

STATE OF NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF ELECTIONS

IN THE MATTER OF: CONSIDERATION)
OF 2024 GENERAL ELECTION)
ELECTION PROTESTS BASED UPON)
ALLEGED "INCOMPLETE" VOTER)
REGISTRATIONS LACKING CERTAIN)
IDENTIFYING INFORMATION)

BRIEF OF NORTH CAROLINA
NAACP, BERTHA LEVERETTE,
AND J. SAILOR JONES

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INTRODUCTION

More than 60,000 voters are at risk of having their ballots cancelled because disappointed candidates for elected office have called into question the validity of their ballots in the 2024 General Election by filing election protests with county boards of elections across North Carolina. The protests seek disqualification of more than 60,000 votes—and thus seek disenfranchisement of the voters who cast ballots—based on flawed legal theories already rejected by state and federal courts. Most important, these protests fail to allege any evidence that even a *single* one of these voters is actually ineligible to vote in North Carolina. The protests request sweeping and unprecedented remedies that would permanently destabilize the post-election canvass period and deny voters any assurance their ballots will be counted, despite having met North Carolina’s eligibility and photo identification requirements. The Board must reject the election protests to secure the fundamental right to vote for every North Carolinian.

The North Carolina State Conference of the NAACP (the “North Carolina NAACP”), Ms. Bertha Leverette, and Mr. J. Sailor Jones (the “Interested Parties”),¹ by and through counsel, respectfully submit this brief to oppose the disqualification of any ballot on the grounds that a voter’s registration record lacked a driver’s license or Social Security number, as requested in election protests filed before this body (the “Incomplete Protests”).² The Incomplete Protests, if granted, will likely disenfranchise Ms. Leverette and Mr. Jones and members of the North Carolina NAACP as their ballots will be thrown out. The Interested Parties were also accepted as *Amici Curiae* by the United States Court of Appeals for the Fourth Circuit in the related matter

1 Upon information and belief, while Mr. Jones was not included in the lists appended to the Incomplete Protests, he was listed among the voters lacking identifying information in his voter file earlier this year.

2 Specifically, the Interested Parties oppose those election protests titled “Incomplete” by North Carolina Supreme Court Candidate Jefferson Griffin, candidate for Senate District 8 Ashlee Adams, candidate for Senate District 42 Stacie McGinn, and candidate for House District 32 Frank Sossamon (collectively, the “Protestors”).

Republican National Committee v. North Carolina State Board of Elections, No. 24-2044. Order, Dkt No. 62 (Oct. 25, 2024).

The Interested Parties are not advocating for or against any specific candidate for office. Rather, they seek to protect the fundamental right to vote of eligible North Carolina voters across this state, including Ms. Leverette, Mr. Jones, and North Carolina NAACP members, whose valid votes in the 2024 General Election have been baselessly called into question by these protests. As set forth below, these protests must be rejected for the following reasons:

First, Protestors do not satisfy the standards required to challenge a voter’s registration or cast ballot under state law. They have neither rebutted the statutorily mandated presumption that these more than 60,000 voters are eligible to vote and cast lawful ballots, nor proffered (or even alleged the existence of) any individualized evidence that a single voter was ineligible to register to vote or cast a ballot. This lack of evidence is sufficient to dismiss the Incomplete Protests. In addition, there is no violation of law, irregularity, or misconduct underlying the Incomplete Protests justifying Board action.

Second, Protestors’ requested relief is inconsistent with the principles underlying and frustrates the purpose of the National Voter Registration Act (“NVRA”). Indeed, the relief requested by Protestors would not be permitted if they had sought it in the days before the 2024 General Election and that relief should not be permitted now.

Third, granting Protestors’ requested relief violates principles of procedural due process. More than 60,000 voters—including Ms. Leverette, Mr. Jones, and members of the North Carolina NAACP—have exercised their fundamental right to vote, and to have their votes counted. And now, Protestors seek to take away that right by asking the Board to discard those ballots based on unsupported claims that these voters were not eligible to vote in the first place. The Board may not

simply disqualify these ballots without furnishing every voter proper notice and hearing procedures, as this would violate the rights afforded by the Due Process Clause.

And, *finally*, the equities weigh against granting Protestors’ requested relief. Having failed to identify any clear entitlement to the relief they seek, Protestors make out no claim to relief. Indeed, their request—to disqualify more than 60,000 ballots *after* the election—is extraordinary and would cause extreme prejudice not just to Ms. Leverette, Mr. Jones, and members of the North Carolina NAACP, but to every voter that is named in the Incomplete Protests. Neither state law nor the U.S. Constitution countenance such a result, and neither should the Board.

The Board should dismiss the Incomplete Protests. And the Board should ensure that all eligible voters who cast a ballot in the 2024 General Election have their fundamental right to vote, and to have their vote counted, secured in this election.

ARGUMENT

I. NO “SUBSTANTIAL EVIDENCE OF ANY VIOLATION, IRREGULARITY, OR MISCONDUCT” EXISTS FOR THE BOARD TO TAKE ACTION

North Carolina law is clear: An election protest may be granted only when there is “substantial evidence of any violation, irregularity, or misconduct sufficient to cast doubt on the results of the election.” N.C.G.S. § 163-182.10(d)(2). Protestors do not come close to meeting this standard. In fact, not only have they failed to satisfy the standard required for such protests, they could not do so, because they cannot establish a violation of law, irregularity, or misconduct.

A. The Protesters Do Not Come Close to Satisfying the Standards Required For Challenging a Voter’s Eligibility or Vote

The Incomplete Protests suffer from a fatal omission requiring their swift dismissal. All that Protestors allege is that a group of more than 60,000 voters who cast ballots had “incomplete” registrations and that constituted an irregularity under North Carolina election law. Protesters offer only that “irregularities” occurred that “may well be outcome dispositive.” Protesters’ Brief (“Br.”)

at 6. And that is all they can muster. They do not allege that any single voter is actually ineligible to vote or that any single voter filed an improper ballot. This vague assertion does not come close to satisfying the standard for election protests challenging voter ineligibility.

