with the link that's embedded in the code." *Introduction to QR codes*, Digital.gov (referring to guidance from the Federal Bureau of Investigations in 2022).

[7] *See Symbology Innovations, LLC v. Lego Sys.*, 158 F. Supp. 3d 916, 922 (E.D. Va. 2017) ("To access information stored in the QR code, a consumer must have a QR code reader application ("app") installed on the consumer's smart phone. When presented with a QR code, the consumer opens the app, which activates the smartphone's camera to scan the QR code. The app then processes the QR code, decodes its message, and uses the encoded URL to access the online content sought by the consumer." (citations omitted)).

If the voter has a smartphone and knows how to scan the QR code, then they will be taken to a website, on the browser app of their smartphone, hosted by the North Carolina Republican Party containing links to the hundreds of protests filed by all four of the Protesters.[8] Despite the postcard informing the voter to "check under the county in which you cast a ballot to see what protest may relate to you," only the Griffin protest is organized by county. The Adams protest filing links include names of counties that may clue in a voter that they must be registered to vote in that county to be subject to that particular protest, but the six McGinn protest filing links and five Sossamon protest filing links contain no such information. Again, the postcard does not inform the voter which candidate is challenging their eligibility, so a voter would need to review the Griffin, Adams, McGinn, and Sossamon protest filings to determine whether they are affected, and then choose from among the several categories of protests listed. All this must be done on the browser app of a voter's smartphone if they have one.

Once a voter has located which of the hundreds of protest filings linked on the website might include them, they must then peruse the filings, on their smartphone, to locate their name in printouts of spreadsheets attached to a protest filing. These attachments do not list voters alphabetically and, depending on the basis of the protest, may contain hundreds of names across numerous pages. Take for instance the Lee County protests filed by Griffin. The "Incomplete Voter" protest alone contains almost 200 voters' names across five pages,[9] with another 10

[8] Screenshots of the website as displayed on a smartphone are in Attachment A to this decision.

[9] A screenshot of the spreadsheet listing voters' names for this protest as displayed on a smartphone is in Attachment A to this decision.

voters challenged across three other protest filings.[10] A Lee County voter in receipt of Griffin's postcard would have to read through every line of text in the spreadsheets attached to these four protests to determine if their name is on one or more of the lists of voters challenged by Griffin, as well as the other protests listed on the website. And even if the voter finds their name, in most instances the only way to confirm the name listed refers to them would be to look up their NCID number or voter registration number (VRN) on their voter registration card (if they have ready access to it) or voter profile on the State Board's website.[11] This is because the only demographic information listed on the spreadsheet for most of the protests is the voter's name and those identifier numbers, which are only relevant for administrative election purposes and are generally not know by a voter. The face of the protest form likewise does not contain any challenged voter's demographic information.

ii. Compliance with the service requirements

The method of service employed here does not comport with the plain text of the rule or the constitutional due-process requirements to serve an affected party.

First, a straightforward reading of the instructions in 08 NCAC 02 .0111 make it clear that the "materials" to be served through personal delivery or as a "parcel" in the mail are *physical* "copies of all filings."

This plain reading of the rule makes even more sense when considering how service is typically made in other contexts. For example, service of process on a natural person (*i.e.*, a

[10] Copies of all protests filed by Griffin, including those that may have been late or not actually received by a county, are available on the State Board's website at: https://dl.ncsbe.gov/?prefix=Legal/Nov%202024%20Protests/Griffin/.

[11] Available at: https://vt.ncsbe.gov/RegLkup/.

person, not a corporation) in a civil lawsuit must be done by "*delivering a copy* of the summons and of the complaint" to person, or their agent, by "*leaving copies* thereof" at the person's home, by "*mailing a copy* of the summons and of the complaint" by certified mail or through a designated delivery service. N.C.G.S. § 1A-1, Rule 4(j)(1) (emphasis added). As another example, when documents other than the summons and complaint must be served directly on a party to a civil lawsuit, service must be done as provided in Rule 4, or by "*delivering a copy* to the party," which means physically "*handing it to* the party," or by "*mailing a copy* to the party at the party's last known address," or by email "if the party has consented to receive e-mail service in the case at a particular e-mail address, and a copy of the consent is filed with the court by any party." N.C.G.S. § 1A-1, Rule 5(b)(2) (emphasis added). There is no North Carolina statute or rule that authorizes service of a document to be made by directing a recipient to a website through a QR code located on a postcard mailed in lieu actually including the document required to be served. This is especially important here because the postcard never states clearly that the recipient's right to vote is being challenged.

Second, the method of service employed by the Protesters violates the constitutional due process rights of the affected voters.

Election protests are quasi-judicial proceedings. *Bouvier v. Porter*, 386 N.C. 1, 12, 900 S.E.2d 838, 848 (2024). When a board of elections proceeds in its quasi-judicial capacity, the due process rights of the participants must be protected. *See Rotruck v. Guilford Cty. Bd. of Elections*, 267 N.C. App. 260, 265, 833 S.E.2d 345, 349 (2019) (applying *Coastal Ready-Mix Concrete Co. v. Bd. of Comm'rs*, 299 N.C. 620, 265 S.E.2d 379 (1980), in reviewing a voter registration challenge heard before a county board of elections). This protection is particularly important when the election protest challenges the eligibility of voters to vote in the protested

contest, because a successful protest will mean the discarding of their votes. Voters have a constitutionally protected liberty interest in their right to vote. See *Democracy N.C. v. N.C. State Bd. of Elections*, 476 F. Supp. 3d 158, 227 (M.D.N.C. 2020).

At a minimum, due process requires "notice and opportunity for hearing appropriate to the nature of the case." *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 313, 70 S. Ct. 652, 656-57 (1950); *see McMillan v. Robeson Cty.*, 262 N.C. 413, 417, 137 S.E.2d 105, 108 (1964) (incorporating these procedural due process requirements through the "law of the land" and "due process of law" provisions of the North Carolina Constitution.). "This right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest." *Mullane*, 339 U.S. at 314, 70 S. Ct. at 657.

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Id.* at 314, 70 S. Ct. at 657 (cleaned up); see *In re Appeal of McElwee*, 304 N.C. 68, 81, 283 S.E.2d 115, 123 (1981) (applying *Mullane*). "[W]hen notice is a person's due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected, or, where conditions do not reasonably permit such notice, that the form chosen is not substantially less likely to bring home notice than other of the feasible and customary substitutes." *Mullane*, 339 U.S. at 315, 70 S. Ct. at 657–58 (cleaned up).

The Protesters' chosen method of service is not reasonably calculated under the circumstances to inform the challenged voters as to what action is pending, nor does it provide enough information for the voters to determine what they can even do about it. Instead, the postcard with a QR code method can reasonably be described as a "mere gesture" at providing the voters with notice. After all, not every voter will even have a smartphone or the wherewithal for scanning the QR code, or be trusting enough of an unsolicited postcard mailing from a political party to even follow that QR code. And the wording of the postcard is so vague that it is unlikely to clearly inform the recipient that a legal proceeding has been filed against them. For those voters who happen to understand that the postcard is notifying them that a legal proceeding has been filed against them, and who are trusting and savvy enough to follow the QR code on their smartphone, they still have to engage in a needle-in-a-haystack effort to locate what has been alleged about them and by whom, and what is the authority underlying the legal proceeding which would perhaps give them an indication of how and whether they can respond. The method of service chosen here is substantially less likely to give the voters notice than any other customary alternatives.

As Griffin notes in his brief, the Supreme Court of North Carolina has observed that the election protest process is supposed to be "simple so that everyone, not just lawyers, can use it." *Bouvier v. Porter*, 386 N.C. 1, 4, 900 S.E.2d 838, 843 (2024).[12] The applicable rule is quite simple when it comes to service of the protest filings on affected parties. And following its direction would indeed ensure that the affected party receives adequate notice of the proceedings. Yet, instead of simply mailing to each voter a physical copy of the filing that is actually

[12] This notion should apply to not only the people bringing the protest, but obviously, for those who may have their votes stripped through the protest, as well.

applicable to the voter, the Protesters chose to have their political party send each of voters they have challenged on a journey that would likely leave many of the voters wishing they had a digital-age Lewis and Clark to lead the way. Accordingly, the Protesters have failed to meet this "elementary and fundamental requirement of due process" with their chosen method of service. *Mullane*, 339 U.S. at 314, 70 S. Ct. at 657.

In sum, the Protesters have failed to show substantial compliance with the requirement of 08 NCAC 02 .0111 to "serve" the voters they are challenging with "copies of all filings," and their decision to employ the postcard QR code method of service was not reasonably certain to inform the affected voters of the matter such that they could choose for themselves how to respond.

For these reasons, the State Board concludes, by a vote of 3 to 2, that the protests were not properly served on affected parties required to receive service of copies of the protest filings and therefore do not substantially comply with N.C.G.S. § 163-182.9. The Board will nonetheless address the remaining aspects of preliminary consideration review, because the General Statutes call for reviewing the protest for both procedural compliance and probable cause at the preliminary consideration stage. *See* N.C.G.S. § 163-182.10(a)(1) ("If the board determines that one *or both requirements* are not met, the board shall dismiss the protest." (emphasis added)).

B. Alleged Incomplete Registrations

The protests regarding allegedly incomplete voter registration forms fail to establish probable cause that a violation, irregularity, or misconduct in the election, that is actionable via a post-election protest, has occurred.

The Protesters filed a series of protests across the state which challenged the eligibility of over 60,000 voters who cast ballots in the November 2024 general election and whose electronic voter registration database records displayed neither a driver's license number nor the last four digits of a social security number. The Protesters conclude that these voters never submitted either of these numbers when registering to vote. Accordingly, the Protesters request that these voters' ballots be removed from the official count, or, if the voters submit the missing information in some post-canvass information-gathering procedure yet to be devised, their vote may count.

i. Factual basis for the protests

As an initial matter, the Protest filings include insufficient allegations and evidence to establish probable cause to believe that their challenged voters failed to provide one of these identification numbers on their voter registration application.

The Protesters and their affiant in support of their protest filings make the factual assumption that a list of voters who lack certain data in the voter registration database record never provided that data. As their affiant states, to produce their list, they requested a list of voters who "do not contain data in one or more of the following data fields: (1) Driver's License Number; or (2) Last Four Digits of Social Security Number." It requires a factual inference to then conclude that the absence of these data elements in a database means that a voter's registration application was incomplete when submitted. It would be an unwarranted inference, based on the language of our statutes and prior Board decisions on this issue.

First, a voter who submits a registration application without one of these identification numbers because they do not have one is nonetheless allowed to register to vote, despite their form lacking these numbers. *See* N.C.G.S. § 163-82.4(b) ("The State Board shall assign a unique

identifier number to an applicant for voter registration if the applicant has not been issued either a current and valid drivers license or a social security number."); *see also* 52 U.S.C. § 21083(a)(5)(ii) (similar).

Second, when a registrant provides one of these numbers but the number does not validate through a database match among different government databases, their voter registration database record will lack such a number. When a person submits a voter registration application with a driver's license number or the last four digits of a social security number, the county board must attempt to validate that number using N.C. Division of Motor Vehicles (NCDMV) and Social Security Administration databases. *See* N.C.G.S. § 163-82.12(6)–(9). If that number does not validate, then the person must be informed of that fact and offered an alternative means of confirming their identity before they first vote. *Id.* §§ 163-82.12(9), 163-166.12(d). They may do so by presenting a "current and valid photo identification," or a "copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document." *Id.* § 163-166.12(a), (d). Unvalidated identification numbers are not retained in a voter's registration record. *See In re: HAVA Complaint of Joanne Empie*, N.C. State Bd. of Elections, at 7 (Nov. 11, 2024) ("Once that happens, the database removes the unverified driver's license number or last four digits of a social security number from the electronic registration record, although the data is still retained elsewhere within the system.").[13]

[13] Available at https://s3.amazonaws.com/dl.ncsbe.gov/HAVA%20Administrative%20Complaints/2024-08-07%20Empie/ED%20Recommendation%20-%20HAVA%20Complaint%20Decision%20-%20Empie.pdf. The State Board takes judicial notice of its prior decisions on the issue of identification numbers on voter registration applications. Such notice was announced at the State

Accordingly, it would be an unwarranted inference to conclude that the lack of numbers in a voter registration database field for a driver's license number or last four digits of a social security number means that the person registered to vote without providing one of these numbers, despite having such a number. The Protesters offer no reason in their protest papers to conclude that any of the voters they are challenging fall outside these categories. The Protests therefore lack sufficient factual enhancement to establish probable cause to believe a violation of law, irregularity, or misconduct in the conduct of the election has occurred, even assuming what has been alleged is such a violation. N.C.G.S. § 163-182.10(a)(1).

ii. Legal basis for the protests

Even assuming the facts alleged and the affidavit accompanying the protests established probable cause to believe some voters registered without providing their identification numbers and they actually possessed such numbers, the fact that these registered voters cast ballots is not a violation, irregularity, or misconduct in the conduct of the election, for the following reasons.

a. Previous decisions foreclose these protests.

The legal requirement to require one of these identification numbers derives from federal law, and the complained-of issue has been remedied consistent with federal law.

No provision of North Carolina law clearly states that a county board may not process a registration application from a voter who does not provide one of these identification numbers. The General Statutes provide that the voter registration form must "request" this information. N.C.G.S. § 163-82.4(a). It requires an inference, based on the fact that specific other items are

Board's December 11, 2024, meeting where the Board received argument from Protesters' and Respondents' counsel, and counsel were offered an opportunity to object to such notice. No objection was raised.

referred to as "optional" in the statute, to conclude that the absence of such "request[ed]" information on a voter registration application requires a county board to reject a person's registration application as a matter of state law, as the Protesters contend. They perhaps draw that inference from another subsection of the same statute, subsection (f), which states, "If the voter fails to complete any *required item* on the voter registration form but provides enough information on the form to enable the county board of elections to identify and contact the voter, the voter shall be notified of the omission and given the opportunity to complete the form at least by 5:00 P.M. on the day before the county canvass as set in G.S. 163-182.5(b)." (Emphasis added.) But it's a question-begging argument to assert that the "request[ed]" identification numbers identified in subsection (a) of this statute is a "required item" under subsection (f), simply because subsection (f) refers indiscriminately to a "required item" on the form.

To be sure, the State Board considers this a required item, not because of state law, but because of federal law. Since 2004,[14] the federal Help America Vote Act (HAVA) has prohibited a state from processing a voter registration application without one of these numbers, if the voter has one. 52 U.S.C. § 21083(a)(5)(A). But this Board and a federal court, examining this very issue prior to and during this election, determined that any previous failure to implement this federal requirement cannot be held against already-registered voters casting ballots in this election, as explained below.

After receiving a HAVA administrative complaint in 2023 seeking a similar remedy based on the alleged registration of voters who did not provide these numbers despite having them, this Board determined that retroactively requiring this information of registered voters was

[14] Or 2006, depending on a federal waiver. *See* 52 U.S.C. § 21083(d)(1).

a remedy not authorized by HAVA. *In re: HAVA Complaint of Carol Snow*, N.C. State Bd. of Elections, at 4 (Dec. 6, 2023).[15] In its determination, the Board noted that "the law's purpose of identifying the registrant upon initial registration is already accomplished because any voter who did not provide a driver's license number or the last four digits of a Social Security number would have had to provide additional documentation to prove their identity before being allowed to vote, by operation of the separate provision of HAVA . . . . In other words, no one who lacked this information when registering since the enactment of HAVA would have been allowed to vote without proving their identity consistent with HAVA." *Id.* at 4–5.

That separate provision of HAVA states that a new voter registration applicant must provide an alternative form of identification before or upon voting for the first time, if the state did not have a system complying with the requirement to collect a driver's license number or last four digits of a social security number. *See* 52 U.S.C. § 21083(b)(1)–(3). Those alternative forms of identification, as discussed already, include "a current and valid photo identification," or "a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter." *Id.* § 21083(b)(2)(A)(i)–(ii). North Carolina's election officials refer to these alternative forms of identification as "HAVA ID." As

[15] *Available at* https://s3.amazonaws.com/dl.ncsbe.gov/HAVA%20Administrative%20Complaints/2023-10-06%20Snow/NCSBE%20HAVA%20Complaint%20Decision%20-%20Snow.pdf. The motion that the Board unanimously adopted at this hearing stated, "the State Board resolve[s] the HAVA complaint filed by Carol Snow by determining that a violation of Section 303 of HAVA could occur as a result of the voter registration application form failing to require an applicant to provide an identification number or indicate that they do not possess such a number, and that the appropriate remedy is the implementation of staff's recommended changes to the voter registration application form and any related materials." *See* Minutes of Meeting, N.C. State Bd. of Elections (Nov. 28, 2023), *available at* https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/State_Board_Meeting_Minutes/2023%20SBOE%20Minutes/SBE%20Open%20Session%20Minutes%2011.28.23.pdf.

noted in this prior Board decision on the HAVA complaint, the boards of elections require voters without these numbers in their database record to provide HAVA ID before they can first cast a ballot. *In re: HAVA Complaint of Carol Snow* at 4–5.

Prior to the General Election, the Republican National Committee and North Carolina Republican Party filed a lawsuit seeking the same relief sought by Protesters here. The federal district court for the Eastern District of North Carolina acknowledged the legal flaw in awarding such relief in the instant election, given that there had been no meaningful opportunity for the voters at issue to address any potential deficiency far enough in advance of the election to comply with the law. The court noted that it was a meritorious contention that equitable principles "prohibit[] granting Plaintiffs relief in connection with the most recent election." Order at 4, *Repub. Nat'l Comm. v. N.C. State Bd. of Elections*, No. 5:24-cv-547 (Nov 22, 2024). The court further affirmed, when discussing the equitable doctrine of laches, that "Plaintiffs in this action are not going to obtain any relief in connection with the most recent election." *Id.*

Accordingly, to the extent there is a potential violation of HAVA involved in the registration of voters in the past, it was remedied consistent with a separate provision of HAVA, and a federal court has determined that no further remedy would be permissible for the current election.

b. Protests cannot be used to remove ballots of eligible voters who did everything they were told to do to register.

A violation, irregularity, or misconduct does not occur when a voter does everything the government requires of them to register, they possess the qualifications to vote, and they vote. Because the protests do not allege otherwise, they have failed to allege a protest that is actionable as a matter of law.

Assuming that the protests provide a sufficient basis to conclude that any of the challenged voters registered without providing an identification number and did not indicate that they lacked such numbers, the Protesters admit that it would not have been the voter's fault that they were able to nonetheless register. They explain, correctly, that for a number of years and spanning multiple Board administrations, the voter registration form in North Carolina did not fully inform voters that these identification numbers were required to be submitted with the form. As the State Board concluded when considering the aforementioned HAVA complaint, "a violation of [HAVA's requirement to gather these numbers during registration] could occur as a result of the current North Carolina voter registration application form failing to require an applicant to provide an identification number or indicate that they do not possess such a number." *In re: HAVA Complaint of Carol Snow*, N.C. State Bd. of Elections, at 4 (Dec. 6, 2023). The Board therefore ordered the form be changed in December 2023 and ordered that county boards be instructed that such numbers must be obtained before processing registrations going forward, unless the voter affirmed that they lacked these numbers. *Id.*

With regard to already-registered voters, the Board explained that any voters who were able to register without providing one of the identification numbers would have been required to use HAVA's alternative means of confirming their identity before voting: a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. *See id.* at 4–5 (citing to 52 U.S.C. § 21083(b)(2)(A)). Moreover, in all elections since April 2023, all such voters, whether they had provided an identification number at registration or presented an alternative form of ID when they first voted, have be asked to provide a valid photo ID under state law to prove their identity during every election. N.C.G.S. § 163-166.16.

Accordingly, at best, the Protesters' argument is that the voters they challenge did everything that was asked of them to prove their identity to register and vote, yet through an administrative error in the processing of registration forms, the boards of elections did not collect these voters' driver's license or last four digits of the social security number. Importantly, the Protesters do not allege that any of the challenged voters in this category lack the substantive qualifications to vote. This category of protests hinges only on alleged noncompliance with voter registration procedures. Under North Carolina law, however, this sort of challenge to an election is forbidden.

In a directly applicable case from the North Carolina Supreme Court, the court concluded that an error by election officials in the processing of voter registration cannot be used to discount a voter's ballot. *Woodall v. W. Wake Highway Com.*, 176 N.C. 377, 388, 97 S.E. 226, 231 (1918). There, registrars failed to administer an oath to voters, which was a legal prerequisite to registration. The court held,

> A vote received and deposited by the judges of the election is presumed to be a legal vote, although the voter may not actually have complied entirely with the requirements of the registration law; and it then devolves upon the party contesting to show that it was an illegal vote, and this cannot be shown by proving merely that the registration law had not been complied with.

Id. at 389, 97 S.E. at 232. The court further explained,

> Where a voter has registered, but the registration books show that he had not complied with all the minutiae of the registration law, his vote will not be rejected. Such legislation is not to be regarded as hostile to the free exercise of the right of franchise, and should receive such construction by the courts as will be conclusive as to a full and fair expression of the will of the qualified voters.

Id.

The Supreme Court reaffirmed the holding in *Woodall* decades later in *Overton v. Mayor & City Comm'rs of Hendersonville*, 253 N.C. 306, 316, 116 S.E.2d 808, 815 (1960). The court stated,

> [A] statute prescribing the powers and duties of registration officers should not be so construed as to make the right to vote by registered voters depend upon a strict observance of the registrars of all the minute directions of the statute in preparing the voting list, and thus render the constitutional right of suffrage liable to be defeated, without the fault of the elector, by fraud, caprice, ignorance, or negligence of the registrars.