A successful election protest must demonstrate, by “substantial evidence[,]” that such an irregularity actually casts doubt on the results of the election. N.C.G.S. § 163-182.10(d)(2). Under North Carolina law, voters whose registration or ballot is challenged are presumed eligible: “No challenge shall be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption shall be that the voter is properly registered or affiliated.” N.C.G.S. § 163-90.1(b). In addition, challengers—here, Protestors—may contest a voter’s registration or ballot only in limited circumstances: “Challenges shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes such a person not to be qualified and entitled to vote.” N.C.G.S. § 163-90.1(a). Thus, challenges must be individualized to the specific voter challenged. *See* North Carolina State Board of Elections: Voter Challenge Procedures Guide 6 (Dec. 18, 2023) <https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Voter%20Challenge%20Guide.pdf>. “[I]nformation pulled from a public website or database that conveys no information specific to the circumstances of the voter” does not qualify as individualized evidence and cannot be grounds for a voter challenge. *Id.*; *see also* *N.C. State Conf. of NAACP v. Bipartisan Bd. Of Elections & Ethics Enf’t*, No. 16-cv-1274, 2018 WL 3748172, at *7 (M.D.N.C. Aug. 7, 2018).

The evidence marshalled by Protestors is conclusory and vague—far from substantial or individualized. Protestors do not allege, let alone offer evidence, that even a *single* voter whose registration lacks a driver’s license or Social Security number is actually ineligible to vote. Instead, Protestors can only suggest that some of these voters *may* be ineligible because they used the

offending state voter registration form. Br. at 6. But the voters are registered to vote; they appear on the State’s official list of registered voters, which is the manner of registration provided by law. *See* N.C.G.S. § 163-82.11(a). Protestors do not dispute that these voters are on the State’s official list of registered voters. Nor do they dispute that these voters appear on that official list because each of them submitted a Board-approved voter registration form that was accepted by election officials in their county of registration.

These simple facts fatally undermine Protesters’ requested relief. Once a voter appears on the state’s “official list of registered voters in the state,” N.C.G.S. § 163-82.11(a), they may only be removed under the specific circumstances provided under law. N.C.G.S. § 163-82.1 (setting forth as a general principle of voter registration that “[e]very person registered to vote by a county board of elections in accordance with this Article *shall remain registered*” except under specific conditions (emphasis added)). None of the specific circumstances permitting cancellation of registration are present here, and Protestors do not even attempt to allege that they are.

Protestors also do not rebut the presumption of eligibility afforded to the challenged voters under N.C.G.S. § 163-90.1. An eligible voter’s registration might be missing a driver’s license or Social Security number for any number of reasons that would not indicate that voter is ineligible. For example, voters may have provided a driver’s license or Social Security number at the time of registration that was not entered into the voter registration file due to inadvertent error, which the Board has acknowledged describes at least some of these voters. Will Doran, *Republican Party leaders seek to purge 225,000 NC voters ahead of 2024 elections, citing worries dismissed by state officials*, WRAL (Aug. 26, 2024), <https://www.wral.com/story/republican-party-leaders-seek-to-purge-225-000-nc-voters-ahead-of-2024-elections-citing-worries-dismissed-by-state-officials/21596034/> (Board spokesperson acknowledging these issues “could be due to human

error by data entry workers”). Alternatively, voters may have provided a driver’s license or Social Security number at the time of registration, but the number may have been omitted from the registration because the information did not match that in the Division of Motor Vehicles database or Social Security Administration databases for reasons unrelated to eligibility (such as typos in the number or misspelling of names). Voters also may have provided a driver’s license or Social Security number sometime after they registered to vote, such as when requesting a mail-in ballot or when presenting identification to vote in person, N.C.G.S. §§ 163-230.2(a)(4), 163-166.16(a), but the registration may not have been updated. Another plausible scenario: Voters may be North Carolina citizens who are eligible to register and vote but do not possess a driver’s license or Social Security number. *See* 52 USCS § 21083(a)(5)(A)(ii); N.C.G.S. § 163-82.4(b).

Whether any of these reasons describes the specific circumstances of any particular voter is beside the point. That is because Protesters bear the burden to rebut the presumption of eligibility. They have not done that. Protesters have not offered a single piece of evidence that rebuts or disproves, or even speaks to, these plausible alternative explanations for any of the voters they challenge. Indeed, Protestors neither describe on an individualized basis why any single voter is ineligible nor describe any investigation they conducted into the eligibility of any challenged voter. Rather, Protestors identify lists of voters whose registrations are purportedly incomplete, which is precisely the kind of systematized data query that the Board has specifically said does not meet a challenger’s (or Protesters’) burden to challenge voter ineligibility. *See* North Carolina State Board of Elections: Voter Challenge Procedures Guide 6 (Dec. 18, 2023) (“For example, evidence that mail was undelivered to a voter’s address is not individualized evidence, nor is information pulled from a public website or database that conveys no information specific to the circumstances of the voter.”). Rather than attempting to demonstrate with evidence that the Incomplete Protests

are outcome determinative, Protesters simply argue that allegedly incomplete registrations “may well be dispositive.” *See* Br. at 6. This is insufficient. Statistical suggestions are not enough in the voter challenge context, and do not constitute individualized, affirmative proof of actual ineligibility. *Cf. Summers v. Earth Island Inst.*, 555 U.S. 488, 499 (2009) (“In part because of the difficulty of verifying the facts upon which such probabilistic [assertions] depend[], the Court has required plaintiffs...to identify [instances of] the requisite harm—surely not a difficult task here, when so many thousands [of instances] are alleged[.]”)

Indeed, there is ample reason to believe that the vast majority of voters on Protesters’ list are eligible to vote. The Incomplete Protests cite Section 163-82.4 of the General Statutes,³ which, as Protestors acknowledge in their Brief, Br. at 4, explicitly provides for the registration of individuals without a driver’s license or Social Security number. Further, in connection with federal litigation over this exact issue on the eve of the election, Protesters’ political party conceded that it was unknown how many voters on the list of purportedly incomplete registrations might actually lack a driver’s license or Social Security number and have registered using the offending state voter registration form. *See Federal Appeals Court weighs fate of GOP challenge of 225,000 NC voter registrations*, Carolina J. (Oct. 28, 2024), <https://www.carolinajournal.com/federal-appeals-court-weighs-fate-of-gop-challenge-of-225000-nc-voter-registrations/> (quoting counsel for GOP groups as saying the number of impacted voters “could be 2,000. It could be 25,000. We don’t know”). The record in that parallel federal case also reflects evidence of eligible voters who have been impacted by this issue due to no fault of their own. *See* Decl. of Ms. Bertha Leverette

3 Upon information and belief, the quotation and citation to § 183-82.4 on at least some of the Incomplete Protests is a typographical error. *See* November 5, 2024 Election Protest of Jefferson Griffin: N.C. Supreme Court Associate Justice, Seat 6, at 2 ¶ 1 (Nov. 19, 2024), <https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Nov%202024%20Protests/Griffin/Alamance%20-%20Griffin%20-%20Incomplete%20Protest.pdf>.

(attached hereto as Exhibit A); Decl. of Mr. Jackson Sailor Jones (attached hereto as Exhibit B); Decl. of Deborah Maxwell (attached hereto as Exhibit C). Indeed, at least one voter identified in the Incomplete Protests, Ms. Bertha Leverette, has been a registered voter in North Carolina since 1972, and despite presenting her driver’s license when voting in the 2024 Primary Election and having provided her Social Security number to election officials in the past, appears on the Protesters’ list. *See* Exhibit A ¶¶ 4, 6–9.

Accordingly, Protesters have not met their burden for challenging voters under state law. This alone is sufficient for dismissal of the Incomplete Protests.

B. There Was No Violation of Law, Irregularity, or Misconduct Underlying the Incomplete Protests

The Board should dismiss the Incomplete Protests for another reason: They are not accompanied by any alleged violation of law, irregularity, or misconduct.

Though Protestors claim state law requires registrants to provide a driver’s license or Social Security number to be validly registered to vote, Br. at 3, this is untrue. What North Carolina law requires is for a registrant to provide a driver’s license or Social Security number *if they have such a number*. *See* N.C.G.S. § 163-82.4(a),(b).⁴ If a voter does not have a driver’s license or Social Security number, the Board “shall assign a unique identifier number to an applicant for voter registration[.]” N.C.G.S. § 163-82.4(b). This is consistent with the voter identification requirements of the Help America Vote Act (“HAVA”), which require that a registrant to vote in a federal election must submit (1) a driver’s license number or (2) the last four digits of their Social

⁴ As noted *supra* at page 7, Protestors cite Section 163-82.4 which contains the relevant provisions, yet inexplicably ignore the portion that explicitly provides for the registration of individuals without providing a driver’s license or Social Security number.

Security number. 52 U.S.C. § 21083(a)(5)(A)(i).⁵ If a registrant has not been issued a driver’s license or Social Security number, HAVA requires the state to provide the applicant with a voter identification number. 52 U.S.C. § 21083(a)(5)(A)(ii). Registrants without a driver’s license or Social Security number associated with their registration must then present a voter identification document at the polls or with their mail-in ballot. 52 U.S.C. § 21083(b)(2)(A). If a voter does not provide the appropriate documentation, the voter is permitted to cast a ballot provisionally. 52 U.S.C. § 21083(b)(2)(2)(B). North Carolina also has a voter identification requirement for all in-person and absentee voters. N.C.G.S. § 163-166.16.

The sum of these provisions is that voters in North Carolina must prove their identity and eligibility before voting, regardless of whether their registration record includes their driver’s license or Social Security number. Accordingly, the Board’s actions in 2023—when it determined that the lack of indication on the state voter registration form that providing a driver’s license or Social Security number is mandatory—did not require any retrospective remedy. As reflected in the Board’s Order concerning Carol Snow’s October 6, 2023, complaint concerning the form, the Board approved Snow’s request to change the state voter registration form and related materials but did not direct county boards to refuse to accept voter registration forms currently in circulation or to contact all existing registered voters whose registration did not show a driver’s license or Social Security number because “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.” Order at 5, *In re HAVA Complaint of Carol Snow* (N.C. State Bd. Elections Dec. 6,

⁵ Where states combine their voter registration rolls for state and federal elections (as North Carolina does), the requirements of HAVA apply to both. See N.C.G.S. § 163-82.11(a) (establishing “a statewide computerized voter registration system” to “serve as the single system for storing and managing the official list of registered voters in the state”).

2023) (Br. at App. 5); *see also id.* at 4 (“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.”); *id.* at 4–5 (declining to contact all registered voters whose registration did not have a driver’s license or Social Security numbers because (1) that remedy is not explicitly authorized under HAVA; and (2) any voter who did not provide either of those numbers “would have had to provide additional documentation to prove their identity before being allowed to vote”).

Given that Protestors have failed to furnish substantial evidence of any violation of law, irregularities, or misconduct, the Board need not take further action.

II. THE BOARD SHOULD REJECT PROTESTORS’ ATTEMPT TO DISQUALIFY BALLOTS BASED ON THE THEORY THAT THESE VOTERS WERE NOT PROPERLY REGISTERED TO VOTE

The Board should also reject Protestors’ requested relief because it is a disguised attempt to cancel the registrations and votes of more than 60,000 voters inconsistent with the purpose of the NVRA.