Id. (quoting *Gibson v. Bd. of Comm'rs*, 163 N.C. 510, 513, 79 S.E. 976, 977 (1913)).

Counsel for the Protesters offered no response to this directly applicable legal authority on which they had notice prior to the argument on these protests, even despite a Board member's request during argument for the Protesters to rebut it.

Not only does North Carolina law forbid this type of election protest, federal law also forbids it because it would violate substantive due process protections under the U.S. Constitution.

In *Griffin v. Burns*, 570 F.2d 1065 (1st Cir. 1978), election officials in Rhode Island, believing the issuance of absentee ballots in party primaries was authorized, and acting in accordance with a practice that had existed for about seven years in the case of primaries, advertised and issued those ballots for use in a party primary. *Id.* at 1067. After the primary, the losing candidate for the first time questioned the statutory and constitutional authority of the election officials to issue and count the ballots. *Id.* After being denied relief by the state elections board, the Rhode Island Supreme Court invalidated those absentee ballots and quashed the certificate of nomination, finding "there is no constitutional or statutory basis for allowing absentee and shut-in voters to cast their votes in a primary election." *Id.* at 1068. The prevailing

candidate then filed a lawsuit in federal court. The First Circuit found that the retroactive invalidation of the ballots cast constituted "broad-gauged unfairness" prohibited under substantive due process jurisprudence, because the "issuance of such ballots followed long-standing practice; and *in utilizing such ballots voters were doing no more than following the instructions of the officials charged with running the election*." *Id.* at 1075-76 (emphasis added).

The Fourth Circuit has adopted the Griffin framework as "settled" law. *Hendon v. N.C. State Bd. of Elections*, 710 F.2d 177, 182 (4th Cir. 1983); *see also Bennett v. Yoshina*, 140 F.3d 1218, 1226–27 (9th Cir. 1998) (adopting the *Griffin* framework and explaining, "a court will strike down an election on substantive due process grounds if two elements are present: (1) likely reliance by voters on an established election procedure and/or official pronouncements about what the procedure will be in the coming election; and (2) significant disenfranchisement that results from a change in the election procedures.").

Here, the protests are premised on voters not supplying their driver's license or social security number when registering to vote, and the county boards of elections processing those forms. The grounds for the protest resulted from the State Board-produced voter registration form and past guidance from the State Board that would lead those counties to treat forms without such an identifier as requiring the voter to show a HAVA ID before voting rather than be considered incomplete. That is what the voters were informed to do to validly vote, and they relied on that information. Under these circumstances, to remove the ballots of any of these voters—whether automatically in resolution of the protest after hearing the evidence[16] or upon

[16] Even if the State Board agreed with the Protesters that should voters' ballots could be removed pursuant to the protest, before doing so, evidence would need to establish that each of these voters was actually registered after the effective date of HAVA without providing a driver's

some post-canvass notice procedure involving the voters, as the Protesters suggest would be permissible—would result in "the kind of 'broad-gauged unfairness' that renders an election patently and fundamentally unfair." *Lecky v. Va. State Bd. of Elections*, 285 F. Supp. 3d 908, 916 (E.D. Va. 2018). As Chief Judge Myers of the Federal District Court for the Eastern District of North Carolina stated during oral argument over this same class of voters, "We certainly can't be disenfranchising people who did what they were told to do who are eligible voters." Transcript at 64:7–9, Doc. 63, *Repub. Nat'l Comm. v. N.C. State Bd. of Elections*, No. 5:24-cv-547 (Oct. 20, 2024). Accordingly, regardless of whether state law permits this election protest to proceed, the federal constitution does not.

c. Removing these voters' ballots on this basis would violate the registration laws.

To grant the Protesters the relief they request in these protests, moreover, would violate state and federal voter registration laws. Without question, these challenged voters are registered voters. State and federal statutes restrict the removal of voters from "the official list of eligible voters" in an election unless those voters do not meet the substantive qualifications to vote. 52 U.S.C. § 20507(a)(3); N.C.G.S. § 163-82.14(a).

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license number or last four digits of their social security number on their voter registration application, if they had one. As noted in the previous section, voter records routinely lack these numbers for other permissible reasons. Any such evidentiary review would also need to factor in routine data entry errors where county workers do not enter all the data from a registration form into the database, situations when a voter supplied such a number in a previous application under a different registration record than the one challenged, and situations when a voter registered prior to the effective date of HAVA but a new registration was created for them that is not linked to that older registration, among other potential reasons that any of the challenged voters may have been registered consistent with HAVA but nonetheless their database record lacks these numbers.

Under state law, "[e]very person registered to vote by a county board of elections in accordance with this Article *shall remain registered* until: (1) The registrant requests in writing to the county board of elections to be removed from the list of registered voters; or (2) The registrant becomes disqualified through death, conviction of a felony, or removal out of the county; or (3) The county board of elections determines, through the procedure outlined in G.S. 163-82.14, that it can no longer confirm where the voter resides." N.C.G.S. § 163-82.1(c) (emphasis added). None of these provisions apply to permit the removal of the registrants challenged by the Protesters.

Under federal law, the National Voter Registration Act (NVRA), once a person is registered to vote, "a registrant may not be removed from the official list of eligible voters except" (A) at the request of the registrant; (B) by reason of criminal conviction or mental incapacity under state law; or (C) through list maintenance based on change of residency or death. 52 U.S.C. § 20507(a)(3), (a)(4), (c)(1). None of those reasons apply here. Another provision of the NVRA prohibits a state from conducting "any program" to "systematically remove the names of ineligible voters from the official lists of eligible voters" within 90 days of a federal election. *Id.* § 20507(c)(2).[17]

[17] It cannot reasonably be contended that removing voters under such a program from the list of voters eligible to cast a ballot in an election would be permissible if done immediately after an election and that removal is retroactive to the election. The result is the same—the voter has been removed from the "official list of eligible voters" in *that election* in a manner that occurred too late under federal law. 52 U.S.C. § 20507(a). The Protesters sought to draw a distinction at oral argument between a voter being on the list of eligible voters in an election and that voter having their ballot removed from the count in that election yet remaining on the list of eligible voters. To describe that attempted distinction is to prove its lack of logic. It would completely undermine the purpose of having a list of voters who are eligible to vote in an election if a voter is on that list yet the government removes their ballot. *See Majority Forward v. Ben Hill Cty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1368 (M.D. Ga. 2021) (rejecting this same argument as

A separate federal law, HAVA, requires that any maintenance of the voter lists by a state be "conducted in a manner that ensures that—(i) the name of each registered voter appears in the computerized list; [and] (ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list." 52 U.S.C. § 21083(a)(2)(B). Like the reasons set forth in the NVRA, those reasons for removal do not apply here either, by Protesters own admission.

Our state law directs that we maintain the voter rolls in compliance with the NVRA, N.C.G.S. § 163-82.14(a1), and this provision of HAVA, *id.* § 163-82.11(c). In other words, North Carolina has what is called a "unified" registration system, meaning that we have the same rules for registration for voters in state and federal elections, and there is one eligible voter list for both types of elections. *Republican Nat'l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390 (4th Cir. 2024).

Retroactively removing these voters from the list of voters eligible to cast a ballot in the election would violate all of these federal law provisions. Accordingly, this protest does not allege a violation, irregularity, or misconduct that is legally actionable via a post-election protest.

d. The protests contravene the intent of North Carolina law.

This category of protests is also unlawful under state law because it would undermine the clear intent of the legislature with regard to how a voter may have their eligibility to vote challenged in an election.

The General Statutes provide that the only basis to discount a registered voter's ballot is to properly allege and prove that such a voter lacks the substantive qualifications to vote in the

drawing "a distinction without a difference" because "[t]he effect of not appearing on the list of electors is the same as not being eligible to vote").

election, the voter has already voted or is being impersonated, or the voter failed to follow the photo ID law. *See* N.C.G.S. ch. 163, art. 8 (governing voter challenges). The voter challenge statutes of Chapter 163 provide that the only valid bases to challenge the right of someone's ballot to count in a general election are:

- the voter is not a resident of voting jurisdiction,
- the voter is not 18 years of age (or will not be by Election Day),
- the voter is serving a felony sentence,
- the voter is dead,
- the voter is not a citizen of the United States,
- the voter is not who he or she represents himself or herself to be,
- the voter already voted,
- the voter does not present photo identification in accordance with N.C.G.S. § 163-166.16.

N.C.G.S. §§ 163-85(c), -87, -89(c). The Protesters allege none of these disqualifications among the voters they challenge.

For the State Board to permit an election protest to seek to disqualify voters' ballots on bases that are not permitted by the voter challenge statutes would violate the clear intent of state law. The General Assembly has specifically provided the specific substantive grounds for challenging the eligibility of voters in an election. Allowing an election protest to expand on those grounds would work an end-run around that law. *DTH Media Corp. v. Folt*, 374 N.C. 292, 300, 841 S.E.2d 251, 257 (2020) ("When multiple statutes address a single matter or subject, they must be construed together, *in pari materia*, to determine the legislature's intent."); *Cooper v. Berger*, 371 N.C. 799, 810, 822 S.E.2d 286, 296 (2018) ("Under the doctrine of *expressio*

unius est exclusio alterius, when a statute lists the situations to which it applies, it implies the exclusion of situations not contained in the list. . . . In other words, sometimes a provision is written (or a set of provisions are written) in such a way that a reasonable negative inference can and should be drawn.").

For all these reasons, the State Board concluded, by a vote of 3 to 2, that this category of protests does not establish probable cause to believe a violation of law, irregularity, or misconduct occurred in the conduct of the general election. N.C.G.S. § 163-182.10(a)(1).

C. U.S. Citizens Whose Parents Were North Carolina Residents but Who Have Never Resided in the United States

Next, the Board concludes that the protests regarding overseas-citizen voters who have never resided in the United States but whose parents resided in North Carolina before moving abroad fails to allege a violation, irregularity, or misconduct in the conduct of the election.

With regard to this category of protests, the Protesters are asking the State Board of Elections, an administrative agency, to ignore a statute of the General Assembly under the theory that the State Board should deem that statute unconstitutional. This, the Board cannot do.

In June 2011, the North Carolina General Assembly, while under the control of the Protesters' political party, unanimously adopted Session Law 2011-182, entitled "An Act to Adopt Provisions of the Uniform Military and Overseas Voters Act Promulgated by the National Conference of Commissioners on Uniform State Law, While Retaining Existing North Carolina Law More Beneficial to Those Voters."[18] The act referenced in the title of the session law is a federal law that extends certain absentee voting privileges to military members and their families

[18] https://www.ncleg.gov/Sessions/2011/Bills/House/PDF/H514v0.pdf.

and overseas citizens that are not available to civilians living in the United States. *See* 52 U.S.C. §§ 20301 – 20311.

Session Law 2011-182 specifically authorized U.S. citizens who have never lived in the United States to vote in North Carolina elections if they have a familial connection to this state. The session law enacted Article 21A of Chapter 163 of the General Statutes, or the Uniform Military and Overseas Voters Act. That Act allows "covered voters" to use unique procedures to register to vote, request an absentee ballot, and submit an absentee ballot, which are not available to civilian voters in the United States who may only vote absentee using procedures in Article 20 of Chapter 163. *See* N.C.G.S. §§ 163-258.6 through -258.15. Particularly relevant here, the Act defines "covered voters" to include the following:

> An overseas voter who was born outside the United States, is not described in sub-subdivision c. or d. of this subdivision, and, except for a State residency requirement, otherwise satisfies this State's voter eligibility requirements, if:
>
> 1. The last place where a parent or legal guardian of the voter was, or under this Article would have been, eligible to vote before leaving the United States is within this State; and
>
> 2. The voter has not previously registered to vote in any other state.

Id. § 163-258.2(1)e.

The Act further reiterates the special procedures afforded such voters when it deems, for the purpose of voter registration, that the residence assigned to such voters shall be "the address of the last place of residence in this State of the parent or legal guardian of the voter. If that address is no longer a recognized residential address, the voter shall be assigned an address for voting purposes." *Id.* § 163-258.5. Such voters are authorized to use special forms, developed by

the United States Government for military and overseas-citizen voters, to register to vote and request an absentee ballot. *Id.* §§ 163-258.6, -258.7.

The Act is very clear that such voters are entitled to cast an absentee ballot under these procedures: "An application from a covered voter for a military-overseas ballot shall be considered a valid absentee ballot request for any election covered under G.S. 163-258.3 held during the calendar year in which the application was received." *Id.* § 163-258.8. The Act is also clear that a validly returned absentee ballot from such voters must be counted: "A valid military-overseas ballot cast in accordance with G.S. 163-258.10 shall be counted if it is delivered to the address that the appropriate State or local election office has specified by the end of business on the business day before the canvass conducted by the county board of elections held pursuant to G.S. 163-182.5 to determine the final official results." *Id.* § 163-258.12(a).

The foregoing statutes have been the law of North Carolina for thirteen years and have been faithfully implemented in 43 elections in this state since that time.[19]

In spite of the clear instructions from the General Assembly in the Act, the Protesters ask the State Board to invalidate the ballots of a specific category of "covered voters," thereby contravening the governing statutes. The State Board of Elections will not do this.

As an administrative agency, the State Board is bound to follow the law that governs it. The Protesters suggest that this law need not be followed because, in their view, it violates the North Carolina Constitution. The State Board does not have the authority to declare an act of the General Assembly to be unconstitutional and thereby ignore it. *In re Redmond*, 369 N.C. 490, 493, 797 S.E.2d 275, 277 (2017) ("[I]t is a well-settled rule that a statute's constitutionality shall

[19] See er.ncsbe.gov, showing in the "Election" dropdown menu each election that has occurred since the effective date of the Act, January 1, 2012.

be determined by the judiciary, not an administrative board." (internal quotations omitted)). Absent a judicial decision declaring the aforementioned laws unconstitutional, they are presumed to be valid and in compliance with the constitutional. *Hart v. State*, 368 N.C. 122, 126, 774 S.E.2d 281, 284 (2015).

Additionally, for the reasons discussed above regarding the identification number protests, even if it were later determined that these statutes are unconstitutional, it would violate the federal constitution's guarantee of substantive due process to apply such a newly announced rule of law to remove voters' ballots after an election, when those voters participated in the election in reliance on the established law at the time of the election to properly cast their ballots.

The State Board therefore concludes, by a vote of 3 to 2, that this category of protests does not allege a violation of law, irregularity, or misconduct in the conduct of the general election. N.C.G.S. § 163-182.10(a)(1).

D. Military and Overseas Citizen Absentee Voters Who Did Not Send Photo ID

Finally, the Board concludes that the protests regarding military and overseas-citizen voters who did not include a photocopy of photo identification or an ID Exception Form with their absentee ballots fails to allege a violation, irregularity, or misconduct in the conduct of the general election.

As with the prior category of protests, the body of law that applies to the voters challenged in this category of protests is Article 21A of Chapter 163 of the General Statutes. That article comprehensively addresses the requirements for voting by absentee ballot for "covered persons." By contrast, the provisions of Article 20 comprehensively address the requirements for civilian absentee voting. The requirements of one article do not apply to the class of individuals subject to the other article, unless otherwise stated in statute.

To request a ballot under Article 21A, a covered voter must apply for an absentee ballot, which typically involves the submission of a standard federal form, a federal postcard application (FPCA) or a federal write-in absentee ballot (FWAB).[20] N.C.G.S. § 163-258.7. The State Board also makes the FPCA available through a secure online portal that covered voters may use to request and submit their absentee ballots. *Id.* §§ 163-258.4(c), -258.7(c), -258.9(b), -258.10. To confirm the voter's identity, the standard federal forms require the voter to provide their name, birthdate, and their driver's license number or social security number. The voter must also attest under penalty of perjury that the information on the forms "is true, accurate, and complete to the best of my knowledge." Additionally, Article 21A requires covered voters to complete a declaration where they "swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot." *Id.* § 163-258.4(e); *see id.* § 163-258.13.

These are the sole provisions applying to the authentication of a covered voter who uses the provisions of Article 21A to vote by absentee ballot. Nowhere in Article 21A is there any reference to a covered voter supplying a photocopy of a photo ID with their absentee ballot. To remove any doubt about whether a separate authentication is required, a provision in Article 21A spells this out plainly: "An authentication, other than the declaration specified in G.S. 163-258.13 or the declaration on the federal postcard application and federal write-in absentee ballot, *is not required for execution of a document under this Article*. The declaration and any

[20] These forms are available at https://www.fvap.gov/eo/overview/materials/forms and are provided by the Federal Voting Assistance Program, which is an agency of the United States Department of Defense.

information in the declaration may be compared against information on file to ascertain the validity of the document." *Id.* § 163-258.17(a) (emphasis added).

The requirement to provide a photocopy of photo ID with an absentee ballot appears in Article 20 of Chapter 163, which governs civilian absentee voters residing in the United States. The relevant statute reads, "Each container-return envelope returned to the county board with application and voted ballots *under this section* shall be accompanied by a photocopy of identification described in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3)." *Id.* § 163-230.1(f1) (emphasis added). When the statute refers to "this section," it is referring to N.C.G.S. § 163-230.1, which is a statute that provides requirements for requesting and completing absentee ballots for civilian voters under Article 20. Recall that the requirements for covered voters to request and complete absentee ballots appear in a completely different article of Chapter 163, at sections 163-258.7 and 163-258.12 of Article 21A. In addition to requiring photo ID from civilian absentee voters, Article 20 also requires two witnesses or a notary to authenticate a civilian absentee voter. *Id.* § 163-231. Article 20 also requires a civilian absentee voter, when they request an absentee ballot, to complete a request form created by the State Board (not the federal government) that includes their personal information, their birth date, and either an NCDMV identification number or the last four digits of the voter's social security number. *Id.* § 163-230.2(a).

Additionally, the methods and deadlines for submitting absentee ballot requests and absentee ballots for civilian voters are completely distinct from such provisions for military and overseas-citizen voters. *Compare id.* §§ 163-230.2, -230.3, -231 (civilian), *with id.* §§ 163-258.7, -258.8, -258.10, -258.12 (military and overseas).

As the foregoing shows, by setting forth two distinct sets of comprehensive regulations for requesting and casting absentee ballots for two distinct classes of voters, and separating those comprehensive regulations in different statutory articles, the General Assembly clearly did not intend for the State Board to pick and choose laws from one article and apply those laws to persons subject to the other article, as the Protesters would have the State Board do.

To be sure, "covered voters" subject to Article 21A are expressly authorized to decline to use the absentee voting procedures of that article, and may choose instead to vote using the procedures applicable to civilian voters in Article 20. A covered voter "may apply for a military-overseas ballot using either the regular application provided by Article 20 of this Chapter or the federal postcard application." *Id.* § 163-258.7(a). This just reiterates the distinction between the two application methods. If a covered voter chooses to submit an "application provided by Article 20," that application is required to be "accompanied by" a photocopy of a photo ID. *Id.* § 163-230.1(f1). But the federal postcard application has no such requirement. Similarly, Article 21A "does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter." *Id.* § 163-258.7(f). This express authorization to vote by either method further proves that the legislature intended these methods of voting to be governed by different bodies of law.

The crux of Protesters' argument that the provisions of Article 20 apply to voters using the provisions of Article 21A is language from a section of Article 20, section 163-239. That section is entitled, "Article 21A relating to absentee voting by military and overseas voters *not applicable*." (Emphasis added.) It states, "[e]xcept as otherwise provided therein, Article 21A of this Chapter shall not apply to or modify the provisions of this Article." *Id.* § 163-239. This language, and especially the title of the statute, prove the point that the legislature intended to establish two distinct absentee voting schemes for these distinct classes of voters. This provision

merely highlights that the special provisions applicable to military and overseas-citizen voters "shall not apply to or modify" the provisions of Article 20, which apply to all other voters. The clear intent is to remove any doubt that only voters subject to Article 21A may use the procedures in Article 21A to vote by absentee ballot.

Even if the State Board were to adopt the Protesters' reading of this statute and assume that Article 20 applied to covered voters, it would still do so "[e]xcept as otherwise provided [in Article 21A]." *Id.* And, as explained, when it comes to voter identification requirements, Article 21A provides otherwise. It states that "the voter's identity" is affirmed by a specific declaration applicable only to covered voters. *Id.* § 163-258.4(e). And it confirms that "[a]n authentication, other than the declaration specified in G.S. 163-258.13 or the declaration on the federal postcard application and federal write-in absentee ballot, *is not required for execution of a document under this Article*." *Id.* § 163-258.17(a) (emphasis added). Accordingly, the statute the Protesters rely on for their argument actually undermines their reading of the law.

In recognition of the fact that Article 21A includes no requirement for covered voters to include a photocopy of their photo ID, the State Board has promulgated an administrative rule through permanent rulemaking that makes it clear that the county boards of elections may not impose the photo ID requirement on such voters. In a Rule entitled "Exception for Military and Overseas Voters," the Code provides that "A voter who is casting a ballot pursuant to G.S. 163, Article 21A, Part 1 is not required to submit a photocopy of acceptable photo identification under Paragraph (a) of this Rule or claim an exception under G.S. 163-166.16(d)." 08 NCAC 17

.0109(d). This Rule has been in effect, first as a temporary rule that became effective on August 1, 2023, and now as a permanent rule that became effective April 1, 2024.[21]

During the rulemaking process, none of the Protesters submitted comments on this Rule objecting to it. Nor did they seek to use administrative or judicial procedures to challenge the validity of this Rule prior to the election. The North Carolina Republican Party, which is participating in the prosecution of these protests, submitted thorough comments on this Rule but notably did *not* object to this aspect of the Rule, or seek to invalidate that aspect of the Rule using administrative or judicial procedures.[22] The Rule was approved unanimously by the Rules Review Commission,[23] an agency appointed by the leadership of the General Assembly that is required to object to rules proposed by an administrative agency if those rules exceed the authority of the agency to adopt them. G.S. § 150B-21.9(a)(1). This Rule is therefore directly applicable and enforceable.

Even if there was no such rule, it is questionable whether the State Board could have imposed a photo ID requirement on voters covered under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

Federal law, specifically 52 U.S.C. §§ 20301 – 20311, as implemented through Article 21A of Chapter 163, governs the process for a covered voter to request and submit a ballot. Specifically, under 52 U.S.C. § 20302(a)(3) and (4), a state is required to permit such voters to

[21] This particular language in the rule was also in its original codification as a temporary rule that became effective on August 23, 2019, after the photo ID law was originally enacted.

[22] Available starting on pg. 38 at the following location: https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-02-15/Photo%20ID%20Rules/Photo%20ID%20comments%20submitted%20by%20email.pdf.

[23] See meeting minutes: https://www.oah.nc.gov/minutes-march-meeting-2024-signedpdf/open.

use the federal write-in absentee ballot (FWAB) to vote in general elections for federal office and use the federal postcard application (FPCA) as both a registration application and absentee ballot application. These federally prescribed forms and their instructions, like Article 21A of our general statutes, do not include a requirement for covered voters to include a photocopy of photo identification. In fact, a review of the Federal Voting Assistance Program's (FVAP) comprehensive 2024-2025 Voting Assistance Guide reveals no instruction from any state to its UOCAVA voters stating that they must comply with a photo ID requirement when requesting or voting their ballot.[24] FVAP is an agency of the U.S. Department of Defense that is tasked with administering the federal responsibilities of UOCAVA, *see* 52 U.S.C. § 20301, and the Guide provides UOCAVA voters with instructions on how to register to vote, request a ballot, and transmit their ballot back to their local election office, including the use of an FWAB. There are only two instances where "photo ID" is even mentioned, neither of which apply a photo ID requirement for the submission and counting of a UOCAVA voter's ballot.[25]

Under the Supremacy Clause of the federal Constitution, and even under our state constitution, an effort to place additional, state-level requirements on UOCAVA voters casting a ballot by methods ultimately provided and governed by federal law would be of questionable validity. U.S. Const. art. VI, cl. 2; *see* N.C. Const. art. I, § 5 ("Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or

[24] The Guide is available at: https://www.fvap.gov/uploads/FVAP/States/eVAG.pdf.

[25] Indiana permits a voter to provide a copy of their photo ID rather than write their ID number or Social Security Number on their ballot request form, and only if doing so must that ID meet the state's photo ID law. Wisconsin informs "temporary overseas voters" that they must include a copy of a photo ID with their ballot because that state does not consider them to be an overseas voter.

ordinance of the State in contravention or subversion thereof can have any binding force."). Notably, FVAP has taken that view in the past, informing a state that applying a photo ID requirement to a UOCAVA voter using an FPCA "may likely be in conflict with federal statute."[26]

In sum, as this Board has determined through rulemaking, military and overseas-citizen voters are not subject to the requirement to provide a photocopy of their photo ID with their absentee ballot when voting under the provisions of Article 21A. This has been the clear, established law in North Carolina ever since the photo ID law was given effect in April 2023, through six separate elections. In accordance with this established law, no voters using the Article 21A processes were ever informed that they were required to provide photo ID with their absentee ballots.

For these reasons, as with the prior two categories of protests, even if it were later determined that the state photo ID requirement actually applies to these voters, it would violate the federal constitution's guarantee of substantive due process to apply such a newly announced rule of law to remove voters' ballots after an election, when those voters participated in the election in reliance on the established law at the time of the election to properly cast their ballots.

For these reasons, the State Board concludes, by a 5 to 0 vote, that this category of protests fails to allege a violation, irregularity, or misconduct in the conduct of the general election.

[26] FVAP's letter communicating this position is available at: https://www.fvap.gov/uploads/FVAP/EO/VaSEOLtrSB872_20170206_FINAL.pdf.

IV. CONCLUSION

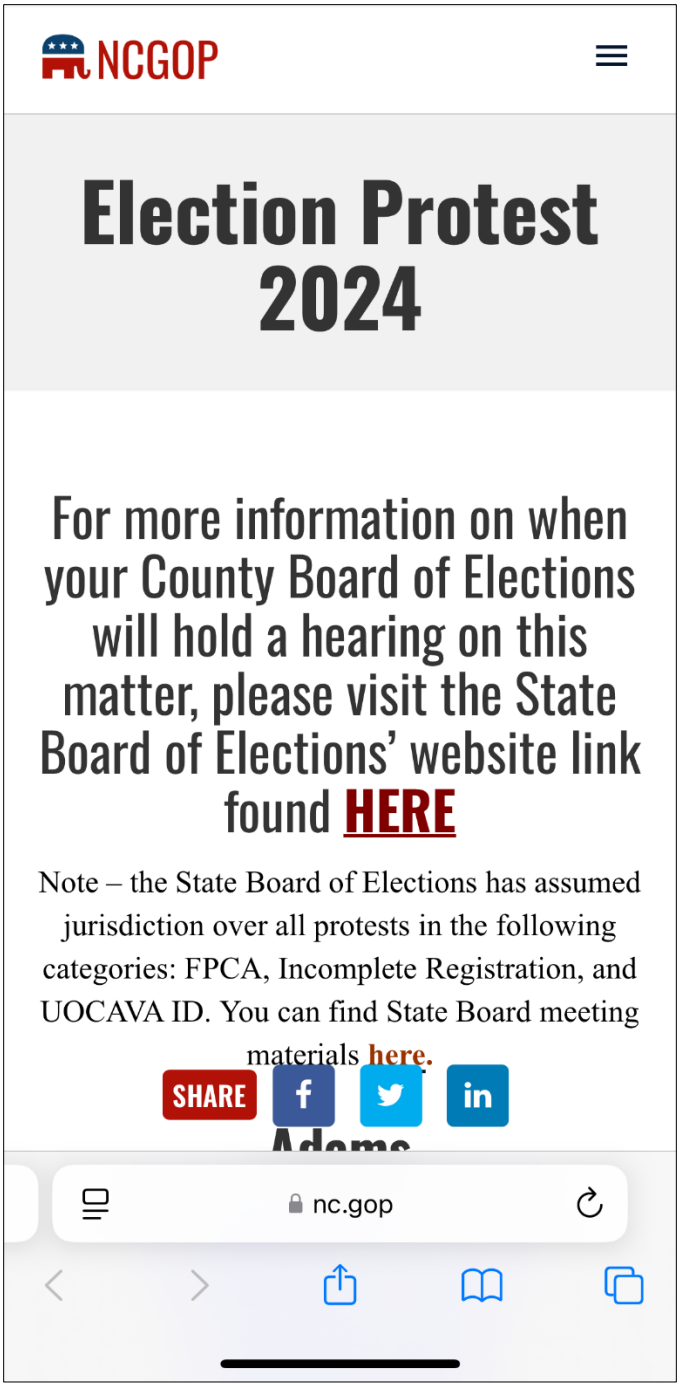
When a person challenges the results of an election by alleging that certain voters cast ineligible ballots, our law requires that person to provide adequate notice to these voters. That was not done here. These protests therefore fail to substantially comply with the requirements to initiate a protest under N.C.G.S. § 163-182.9. Even if the voters challenged in these protests had received adequate notice, the grounds for these protests are legally invalid for the reasons outlined in this decision.

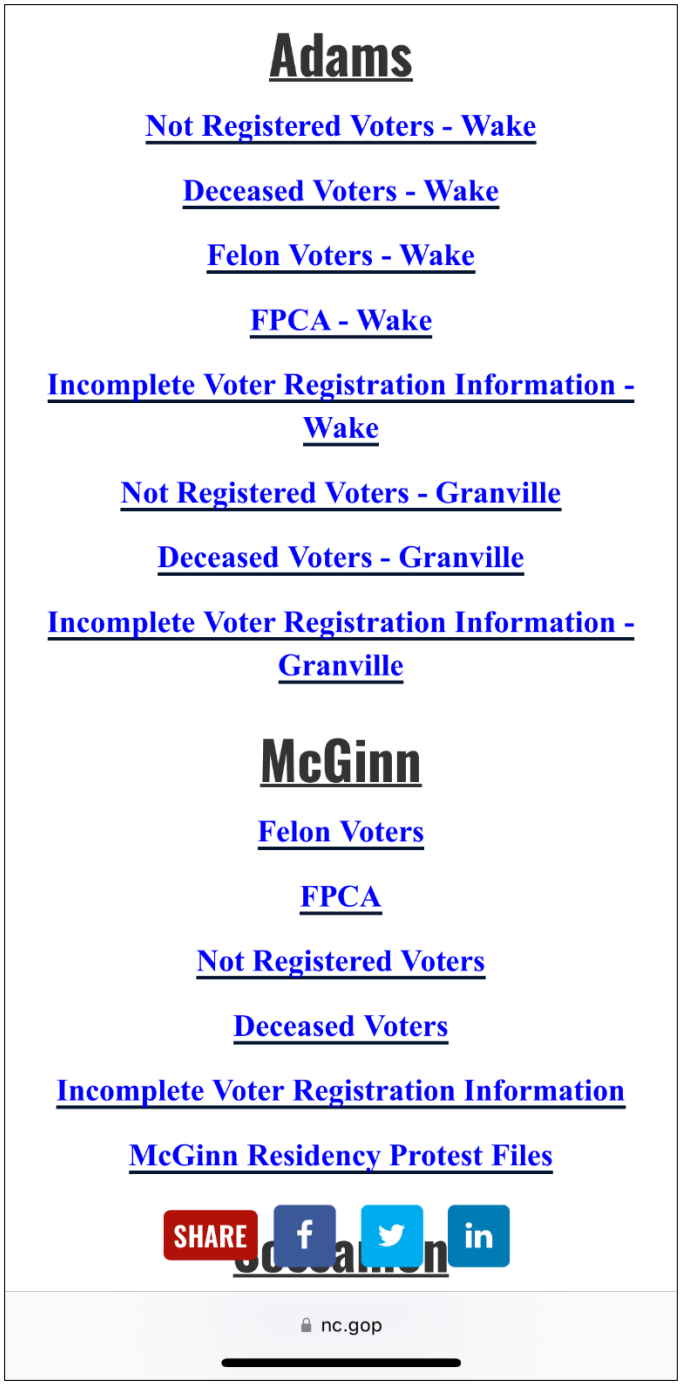
The protests are DISMISSED.

This 13th day of December, 2024.

Alan Hirsch, Chair
STATE BOARD OF ELECTIONS

ATTACHMENT A





Sossamon

Sossamon Prostest 2

Sossamon Protest 3

Sossamon Protest 4

Sossamon Protest 5

Sossamon Protest 6

Griffin Protest

Alamance

FPCA

Deceased Voters

Amendment and Supplementation FPCA

Never Resident

Alexander

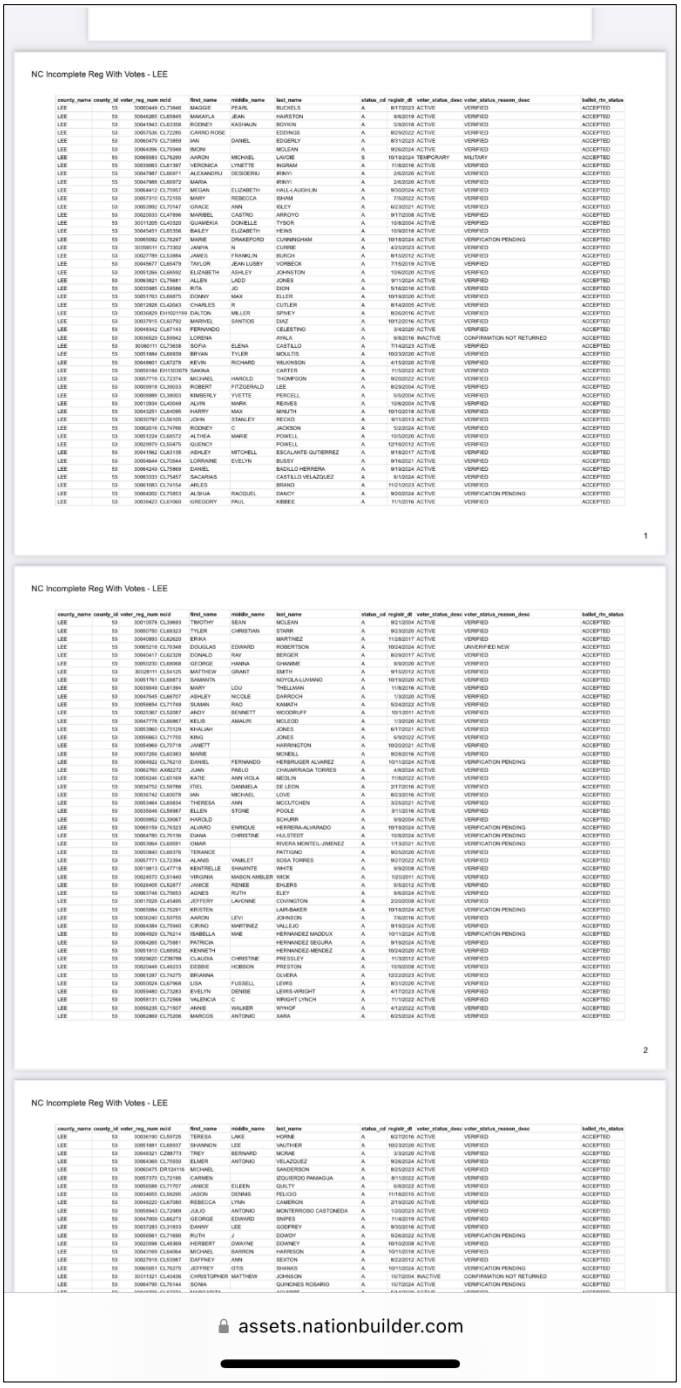
Incomplete Reg Protest

Alleghany

FPCA

SHARE

nc.gop



CERTIFICATE OF SERVICE

I, Paul Cox, General Counsel for the State Board of Elections, today caused the forgoing document to be served on the following individuals via FedEx and email:

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This 13th day of December, 2024.

/s/ Paul Cox

EXHIBIT

E

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV040620-910

Jefferson Griffin, Petitioner	)	
vs.	)	
North Carolina State Board of Elections, Respondent	)	ORDER
and	)	
Allison Riggs, Intervenor-Respondent	)	

THIS CAUSE WAS HEARD by the undersigned at the February 7, 2025 term of Wake County Superior Court upon Petitioner's petition for judicial review of a final decision by the North Carolina State Board of Elections dismissing one category of protest of the 2024 general election for Seat 6 of the North Carolina Supreme Court (the "Incomplete Voter Registrations" category). The Court has carefully considered *de novo* the entire record, the written and oral arguments of counsel, the written arguments of *amici curiae*, and the proffered and other relevant authority. The Court concludes as a matter of law that the Board's decision was not in violation of constitutional provisions, was not in excess of statutory authority or jurisdiction of the agency, was made upon lawful procedure, and was not affected by other error of law.

NOW THEREFORE, based upon the foregoing, the Court concludes that the decision of the North Carolina State Board of Elections should be, and hereby is, affirmed.

IT IS SO ORDERED this the 7th day of February, 2025. 2/7/2025 4:30:21 PM

William R. Pittman
Superior Court Judge

EXHIBIT

F

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1018

JEFFERSON GRIFFIN,

Plaintiff - Appellee,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendant - Appellant.

NORTH CAROLINA DEMOCRATIC PARTY; BIPARTISAN FORMER MEMBERS OF CONGRESS; NORTH CAROLINA VOTERS; LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA; HONEST ELECTIONS PROJECT,

Amici Supporting Appellant.

RESTORING INTEGRITY AND TRUST IN ELECTIONS,

Amicus Supporting Appellee.

No. 25-1019

JEFFERSON GRIFFIN,

Plaintiff - Appellee,

v.

NORTH CAROLINA ALLIANCE FOR RETIRED AMERICANS; VOTEVETS ACTION FUND; TANYA WEBSTER-DURHAM; SARAH SMITH; JUANITA ANDERSON,

Intervenors – Appellants.

NORTH CAROLINA DEMOCRATIC PARTY; BIPARTISAN FORMER MEMBERS OF CONGRESS; NORTH CAROLINA VOTERS; LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA; HONEST ELECTIONS PROJECT,

Amici Supporting Appellant.

RESTORING INTEGRITY AND TRUST IN ELECTIONS,

Amicus Supporting Appellee.

No. 25-1020

JUDGE JEFFERSON GRIFFIN,

Plaintiff - Appellee,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendant - Appellant,

ALLISON JEAN RIGGS; NORTH CAROLINA ALLIANCE FOR RETIRED AMERICANS; VOTEVETS ACTION FUND; TANYA WEBSTER-DURHAM; SARAH SMITH; JUANITA ANDERSON,

Intervenors.

No. 25-1024

JEFFERSON GRIFFIN,

Plaintiff - Appellee,

v.

ALLISON RIGGS,

Intervenor - Appellant.

Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. Richard E. Myers, II, Chief District Judge. (5:24-cv-00724-M-RN; 5:24-cv-00731-M-RJ)

Argued: January 27, 2025 Decided: February 4, 2025

Before NIEMEYER, QUATTLEBAUM, and HEYTENS, Circuit Judges.

Affirmed in part, modified in part, and remanded with instructions by unpublished per curiam opinion.

ARGUED: Nicholas Scott Brod, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina; Samuel B. Hartzell, WOMBLE BOND DICKINSON (US) LLP, Raleigh, North Carolina; Christopher D. Dodge, ELIAS LAW GROUP LLP, Washington, D.C., for Appellants. William Thomas Thompson, LEHOTSKY KELLER COHN LLP, Austin, Texas, for Appellee. **ON BRIEF:** Raymond M. Bennett, WOMBLE BOND DICKINSON (US) LLP, Raleigh, North Carolina, for Appellant Allison Riggs. Ryan Y. Park, Solicitor General, James W. Doggett, Deputy Solicitor General, Sripriya Narasimhan, Deputy General Counsel, Trey A. Ellis, Solicitor General Fellow, Mary Carla Babb, Special Deputy Attorney General, Terence Steed, Special Deputy Attorney General, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellant North Carolina State Board of Elections. Narendra K. Ghosh, PATTERSON HARKAVY LLP, Chapel Hill, North Carolina; Lalitha D. Madduri, Tina Meng Morrison,

Julie Zuckerbrod, James J. Pinchak, ELIAS LAW GROUP LLP, Washington, D.C., for Appellants North Carolina Alliance for Retired Americas, VoteVets Action Fund, Tanya Webster-Durham, Sarah Smith, and Juanita Anderson. Mark M. Rothrock, Raleigh, North Carolina, Kyle D. Hawkins, LEHOTSKY KELLER COHN LLP, Austin, Texas, for Appellee. Shana L. Fulton, William A. Robertson, James W. Whalen, BROOKS, PIERCE, MCLENDON HUMPHREY & LEONARD, LLP, Raleigh, North Carolina; Seth P. Waxman, Daniel S. Volchok, Christopher E. Babbitt, Jane E. Kessner, Ann E. Himes, Nitisha Baronia, WILMER CUTLER PICKERING HALE AND DORR LLP, Washington, D.C., for Amicus North Carolina Democratic Party. Norman Eisen, Tianna Mays, Jon Greenbaum, Spencer Klein, STATE DEMOCRACY DEFENDERS FUND, Washington, D.C.; William C. McKinney, HAYNSWORTH SINKLER BOYD, P.A., Raleigh, North Carolina. Jessica A. Marsden, Anne Harden Tindall, Chapel Hill, North Carolina, Hayden Johnson, PROTECT DEMOCRACY PROJECT, Washington, D.C.; Stacey Leyton, Danielle Leonard, ALTSHULER BERZON LLP, San Francisco, California, for Amici North Carolina Voters and The League of Women Voters.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

These appeals involve the November 2024 general election for Seat 6 of the Supreme Court of North Carolina. The candidates in that election are Jefferson Griffin, a current judge on the North Carolina Court of Appeals, and Allison Riggs, the incumbent for Seat 6.

Griffin brought a number of challenges to the ballots cast in the election. The North Carolina State Board of Elections held a hearing on three of Griffin's challenges: (1) ballots cast by people who were not legally registered to vote because of incomplete voter registrations in violation of N.C. Gen. Stat. § 163-82.4; (2) votes cast by overseas citizens who were not North Carolina residents and did not live in the United States in violation of N.C. Gen. Stat. §§ 163-230.1, 163-231, and 163-166.16; and (3) the Board's acceptance of ballots by military and overseas citizen voters who failed to provide photo identification with their absentee ballots in violation of N.C. Gen. Stat. § 163-239. After considering these challenges, the Board dismissed Griffin's election protests on procedural grounds and on the merits. Part of the Board's denial was its determination that granting Griffin relief would violate certain federal statutes.[1]

Griffin then petitioned for a writ of prohibition in the Supreme Court of North Carolina (*"Griffin I"*). In that proceeding, he sought an order prohibiting the Board from counting the votes he challenged. Griffin also sought a stay of the Board's certification of the election results for Seat 6 pending the resolution of his election challenges. Finally, in

[1] The Board initially dismissed a subset of the total challenges but dismissed the remainder of the protests in a later order.

addition to the petition filed in the Supreme Court of North Carolina, Griffin petitioned for review of the Board's dismissal of his challenges in the Superior Court of Wake County, North Carolina ("*Griffin II*").