The reason underlying Protestors’ requested relief—disqualification of more than 60,000 ballots—is that the voters who cast those ballots are not properly registered. To grant Protestors’ requested relief requires acceptance of the contention that these voters are not actually registered to vote. But that logic runs counter to the Board’s obligations outlined in the NVRA. Under Section 8(a), the Board must “ensure that any eligible applicant is registered to vote in an election.” 52 U.S.C. § 20507(a)(1). As described *supra* at page 4, these voters are on the North Carolina registration roll and are presumptively eligible voters as a matter of law. Protestors neither dispute this fact nor this point of law. Protestors also have provided no reason to doubt these are eligible voters. Accordingly, granting Protestors’ requested relief and disqualifying more than 60,000

ballots because the voters should not have been on the voter registration roll in the first place would be contrary to the Board’s affirmative duty under Section 8(a).⁶

Had Protestors tried to bring their frivolous challenges before the 2024 General Election on the ground that these more than 60,000 voters were not properly registered to vote, they would not have succeeded. That is because Section 8(c) of the NVRA prohibits the systematic removal of voters—*i.e.*, removal of voters (other than voters who died, were convicted of a felony, or deemed mentally incapacitated) from the registration roll without any individualized information or investigation—90 days before a federal election. *See* 52 U.S.C. § 20507(c)(2); *see also Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1345–46 (11th Cir. 2014).⁷ Removal programs not based on “reliable first-hand evidence specific to that voter” are also prohibited within 90 days of a federal election. *See N.C. State Conf. of the NAACP v. N.C. State Bd. of Elections*, No. 16-cv-1274, 2016 WL 6581284, at *5 (M.D.N.C. Nov. 4, 2016) (finding removal program not sufficiently individualized where there was “no evidence in the record that these third parties that challenged the voters had any reliable first-hand evidence specific to the voters challenged” and where “most of these voters were targeted based on information about their status contained on the State Board’s website”).

Discarding tens of thousands of ballots because, according to Protestors, the voters were not properly registered in the first place, would nullify the protections afforded by Sections 8(a)

⁶ While the NVRA only applies to voter registration for federal elections, it also applies to a state registration roll where states have not chosen to maintain two separate registration rolls for federal-only and federal-and-state voters. North Carolina is such a state. *See* N.C.G.S. § 163-82.11(a) (establishing “a statewide computerized voter registration system” to “serve as the single system for storing and maintaining the official list of registered voters in the state”).

⁷ The only exceptions to this prohibition are: (1) removals at the request of the registrant; (2) removals because of criminal conviction or mental incapacity, as set forth by state law; (3) removals upon the death of the registrants, or (4) “correction[s] of registration records.” 52 U.S.C. § 20507(c)(2)(B)(ii).

and 8(c) of the NVRA. Indeed, a federal court considering precisely this issue—whether the voters here should be purged from the voter registration roll within the 90-day period—has indicated that the relief would violate the NVRA. *See* Order at 3, *Republican Nat’l Comm. v. N.C. State Board of Elections*, No. 5:24-cv-00547-M (E.D.N.C. Nov. 22, 2024), Dkt. No. 73 (recognizing this construction of the NVRA “may be correct, based on a recent opinion from the Fourth Circuit” and reasoning “that would be a reason to deny Plaintiffs a particular form of relief”).

In filing the Incomplete Protests, Protestors seek a remedy that would have been prohibited in the 90 days before the 2024 General Election. *Id.* Now that the Election has occurred, Protestors attempt to reach the same goal by way of requesting the disqualification of more than 60,000 ballots. Such a “do-over” is inequitable and unlawful. Accordingly, the Board should reject Protestors’ requested relief.

III. THE REQUESTED RELIEF VIOLATES PRINCIPLES OF DUE PROCESS

Protestors’ requested relief also violates principles of due process protected by the U.S. Constitution. North Carolina cannot infringe upon “a cognizable liberty ... interest” without “constitutionally []adequate” procedures. *Kendall v. Balcerzak*, 650 F.3d 515, 528 (4th Cir. 2011). Yet requiring the more than 60,000 voters allegedly without a driver’s license or Social Security number associated with their registration to provide that number or face disqualification of their vote would do just that.

Courts consider three factors to determine whether a procedure is constitutionally inadequate: (1) “the private interest that will be affected”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural

requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Protesters’ requested relief does not meet these constitutional standards.

First, the right to vote of more than 60,000 North Carolinians, including Ms. Leverette, Mr. Jones, and members of the North Carolina NAACP—not one of whom Protestors has alleged is ineligible to vote—is at stake. It is beyond dispute that “[t]he right to vote is fundamental.” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 229, 247 (4th Cir. 2014) (explaining that “[t]he right to vote is fundamental” and that “[c]ourts routinely deem restrictions on fundamental voting rights irreparable injury”); U.S. Const. amend. XV; N.C. Const. art. I, §§ 9, 10, 11, 19. Indeed, “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). And, recognizing the importance of the right to vote, the Supreme Court has made clear “[i]n decision after decision” that “a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) (collecting cases). For these reasons, courts have refused to “disenfranchise voters en masse from participating” in elections, as doing so would violate “principles of due process.” *See, e.g., Maricopa Cnty. Recorder Stephen Richer v. Ariz. Sec’y of State Adrian Fontes*, No. CV-24-0221-SA, 2024 WL 4299099, at *3 (Ariz. Sept. 20, 2024); *see also Ford v. Tennessee Senate*, No. 06-2031 D V, 2006 WL 8435145, at *8 (W.D. Tenn. Feb. 1, 2006) (explaining that a resolution indicating that a state senate election should be voided due to irregularities threatened to disenfranchise constituents without notice and hearing because the “actions implicate the fundamental right to vote which is protected by the Due Process Clause of the Fourteenth Amendment the constituents of Senate District 29 are entitled to adequate notice and opportunity to be heard before any prospective disenfranchisement”).