The Board removed both cases—*Griffin I* and *Griffin II*—to the United States District Court for the Eastern District of North Carolina under 28 U.S.C. §§ 1331, 1441(a), 1443(2) and 1367(a). In *Griffin I*, Griffin moved for a preliminary injunction prohibiting the Board from certifying the election results for Seat 6. The district court ordered the Board to respond to Griffin's motion for preliminary injunction and to show cause as to why the "matter should not be remanded to the North Carolina Supreme Court for lack of subject-matter jurisdiction." J.A. 9. The district court also ordered the parties that had intervened—Riggs as well as the North Carolina Alliance for Retired Americans, VoteVets Action Fund, Tanya Webster-Durham, Sarah Smith and Juanita Anderson—to respond to the motion for preliminary injunction. After that, Griffin moved for the district court to remand *Griffin I* back to the state supreme court, claiming first that the Board's removal of the case was not proper under §§ 1441 or 1443(2) and, alternatively, that the district court should abstain under *Railroad Commission of Texas v. Pullman Company*, 312 U.S. 496 (1941).

In considering Griffin's motion for preliminary injunction, the district court held that the Board's removal under § 1443(2), the civil rights removal statute, was proper. Nevertheless, the court decided to abstain from hearing the removed case under *Burford v. Sun Oil Company*, 319 U.S. 315 (1943). As a result, it remanded the matter to the Supreme Court of North Carolina. That same day, the district court sua sponte remanded *Griffin II*

back to the Superior Court of Wake County under the same reasoning as its remand of *Griffin I*.[2]

That same day, the Board appealed the district court's order remanding *Griffin I* to the Supreme Court of North Carolina. We assigned that appeal Case No. 25-1018. The next day, the intervenors appealed. We assigned the appeal of the North Carolina Alliance for Retired Americans, VoteVets Action Fund, Tanya Webster-Durham, Sarah Smith and Juanita Anderson Case No. 25-1019. We assigned Riggs' appeal Case No. 25-1024. Finally, the Board appealed the district court's order remanding *Griffin II* to the Superior Court of Wake County. We assigned that appeal Case No. 25-1020.

Meanwhile, the Supreme Court of North Carolina, having received *Griffin I* back from the district court by remand, granted Griffin's motion for a temporary stay of the certification of the election results and set an expedited briefing schedule concerning the writ of prohibition.

We consolidated Case Nos. 25-1018 (L), 25-1019 and 25-1024, all of which challenged the district court's order finding removal proper under § 1443(2) and remanding to the Supreme Court of North Carolina under *Burford* abstention. After appealing, the Board moved for a stay asking us to order the district court to retrieve the action from the Supreme Court of North Carolina. With respect to these consolidated cases removed from

[2] For the same reason the district court remanded another related case, *Kivett v. North Carolina State Board of Elections*, No. 5:25-cv-00003-M-BM, to the Superior Court of Wake County. The Board appealed that decision to the Fourth Circuit and that appeal remains pending, Case No. 25-1021.

the Supreme Court of North Carolina, we granted Riggs' motion to expedite briefing, scheduled oral argument for January 27, 2025, and deferred action on the pending motion to stay.

Days before oral argument, Griffin notified us that the Supreme Court of North Carolina had dismissed the writ of prohibition proceeding, permitting Griffin's challenges to the Board's denial of his election protests to proceed in the Superior Court of Wake County. The Supreme Court of North Carolina also ordered that the temporary stay it previously issued should apply to the Wake County Superior Court proceedings until that court ruled on Griffin's election challenges.

After we held oral argument in Case No. 25-1018 (L),[3] we granted Riggs' motion to intervene in Case No. 25-1020. We also ordered expedited briefing in that case, allowing any parties to file briefing with respect to any distinction between the two sets of appeals, No. 24-1018 (L) on the one hand and No. 25-1020 on the other.

Now, having reviewed the record and considered the positions advanced in the parties' briefs and at oral argument, we issue the following orders:

As to Case No. 24-1018 (L), the Supreme Court of North Carolina's dismissal of Griffin's petition for a writ of prohibition renders moot the appeals of the district court's order abstaining from exercising jurisdiction and remanding the case. "If an event occurs during the pendency of an appeal that makes it impossible for a court to grant effective relief to a prevailing party, then the appeal must be dismissed as moot." *Int'l Bhd. of*

[3] Our reference to Case No. 25-1018 (L) includes Case Nos. 25-1019 and 25-1024.

Teamsters, Loc. Union No. 639 v. Airgas, Inc., 885 F.3d 230, 235 (4th Cir. 2018). Here, the Board asked us to reverse the district court and direct it to retrieve the case from the Supreme Court of North Carolina. Because the Supreme Court of North Carolina has dismissed the case the Board asks us to retrieve, we cannot grant the relief the Board requests. Accordingly, those appeals are dismissed as moot. And all remaining motions pending in those consolidated cases are denied as moot.

As to No. 25-1020, we affirm the district court in part and modify in part. We affirm the district court's order insofar as it found the Board had properly removed the case under § 1443(2). As the district court explained, the Board claimed that granting Griffin the relief he sought might violate federal civil rights law, including the Help America Vote Act, 52 U.S.C. § 20901, *et seq*.; the National Voter Registration Act, 52 U.S.C. § 20501, *et seq*.; the Voting Rights Act, codified in relevant part at 52 U.S.C. § 10307; the Civil Rights Act, codified in relevant part at 52 U.S.C. § 10101, the Uniformed and Overseas Citizens Absentee Voting Act, codified in relevant part at 52 U.S.C. § 20302; and the Fourteenth Amendment to the United States Constitution. Following *Republican National Committee v. North Carolina State Board of Elections*, 120 F.4th 390, 408 (4th Cir. 2024), we see no error in the district court's decision.

Regarding the district court's order abstaining from exercising federal jurisdiction and remanding to Wake County Superior Court, we affirm but modify.[4] While the district

[4] "Where a district court has remanded a lawsuit to state court based on abstention principles, the remand is considered a final order appealable under 28 U.S.C. § 1291." *Bryan v. BellSouth Commc'ns, Inc.*, 377 F.3d 424, 428 (4th Cir. 2004) (citing *Quackenbush*

court abstained under *Burford*, in our view, *Pullman* abstention is a more appropriate theory for abstaining from federal jurisdiction. *Pullman* abstention may be applied when "there is (1) an unclear issue of state law presented for decision (2) the resolution of which may moot or present in a different posture the federal constitutional issue such that the state law issue is potentially dispositive." *Wise v. Circosta*, 978 F.3d 93, 101 (4th Cir. 2020) (en banc) (quoting *Educ. Servs., Inc. v. Md. State Bd. for Higher Educ.*, 710 F.2d 170, 174 (4th Cir. 1983) (internal quotation marks omitted)). In other words, federal courts have discretion to refrain from resolving a case pending in federal court that involves state law claims and potential federal constitutional issues if the resolution of those unsettled questions of state law could obviate the need to address the federal issues. However, under *Pullman* abstention, the federal court retains jurisdiction of the federal constitutional claims while the state court issues are addressed in state court. *Meredith v. Talbot Cnty.,* 828 F.2d 228, 232 (4th Cir. 1987) ("The usual rule is to retain jurisdiction in *Pullman* situations, but to dismiss in *Burford* situations.").

Pullman abstention is not new to this case. Griffin asked the district court to abstain under *Pullman* in his motion to remand. And the district court referenced *Pullman* abstention in its order remanding *Griffin I.* And we, of course, may affirm on any ground apparent from the record and are not limited to the grounds offered by the district court to support its decision. *L.J. v. Wilbon*, 633 F.3d 297, 310 n.9 (4th Cir. 2011).

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v. Allstate Ins. Co., 517 U.S. 706, 715 (1996)). So, because the district court remanded the lawsuit to state court based on abstention principles, we have jurisdiction to consider the district court's decision to abstain under 28 U.S.C. §§ 1291 and 1447(d).

Applying the requirements of *Pullman* abstention, the state law issues involved in the case removed from the Superior Court of Wake County are unsettled. The parties advance diametrically opposed interpretations of the North Carolina statutes that are the subject of Griffin's challenges. And neither provide authority from North Carolina appellate courts making the resolution of that conflict about those state law issues abundantly clear. What's more, the resolution of those issues of North Carolina law could avoid the need to address the federal constitutional and other federal issues the Board raised in removing the case. For example, if the Board prevails in Wake County on the state law issues, the resolution of the federal claims may not be necessary. Thus, this case satisfies the elements of *Pullman* abstention. Accordingly, we affirm the district court's decision to abstain from exercising federal jurisdiction.

However, because the district court did not retain jurisdiction of the federal issues as required by *Pullman* abstention, we remand with instructions directing the district court to modify its order to expressly retain jurisdiction of the federal issues identified in the Board's notice of removal should those issues remain after the resolution of the state court proceedings, including any appeals. *See England v. Med. Exam'rs.*, 375 U.S. 411 (1964).

We deny all remaining outstanding motions as moot.

AFFIRMED IN PART, MODIFIED IN PART,
AND REMANDED WITH INSTRUCTIONS

EXHIBIT
G

2024 North Carolina Absentee Ballot Request Form

2024.04

Request an absentee ballot

You can request an absentee ballot for 1 voter per form, for 1 election at a time.

The information that you provide on this form will be used to update your current voter record if signed by the voter. You may not change your party using this form.

If you are not registered, you must submit a voter registration form with this request.

Fraudulently or falsely completing this form is a Class I felony under Chapter 163 of the NC General Statutes.

How to return this form

Return your completed and signed form to your county board of elections by **5:00 pm on the Tuesday before the election.**

You can:

- Drop it off in-person
- Mail it

This form can only be returned by:

- The voter or the voter's near relative or verifiable legal guardian
- A Multipartisan Assistance Team sent by the county elections office
- A person who assisted due to the voter's disability.

Return this form to:

Your County Board of Elections office. County addresses can be found on the pages following this form.

Questions?

Call your county board of elections or visit ncsbe.gov

REQUEST ONLINE

Complete, sign, and submit your request online at **votebymail.ncsbe.gov.**

Instructions

1: Election Date

Request for 1 election per form.

Indicate in this section if you require an absentee ballot for other possible elections in 2024 *due to your continued or expected illness or disability*.

2: Voter name

Provide your full legal name. If your name has changed, this form will be used to update your current voter record.

3: Identification Information

You must provide your date of birth **and** one of the following:

- A NC Driver's License or DMV ID card number
- The last 4 digits of your social security number

4: Home address

Provide your residential (home) address. **However**, if you moved and have no plans to return to your former residence, provide your new address here. Signing in Section 10 will update your voter registration. If your new address is in a different county, you will not be able to update your address using this form and will need to submit a new voter registration form in your new county. Provide a mailing address in Section 5 if different from your residence.

5: Ballot mailing address

Indicate where you would like your ballot to be sent. If you do not want your ballot to be sent to your residential or mailing address, provide another address here.

If you require an accessible electronic ballot due to blindness or visual impairment also provide your email in Section 6.

6: Voter's Contact information

Your contact information is optional and is helpful if we have questions about this request or about any issues with your voted absentee ballot.

7: Requesting a ballot for a voter

A near relative or legal guardian may request a ballot for a voter but may not make changes to the voter's registration record. A near relative is a voter's:

- Spouse
- Brother or sister
- Parent or stepparent
- Mother/father-in-law
- Child or stepchild
- Son/daughter-in-law
- Grandparent/Grandchild

Any person may request an absentee ballot for a voter **who needs assistance making the request due to disability.** Under the Americans with Disabilities Act, a disability is a physical or mental impairment that causes someone to be substantially limited in a major life activity. *When requesting a ballot on behalf of a voter, the requester must complete and sign this section.*

8: Assisting a voter in filling out or returning this form

If you are helping a voter fill out or return their form, complete this section. *The voter will still need to sign or make their mark in Section 10.* Any voter may receive assistance from their near relative or verifiable legal guardian. A voter who needs assistance completing or returning their request form due to their blindness, disability, or inability to read or write may receive assistance from a person of their choice.

For voters living in a facility (clinic, nursing home, or adult care home) who do NOT require assistance due to a disability, certain limitations apply:

The voter must first seek to have a near relative, legal guardian or Multipartisan Assistance Team (MAT) to assist with requesting a ballot. If none of these options is available within 7 days of making a request for a MAT, the voter may get assistance from anyone who is not:

- An owner, manager, director, or employee of the facility
- An elected official, a candidate, or an officeholder in a political party
- A campaign manager or treasurer for a candidate or political party

9: Military or overseas

Complete this section if you claim North Carolina as your voting residence and are:

A U.S. citizen currently outside of the United States **or**

A member of one of the following, **or** a spouse or dependent of a member of one of the following:

- The active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty
- A member of the Merchant Marines, the Commissioned Corps of the Public Health Service, or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States
- A member of the National Guard or State militia unit who is on activated status

10: Voter's signature

This form must be signed **by the voter** (unless a near relative or legal guardian or assistant is requesting a ballot on the voter's behalf and completes Section 7). If the voter cannot physically sign this form, they can make a mark. **A typed signature, including signature fonts, is not allowed.**

If you indicate that you have changed your name (Section 2) or address (Section 4), signing will update your voter registration.

2024 North Carolina Absentee Ballot Request Form

Required sections are in red

2024.04

Election date

1 **11/05/24 General Election Absentee Ballot Request**

◯ ***Due to*** continued or expected illness or disability, I am *also* requesting absentee ballots for all elections this year.

Print voter name

Any name change you give on this form will update your registration.

Required

2

Last name _____ Suffix (Jr, Sr., III, IV, if applicable) _____

First name _____ Middle name _____

Former name (***if*** your name has changed) _____

Identification Information

Required

3

Date of birth *(mm/dd/yyyy)* _____ **AND**

NC Driver's License/DMV ID number _____

OR

Last 4 digits of your Social Security number _____

Home address

Provide your **residential** address (where you live).

Required

4

Street _____ Unit # _____

City _____ **NC** Zip _____ County _____

Have you moved in the last 30 days? ◯ Yes ◯ No If yes, date moved? (mm/dd/yyyy) _____

Mailing Address *(if different from above)*

Street _____ Unit # _____

City _____ State _____ Zip _____

Where should we send your ballot?

Check 1.

Required

5

◯ Your home address in Section 4 ◯ Your mailing address in Section 4

◯ The address below:

Street _____ Unit # _____

City _____ State _____ Zip _____

◯ ***Due to*** blindness/visual impairment, I require an accessible electronic ballot (Provide your email address in Section 6).

Voter contact information

6

Phone _____ Email _____

Requesting ballot on behalf of voter by near relative, legal guardian, or person the voter asks to help due to disability?

The **requester** must complete and sign in this section. See instructions about who can request for a voter.

7

Requester's Name _____ Include relationship to voter, or status as legal guardian or disability requester _____

Street _____ Unit # _____

City _____ State _____ Zip _____ Phone _____

Relative/legal guardian/disability requester, sign and date here (required if requesting on behalf of a voter)

Fraudulently or falsely completing this form is a Class I felony under Chapter 163 of the NC General Statutes.

X		Date *(mm/dd/yyyy)*

Assisting a voter to fill out or return this request?

If yes, complete this section. See instructions about who can assist a voter. ***Voter must sign in Section 10.***

8

Assistant's full name _____

Assistant's full address _____

_____

If the voter is in an eligible care facility and needs assistance in voting and returning the ballot, enter the facility name below.

Facility Name _____

Are you a military member on active duty (including spouse/dependents) or a U.S. citizen outside the U.S.?

Only the voter may complete this section.

9

◯ Uniformed Services or Merchant Marines on active duty

◯ U.S. citizen outside the U.S. (Overseas address required)

Overseas full address _____

_____

_____

I want my ballot delivered to my:

◯ Email _____

◯ Fax _____

◯ Address indicated in Section 5

◯ Overseas address provided in this section

Voter's signature

Use a pen. No electronic signatures allowed.

Required

10

Voter, sign and date here *(Required unless ballot requested by a near relative, legal guardian, or disability requester)*

Fraudulently or falsely completing this form is a Class I felony under Chapter 163 of the NC General Statutes.

X		Date *(mm/dd/yyyy)*

Return form to the County Board of Elections by 5:00 pm on the Tuesday before the election. Do not email or fax.

NC Absentee Ballot Request Form for 2024

County Board Office Mailing Addresses (A–J)

ALAMANCE PO BOX 418 GRAHAM NC 27253-0418 (336) 570-6755	ALEXANDER PO BOX 326 TAYLORSVILLE NC 28681-0326 (828) 632-2990	ALLEGHANY PO BOX 65 SPARTA NC 28675-0065 (336) 372-4557	ANSON 402 MORVEN RD WADESBORO NC 28170-2743 (704) 994-3223	ASHE 150 GOVERNMENT CIR STE 2100 JEFFERSON NC 28640-8959 (336) 846-5570
AVERY PO BOX 145 NEWLAND NC 28657-0145 (828) 733-8282	BEAUFORT PO BOX 1016 WASHINGTON NC 27889-1016 (252) 946-2321	BERTIE PO BOX 312 WINDSOR NC 27983-0312 (252) 794-5306	BLADEN PO BOX 512 ELIZABETHTOWN NC 28337-0512 (910) 862-6951	BRUNSWICK PO BOX 2 BOLIVIA NC 28422-0002 (910) 253-2620
BUNCOMBE PO BOX 7468 ASHEVILLE NC 28802-7468 (828) 250-4200	BURKE PO BOX 798 MORGANTON NC 28680-0798 (828) 764-9010	CABARRUS PO BOX 1315 CONCORD NC 28026-1315 (704) 920-2860	CALDWELL PO BOX 564 LENOIR NC 28645-0564 (828) 757-13HF	CAMDEN PO BOX 206 CAMDEN NC 27921-0206 (252) 338-5530
CARTERET 1702 LIVE OAK ST STE 200 BEAUFORT NC 28516-1638 (252) 728-8460	CASWELL PO BOX 698 YANCEYVILLE NC 27379-0698 (336) 694-4010	CATAWBA PO BOX 132 NEWTON NC 28658-0132 (828) 464-2424	CHATHAM PO BOX 111 PITTSBORO NC 27312-0111 (919) 545-8500	CHEROKEE 40 PEACHTREE ST MURPHY NC 28906-2940 (828) 837-6670
CHOWAN PO BOX 133 EDENTON NC 27932-0133 (252) 482-4010	CLAY 75 RIVERSIDE CIR STE 3 HAYESVILLE NC 28904-7769 (828) 389-6812	CLEVELAND PO BOX 1299 SHELBY NC 28151-1299 (704) 484-4858	COLUMBUS PO BOX 37 WHITEVILLE NC 28472-0037 (910) 640-6609	CRAVEN 406 CRAVEN ST NEW BERN NC 28560-4911 (252) 636-6610
CUMBERLAND 227 FOUNTAINHEAD LN STE 101 FAYETTEVILLE NC 28301-5493 (910) 678-7733	CURRITUCK PO BOX 177 CURRITUCK NC 27929-0177 (252) 232-2525	DARE PO BOX 1000 MANTEO NC 27954-1000 (252) 475-5631	DAVIDSON PO BOX 1084 LEXINGTON NC 27293-1084 (336) 242-2190	DAVIE 161 POPLAR ST STE 102 MOCKSVILLE NC 27028-2148 (336) 753-6072
DUPLIN PO BOX 975 KENANSVILLE NC 28349-0975 (910) 296-2170	DURHAM 201 N ROXBORO ST DURHAM NC 27701-3741 (919) 560-0700	EDGECOMBE PO BOX 10 TARBORO NC 27886-0010 (252) 641-7852	FORSYTH 201 N CHESTNUT ST WINSTON SALEM NC 27101-4120 (336) 703-2800	FRANKLIN PO BOX 180 LOUISBURG NC 27549-0180 (919) 496-3898
GASTON PO BOX 1396 GASTONIA NC 28053-1396 (704) 852-6005	GATES PO BOX 621 GATESVILLE NC 27938-0621 (252) 357-1780	GRAHAM PO BOX 1239 ROBBINSVILLE NC 28771-1239 (828) 479-7969	GRANVILLE PO BOX 83 OXFORD NC 27565-0083 (919) 693-2515	GREENE PO BOX 583 SNOW HILL NC 28580-0583 (252) 747-5921
GUILFORD PO BOX 3427 GREENSBORO NC 27402-3427 (336) 641-3836	HALIFAX PO BOX 101 HALIFAX NC 27839-0101 (252) 583-4391	HARNETT PO BOX 356 LILLINGTON NC 27546-0356 (910) 893-7553	HAYWOOD 63 ELMWOOD WAY STE A WAYNESVILLE NC 28786-5829 (828) 452-6633	HENDERSON PO BOX 2090 HENDERSONVILLE NC 28793-2090 (828) 697-4970
HERTFORD PO BOX 355 AHOSKIE NC 27910-0355 (252) 358-7812	HOKE PO BOX 1565 RAEFORD NC 28376-1565 (910) 875-8751 EXT 1550	HYDE PO BOX 152 SWAN QUARTER NC 27885-0152 (252) 926-4194	IREDELL 203 STOCKTON ST STATESVILLE NC 28677-5245 (704) 878-3140	JACKSON 401 GRINDSTAFF COVE RD SYLVA NC 28779-3250 (828) 586-7538

NC Absentee Ballot Request Form for 2024

County Board Office Mailing Addresses (J-Y)