Second, the risk of erroneous deprivation of the right to vote of these 60,000 North Carolinians is high should the Board grant Protestors' requested relief. The process protecting against such risk "must be granted at a meaningful time." *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972); *Cleveland Bd. of Education v. Loudermill*, 470 U.S. 532, 542 (1985). That has not and cannot happen here. The Protesters allege that the over 60,000 voters purportedly not legally registered to vote failed to meet their previously prescribed notice and cure period. *See* Br. at 4-5 (citing N.C.G.S. § 163-82). But the "notice and cure" period cited by Protesters—Section 163.82(f)—requires *pre-election* notice, with the opportunity to cure any omissions by 5:00 PM on the day before the county canvass. *Id.* Here, no such notice was given, and these more than 60,000 voters had no reason to suspect there was anything wrong with their voter registrations (which may have been maintained without objection for decades, as in the case of Ms. Leverette), let alone an opportunity to correct any purported omissions in the registration. An unanticipated and unannounced post-election cure process cannot provide a meaningful opportunity to cure any alleged issue, since such a hypothetical process would come during the pendency of end-of-year holiday celebrations and when the typical voter is no longer focusing on or paying attention to election-related news. Such a post-election cure process would also be completely unprecedented, administratively infeasible, and cause significant voter confusion. Protestors fail to cite any examples of such a process being administrated by this, or any other, state. Any attempt to improperly remove these voters from the voter registration roll or otherwise disqualify or condition their votes grossly risks the erroneous deprivation of a fundamental right to which they are entitled.

Third, Protestors' requested relief does not adequately address the government's interest in safeguarding the right to vote and there is no additional process that could do so. The Board has an obligation to ensure that the ballots of all eligible and properly registered voters have their

ballots counted. Protestors have not provided any reason to think that these voters are ineligible or not properly registered. Accordingly, the Protesters' requested procedure for processing the challenged votes does not comport with the constitutional requirements of due process.

IV. THE EQUITIES WEIGH AGAINST GRANTING PROTESTORS' REQUESTED RELIEF

Finally, equitable considerations weigh strongly against consideration of the Incomplete Protests here. The extraordinary relief Protestors seek would result in extreme disruption to North Carolina's election system. It would be fundamentally unfair to disqualify the votes of more than 60,000 North Carolinians—thereby denying them their fundamental right to vote—when each of those voters registered and voted in the manner provided by law. For over a century, the North Carolina Supreme Court has recognized that otherwise eligible and registered voters should not have their vote disqualified due to administrative errors. *See People ex rel. Boyer v. Teague*, 106 N.C. 576, 11 S.E. 665, 670 (1890) (rejecting effort to disqualify vote based on an alleged failure to register where “the voter procure[d] the proper certificate and duly register[ed] thereunder[,]” since where “the registrar made a mistake, without the fault or complicity of the voter . . . the vote is legal and should not be disturbed”). Other courts have reached the same conclusion in this very election cycle. *See, e.g., Maricopa Cnty.*, 2024 WL 4299099, at *2-3 (declining to remove voters from the voter registration roll when the state had made an administrative error). That precedent should not be abandoned here.

Indeed, a plaintiff seeking this kind of remedy from a federal court must make an extraordinary showing. The entitlement to relief must be “entirely clearcut.” *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring). Moreover, a plaintiff seeking this kind of extraordinary relief needs to do so in a manner that does not sow voter confusion or destabilize an election that is already ongoing. *Democratic Nat'l Committee v. Wisc. State Legis.*, 141 S. Ct. 28,

31 (2020) (Kavanaugh, J., concurring) (“When an election is close at hand, the rules of the road should be clear and settled.”). Thus, in the context of election-eve cases, for example, federal courts must consider the burden on voters, candidates, and administrators. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (courts weighing election-eve judicial intervention in election procedures must weigh “considerations specific to election cases” such as voter confusion); *Milligan*, 142 S. Ct. at 881 (Kavanaugh, J., concurring) (*Purcell* requires plaintiffs to establish that requested election-eve “changes are feasible without significant cost, confusion, or hardship”).

Those same equitable considerations apply as the Board considers the Incomplete Protests. The relief Protestors seek and the contemplated burdens—disenfranchisement for voters—would be extreme. This is especially true here given how long Protestors waited to raise these particular challenges when the factual circumstances giving rise to their protest theory became known over a year ago, as Protestors acknowledge. *See* Br. at 6 (noting that the Board took action on this issue on Dec. 6, 2023). Nevertheless, Protestors made no attempt to investigate or remediate the purported deficiencies with these voters’ registrations until after the election concluded. As a result, the voters challenged by Protestors relied on their hereto-undisputed, timely registrations to successfully vote in the 2024 General Election, on the straightforward assumption that because they were active registered voters at their current addresses, they would continue to be so.

As courts have noted in circumstances similar to this one, “extreme diligence and promptness are required in election-related matters, particularly where actionable practices are discovered prior to the election.” *Trump v. Biden*, 2020 WI 91, at 11-12 (Wisc. 2020) (collecting cases from state, federal, and tribal courts). “In fact, in election contests, a court especially considers the application of laches. Such doctrine is applied because the efficient use of public resources demands that a court not allow persons to gamble on the outcome of an election contest

and then challenge it when dissatisfied with the results, especially when the same challenge could have been made before the public is put through the time and expense of the election process. Thus if a party seeking extraordinary relief in an election-related matter fails to exercise the requisite diligence, laches will bar the action.” *Id.* This is precisely such an instance, and Protesters should not be permitted to resuscitate these issues only after it is clear that they have lost, and in a manner that would retroactively disenfranchise voters through no fault of those voters’ own.

For this added reason, the Protests should be dismissed.

CONCLUSION

For the reasons stated above, the Impacted Parties respectfully request that this Board order the counties to dismiss the Incomplete Protests.

DATED: December 6, 2024

Respectfully submitted,

/s/ Christopher Shenton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was submitted electronically to the State Board and served upon the parties listed below via e-mail, addressed as follows:

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Pro se

This the 6th day of December, 2024.

/s/ Christopher Shenton

Christopher Shenton

EXHIBIT A

Leverette Declaration

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24cv547**

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,

and

Democratic National Committee,

Intervenor-Defendant.

**DECLARATION OF
BERTHA LEVERETTE**

I, Bertha Leverette, 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 Granville County and am currently a resident of Oxford, North Carolina, in Granville County. I have lived at my current residence since 1985.

3. I am a citizen of the United States.
4. I have been a registered voter in this state since 1972, and I last updated my registration on September 28, 2016.
5. I intend to cast a ballot in the upcoming November 5, 2024, election.
6. My name and NCID number are on the list of registrations in North Carolina lacking either a Social Security Number or driver's license number in their voter file, according to a list provided by the State Board of Elections on April 1, 2024, in response to Public Records Request 24-16 submitted by Carol Snow.
7. I have a North Carolina driver's license number and a social security number. I am not sure why my registration lacks this information.
8. I do not believe that I should be removed from the voter rolls because a group says that my valid voter registration, which I completed by filling out North Carolina's registration form, violates federal law. To my knowledge, I followed all directions when filling out the voter registration form.
9. I have also already provided this information to election officials. I presented my North Carolina driver's license when I voted early curbside during the 2024 Primary Election.
10. Because I meet the qualifications for eligibility to vote in North Carolina and am lawfully registered to vote, I should not be removed from the rolls.
11. If I am removed from the voter rolls, and my ability to vote is taken away, I will be denied my fundamental right to vote and engage in the political process.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on September 26, 2024.



Bertha Leverette

EXHIBIT B

Jones Declaration

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.

**DECLARATION OF
JACKSON SAILOR JONES**

I, Jackson Sailor Jones, 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 Warren County and am currently a resident of Mebane, North Carolina, in Alamance County. I have lived at my current residence since June 2022.
3. I am a citizen of the United States.
4. I have been a registered voter in this state for over three decades, and I last updated my registration shortly after moving residences, on July 8, 2022.
5. I intend to cast a ballot in the upcoming November 5, 2024, election.

6. My name and NCID number are on the list of registrations in North Carolina lacking either a Social Security Number or driver's license number in their voter file, according to a list provided by the State Board of Elections on April 1, 2024, in response to Public Records Request 24-16 submitted by Carol Snow.

7. I have a North Carolina driver's license number and a social security number. I am not sure why my registration lacks this information.

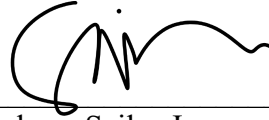
8. I do not believe that I should be removed from the voter rolls because a group says that my valid voter registration, which I completed by filling out North Carolina's registration form, violates federal law. To my knowledge, I followed all directions when filling out the voter registration form.

9. I have also already provided this information to election officials on multiple occasions. I presented my North Carolina driver's license when I voted in person during the 2024 Primary Election. I also provided this information on my Absentee Ballot Request Form for the 2024 General Election, which I have already submitted and which requires this information. The Absentee Ballot Request Form cannot be processed without a driver's license or Social Security number. A copy of that form is attached to this Declaration as Exhibit 1.

10. Because I meet the qualifications for eligibility to vote in North Carolina and am lawfully registered to vote, I should not be removed from the rolls.

11. If I am removed from the voter rolls, and my ability to vote is taken away, I will be denied my fundamental right to vote and engage in the political process.

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct. Executed on September 3, 2024.

A handwritten signature in black ink, appearing to be 'JS', written over a horizontal line.

Jackson Sailor Jones

Exhibit 1
NC Absentee
Ballot Request
Form



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.

Election date	1	11/05/24 General Election Absentee Ballot Request	<input type="radio"/> <i>Due to</i> continued or expected illness or disability, I am <i>also</i> requesting absentee ballots for all elections this year.
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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? <input type="radio"/> Yes <input type="radio"/> No If yes, date moved? (mm/dd/yyyy) _____ Mailing Address (if different from above) Street _____ Unit # _____ City _____ State _____ Zip _____
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Where should we send your ballot? Check 1. Required	5	<input type="radio"/> Your home address in Section 4 <input checked="" type="radio"/> Your mailing address in Section 4 <input type="radio"/> The address below: Street _____ Unit # _____ City _____ State _____ Zip _____ <input type="radio"/> 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. <table border="1" style="width: 100%;"> <tr> <td style="width: 20%; text-align: center;">X</td> <td style="width: 60%;"></td> <td style="width: 20%; text-align: center;">Date (mm/dd/yyyy)</td> </tr> </table>	X		Date (mm/dd/yyyy)
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.? <i>Only the voter may complete this section.</i>	9	<input type="radio"/> Uniformed Services or Merchant Marines on active duty <input type="radio"/> U.S. citizen outside the U.S. (Overseas address required) Overseas full address _____ _____ _____	I want my ballot delivered to my: <input type="radio"/> Email _____ <input type="radio"/> Fax _____ <input type="radio"/> Address indicated in Section 5 <input type="radio"/> 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. <table border="1" style="width: 100%;"> <tr> <td style="width: 20%; text-align: center;">X</td> <td style="width: 60%;"></td> <td style="width: 20%; text-align: center;">Date (mm/dd/yyyy)</td> </tr> </table>	X		Date (mm/dd/yyyy)
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.