JOHNSTON
PO BOX 1172
SMITHFIELD NC
27577-1172
(919) 989-5095

JONES
367 NC HIGHWAY 58 S
UNIT B
TRENTON NC
28585-7787
(252) 448-3921

LEE
1503 ELM ST
STE 1
SANFORD NC
27330-4200
(919) 718-4646

LENOIR
PO BOX 3503
KINSTON NC
28502-3503
(252) 523-0636

LINCOLN
PO BOX 977
LINCOLNTON NC
28093-0977
(704) 736-8480

MACON
5 W MAIN ST
FL 1
FRANKLIN NC
28734-3005
(828) 349-2034 EXT 2035

MADISON
PO BOX 142
MARSHALL NC
28753-0142
(828) 649-3731

MARTIN
PO BOX 801
WILLIAMSTON NC
27892-0801
(252) 789-4317

MCDOWELL
PO BOX 1509
MARION NC
28752-1509
(828) 659-0834

MECKLENBURG
PO BOX 31788
CHARLOTTE NC
28231-1788
(704) 336-2133

MITCHELL
11 N MITCHELL AVE
RM 108
BAKERSVILLE NC
28705-6511
(828) 688-3101

MONTGOMERY
PO BOX 607
TROY NC
27371-0607
(910) 572-2024

MOORE
PO BOX 787
CARTHAGE NC
28327-0787
(910) 947-3868

NASH
PO BOX 305
NASHVILLE NC
27856-0305
(252) 459-1350

NEW HANOVER
1241A MILITARY CUTOFF
RD
WILMINGTON NC
28405-3637
(910) 798-7330

NORTHAMPTON
PO BOX 603
JACKSON NC
27845-0603
(252) 534-5681

ONSLOW
246 GEORGETOWN RD
JACKSONVILLE NC
28540-4146
(910) 455-4484

ORANGE
PO BOX 220
HILLSBOROUGH NC
27278-0220
(919) 245-2350

PAMLICO
PO BOX 464
BAYBORO NC
28515-0464
(252) 745-4821

PASQUOTANK
PO BOX 1797
ELIZABETH CITY NC
27906-1797
(252) 335-1739

PENDER
PO BOX 1232
BURGAW NC
28425-1232
(910) 259-1220

PERQUIMANS
PO BOX 336
HERTFORD NC
27944-0336
(252) 426-5598

PERSON
331 S MORGAN ST
ROXBORO NC
27573-5223
(336) 597-1727

PITT
PO BOX 56
GREENVILLE NC
27835-0056
(252) 902-3300

POLK
PO BOX 253
COLUMBUS NC
28722-0253
(828) 894-8181

RANDOLPH
1457 N FAYETTEVILLE ST
ASHEBORO NC
27203-3957
(336) 318-6900

RICHMOND
PO BOX 1843
ROCKINGHAM NC
28380-1843
(910) 997-8253

ROBESON
PO BOX 2159
LUMBERTON NC
28359-2159
(910) 671-3080

ROCKINGHAM
PO BOX 22
WENTWORTH NC
27375-0022
(336) 342-8107

ROWAN
1935 JAKE ALEXANDER
BLVD W STE D10
SALISBURY NC
28147-1176
(704) 216-8140

RUTHERFORD
PO BOX 927
RUTHERFORDTON NC
28139-0927
(828) 287-6030

SAMPSON
335 COUNTY COMPLEX
RD STE 100
CLINTON NC
28328-4851
(910) 592-5796

SCOTLAND
231 E CRONLY ST
STE 305
LAURINBURG NC
28352-3820
(910) 277-2595

STANLY
PO BOX 1309
ALBEMARLE NC
28002-1309
(704) 986-3647

STOKES
PO BOX 34
DANBURY NC
27016-0034
(336) 593-2409

SURRY
PO BOX 372
DOBSON NC
27017-0372
(336) 401-8225

SWAIN
PO BOX 133
BRYSON CITY NC
28713-0133
(828) 488-6177

TRANSYLVANIA
PO BOX 868
BREVARD NC
28712-0868
(828) 884-3114

TYRRELL
PO BOX 449
COLUMBIA NC
27925-0449
(252) 796-0775

UNION
PO BOX 1106
MONROE NC
28111-1106
(704) 283-3809

VANCE
300 S GARNETT ST
STE C
HENDERSON NC
27536-4566
(252) 492-3730

WAKE
PO BOX 695
RALEIGH NC
27602-0695
(919) 404-4040

WARREN
PO BOX 803
WARRENTON NC
27589-0803
(252) 257-2114

WASHINGTON
PO BOX 550
ROPER, NC
27970-0550
(252) 793-6017

WATAUGA
PO BOX 528
BOONE NC
28607-0528
(828) 265-8061

WAYNE
309 E CHESTNUT ST
GOLDSBORO NC
27530-4903
(919) 731-1411

WILKES
110 NORTH ST
RM 315
WILKESBORO NC
28697-2469
(336) 651-7339

WILSON
PO BOX 2121
WILSON NC
27894-2121
(252) 399-2836

YADKIN
PO BOX 877
YADKINVILLE NC
27055-0877
(336) 849-7907

YANCEY
PO BOX 763
BURNSVILLE NC
28714-0763
(828) 682-3950

EXHIBIT H

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV040620-910

JEFFERSON GRIFFIN,

Petitioner,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS,

Respondent.

AFFIDAVIT OF PAUL COX

I, Paul Cox, 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.

2. I am general counsel for the North Carolina State Board of Elections ("State Board"), a position I have held since September 1, 2022. Prior to that, I served as an associate general counsel to the State Board from September 2021 to August 2022. In my role, I provide legal advice to the State Board and its staff on all matters of election administration. I also provide advice to the county boards of elections. I also regularly confer with subject-matter experts on State Board staff and with county directors of elections regarding the operation of the State Election Information Management System (SEIMS), which is the suite of software and databases maintained by the State Board and used by both State and county election officials to manage nearly all elections-related processes, including voter registration and voter list maintenance. I also regularly confer with these election professionals regarding operational practices for voter registration and voter list maintenance.

3. As general counsel to the State Board, I have access to documents in the care and custody of that state agency and can verify that true and accurate copies of those documents are attached hereto. These are documents created by State Board staff, made by persons with knowledge of the contents therein, kept in the course of the regularly conducted business of the State Board, and are considered public records under North Carolina law.

4. As general counsel to the State Board, I also have access to information stored in North Carolina's current voter registration database, as well as information kept in archived voter registration processing databases. I am familiar with the functioning of the current database, including how it stores and verifies information entered into the database. The State Board is responsible for the development, enhancement, maintenance, and management of the current voter registration database, and retains custody of archived databases. Through my personal knowledge, I am aware that information maintained in these databases was originally entered by county board of elections staff members (or, in rare occasions, State Board staff members), who had knowledge of that information at the time it was entered.

5. I requested that the State Board's information technology (IT) staff retrieve data from the current and archived voter registration databases that provides the basis for the information discussed in this affidavit. I can verify that the information in this affidavit derived from data in those databases is true and accurate, to the extent it was originally inputted correctly, and is of public record.

6. The Petitioner in this matter included an affidavit from an employee of a political consulting firm, Ryan Bonifay. Mr. Bonifay stated that he conducted a data query of a list provided to the North Carolina Republican Party from the State Board containing all currently registered voters in active, inactive, or temporary status that do not contain data in one or more

of the following data fields in their registration record: driver's license number or last four digits of social security number. He states that he then matched this list against the absentee voter list to produce a final list which, according to him, contains "a list of people who (1) attempted to vote in the 2024 General Election before November 5, 2024 (via early vote, absentee by mail, etc.), (2) had their vote accepted by their applicable county board of elections, and (3) never provided a North Carolina driver's license number nor the last 4 digits of their Social Security Number to their county board of elections."

7. Mr. Bonifay's conclusion that the results of this database matching would definitively show whether a registrant "provided" one of these numbers "to their county board of elections" is based on incorrect assumptions. It assumes that numbers provided on a voter registration form to a county board of elections necessarily and always appear in a voter's registration record in the electronic database used to produce the list that the Republican Party obtained from the State Board. It is a conclusion that, in a very large number of cases, proves to be incorrect.

8. In response to arguments made in the various post-election litigation brought by the Petitioner, I requested that our IT staff run a database query on January 24, 2025, to replicate the analysis that Mr. Bonifay says he conducted. We matched the list of individuals whose electronic voter registration database record contains neither a driver's license nor the last four digits of a social security number, against the list of voters who cast an early or absentee ballot in the 2024 general election that was accepted by their county board of elections. The result was a list of 62,027 voter records: 60,666 early voters and 1,361 absentee voters.

9. Our IT staff did further analysis, however, using voter registration archive databases to identify whether any of these voters had one of these numbers in their voter

registration application record—the record created when the county board of elections initially enters data from the voter registration application into the voter registration database. These archive databases are distinct from the current database of voter registrations queried for Mr. Bonifay's analysis. Under the data processing rules that operate within SEIMS, when a county user inputs a new registration application or updated application record with a driver's license or the last four digits of a social security number in the appropriate database field, the system automatically attempts to validate that number against the North Carolina DMV database, for driver's license numbers, and the federal Social Security Administration database, for social security numbers. To validate, the applicant's first and last name, date of birth, and the driver's license or last four of their social security number must all match exactly, between the voter registration database and the other government database. If there is any discrepancy preventing an exact match on any of these fields, that prevents the identification number from being validated, and the driver's license or social security number is removed from the registrant's voter record. That number is retained, however, in an archive database associated with the processing of voter registration applications. Such voters are permitted to register and vote upon providing another form of identification, which we refer to as HAVA ID. *See* N.C.G.S. § 163-166.12(d).

10. After querying this archive database for any of the 62,027 voter records, our data shows that 28,803 of these voters' records contained a driver's license number or last four digits of a social security number during the registration application processing phase. In all likelihood, based on the processes outlined above, these identification numbers were removed from these voters' records when the automatic matching between the elections database and the DMV or Social Security databases did not result in an exact match.

11. Next, our IT staff ran a query to determine whether any of the 62,027 voters have another voter registration record on file that contains a driver's license or last four digits of a social security number. This can occur, for example, if a person registers in one county and then re-registers in another county. When this occurs, in some instances, the county user fails to match and populate the new record with the identification information from the previous record. To identify such records, our IT staff searched for other registration records associated with the same unique voter identification number (which we call NCID) of any of the 62,027 voters. We determined that 2,200 of these voters had an earlier registration that contained a driver's license or social security number, 1,168 of which are unique from the list of 28,803 voters whose initial processing record contained one of these numbers.

12. Next, our IT staff ran a query to determine whether any of the 62,027 voters have a record in the database showing that they indicated on their initial voter registration application that they "do not have a driver's license/DMV ID or Social Security number." Such voters are permitted to register and, in lieu of an identification number that the voter does not have, SEIMS automatically assigns that voter a unique identification number (again, an NCID number). *See* 52 U.S.C. § 21083(a)(5)(A)(ii). SEIMS did not have a field for this entry until July 2024, when our software developers added it to the software application the county boards use to enter voter registration applications into the system. Accordingly, any query of "I do not have" voters would necessarily be underinclusive because it would capture only those voters who selected this option on the voter registration application from July 2024 onward, and no such voters from before that time. From this query, we determined that 1,266 of the 62,027 voters have an indication in their record that they informed their county board of elections that they have neither a driver's license number nor social security number, 1,196 of which are unique from the earlier two queries.

13. Accordingly, when combining the first two queries, we can determine that among the voters who, according to Mr. Bonifay's analysis, "never provided" a driver's license or last four digits of a social security number, 29,971 of them actually did provide one of these numbers. And drawing on the third query, 1,196 additional voters included in Mr. Bonifay's analysis, and likely many more, were properly registered pursuant to federal law when they indicated that they lacked these numbers, for a total of 31,167 of the 62,027.

14. If the election protests at issue were determined to be legally valid and should advance to an evidentiary hearing, which did not occur at the agency level, this type of data analysis by State Board staff of public records in its possession would be the first step. Next, the county boards of elections would have to investigate all of the remaining voter registrations identified by Mr. Bonifay. That is because there are a variety of fact-specific circumstances that would establish that a voter either provided one of the identification numbers at issue, contrary to Mr. Bonifay's conclusion, or that they were exempt from providing one. My colleagues at the State Board and I have conferred with multiple staff members from county boards of elections who have been reviewing the records of voters identified in Mr. Bonifay's list, and the following is a list of some of these circumstances:

a. Some voters registered before the digitization of registration records in the late 1990s/early 2000s and then submitted a new registration form, but the system was unable to link the older form to the new one, so the current data, erroneously, appears to show that the person first registered after HAVA became effective.
b. Some voters registered and provided a driver's license or last four digits of social security number or indicated they lacked these numbers and then re-registered, or they registered prior to HAVA. But because of a discrepancy in how they filled out the later registration form (or a data entry error by county staff), the two

records were not linked. So, the later registration appears in the database, erroneously, as a first-time registration.

c. Some voters were removed from the rolls due to inactivity but later voted after attesting that they maintained residency in the county, which requires a county to "reinstate[]" that voter's registration. N.C.G.S. § 163-82.14(d)(3). However, the county may have created a new registration record rather than reactivating a removed record due to various processing practices at the county level. If the original registration was either exempt from the HAVA identification requirement or the voter supplied an identification number on the original record, the new record would not show that in the current record in the database.

d. Some voters provided a driver's license or last four digits of their social security number with their initial registration application, which a county worker can verify by pulling up the scanned copy of that form, but a county worker simply failed to key that information into the database when they originally processed the registration.

e. As noted above, some voters selected "I do not have" a driver's license or social security number, but they registered before July 2024, so the county board could only identify this scenario by pulling up and reviewing the scanned copy of the voter registration application.

f. It is also possible that some voters had to vote provisionally for the first time, because there was no record of registration. But county staff were able to determine that the voter attempted to timely register before the election through the DMV, for example, but the registration did not get processed for some reason, which makes their provisional ballot eligible to count. *See* N.C.G.S. § 163-82.19(a). But because the DMV record did not come through, their provisional application served as their initial registration form, and that form may not have included their driver's license, unlike if the record had come through from the DMV as originally intended.

15. As these examples demonstrate, it would require individualized, one-by-one, manual review of records by the county boards to determine if any voter on the challenged list falls into one of these categories, or possibly others. And for the issue of a prior registration not linking to a new registration, it would require fairly complex data analysis to attempt to identify potential older registrations for challenged voters that have not been linked to the current, active registration in the database due to slight data mismatches. Then, it would require manual review of any such older registrations to see if any challenged voter actually registered prior to HAVA's effective date or registered after HAVA became effective but included a driver's license or the last four digits of a social security number, or indicated they lacked these numbers, on that initial registration application. This sort of effort would be required to ensure that no voter was erroneously identified as having registered after the effective date of HAVA without providing the identification information at issue or stating that they lacked it.

16. As general counsel to the State Board, I am also familiar with the history of the voter registration application form created by the agency over the years, and I have access to records of historical versions of these forms, all of which are public records. Attached as Exhibit A to this affidavit is a demonstrative table showing the fields on the application and the instructions on the application, version by version, since 2003.

This concludes my affidavit.

This the 3rd day of February, 2025.

Paul M. Cox

Paul Cox
General Counsel
N.C. State Board of Elections

Sworn to and subscribed before me this the 3rd day of February, 2025.

Karla D. Garcia

(Notary Public)

My commission expires: 6/30/2029

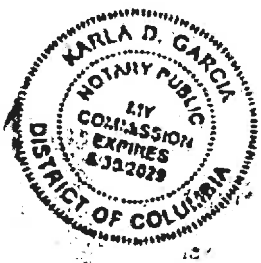
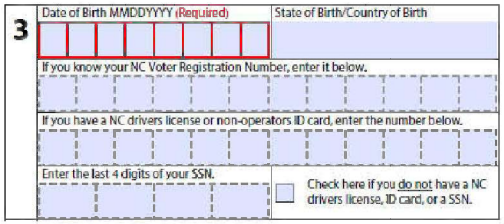
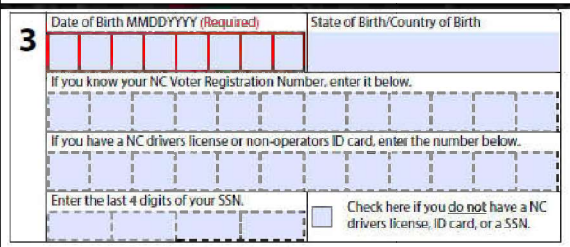
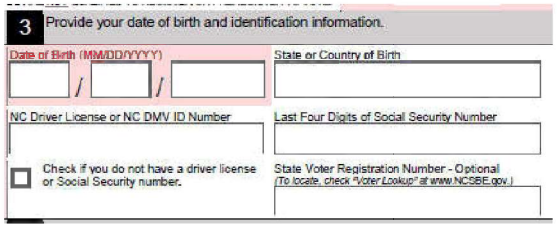


EXHIBIT A

Year	HAVA Fields	HAVA Instructions (typically on the reverse page)
2003	**Drivers License Number:** **If you do not have a Driver's license, then list the last four digits of your Social Security Number:**	**IDENTIFICATION REQUIREMENT** **If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the county you are now registering in, you must send, with this application, either a.) a copy of current and valid photo identification, or b.) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information requested above, you will be required to provide to election officials either a. or b. above the first time you vote at a voting place or by absentee ballot.**
2004	**ID Number** If you have a NC driver's license, check here and print the number where indicated below. ☐ License No. _____ If you have no NC driver's license, check here and print your Social Security No. where indicated below. ☐ SSN (Last 4 Digits) _____ If you have no NC driver's license or SSN, check here. ☐ I have no NC driver's license or SSN	**IDENTIFICATION REQUIREMENT** If you do not have a driver's license or social security number, are submitting this form by mail, and have never registered to vote in the county in which you are now registering, you must send, with this application, either a copy of current and valid photo identification, OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. If you do not provide the information requested above, you will be required to provide ID to election officials when you vote for the first time.
2005	**ID Number** If you have a NC driver's license, check here and print the number where indicated below. ☐ License No. _____ If you have no NC driver's license, check here and print your Social Security No. where indicated below. ☐ SSN (Last 4 Digits) _____ If you have no NC driver's license or SSN, check here. ☐ I have no NC driver's license or SSN	**IDENTIFICATION REQUIREMENT** If you do not have a driver's license or social security number, are submitting this form by mail, and have never registered to vote in the county in which you are now registering, you must send, with this application, either a copy of current and valid photo identification, OR a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. If you do not provide the information requested above, you will be required to provide ID to election officials when you vote for the first time.
2006	**Section 2 ▶ Personal Identification Number (Required)** Do you have a NC driver's license or NC identification card? ☐ Yes ☐ No — NC Driver License or Identification Number **Or** Do you have a U.S. issued Social Security Number? ☐ Yes ☐ No — Social Security Number (Last Four Digits Are Required) Have you been assigned a NC State Voter Number? ☐ Yes ☐ No — NC State Voter Registration Number	**Requirements: PLEASE READ** ▪ To be eligible to vote in the county you are registering in, you must have resided in that county for at least 30 days before the day of the election. ▪ If you are registering by mail, and cannot provide a valid ID number in Section 2, you must submit a **copy** of one of the following forms of **current and valid** identification with this application. If you do not provide this information, you will be required to provide one of these forms of ID to an election official when you vote for the first time in this county. ◆ A current and valid photo identification ◆ A current utility bill, or bank statement, government check or paycheck, or a government document that shows your name and address as it appears on this application
2007	**Section 2 ▶ Personal Identification Number (Required)** Do you have a NC driver's license or NC identification card issued by DMV? If yes, provide the number. ☐ Yes ☐ No — NC Driver License or Identification Number If you do not have a DMV-issued card, do you have a U.S.-issued Social Security Number? If yes, provide last 4 digits. ☐ Yes ☐ No — X X X X — Social Security Number (Last Four Digits) Have you been assigned a NC State Voter Registration Number? If yes, provide unless you provided one of the numbers above. ☐ Yes ☐ No — NC State Voter Registration Number	**Requirements: PLEASE READ** ● To be eligible to vote in the county you are registering in, you must have resided in that county for at least 30 days before the day of the election. ● If you are registering by mail, and cannot provide a valid ID number in Section 2, you must submit a copy of one of the following forms of current and valid identification with this application. If you do not provide this information, you will be required to provide one of these forms of ID to an election official when you vote for the first time in this county. ● A current and valid photo identification ● A current utility bill, or bank statement, government check or paycheck, or a government document that shows your name and address as it appears on this application.