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



<p>JOHNSTON PO BOX 1172 SMITHFIELD NC 27577-1172 (919) 989-5095</p>	<p>JONES 367 NC HIGHWAY 58 S UNIT B TRENTON NC 28585-7787 (252) 448-3921</p>	<p>LEE 1503 ELM ST STE 1 SANFORD NC 27330-4200 (919) 718-4646</p>	<p>LENOIR PO BOX 3503 KINSTON NC 28502-3503 (252) 523-0636</p>	<p>LINCOLN PO BOX 977 LINCOLNTON NC 28093-0977 (704) 736-8480</p>
<p>MACON 5 W MAIN ST FL 1 FRANKLIN NC 28734-3005 (828) 349-2034 EXT 2035</p>	<p>MADISON PO BOX 142 MARSHALL NC 28753-0142 (828) 649-3731</p>	<p>MARTIN PO BOX 801 WILLIAMSTON NC 27892-0801 (252) 789-4317</p>	<p>MCDOWELL PO BOX 1509 MARION NC 28752-1509 (828) 659-0834</p>	<p>MECKLENBURG PO BOX 31788 CHARLOTTE NC 28231-1788 (704) 336-2133</p>
<p>MITCHELL 11 N MITCHELL AVE RM 108 BAKERSVILLE NC 28705-6511 (828) 688-3101</p>	<p>MONTGOMERY PO BOX 607 TROY NC 27371-0607 (910) 572-2024</p>	<p>MOORE PO BOX 787 CARTHAGE NC 28327-0787 (910) 947-3868</p>	<p>NASH PO BOX 305 NASHVILLE NC 27856-0305 (252) 459-1350</p>	<p>NEW HANOVER 1241A MILITARY CUTOFF RD WILMINGTON NC 28405-3637 (910) 798-7330</p>
<p>NORTHAMPTON PO BOX 603 JACKSON NC 27845-0603 (252) 534-5681</p>	<p>ONSLow 246 GEORGETOWN RD JACKSONVILLE NC 28540-4146 (910) 455-4484</p>	<p>ORANGE PO BOX 220 HILLSBOROUGH NC 27278-0220 (919) 245-2350</p>	<p>PAMLICO PO BOX 464 BAYBORO NC 28515-0464 (252) 745-4821</p>	<p>PASQUOTANK PO BOX 1797 ELIZABETH CITY NC 27906-1797 (252) 335-1739</p>
<p>PENDER PO BOX 1232 BURGAW NC 28425-1232 (910) 259-1220</p>	<p>PERQUIMANS PO BOX 336 HERTFORD NC 27944-0336 (252) 426-5598</p>	<p>PERSON 331 S MORGAN ST ROXBORO NC 27573-5223 (336) 597-1727</p>	<p>PITT PO BOX 56 GREENVILLE NC 27835-0056 (252) 902-3300</p>	<p>POLK PO BOX 253 COLUMBUS NC 28722-0253 (828) 894-8181</p>
<p>RANDOLPH 1457 N FAYETTEVILLE ST ASHEBORO NC 27203-3957 (336) 318-6900</p>	<p>RICHMOND PO BOX 1843 ROCKINGHAM NC 28380-1843 (910) 997-8253</p>	<p>ROBESON PO BOX 2159 LUMBERTON NC 28359-2159 (910) 671-3080</p>	<p>ROCKINGHAM PO BOX 22 WENTWORTH NC 27375-0022 (336) 342-8107</p>	<p>ROWAN 1935 JAKE ALEXANDER BLVD W STE D10 SALISBURY NC 28147-1176 (704) 216-8140</p>
<p>RUTHERFORD PO BOX 927 RUTHERFORDTON NC 28139-0927 (828) 287-6030</p>	<p>SAMPSON 335 COUNTY COMPLEX RD STE 100 CLINTON NC 28328-4851 (910) 592-5796</p>	<p>SCOTLAND 231 E CRONLY ST STE 305 LAURINBURG NC 28352-3820 (910) 277-2595</p>	<p>STANLY PO BOX 1309 ALBEMARLE NC 28002-1309 (704) 986-3647</p>	<p>STOKES PO BOX 34 DANBURY NC 27016-0034 (336) 593-2409</p>
<p>SURRY PO BOX 372 DOBSON NC 27017-0372 (336) 401-8225</p>	<p>SWAIN PO BOX 133 BRYSON CITY NC 28713-0133 (828) 488-6177</p>	<p>TRANSYLVANIA PO BOX 868 BREVARD NC 28712-0868 (828) 884-3114</p>	<p>TYRRELL PO BOX 449 COLUMBIA NC 27925-0449 (252) 796-0775</p>	<p>UNION PO BOX 1106 MONROE NC 28111-1106 (704) 283-3809</p>
<p>VANCE 300 S GARNETT ST STE C HENDERSON NC 27536-4566 (252) 492-3730</p>	<p>WAKE PO BOX 695 RALEIGH NC 27602-0695 (919) 404-4040</p>	<p>WARREN PO BOX 803 WARRENTON NC 27589-0803 (252) 257-2114</p>	<p>WASHINGTON PO BOX 550 ROPER, NC 27970-0550 (252) 793-6017</p>	<p>WATAUGA PO BOX 528 BOONE NC 28607-0528 (828) 265-8061</p>
<p>WAYNE 309 E CHESTNUT ST GOLDSBORO NC 27530-4903 (919) 731-1411</p>	<p>WILKES 110 NORTH ST RM 315 WILKESBORO NC 28697-2469 (336) 651-7339</p>	<p>WILSON PO BOX 2121 WILSON NC 27894-2121 (252) 399-2836</p>	<p>YADKIN PO BOX 877 YADKINVILLE NC 27055-0877 (336) 849-7907</p>	<p>YANCEY PO BOX 763 BURNSVILLE NC 28714-0763 (828) 682-3950</p>

EXHIBIT C

Maxwell Declaration

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.