<table>
<tr><td>2008</td><td>Section 2
Identification
(Required)

Do you have a NC driver's license or NC identification card issued by DMV? If yes, provide the number. ☐ Yes ☐ No
If you do not have a DMV-issued card, do you have a U.S.-issued Social Security Number? If yes, provide last 4 digits. ☐ Yes ☐ No X X X - X X -</td><td>Requirements: PLEASE READ
• To be eligible to vote in the county you are registering in, you must have resided in that county for at least 30 days before the day of the election.
• If you are registering by mail, and cannot provide a valid ID number in Section 2, you must submit a copy of one of the following forms of current and valid identification with this application. If you do not provide this information, you will be required to provide one of these forms of ID to an election official when you vote for the first time in this county:
- A current and valid photo identification
- A current utility bill, or bank statement, government check or paycheck, or a government document that shows your name and address as it appears on this application.</td></tr>
<tr><td>2009</td><td>3 Do you have a NC Driver's License or DMV-issued identification card? If yes, provide the number. ☐ Yes ☐ No
If you do not have a NC DMV-issued license or ID card, do you have a Social Security Number? If yes, provide the last 4 digits. ☐ Yes ☐ No X X X - X X -</td><td>Requirements:
• To be eligible to vote in the county you are registering in, you must have resided in that county for at least 30 days before the day of the election.
• If you are registering by mail, and cannot provide a valid ID number in Section 3, you must submit a copy of one of the following forms of current and valid identification with this application. If you do not provide this information, you will be required to provide one of these forms of ID to an election official when you vote for the first time in this county:
- A current and valid photo identification
- A current utility bill, or bank statement, government check or paycheck, or a government document that shows your name and address as it appears on this application.</td></tr>
<tr><td>2010</td><td>No record of changes</td><td>No record of changes</td></tr>
<tr><td>2011</td><td>No record of changes</td><td>No record of changes</td></tr>
<tr><td>2012</td><td>3 Do you have a NC Driver's License or DMV-issued identification card? If yes, provide the number. ☐ Yes ☐ No
If you do not have a NC DMV-issued license or ID card, do you have a Social Security Number? If yes, provide the last 4 digits. ☐ Yes ☐ No X X X - X X -</td><td>No record of changes</td></tr>
<tr><td>2013</td><td>3 Date of Birth MMDDYYYY (Required) | State of Birth/Country of Birth
If you know your NC Voter Registration Number, enter it below.
If you have a NC drivers license or non-operators ID card, enter the number below.
Enter the last 4 digits of your SSN. ☐ Check here if you do not have a NC drivers license, ID card, or a SSN.</td><td>Voter Identification (ID) Requirements:
Help America Vote Act ID Requirements — Under federal and state law, if you are registering and cannot provide a valid ID number in Section 3, you should include with this application a copy of one of the documents below:
• A current and valid photo ID.
• A current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.
If you do not provide a valid ID number on your application or submit a copy of one of the documents noted above, you must show ID the first time you vote.</td></tr>
<tr><td>2014</td><td>No record of changes</td><td>No record of changes</td></tr>
</table>

<table>
<tr>
<td>2015</td>
<td> 
</td>
<td>Identification Requirements:
Registration ID — Under federal and state law, if you register to vote by mail and do not provide a valid identification number in Section 3, you must include a copy of one of the following documents with this application:
• A current and valid photo ID.
• A current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.
If you do not provide a valid identification number in Section 3 or submit a copy of one of the above identification documents, you must present one of the above identification documents the first time you appear to vote.</td>
</tr>
<tr>
<td>2016</td>
<td> 
</td>
<td>Identification Requirements:
Registration ID — Under federal and state law, if you register to vote by mail and do not provide a valid identification number in Section 3 on this form, you must enclose a copy of one of the following documents with this application:
• A current and valid photo ID.
• A current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.
If you do not provide the identification information listed above, you will be asked to show ID the first time you present to vote.</td>
</tr>
<tr>
<td>2017</td>
<td>No record of changes</td>
<td>No record of changes</td>
</tr>
<tr>
<td>2018</td>
<td>NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)
. . .
 
</td>
<td>Identification Requirements
Registration ID — Under federal and state law, if you apply to register to vote and do not provide a valid identification number in Section 3 on this form, you must enclose a copy of one of the following documents with this application:
• A current and valid photo ID
• A current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address
If you do not provide a valid form of identification, you will be asked to show ID the first time you present to vote.</td>
</tr>
</table>

2019

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

. . .

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) / / | State or Country of Birth

NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number

☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number - Optional (To locate, check "Voter Lookup" at www.NCSBE.gov.)

3	You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.

2020

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

. . .

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) / / | State or Country of Birth

NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number

☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number (*Optional: To locate, check "Voter Lookup" at www.NCSBE.gov.*)

3	You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.

2021

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

. . .

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) / / | State or Country of Birth

NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number

☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number (*Optional: To locate, check "Voter Lookup" at www.NCSBE.gov.*)

3. You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.

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2022

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

. . .

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) / / | State or Country of Birth

NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number

☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number (*Optional: To locate, check "Voter Lookup" at www.NCSBE.gov.*)

3 You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.

2023

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

. . .

3 Provide your date of birth and identification information.

Date of Birth (MM/DD/YYYY) / / | State or Country of Birth

NC Driver License or NC DMV ID Number | Last 4 Digits of Social Security Number

☐ Check if you do not have a driver license or Social Security number. | State Voter Registration Number (*Optional: To locate, check "Voter Lookup" at www.NCSBE.gov.*)

3. You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.

2024

North Carolina Voter Registration Application *(Sections in red are required.)*

. . .

Identification information
Required.

3 Date of birth (mm/dd/yyyy) | **AND**

NC Driver's License/DMV ID number
OR, if you do not have one
Last 4 digits of your Social Security number
OR
☐ I do not have a driver's license/DMV ID or Social Security number.

3. Provide your date of birth. If you have an NC driver's license or NCDMV ID number, you must provide this number. If not, you must provide the last four digits of your social security number. If you have none of these ID numbers and you are registering to vote for the first time in North Carolina, you must check the box indicating that you do not have these forms of identification. If you check that box, you may attach to this application a copy of a current and valid photo identification, utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

- App. 114 -

EXHIBIT
I

EXHIBIT
1

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **RALIM ALLSTON**

I, Ralim Allston, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 35-year-old Black man who is a current resident of Elizabeth City, North Carolina, in Pasquotank County. I have lived at my current residence since 2002.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to a felony conviction, and I otherwise meet the qualifications for eligibility to register and vote in North Carolina.

5. I have been a registered voter in this state since 2008, and I registered to vote at my current address on September 15, 2008.

6. Voting is important because people fought and sacrificed their lives for me – and Black people like me – to have this right. It is my duty to use this opportunity to contribute to our society. It is my right to voice my opinion on what goes on in our state and country through my vote.

7. I cast a ballot in the November 5, 2024, election by going to the only early voting site in my county on October 31, 2025. When voting, I was required to show a photo ID so I provided my state issued identification card obtained from the NC DMV. Because I have been a registered voter in my county since 2008, I did not utilize Same-Day registration.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I did not receive any notice of any issues with my registration. Prior to the election, I checked the State Board of Election's website to make sure I was registered and able to vote before the election and there was no indication that something was wrong with my registration. When I went to vote, poll workers did not inform me that something was wrong with my registration. I found out my name was on the list from my older sister. She called me on January 16, 2025, and told me I was on the list and my vote may be thrown out.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not recall receiving a postcard from Judge Griffin's campaign about my name being on this list.

10. I believe I provided my driver's license number at the time I registered to vote. I do have my driver's license number and social security number and could provide that information to my County Board of Elections if it were required.

11. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, neither before nor after Election Day.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel angry and discouraged because I thought this was a democracy. I thought voting was supposed to be fair. It is my right to vote, and this challenge is stripping me of my right.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.

Ralim Allston

EXHIBIT
2

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **CINDY OATES ANTHONY**

I, Cindy Oates Anthony, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Gaston County, North Carolina. I later lived in Buncombe County, and am currently a resident of Jackson County. I have lived at my current residence since 2008.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in this state since at least 1992, and I registered to vote at my current address shortly after moving residences in 2008.

6. I believe that as citizens of the United States it is our right and responsibility to vote and to participate in our system of government. I believe everyone who is eligible to vote should be able to cast a ballot and have that vote counted.

7. I cast a ballot in the November 5, 2024, election going to an early voting site in my county. I showed a copy of my driver's license when I presented to vote.

8. I learned that my name was on a list of voters challenged by Judge Griffin when a member of my church notified me that my name was on the list on Friday, January 10th. I do not recall getting a post card about this challenge. If I did, I might have thrown it out as I frequently get junk mail in that format.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number. After I was notified by my friend from church, I reached out to my county board of elections in Jackson County and talked with an elections specialist. He told me I had included my driver's license number when I updated my registration for Jackson County in October of 2008, and he was not sure why that information was not included in my voter registration file. I have since received a copy of my registration form and confirmed it does show that I filled out my driver's license number.

10. I was never offered an opportunity to fix any supposed problems with my registration before Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

11. If my ballot is retroactively discarded under Judge Griffin's protest, I would feel wronged, and like a fundamental right of mine had been taken away. I would wonder why all the other votes I cast that day could count, and this wouldn't. I would also wonder whether this means we need to go back and question the results of all elections that have occurred.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.

Cindy Oates Anthony

Cindy Oates Anthony

Sworn to (or affirmed) and subscribed before me this the 31 day of JANUARY, 2025.

DIANNE J. LINDGREN
My Commission Expires
NOTARY PUBLIC
11/14/2026
JACKSON COUNTY, NC

Dianne J Lindgren

Official Signature of Notary

DIANNE J LINDGREN, Notary Public

My Commission Expires: 11/14/2026

EXHIBIT
3

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910

JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **Rachel Suzanne Arnold**

I, Rachel Suzanne Arnold, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 51-year-old white female resident of the state of North Carolina. I was born in Ypsilanti, Michigan. I became a resident of Guilford County, North Carolina in 2009. I have lived at my current residence since June 2009.

3. I am a senior vice president in a government affairs firm.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I registered to vote in North Carolina in 2009. I registered to vote at the North Carolina Department of Motor Vehicles. I am currently registered to vote at my current address.

7. As my voting record demonstrates, I am an active voter. I have participated in primary and general elections held in North Carolina since 2009. I have never had any issue with voting.

8. For me voting is a form of expression and a statement of values. I believe that it is imperative to participate in a representative democracy.

9. I participated in the early voting during the 2024 General Election.

10. I voted at the Craft Recreational Center on October 24, 2024. Prior to receiving a ballot, a poll worker requested a copy of my driver's license. I complied by presenting my "Real ID". I was given a ballot, and I voted.

11. There was nothing out of the ordinary about my voting experience.

12. Shortly after the election, I received a generic postcard from the North Carolina Republican Party. It was addressed to "Rachel Arnold or current resident". Initially I thought the mailer was a scare tactic, so I called the North Carolina Republican Party and left a voicemail. No one returned my call.

13. Then, in December, I stumbled upon the challenge list on social media. I searched the list and I was floored to discover that my vote was being challenged.

14. I emailed the State Board of Elections on December 13, 2024, to inquire if I needed to do anything to rectify the issue. I was told "In terms of when or whether you would need to provide information, the State Board first must decide whether the protest makes legally valid arguments before the protest would move toward a hearing on the evidence as to the

specific voter's eligibility. If the State Board determines that this will go to a hearing, you and any other affected voter will be contacted in writing, either by the State Board or you county board of elections."

15. To date, I have never received any follow up information from the State Board of Elections.

16. I am an upstanding United States citizen who always adheres to the voting laws and check my voting status before an election. I have never had any issues until now.

17. Up until this point, I have walked through life without problems. However, this process has shown me how easy a miscarriage of justice can happen in our democratic society, and how important it is for those of us who can, to stand up and make our voices heard for ourselves and others.

18. I strongly believe it is hypocritical that a candidate for the North Carolina Supreme Court aims to take a seat on the highest court by disenfranchising over 60,000 North Carolina citizens. If Griffin's Campaign is allowed to reverse a decisive election, it would not only be a travesty, but it would make it impossible for me to trust any ruling coming from the Judicial system, particularly any ruling in which he is a part.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 2, 2025.

Rachel Suzanne Arnold

EXHIBIT
4

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **Amy Grace Bryant**

I, Amy Grace Bryant, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 52-year-old female resident of the state of North Carolina. I was born in Baltimore County, Maryland. I am a resident of Durham, North Carolina. I have lived at my current residence since July 2011.

3. I am a wife and mother of two school age children.

4. I am a physician who spends my days ensuring that my patients have access to high-quality healthcare and resources. I am also an educator who helps train the next generation of healthcare providers.

5. I am active in the Durham County community.

6. I am a citizen of the United States.

7. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

8. I initially registered to vote in North Carolina in summer of 2011. I registered to vote at the Department of Motor Vehicles. I am currently registered to vote at my current address.

9. As my voting record demonstrates, I am an active voter. I have participated in every election in my district since 2011. I have never had any issue with voting.

10. Voting is important to me because I believe strongly that it is imperative to participate in a representative democracy. I understand clearly how being an engaged citizen can lead to improved policies and outcomes for our society, and conversely, that not being engaged can result in systems and policies that cause harm. Everyone deserves to have their voices heard. I also view voting as a way to model civic engagement for my children and community.

11. During the 2024 early voting period, I presented to the Durham Main Library on October 22, 2024 to cast my vote. Prior to receiving a ballot, a poll worker requested a copy of my driver's license. I complied with the request and as a result, I was given a ballot, and I voted.

12. There was nothing out of the ordinary about my voting experience.

13. Shortly after the election, I received a generic postcard. It was addressed to "Amy Bryant or current resident". The mailer indicated that my vote may be affected by one or more protests filed in relation to the 2024 general election.

14. I scanned the QR code contained on the mailer which directed me to a site ran by the North Carolina Republican Party. This website contained links to challenges organized by county.

15. After searching, I eventually found my name in the incomplete voter registration file. I observed no details or evidence explaining why my vote was challenged.

16. I contacted the State Board of Election and I was told to contact the Griffin Campaign for more details.

17. I contacted the Griffin Campaign on November 27, 2024, December 6, 2024, and January 6 2025. I received no response from the Griffin Campaign.

18. As an upstanding United States citizen, who spends my working hours caring for patients and educating medical trainees, it is sickening that I now have to fight to save my lawfully cast vote.

19. This unfair process has caused me to have a range of emotions which include disbelief, confusion, anger, powerlessness, and disappointment.

20. I have always complied with the rules. To witness a candidate for the North Carolina Supreme Court file a lawsuit to disenfranchise my vote, along with 59,000 other citizens without any proof feels like a blow to our democracy.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

_____

Dr. Amy Grace Bryant

EXHIBIT 5

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **24CV040619-910; 24CV040620-910; 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, *Defendants.*	**AFFIDAVIT OF** **DENISE BRADLEY CARMAN**

I, Denise Bradley Carman, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Florida. I moved to North Carolina in late 2003 and have lived here ever since. I first lived in Chatham County, then in Alamance County, and since 2020 have lived in my current residence back in Chatham County.

3. I am white, 59 years old, and a woman.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since at least 2004, and I registered to vote at my current address in June of 2020 after moving to my current residence.

7. Voting has always been very important to me. I registered to vote as soon as I could when I turned 18. When I moved to North Carolina, I was asked to consider working for our

elections, and agreed because I thought I could contribute to a process that is important to me in a non-partisan way. I have grown to love that work and helping people understand and engage in the voting process. For the past 18 months, I have served as an Election Judge for the Goldston precinct in Chatham County. I am proud that we were able to provide a successful election experience for our voters in 2024. I feel strongly that everyone who is eligible to vote should have the opportunity to do so, and I like playing a part in making that happen for others in addition to exercising that right for myself.

8. I cast a ballot in the November 5, 2024 election by going to an early voting site in my county. I showed my passport as identification when I went to vote.

9. I learned that my name was on a list of voters challenged by Judge Griffin while I was visiting my mother in Florida in January 2025 and a friend of mine who worked the election texted me. To the best of my knowledge, I have not received any notifications or postcards about the election protests in the mail.

10. I have since learned that my vote has been included on Judge Griffin's challenge list because my voter registration record is missing either a Social Security Number or a driver's license number. I am frustrated that voters have been called out for issues like this because neither of those numbers is a legal requirement to be a qualified voter, and voters are being asked to show proof of identity when they vote. I have almost always shown my passport to prove my identity, which I consider to be better indicator of eligibility to vote since it requires proof of citizenship to even obtain.

11. When I learned I was on Judge Griffin's challenge list, I contacted the Chatham County Board of Elections to see if there was anything I needed to do and they recommended I submit a new voter registration application with my driver's license number or last four of my

social security number to fix the issue going forward, but they did not have any advice for what I could do about the challenge.

12. I was never offered an opportunity to fix any supposed problems with my registration before Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

13. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel angry because I know that I am eligible to vote in Chatham County, North Carolina, in all elections, and I am committed to voting as is my legal right as a citizen. My concern is also for the people who don't understand the process as well as I do. I am worried that this will be a deterrent for them to vote again. Deep down I cannot help but think that might be a motivation for the current challenges that are happening. This kind of action makes me feel that we are trying to discourage our citizens from voting.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed on February 1, 2025.

Denise Bradley Carman

Denise Bradley Carman

State of North Carolina
County of Wake

I, Amber King, a Notary Public for said County and State, do hereby certify that Denise Bradley Carman personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal,
this the 1 day of February, 2025
(month, year)

Amber King
signature of notary public

My commission expires 08/03, 2028
(month, year)

AMBER KING NOTARY PUBLIC WAKE COUNTY, NC

EXHIBIT
6

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE** **SUPERIOR COURT DIVISION** **No. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, *Defendants.*	**AFFIDAVIT OF** **LOUANNE FLANAGAN CASPAR**

I, Louanne Flanagan Caspar, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 52 year old White woman and resident of North Carolina. I was born in Michigan and am currently a resident of Apex, North Carolina, in Wake County. I have lived at my current residence since July, 2015.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in this state since April 2014 and I registered to vote at my current address on October 29, 2015.

6. Voting is extremely important to me. I have participated in 17 elections since I moved to North Carolina. Before moving to North Carolina, I regularly participated since

registering to vote at the age of 18. I also volunteer regularly at the polls as a precinct official.

7. I cast a ballot in the November 5, 2024, election by early voting at the John Brown Community Center during early voting site in Wake County. To satisfy the photo ID requirement, I showed my North Carolina driver's license issued by the North Carolina Department of Motor Vehicles ("DMV"). I did not utilize Same Day Registration because I was already registered to vote.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I learned of this because a friend texted me about it. I do not recall receiving a postcard or any other mail from Judge Griffin's campaign.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I provided the last four digits of my social security number on my registration form.

10. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the Wake Board of Elections to request a copy of my submitted voter registration form. When that copy was provided to me, it showed that my voter registration application did include my social security number. I am not sure why it was not entered into my voter registration record.

11. I was never offered an opportunity to fix any supposed problems with my registration either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to ensure that my ballot would count.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel disenfranchised. I have never once had my ballot questioned, and if there should have been an opportunity to cure this discrepancy if there were a problem. It is fundamentally unfair to discount my vote for something I had no control over and no opportunity to fix.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 2, 2025.

Louanne Flanagan Caspar
Affiant

Wake County, North Carolina

I certify that the following person appeared personally before me this day, February 2, 2025, and acknowledged that she signed the foregoing document: Louanne Flanagan Caspar.

Date: February 2, 2025

Jacqueline S. Jones
Jacqueline S. Jones,
Notary Public
My commission expires
April 23, 2025

JACQUELINE S. JONES
Notary Public, North Carolina
Wake County
My Commission Expires
April 23, 2025

EXHIBIT
7

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **No. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **ALEXIA CHAVIS**

I, ALEXIA CHAVIS, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Wake County and am currently a resident of Greensboro, North Carolina, in Guilford County. I have lived at my current residence since August 2024.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in this state, using pre-registration in 2020 in Wake County, and I registered to vote in Guilford County on September 26, 2023. I updated my voter registration in September 2024 to vote at my current address.

6. Voting is very important to me. I currently serve as the Vice President for North Carolina Agricultural and Technical State University's chapter of Black Girls Vote and help to lead and support various student voter education and mobilization efforts on my campus. In 2024, I

was a friendtern in Democracy North Carolina's Democracy Summer internship program that further instilled in me the importance of voting rights advocacy especially for young Black people, like myself, where our vote is targeted and barriers to the ballot box are created, like trying to remove the early voting site on campus.

7. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county and showed my student ID.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin because I was notified by Democracy North Carolina. I never received a post-card from Griffin's Campaign.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I vividly remember listing my NC Driver's License number on my registration form in September; especially because when I registered to vote in 2023, I remember being told I did not need to provide my NC Driver's License number. Before I went to early vote in the 2024 General Election, I waited until I saw the State Board of Elections updated my residential address on the Voter Search tool.

10. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel dishearten, frustrated, and disappointed. We should not have to deal with voter suppression from people that we elect to protest us and who will make important legal decisions on our behalf. When I first learned about my vote being challenged, I was initially very confused because I consider myself someone that is very civically engaged and knowledgeable about the election process. To not receive any notice to inform me my vote was being challenged and why, and that I had to go

out of my way to check and figure out what to do; it is not a good feeling for me. It should not be on the voters, when as citizens, we were not the ones that did anything wrong.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 3, 2025.

Alexia Chavis

EXHIBIT
8

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, *Defendants.*	**AFFIDAVIT OF J. BENITO DEL PLIEGO**

I, J. Benito Del Pliego, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Madrid, Spain, and moved to the United States in 1997. I became a naturalized U.S. citizen in the mid-2000s. I have been living in North Carolina since 2002, when I accepted a job with Appalachian State University. I moved to Chapel Hill in about 2014 and registered to vote in Orange County that year. I have been voting regularly since then.

3. I am 54 years old, male, and identify as Latino.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I vote regularly because I think voting and participating is one of the basic principles of our democracy. It is also fundamental as a citizen of the United States that I exercise my right to vote.

7. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I showed my driver's license when I voted.

8. I learned that my name was on a list of voters challenged by Judge Griffin in January of 2025 when a friend of mine told me he saw it when he was checking the list of challenged voters from online. I was baffled when I saw this. I had no idea why my name was included on this list. I do not remember getting a postcard or other notification regarding the election protests in the mail.

9. I have since learned that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I have since contacted the Orange County Board of Elections to request a copy of my submitted voter registration form. When that copy was provided to me, it showed that my voter registration application did include the last four digits of my Social Security Number. The election official from Orange County told me it may have been a difficulty with reconciling my last name in my voter registration with my social security file since my last name has two words. They told me there wasn't anything for me to do to fix it.

10. If I had been notified there were any issue with my voter registration before the election, I would have done whatever I could to make sure my ballot would count.

11. I cannot believe my vote can be challenged after I have been registered and voted in North Carolina and Orange County for nearly 10 years. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel that the basics of our democracy are being challenged without reason. This feels to me like a malicious effort to suppress my vote.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

Executed on January 31, 2025.

J. Benito Del Pliego

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Orange County. North Carolina

Signed and sworn to before me this day by Jose Benito Delpliego
Name of principal

Date: 01/31/2025

(Official Seal)

Official Signature of Notary

Flor Diaz, Notary Public
Notary's printed or typed name

My commission expires: 03/22/2027

OPTIONAL

This certificate is attached to a _____, signed by _____
Title/Type of Document *Name of Principal Signer(s)*

on _____, and includes _____ pages.
Date *# of pages*

EXHIBIT 9

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **SOFIA DIB-GOMEZ**

I, Sofia Dib-Gomez, hereby declare as follows:

1. I am at least eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am an 18-year-old Hispanic female resident of North Carolina. I was born in New York City and am currently a resident of Durham, North Carolina, in Durham County. I have lived at my current residence since August 2024. I am a citizen of the United States.

3. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

4. I have been a registered voter in this state since 2024, and I registered to vote at my current address on August 29, 2024.

5. I am currently a student at Duke University. I am also a member of the Student Voting Rights Lab at Duke and North Carolina Central University, and a first-year fellow for Duke Votes, a non-partisant student group at Duke which works to educate, register, and mobilize the Duke community to vote.

6. Voting is incredibly important to me. Through my work as a first-year fellow at Duke Votes, I served as a voter engagement recourse for all first-years, planned voter engagement activities, and spent at least two hours per week registering students to vote in the first-year dining hall and around the Duke campus. Through my fellowship, I mastered the intricacies of voter registration and instructed hundreds of Duke community members on how to fill out their voter registration form, always checking it over and ensuring that it was filled out correctly. I feel that my work reveals how important voter rights and mobilization are to me, regardless of party affiliation, and that I was equipped with accurate knowledge on voter registration validity.

7. I cast a ballot in the November 5, 2024, election by voting early in person at an early voting site in Durham County on October 29, 2024. To satisfy the photo voter ID requirement, I brought two forms of ID, my US passport and physical Duke Student ID, to ensure that my vote would count. I did not utilize Same-Day Registration because I was already registered to vote.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I learned this through the work that I did with the Voting Rights Lab, who ultimately identified hundreds of Duke students who appeared on Griffin's list. I do not recall receiving a postcard from Judge Griffin's campaign about my name being on this list.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I provided my Social Security number when I registered.

10. When I learned that I was on Judge Griffin's list of voters whose registration lacked these identification numbers in my voter file, I contacted the Durham County Board of Elections

to request a copy of my submitted voter registration form. When that copy was provided to me, it showed that my voter registration application did include my Social Security number. The Durham County Board of Elections also confirmed this in an email to me and stated that no further action was necessary on my part.

11. I was never offered an opportunity to fix any supposed problems with my registration, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to ensure that my ballot would count.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel very frustrated to not have my vote counted in the very first election that I was eligible to vote in. I know that students are being unfairly targeted in these election challenges, and I am incredibly concerned about the threat that this challenge poses to the future of voter rights in North Carolina, particularly for youth voters. The harm to the State of North Carolina is greater and more long lasting because these young North Carolinians citizens are the future of our state. The harm extends beyond one judicial election and one election cycle to the future of democracy itself.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 3, 2025.

Sofia Dib-Gomez

2/3/2025

DURHAM, NC USA
FEBRUARY 03rd, 2025
NOTARY: SAM SAWAYA

Commission Expires on:
07/29/2029

SAM SAWAYA NOTARY *** PUBLIC DURHAM COUNTY, N.C.

EXHIBIT
10

STATE OF NORTH CAROLINA

WAKE COUNTY

I, Mary Kay Heling, hereby declare as follows:

IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910

JEFFERSON GRIFFIN.

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS.

,

Defendants.

AFFIDAVIT OF

MARY KAY HELING

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect. 2. I was born in Wisconsin and am currently a resident of Raleigh, North Carolina, in Wake County. I have lived at my current residence since January 2016.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina. 5. I have been a registered voter in this state since 2016. I registered to vote at my current address on February 19, 2016.

6. Voting is important to me because it is not just a right, voting is a civic duty because we choose who makes the government run both statewide and locally. Voting was always a requirement of my family. It wasn't just a privilege or right, it was responsibility.

7. I cast a ballot in the November 5, 2024, election by early voting at the Chavis Park early voting site in Wake County. To satisfy the photo voter ID requirement, I showed my North

Carolina driver's license issued by the North Carolina Department of Motor Vehicles ("DMV"). I did not utilize Same-Day Registration because I was already registered to vote. 8. Shortly after the election. I learned that my name was on a list of voters challenged by Judge Griffin. I received a letter in the mail from the Jefferson Griffin campaign and tried to look up my name on the website link shared on the postcard. It was really hard to navigate the link because of how many people were on the list. I spent tons of time trying to find my name, and when I could not locate it. eventually assumed it was a mistake. I then looked on the web tool and found my name. I was surprised to see my name on the list. My husband registered at the same time and did not receive a letter. I have voted for the last 9 years without an issue. 9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I provided the last 4 digits of my Social Security Number on my registration form. 10. When I went to vote in the 2024 General Election, I showed my NC DMV issued driver's license.

11. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the Wake Board of Elections to request a copy of my submitted voter registration form. When that copy was provided to me, it showed that my voter registration application did include my Social Security Number. I am not sure why it was not entered into my voter registration record.

12. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any such

issue, I would have done whatever I could to ensure that my ballot would count.

2

13. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel frustrated and angry. I am frustrated because I know I provided my Social Security Number and presented my driver's license. My right is being stripped away though I did everything I needed to do.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.

Mary Kay Heling

Mary Kay Heling

State of NC County of Wake
The foregoing instrument was acknowledged before me
this 1st day of February 2025
by Mary Kay Heling
Notary Public
My Commission Expires 6/13/28

ALEXANDER THOMAS HENSON
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 6/13/28

EXHIBIT
11

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* v. NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **WESLEY HOGAN-PHILIPSEN**

I, WESLEY HOGAN-PHILIPSEN, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Pennsylvania and am currently a resident of Durham, North Carolina, in Durham County. I have lived at my current residence since 2013.

3. I am 54 years old, white, and female.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since 2013, and I registered to vote at my current address on October 8, 2013.

7. I believe without the ability to vote, there is no way I can secure other political rights guaranteed under state and federal constitutions. Without the protection of one person, one vote, all other rights are meaningless.

8. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I was registered to vote already, and I showed my North Carolina driver's license to vote.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I am a history professor, and one of my colleagues told me my husband and I were on the list. When I looked at the list, I saw my name. I did not receive a postcard from the Griffin Campaign alleging my vote was being challenged.

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I remember providing both my Social Security Number and driver's license when I registered to vote, and I voted without incident until now. When I saw my name on the list, I felt enraged and frustrated that such a challenge could be taken seriously by any officials. Fair minded people in both parties should not allow these kinds of challenges to go forward.

11. When I learned I was on Judge Griffin's challenge list, I contacted the Durham County Board of Elections to see if there was anything I needed to do to make sure my ballot counted. Staff told me my registration previously had my Social Security Number and driver's license number, but because I had requested an absentee ballot overseas in 2022, the information was depopulated to meet a 48-hour ballot counting deadline required by federal law. Staff subsequently reprocessed and repopulated the information and told me no further action was required on my part. Staff also told me I met all statutory requirements to vote in the 2024 election.

12. I was never offered an opportunity to fix any supposed problems with my registration, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

13. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel betrayed and enraged. I am stunned that any fair public official would let voters be disfranchised with this cynical tactic after generations of my family members have protested, been beaten, had to push forward legal challenges – all for the right to vote. Griffin's challenge is simply a rinse and repeat of previous unconstitutional gamesmanship against the right to vote. The intentional removal of people of the rolls is not unique to Griffin – he is part of a 200-year pattern trying to limit access to the franchise. It is a betrayal of the fundamental premise of what this country is. I am tired of people in positions of authority irresponsibly allowing this nonsense to go on. This is a government by "we the people," and this challenge betrays that tenet.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

Wesley Hogan-Philipsen

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Durham County, North Carolina

Signed and sworn to before me this day by Wesley Hogan-Philipsen
Name of principal

Date: Feb 2, 2025

(Official Seal)

Katie Crisp
Official Signature of Notary

Katie Crisp, Notary Public
Notary's printed or typed name

My commission expires: October 3, 2028

OPTIONAL

This certificate is attached to a n affidavit, signed by Wesley Hogan-Philipsen
Title/Type of Document *Name of Principal Signer(s)*

on February 2, 2025, and includes 3 pages.
Date *# of pages*

EXHIBIT
12

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **ELIZABETH HUNTER KESLING**

I, Elizabeth Hunter Kesling, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I lived in North Carolina from 2010-2014 and moved back in the fall of 2020. I am currently a resident of Hillsborough, North Carolina, in Orange County. I have lived at my current residence since September 2020.

3. I am a wife and mother of two children ages 7 and 10-years-old.

4. I am a teacher and learning specialist for preschool through grade four. I have been a teacher for nearly 20 years.

5. I am a citizen of the United States.

6. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

7. I have been a registered voter in this state since 2020; I registered to vote at my current address on October 7, 2020.

8. Voting is important to me because I think in a world where the problems and issues can seem insurmountable, that showing up to vote is one concrete step I can take to act on my beliefs and hopefully work toward a better future for myself and others. Also, as a woman, I understand those who came before me fought for the right to vote, and I like to honor their legacy every time I cast my ballot. In short, I do not take the right of being able to vote lightly.

9. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county during the early voting period. When voting, I was required to show a photo ID, so I provided my driver's license obtained from the NC Department of Motor Vehicles. Because I have been a registered voter in my county since 2020, I did not utilize Same-Day Registration.

10. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I did not receive mail at my house regarding the challenge. I found out about the challenge from my friend who was looking up people he knew on the list and texted my spouse who informed me. I was also later informed by neighbors and other friends.

11. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I believe I provided my Social Security Number at the time I registered to vote.

12. I do not recall receiving any contact, either before or after the election, about an issue with my registration. No one has reached out to me from the local or state government to tell me there was a problem with my registration.

13. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any issue, I would have done whatever I could to make sure my ballot would count.

14. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel angry that my vote is being potentially thrown out for what seems like an adult temper tantrum. I teach young people and students about using one's voice to speak up for what you believe in; accepting when things do not go your way; and that we have systems to create fairness. The message of this is contrary to what I have always taught students. I hope there is an outcome here that does not leave voters like me disillusioned with the system.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

Elizabeth Hunter Kesling

EXHIBIT
13

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **KEVIN HUNTER KESLING**

I, Kevin Hunter Kesling, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Chapel Hill, North Carolina and lived there from birth to college. After various moves between North Carolina and Indiana I relocated to Hillsborough, North Carolina (Orange County) in September 2020. I have lived at my current residence since September 2020.

3. I am a husband and father of two children ages 7 and 10-years-old.

4. I am a software engineer and have held this role for roughly 10 years.

5. I am a citizen of the United States.

6. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

7. I registered to vote in North Carolina on October 7, 2020. I registered to vote at the Orange County Board of Elections, in Hillsborough using my US Passport and Social Security Number. I am registered to vote at my current address.

8. Voting is important to me because I believe if "all Men are created equal" (inclusive of the 15th and 19th) then we must ensure that all people are "treated" equally. No one voice, viewpoint, or desire is more important than another, and so voting—in its fundamental form—is a means to let a group of people decide "fairly." The right to vote is a proxy for equality and it is important that all are allowed to exercise this expression with dignity and an implicit expectation of fairness.

9. With these principals in mind, I went to cast a ballot at an early voting site in my county. While at the early voting site, I was required to show a photo ID. As instructed, I provided my valid North Carolina driver's license issued by the NC Department of Motor Vehicles. I was given a ballot and I voted. There were no issues raised during my voting experience.

10. Shortly after the election, I learned, from a friend, that my name was on a list of voters challenged by Judge Griffin.

11. I never receive mail or a notice regarding this challenge.

12. I am aware that my vote has been included on Judge Griffin's challenge list because he claims that my voter registration record is allegedly missing either a Social Security Number or a driver's license number. His acquisition as to my voter registration is highly questionable. As indicated above, I registered to vote at the Orange County Board of Elections using my US Passport and Social Security Card.

13. Furthermore, North Carolina State Board of Elections never raised an issue about my registration before or after election.

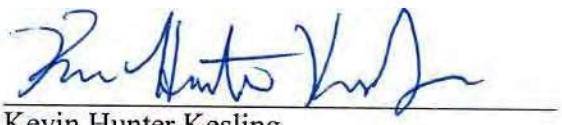
14. Furthermore, I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any issue, I would have done whatever I could to make sure my ballot would count.

15. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel very angry. As a southerner, I learned the humility of taking my losses gracefully, and respecting when I was wrong.

16. There is nothing legally or factually wrong or invalid with my voter registration.

17. If my vote is discarded, it is explicitly a declaration to me that those who have means have a "more equal" voice than those who justly follow the law -- and that is not what America should stand for. It is my hope that this court will see Griffin's challenge for what it is to me—a disgruntled candidate who is using his weight and political pull to overthrow an election that he lost fair and square.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.



Kevin Hunter Kesling

Acknowledgement

STATE OF North Carolina

COUNTY OF Orange

I certify that Kerin Hunter Kesling personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Affidavit of Kerin Hunter Kesling.
Name or description of attached document

I further certify that (select one of the following identification options):

☐ I have personal knowledge of the identity of the principal(s)

☑ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NCDL 20451958
type of identification

☐ A credible witness, _____, has sworn or affirmed to me the identity of the principal, and that he or she is not a named party to the foregoing document, and has no interest in the transaction.
name of credible witness

Date: 2/3/25

Notary Public

Gailey Blalock Newberry
Typed or Printed Notary Name

(Official Seal)

GAILEY BLALOCK NEWBERRY NOTARY PUBLIC ORANGE COUNTY, NC

My commission expires: 1/2029

EXHIBIT
14

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **LESLEY-ANNE LEONARD**

I, Lesley-Anne Leonard, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Stamford, Connecticut and attended Salem College in Winston Salem, North Carolina from 2004 to 2008. During that time my parents moved from Connecticut to Winston Salem, North Carolina in Davidson County. After graduating in 2008 I decided to stay in Winston-Salem, currently reside there, in Forsyth County. I have lived at my current residence since 2021.

3. I am a 38-year-old white woman and I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in Forsyth County since 2010, and I last updated my registration shortly after moving residences in 2021 to my current address.

6. I have been very civically and politically engaged since I was young, and my parents instilled in me the importance of voting. I believe voting is an important way to have my voice heard and I try to vote in as many elections as I can. I have voted in every general election without issue since I first registered in Forsyth County in 2010.

7. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. When asked to present photo ID, I provided my North Carolina driver's license.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I got a postcard in the mail about the election protests, but I did not really understand what it was and thought it was probably junk mail. I did go to the link that was included in the QR code but could not find my name in the spreadsheets posted and so I did not think it applied to me and tossed the notice. I went to the Board of Elections website to check that my vote counted and it did, so I thought there was no problem with my vote.

9. Later in January 2025 I saw information on Facebook about the challenges, and one of my friends texted me to tell me my name was in fact on the list. That prompted me to go back and call the Forsyth County Board of Elections and the State Board of Elections, and they confirmed that my vote had been counted.

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according. I was confused by this because I have both of these numbers and had them when I registered in Forsyth County in 2010 and knew I would have provided them when I first registered. I have also been able to vote without issue in every general election since I registered in the County.

11. On Friday, January 24, 2025, I went to Forsyth County Board of Elections. They were able to pull up my original registration in their database and found that my driver's license number and my social security number were both listed there, but when I got married in 2021 and my last name was changed, my ID information was not carried over to the updated registration profile. So, it appears my challenge is completely based on an administrative error and not because I did not provide identifying information when I registered.

12. I was never told of or offered an opportunity to fix any supposed problems with my registration before Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

13. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel betrayed by those in charge of our elections. I was extremely angry and offended when I learned my vote had been challenged even though I have done everything I was supposed to do to cast a valid ballot and am an eligible voter in this state. It feels very unfair and dangerous that the fate of my ballot and the ballots of thousands of others like me, who followed the rules when we voted, is being left up to the courts and others and that it is not within my control to ensure my vote will count.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.

Lesley-anne Leonard

Lesley-Anne Leonard

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Forsyth County, North Carolina

Signed and sworn to before me this day by Lesley-Anne Leonard
Name of principal

Date: 1/31/2025

(Official Seal)
MARGUERITE MCGURK
NOTARY PUBLIC
FORSYTH COUNTY, NC

Official Signature of Notary

Marguerite McGurk, Notary Public
Notary's printed or typed name

My commission expires: 9/17/2029

OPTIONAL

This certificate is attached to a Affidavit, signed by Lesley-Anne Leonard
Title/Type of Document *Name of Principal Signer(s)*

on 1/31/2025, and includes 3 pages.
Date *# of pages*

EXHIBIT
15

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **GAYNELLE LITTLE**

I, Gaynelle Little, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 59-year-old Black female resident of the state of North Carolina. I was born in Nash County, North Carolina and am currently a resident of Knightdale, North Carolina, in Wake County. I have lived at my current residence since June 2005.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in this state since approximately 1986, and I registered to vote at my current address in July 2005. I last updated my voter registration shortly after moving residences on July 5, 2005.

6. I have been voting regularly in North Carolina elections for decades because voting is incredibly important to me. It is really important for me to vote regularly so that I know that my voice is heard as to who will represent me in both my county, my state, and my nation.

7. I cast a ballot in the November 5, 2024 election by going to an early voting site in Wake County on October 31, 2024. To satisfy the photo voter ID requirement, I showed my North Carolina driver's license at the time that I early voted. I did not utilize Same-Day Registration because I was already registered to vote.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I only found out I was on the list because I received a text from a group called Carolina Federation asking to check whether I was on the list of challenged voters. I do not recall receiving a postcard from Judge Griffin's campaign about my name being on this list.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number. I do not understand how this information could be missing because I believe I provided my driver's license number at the time I registered to vote. I have been voting for decades in North Carolina without an issue.

10. I was not offered an opportunity to fix any supposed problems with my registration, either before or after election day. If I had been notified of any such issue, I would have done whatever I could to ensure that my ballot would count.

11. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel robbed of my constitutional right to vote, misled, targeted, and angry.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 3, 2025.

Gaynelle Little

EXHIBIT
16

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **Jenna Marie Marrocco**

I, Jenna Marie Marrocco, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 27-year-old White female resident of the state of North Carolina. I was born in Annapolis Maryland and moved to North Carolina in 1998. I am a resident of Raleigh, North Carolina. I have lived at my current residence since July 2021.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I initially registered to vote in this state in 2016. To date, I am registered to vote at my current address.

6. As a citizen of the United States, I understand that I have a fundamental right to vote. As a citizen of the United States my lawfully cast vote should count.

7. Around September 2024, I reviewed my voting eligibility. I found out that my voter registration was listed as “inactive”.

8. I diligently searched for and obtained the information I needed to update my voter registration. To update my voter registration, I needed to provide my valid driver's license and a utility bill to an election official prior to voting.

9. With this understanding in mind, I presented to the South East YMCA located in Wake County during the early voting period. Prior to casting my vote, I handed my valid driver's license and a utility bill to the election official. To my knowledge, my registration was updated at this time.

10. Thereafter, I was given a ballot and I cast my vote without any problems.

11. To my surprise, shortly after the election, I was informed by a friend that my name was on a list of voters challenged by Judge Griffin. I never received a postcard or any other form of communication from Judge Griffin's campaign regarding my name being on his list. Further, I never heard from the State Board of Election regarding issues with my vote.

12. Once I became aware that my vote was being challenged by Judge Griffin because of "incomplete registration", I personally reached to his campaign for answers. To date, my efforts to get answers from both Judge Griffin and from the State Board of Election have gone unanswered.

13. As a citizen of the United States, I took it upon myself to do my due diligence to participate in a free and fair election. Despite taking the necessary steps to ensure my registration was proper, my vote is still being challenged.

14. Prior to this experience, I would have never imagined that a US citizen, properly registered to vote, could have their lawfully cast vote retroactively discarded. Unfortunately, this is exactly what the Griffin Protest is trying to do to my vote.

15. For me, allowing a candidate for the North Carolina Supreme Court to disenfranchise me and 60,000 other citizens just so the candidate can preside over the State's highest court, calls the judicial system into question as a whole.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 2, 2025.

Jenna Marie Marrocco

EXHIBIT
17

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **AUDREY MEIGS**

I, Audrey Meigs, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 23-year-old Asian American female resident of North Carolina. I was born in China and am currently a resident of Chapel Hill, North Carolina, in Durham County. I have lived at my current residence since June 2023.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I pre-registered to vote in North Carolina when I obtained my driver's license in 2018 at the age of 16; and I registered to vote at my current address on May 7, 2024.

6. Voting is incredibly important to me. I have been working in the voting rights space since high school, when I held voter registration drives in my hometown of

Asheville, North Carolina. I am very dedicated to this work and to serving and empowering the Asian American community, a community that often gets left out of the political process.