**DECLARATION OF DEBORAH DICKS MAXWELL
PRESIDENT OF THE NORTH CAROLINA STATE CONFERENCE
OF THE NAACP**

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

1. I am personally knowledgeable of the facts contained below and, if called to testify, would affirm all matters set forth herein.
2. I am a resident of Wilmington, North Carolina in New Hanover County, where I have lived since 1992. I was born in Wilmington and previously resided there for approximately 15 years.
3. Since October 2021, I have served as President of the North Carolina State Conference of the National Association for the Advancement of Colored People (“North Carolina NAACP”), a state chapter of the National NAACP, which is a 501(c)(4) registered nonpartisan, nonprofit community organization dedicated to eliminating racial hatred and racial discrimination through education, advocacy, and litigation.
4. I have been a member of the NAACP for 25 years. Prior to my time as President, I served as Assistant Treasurer, Treasurer, Vice President, and President for the New Hanover County local branch of the North Carolina NAACP. I also served as the North Carolina State Conference District Director for Bladen, Brunswick, Columbus, New Hanover, Onslow and Pender Counties, which required me to oversee six counties in southeastern North Carolina.
5. As President of the North Carolina NAACP, I am responsible for communicating with NAACP branches across North Carolina, identifying matters of statewide concern, and taking steps to address members’ concerns. These responsibilities include, among other things, traveling to various parts of North Carolina for meetings and events, communicating statewide concerns to the National NAACP, advocating for or against proposed legislation or policies, making statewide programmatic decisions, and acting as a spokesperson for the North Carolina NAACP at public and private engagements.
6. I am authorized to speak for the NAACP in this matter.
7. The mission of the NAACP is to eliminate racial hatred and racial discrimination. The North Carolina NAACP follows the national NAACP mission statement in focusing on political, educational, and other rights affecting all people and people of color. The national mission statement identifies the NAACP’s mission: “[T]o achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color.”¹
8. The North Carolina NAACP engages in a wide variety of educational, advocacy, and legal work to ensure that communities of color and other marginalized communities throughout North Carolina are able to exercise the right to vote. This includes voter

¹See <https://ncnaacp.org/mission-vision/>.

registration, election protection, and voter mobilization events hosted by branches of the state conference. In addition, the North Carolina NAACP conducts voter education events and educational campaigns intended to inform voters about the requirements to register and vote, as well as any legal changes that might affect how, where, or when they are able to vote. This work is achieved through engagement with our members, who volunteer and organize events held both statewide and by local branches. The North Carolina NAACP has been engaging in all of these activities ahead of the 2024 General Election.

9. National NAACP membership compliance standards require a NAACP state conference to have six adult branches and six youth branches.² The North Carolina NAACP has 70 adult branches and numerous students and youth branches, composed of over 10,000 members.
10. To become a member of a branch of the North Carolina NAACP, an individual must sign a form affirming that they live or work in the county in which they wish to join a chapter and agree to pay dues. Lifetime membership is maintained with a one-time payment of dues. To maintain yearly membership with the North Carolina NAACP, members must pay yearly dues in the amount of thirty dollars for adults and ten dollars for youth.
11. North Carolina NAACP membership is predominately Black and other minority individuals and includes registered voters who reside throughout the state.
12. I am aware that the Republican National Committee has filed a complaint asking for the removal of up to 225,000 voters who lack either a driver's license or Social Security number in their voter file. I understand from counsel that at least 22% of voters who would be impacted by the removal have self-identified as Black in their voter file, a figure my counsel has calculated by matching registered voters listed on the file provided by the North Carolina State Board of Elections in response to Public Records Request 24-16 submitted by Carol Snow to the current voter file. I also understand from counsel that self-identified Black voters are the largest group of voters of color in the file produced in response to Public Records Request 24-16.
13. If the Republican National Committee were successful in its goal of removing those approximately 225,000 voters from the voter rolls, the North Carolina NAACP's programming would have to substantially change. The North Carolina NAACP would have to direct significant organizational resources to respond to this voter purge. At a minimum, the North Carolina NAACP would have to divert staff and volunteer time as well as financial resources that had been designated to register, activate, and educate voters for the upcoming general election, to instead research the voters who were removed from the rolls despite remaining eligible voters, contact them to inform them of their removal, and help them re-register in time to participate in the November election. This task would be challenging and resource-intensive, especially in the marginalized

² See

<https://naacp.org/convention/faqs#:~:text=Financial%20compliance%20consists%20of%20submitting%20the%20Annual%20Financial%20Report%20and,does%20ACT%2DSO%20stand%20for?>

communities with whom the North Carolina NAACP works. If the Republican National Committee obtains its desired voter removals, the North Carolina NAACP will not be able to conduct the same amount of activity in support of its core organizational functions as it would otherwise be able to do.

14. Given the substantial number of Black voters impacted by this lawsuit, it would directly harm the North Carolina NAACP's organizational mission to ensure communities of color can vote if such a substantial number of voters of color were removed from the voter rolls, as has been requested in this lawsuit. The North Carolina NAACP is thus seeking to intervene in this matter to protect its organizational interests and the direct harm this lawsuit, if successful, would have to the organization itself.

15. I am also aware that at least one of the individuals impacted, and on the file provided in response to Public Records Request 24-16, is a North Carolina NAACP member who intends to vote in the upcoming 2024 General Election. On information and belief, there are additional North Carolina NAACP members listed on this file. The North Carolina NAACP is therefore asking to intervene in this matter to protect its members as well.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Deborah Dicks Maxwell

Executed on: September 4, 2024

Deborah Dicks Maxwell