7. I cast a ballot in the November 5, 2024, election by going to an early voting site in Durham County. To comply with the photo voter ID requirement, I showed my North Carolina driver's license. I did not utilize Same-Day Registration because I was already registered to vote.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I received a postcard from the NC GOP that said that there might be something wrong with my vote, and it provided me with a QR code to go to a website. However, the QR code only led me to an error page, and so I thought perhaps this was a scam. I didn't truly understand that my vote was being challenged and might not be counted until I was told more about this challenge by my co-workers at North Carolina Asian Americans Together (NCAAT).

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I provided the last 4 digits of my Social Security Number on my registration form.

10. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the Durham County Board of

Elections. The Durham CBOE told me that I provided all of the necessary information when I registered, and that no further action was needed on my part.

11. I was never offered an opportunity to fix any supposed problems with my registration, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to ensure that my ballot would count.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel angry and disheartened. It is despicable to me that someone who is running for a seat in the justice system is denying the right to vote to North Carolinians. Someone who doesn't have the same resources and proficiency as me would likely not even know what it means to be on this list, or what action they can or should take.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 2, 2025.

Audrey Meigs

EXHIBIT
18

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **BRUKLYN MILLER**

I, Bruklyn Miller, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 27-year-old African American resident of the state of North Carolina. I was born in Durham, North Carlina. I've been a resident of Durham County, North Carolina since 2020. I have lived at my current residence since July 2024.

3. I am a part-time barista and videographer.

4. I am active in the Durham County community.

5. I am a citizen of the United States.

6. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

7. I registered to vote in North Carolina on August 23, 2017. I am registered to vote at my current residence.

8. As my voting record demonstrates, I am an active voter. I have participated in almost every primary and general election held in North Carolina since 2020. I have never had any issues with casting my ballot.

9. Voting is important to me because I know how my ancestors took to the street to protest and organize, to provide me with the opportunity to vote. It would feel wrong to know they fought hard for our right to vote and not use that right. Voting is my way of expressing my voice in a society that tries to suppress it.

10. During the 2024 early voting period, I cast my vote at a church in my county. Prior to receiving a ballot, a poll worker requested a copy of my driver's license. I complied by showing my North Carolina driver's license issued by the NC Department of Motor Vehicles. Prior to getting my ballot, I raised the concern of my address not being updated on my registration. The poll worker changed it in the system. No other issues were raised by the poll worker regarding my registration.

11. There was nothing out of the ordinary about my voting experience. I was able to exercise my right and cast my ballot.

12. Shortly after the election, my friend called and asked if I received a letter in the mail regarding the Judge Griffin challenge. She had received a letter in the mail and observed my name on the list. To the best of my knowledge, that conversation happened on November 17, 2024.

13. I checked the mail, and I received a card. The card stated to talk to the NC State Board of Elections ("NCSBE"). I called the NCSBE and was told they would get back to me on the matter, however, I never received a call or response from them. That same day I checked the list myself and found my name. The protest list was hard to work through, but I eventually found my name.

14. I did not contact anyone from the Judge Griffin campaign.

15. I am annoyed and extremely frustrated about the situation. It feels like a complete disregard for what people go through just to vote. This challenge has been going on for months, weeks after the other races have been certified – this is frustrating. If my ballot is retroactively discarded under Judge Griffin's protest, I will lose trust and faith in our democracy.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

Bruklyn Miller

EXHIBIT
19

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* v. NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **DIRK PHILIPSEN**

I, DIRK PHILIPSEN, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am currently a resident of Durham, North Carolina, in Durham County. I have lived at my current residence since August 2013.

3. I am 65 years old, white, and male.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since 2013, and I registered to vote at my current address on September 24, 2013. I registered to vote using the last four digits of my Social Security Number.

7. I believe participating in your community and voting is a central part of my responsibility as a citizen. To the best of my knowledge, I have not missed a single election in my

entire life since I have been able to vote. To me, the sanctity of the voting process is crucial, and to disenfranchise someone in this way is in violation of every democratic principle I have ever learned.

8. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I was already registered to vote, and I showed my North Carolina driver's license to election officials to vote.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. A colleague of mine sent out an email with a link to the list of challenged voters. When I checked the list, my name was on it. I do not remember receiving a postcard alleging my vote was being challenged. I was offended, shocked, and outraged to see my name on this list. It is a concerted effort to disenfranchise people with no evidence.

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. There is no basis for this allegation because I remember providing my Social Security Number to my county board when I registered originally, and I showed my North Carolina driver's license to vote.

11. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the Durham County Board of Elections. Staff confirmed that my voter registration application did include my Social Security Number. I am not sure why it was not entered into my voter registration record.

12. When I learned I was on Judge Griffin's challenge list, I contacted the Durham County Board of Elections to see if there was anything I needed to do to make sure my ballot

counted. The staff I communicated with assured me that no further action was necessary on my part.

13. I was never notified of any alleged problem with my registration or offered an opportunity to fix any supposed issues, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

14. If my ballot is retroactively discarded under Judge Griffin's protest, I would no longer trust the political process. Outrage is almost too mild a term for what I would feel. I would feel disenfranchised and would be appalled. However, it would give me motivation to be more politically active to defeat the actors responsible.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

Dirk Philipsen

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Durham County, North Carolina

Signed and sworn to before me this day by Dirk Philipsen.
Name of principal

Date: 2/2/2025

(Official Seal)

Katie Crisp
Official Signature of Notary

Katie Crisp, Notary Public
Notary's printed or typed name

My commission expires: October 3, 2028

OPTIONAL

This certificate is attached to a n affidavit, signed by Dirk Philipsen
Title/Type of Document *Name of Principal Signer(s)*

on Feb 2, 2025, and includes 3 pages.
Date *# of pages*

EXHIBIT
20

STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **24CV040619-910; 24CV040620-910; 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **LARRY REPANES**

I, LARRY REPANES, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in New York and am currently a resident of Charlotte, North Carolina, in Mecklenburg County. I have lived at my current residence since December 2022. I moved to Charlotte in July 2022 and was living at a temporary location until my home at my current address was built. I received mail at my current address at that time.

3. I am 68 years old, white, and male.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since 2022, and I registered to vote at my current address on August 22, 2022.

7. Voting is important to me because it is a right and is key to democracy.

8. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I already was registered to vote and showed my North Carolina driver's license to cast a ballot.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I do not remember receiving a postcard from Judge Griffin's campaign or any other organization. I received the list of challenged voters from a neighbor, and when I checked the list, I saw my name was on it.

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a valid Social Security Number or a driver's license number according to Judge Griffin. I remember providing my Social Security Number and driver's license when I registered to vote. I also showed election officials my North Carolina driver's license when I voted in the 2024 election.

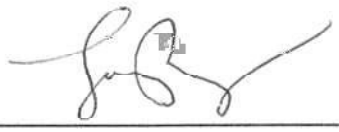
11. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the Mecklenburg County Board of Elections. I wanted to make certain my ballot counted. They suggested that I come to the Board of Elections in person and bring my supporting documentation.

12. Staff informed me that both my Social Security Number and driver's license were present but not validated. After discussion, they suggested that because my Social Security records was listed under "Lawrence" and my registration was under "Larry," that could be the reason my Social Security information was not validated. The Mecklenburg County Board of Elections validated my Social Security information and assured me that no further action was required on my part.

13. I was never offered an opportunity to fix any supposed problems with my registration, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

14. If my ballot is retroactively discarded under Judge Griffin's protest, I would be angry, shocked, and stunned that my vote was thrown out on a technicality that could have and should have been resolved before the election. Certainly, someone knew that 200,000 registered voters were considered to have invalid information, and by not doing anything, they accepted us as registered voters. The court would disenfranchise us if it throws out our votes, and that is anti-democratic.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.



Larry Repanes

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Mecklenburg County, North Carolina

Signed and sworn to before me this day by Larry Repanes.
Name of principal

Date: 2/1/25

(Official Seal)

MARYJANE C. CONTI
NOTARY PUBLIC
MECKLENBURG COUNTY
NORTH CAROLINA

MY COMMISSION EXPIRES 8/21/2027

Maryjane C. Conti
Official Signature of Notary

Maryjane C. Conti, Notary Public
Notary's printed or typed name

My commission expires: 8/21/2027

OPTIONAL

This certificate is attached to a AFFIDAVIT OF LARRY REPANES, signed by LARRY REPANES
Title/Type of Document *Name of Principal Signer(s)*

on 2/1/25, and includes 4 pages. INCLUDING THIS.
Date *# of pages*

EXHIBIT
21

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **ANNA LOUISE RICHARDS**

I, Anna Louise Richards, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 74-year-old Black woman currently living as a resident of Chapel Hill, North Carolina, in Orange County. I have lived at my current residence since July 2024.

3. I am a citizen of the United States.

4. I am a retired finance executor who worked for the Boeing company in Seattle Washington. At the time I cast my vote in the 2024 General Election, I was a County Commissioner for Orange County.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since 2013; I updated my registration to reflect the change in address to my current residence on the first day of Early Voting, October 17, 2024.

7. I have been voting since the age of eighteen. Voting is important because it is a fundamental right and this is a democracy. I am a participant not a spectator. My ancestors fought hard for me to have this right. It is something to take seriously; it is a sacred right for me.

8. I cast a ballot in the November 5, 2024, election by going to vote on the first day of early voting - October 17, 2024 - in my county. To satisfy the photo voter ID requirement, I showed my North Carolina driver's license issued by the North Carolina Department of Motor Vehicles ("DMV"). While I did not utilize Same-Day Registration because I was already registered to vote, I did update my registration to reflect the change in my residence.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I received a call from a friend but also got a postcard in the mail stating that my vote was being challenged. I believe the postcard was from the State Board of Elections. I am aware that my vote has been included on Judge Griffin's challenge list because of "incomplete registration."

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how this information could be missing because I believe I provided my Driver's License Number at the time I registered to vote. When updating my registration for the 2024 General Election, I was not asked for additional information or informed of any issues regarding my registration.

11. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any issue, I would have provided whatever information was necessary to ensure my ballot would count.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel outraged because we are supposed to be a democracy. I registered and cast my vote legally and therefore, I want my vote counted.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 1, 2025.

Anna Louise Richards

State of NC County of Orange
The foregoing instrument was acknowledged before me
this 31 day of February, 2025
by Anna Richards
Notary Public
My Commission Expires 12-17-2028

DONNA LYNN VILLANO
My Commission Expires
NOTARY PUBLIC
December 17, 2028
ORANGE COUNTY, NC

EXHIBIT
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STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **LILA RICHARDSON**

I, Lila Richardson, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I am a 23-year-old white female resident of North Carolina. I was born in Asheville, North Carolina and currently reside there, in Buncombe County.

3. I am a citizen of the United States.

4. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

5. I have been a registered voter in this state since 2020 and I registered to vote at my current address on July 17, 2024.

6. Voting is an incredibly important opportunity for me to expand the future of my community and ensure that my own concerns and values are heard and represented. Generations of women before me have worked tirelessly to provide the right to vote, and through my own civil duty I am continuing their work.

7. I cast a ballot in the November 5, 2024, election by early voting in Buncombe County. To satisfy the photo voter ID requirement, I showed my North Carolina driver's license. I did not utilize Same-Day Registration because I was already registered to vote.

8. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. I received a postcard in the mail from the Jefferson Griffin campaign and tried to look up my name using the QR code shared on the postcard. It was very hard for me to navigate the link, and it wasn't clear to me at all what action I was supposed to take next on the provided website.

9. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand why this information would be listed as missing from my registration record.

10. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the State Board of Elections and was on the phone with them for at least thirty minutes, trying to get someone on the phone who could explain what action I need to take, if anything. The individual I spoke to was not able to tell me how to proceed and told me I would instead have to contact the Buncombe County Board of Elections.

11. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to ensure that my ballot would count.

12. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel frustrated and discouraged especially as I am reeling from, along with my neighbors and

community members of Western North Carolina, the traumatic impacts of Hurricane Helene. It is now more than ever that my community needs support and aid, and to be discounted despite the efforts I made to show up to the polls and represent myself would feel incredibly disrespectful.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 3, 2025.

Lila Richardson

EXHIBIT
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STATE OF NORTH CAROLINA **WAKE COUNTY**	**IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION** **24CV040619-910; 24CV040620-910; 24CV040622-910**
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **ALEXA ADAMO VALVERDE**

I, ALEXA ADAMO VALVERDE, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in Florida and am currently a resident of Chapel Hill, North Carolina, in Chatham County. I have lived at my current residence since 2020.

3. I am 54 years old, white, and female.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since 2020, and I registered to vote at my current address on September 11, 2020.

7. Voting matters to me because democracy matters. I grew up believing that living in a free country means every voice counts. Casting a vote is the most powerful way we, as individuals, can shape the future and make our voices heard.

8. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I showed my North Carolina driver's license and was already registered to vote.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. My neighbor told me I was on the list. I do not remember receiving any postcard from the Griffin Campaign alleging my vote was being challenged.

10. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I do not understand how that information could be missing because I registered to vote at the DMV when I received my North Carolina driver's license. I was appalled to learn my name was on the list. I was confused and frustrated because I registered to vote at a state-run office, and I don't understand how my registration could not be valid.

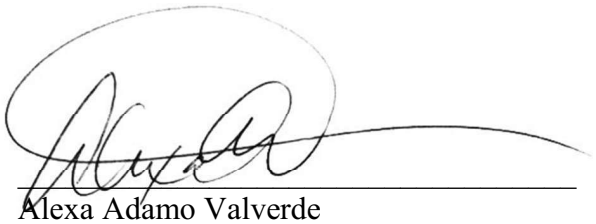
11. When I learned I was on Judge Griffin's challenge list, I contacted the Chatham County Board of Elections to see if there was anything I needed to do to make sure my ballot counted. Staff told me in order to fix the supposed issue with my registration, I should re-register to vote and bring documentation of my North Carolina driver's license or Social Security Number. I presented that documentation and re-registered to vote.

12. I was never offered an opportunity to fix any supposed problems with my registration, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

13. If my ballot is retroactively discarded under Judge Griffin's protest, I will feel outraged. I have been voting for decades. To follow the rules, vote, and then after the fact take my vote away is unacceptable. To use a process that I was told to utilize by registering at the DMV

and then have my vote not count would tell me there is something broken in the system, and/or someone is trying to commit a crime against me.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on February 2, 2025.



Alexa Adamo Valverde

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Durham County, North Carolina

Signed and sworn to before me this day by Alexa Adamo Valverde.
Name of principal

Date: February 2, 2025

(Official Seal)

Katie Crisp
Official Signature of Notary

Katie Crisp, Notary Public
Notary's printed or typed name

My commission expires: October 3, 2028

OPTIONAL

This certificate is attached to a n affidavit, signed by Alexa Adamo Valverde
Title/Type of Document *Name of Principal Signer(s)*

on 2/2/2025, and includes 3 pages.
Date *# of pages*

Completed on 2/2/2025 according to the emergency requirements contained in G.S. 10B-25.

Notary was in Durham county during the emergency notarization.

Principal was in Chatham county during the emergency notarization.

EXHIBIT
25

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 24CV040619-910; 24CV040620-910; 24CV040622-910
JEFFERSON GRIFFIN, *Plaintiff,* *v.* NORTH CAROLINA STATE BOARD OF ELECTIONS, , *Defendants.*	**AFFIDAVIT OF** **DIANE WYNNE**

I, DIANE WYNNE, hereby declare as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts set forth herein. If called to testify before this Court, I would do so to the same effect.

2. I was born in New Jersey and am currently a resident of Wilmington, North Carolina, in New Hanover County. I have lived at my current residence since September 2022.

3. I am 56 years old, white, and female.

4. I am a citizen of the United States.

5. I am not disqualified from voting due to felony conviction, and I otherwise meet the qualifications for eligibility to register to vote and vote in North Carolina.

6. I have been a registered voter in this state since June 2022, and I registered with the last four digits of my Social Security Number. I last updated my registration shortly after moving residences in September 2022.

7. Voting is important to me because it is the say we get in how our country is run. I vote regularly and have worked as a poll worker.

8. I cast a ballot in the November 5, 2024, election by going to an early voting site in my county. I already was registered to vote, and I showed my driver's license.

9. Shortly after the election, I learned that my name was on a list of voters challenged by Judge Griffin. Someone from an organization, though I cannot recall which organization, called me and said my vote was being challenged, and I remembered I had received a postcard in the mail before. However, I thought the postcard was confusing and was a scam because I did not know how a vote could be challenged and taken away after the fact.

10. When I learned my vote was being challenged, I felt shocked at first and wondered how that was possible. I was confused at first and then angry because they have no grounds to challenge my vote, and the challenge was totally baseless.

11. I am aware that my vote has been included on Judge Griffin's challenge list because my voter registration record is allegedly missing either a Social Security Number or a driver's license number according to Judge Griffin. I did not understand the challenge because I remember providing a Social Security Number to my county board when I registered originally, and I showed my North Carolina driver's license when I voted in the 2024 election.

12. When I learned I was on Judge Griffin's list of voters whose registrations lacked these identification numbers in my voter file, I contacted the New Hanover Board of Elections to request a copy of my submitted voter registration form. When that copy was provided to me, it showed that my voter registration application did include my Social Security Number. I also noticed that the form said I should provide my Social Security Number "or" my driver's license number. Staff informed me that because my Social Security records are listed under "Diane E Wynne" and my registration was under "Diane Elizabeth Wynne," that could be the reason for the invalid Social Security information.

13. When I learned I was on Judge Griffin's challenge list, I contacted the New Hanover Board of Elections to see if there was anything I needed to do to make sure my ballot counted. The staff I spoke to said if I wanted to re-register, I could, but it was not required. They assured me that no further action was necessary on my part.

14. I was never offered an opportunity to fix any supposed problems with my registration/absentee ballot, either before or after Election Day. If I had been notified of any such issue, I would have done whatever I could to make sure my ballot would count.

15. If my ballot is retroactively discarded under Judge Griffin's protest, that would be outrageous. I filled the form out correctly, and I voted correctly. I did everything right. If my vote does not count, I would feel that our country is not what I thought it was. I also could see this discouraging a lot of people from voting, and I would question the point of voting if it could be taken away. Voting would be a gamble when it shouldn't be—it should be a definite thing.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on January 31, 2025.

Diane Wynne

STATE OF NC COUNTY OF New Hanover
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED
ON THIS 31st DAY OF January, 2025
BY: Diane Wynne
NOTARY SIGNATURE Paul G Courtney II

PAUL G COURTNEY II
My Commission Expires
NOTARY PUBLIC
May 25, 2028
BRUNSWICK COUNTY, NC

EXHIBIT

J

North Carolina Court of Appeals

Phone: (919) 831-3600
Fax: (919) 831-3615
https://www.nccourts.gov

Eugene H. Soar, Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

From Wake County
(24CV040619, 24CV040620, 24CV040622)

No. P25-104

JEFFERSON GRIFFIN,
Petitioner,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS,
Respondent.

and

ALLISON RIGGS,
Intervenor-Respondent.

O R D E R

The following order was entered:

By unanimous vote, the motion filed in this cause on the 11th of February 2025 and designated 'Rule 2 Motion to Expedite Appeal' is allowed as follows:

1. The appeals will be consolidated. The Appellant may file a single record on appeal;
2. Appellant will serve a proposed Record on Appeal no later than 18 February 2025;
3. Appellees will serve any objections, amendments, or other response to the proposed Record on Appeal no later than 19 February 2025;
4. The Record will be settled by agreement or operation of law no later than 20 February. Should Judicial Settlement of the Record be necessary, the Superior Court is directed to hear and resolve the matter expeditiously. In the event Judicial Settlement is requested, the parties shall notify this Court immediately and the briefing schedule set forth below may be modified accordingly;
5. The settled Record on Appeal shall be filed no later than 21 February. In the event of Judicial Settlement of the Record, the Record shall be filed within 2 days of the entry of any order Judicially Settling the Record.
6. The Record shall be docketed and assigned a docket number as an appeal consistent with the practices of this Court;
7. Any Exhibits and Other Items not included in the Record proper—including original or electronic exhibits—designated in the Record on Appeal shall be governed by N.C.R. App. P. 9(d);

8. The Appellant's Brief will be filed and served no later than 24 February 2025;
9. The Appellees' Briefs will be filed and served no later than 27 February 2025;
10. Any Reply brief will be filed and served no later than 3 March 2025;
11. The word limit for the parties' briefs shall be expanded to 17,500 words for the opening brief and response briefs and 7,500 words for the reply brief;
12. Upon filing of a Reply Brief or expiration of time to do so, the case will be calendared for hearing expeditiously;
13. This Order is entered without prejudice to any party filing additional motions in this Court regarding scheduling or other matter or seeking Discretionary Review pursuant to N.C.R. App. P. 15 upon docketing of the Record in this Court.

By order of the Court, sitting as a three-judge panel, this the 13th of February 2025.

WITNESS my hand and the official seal of the North Carolina Court of Appeals, this the 13th day of February 2025.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:
Mr. Craig D. Schauer, Attorney at Law, For Griffin, Jefferson - (By Email)
Mr. Troy D. Shelton, Attorney at Law - (By Email)
Mr. W. Michael Dowling, Attorney at Law - (By Email)
Mr. Philip Thomas, Attorney at Law - (By Email)
Mr. Terrence Steed, Special Deputy Attorney General, For NC State Board of Elections - (By Email)
Ms. Mary Carla Babb, Special Deputy Attorney General - (By Email)
Mr. Raymond M. Bennett, Attorney at Law, For Riggs, Allison - (By Email)
Mr. Samuel B. Hartzell, Attorney at Law, For Riggs, Allison - (By Email)
The Honorable Clerk of Superior Court, Wake County