

NORTH CAROLINA COURT OF APPEALS

JEFFERSON GRIFFIN,

Petitioner-Appellant,

v.

NORTH CAROLINA STATE BOARD
OF ELECTIONS,

Respondent-Appellee,

and

ALLISON RIGGS,

*Intervenor-Respondent-
Appellee*

From Wake County

**MOTION OF RALIM ALLSTON, CINDY OATES ANTHONY, RACHEL
ARNOLD, DANIELLE BROWN, AMY BRYANT, DENISE CARMAN, JEAN
CARY, LOUANNE CASPAR, ALEXIA CHAVIS, CARRIE CONLEY, JOSE
BENITO DEL PLIEGO, SOFIA DIB-GOMEZ, MARY KAY HELING, WESLEY
HOGAN-PHILIPSEN, ELIZABETH HUNTER KESLING, KEVIN HUNTER
KESLING, LESLEY-ANNE LEONARD, GAYNELLE LITTLE, JENNA
MARROCCO, AUDREY MEIGS, BRUKLYN MILLER, DIRK PHILIPSEN,
LARRY REPANES, ANNA RICHARDS, LILA RICHARDSON, LYSE
ROCHLEDER, KEMEKA SIDBURY, SOPHIA “FELIX” SOTO, ALEXA
ADAMO VALVERDE, DIANE WYNNE, PHOEBE ZERWICK, NORTH
CAROLINA STATE CONFERENCE OF THE NAACP, NORTH CAROLINA
BLACK ALLIANCE, COMMON CAUSE EDUCATION FUND, DEMOCRACY
NORTH CAROLINA, EL PUEBLO, NORTH CAROLINA ASIAN
AMERICANS TOGETHER, AND NORTH CAROLINA POOR PEOPLE’S
CAMPAIGN FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Proposed *amici curiae* Ralim Allston, Cindy Oates Anthony, Rachel Arnold, Danielle Brown, Amy Bryant, Denise Carman, Jean Cary, Louanne Caspar, Alexia Chavis, Carrie Conley, Jose Benito Del Pliego, Sofia Dib-Gomez, Mary Kay Heling, Wesley Hogan-Philipsen, Elizabeth Hunter Kesling, Kevin Hunter Kesling, Lesley-Anne Leonard, Gaynelle Little, Jenna Marrocco, Audrey Meigs, Bruklyn Miller, Dirk Philipsen, Larry Repanes, Anna Richards, Lila Richardson, Lyse Rochleder, Kemeka Sidbury, Sophia “Felix” Soto, Alexa Adamo Valverde, Diane Wynne, and Phoebe Zerwick (together, the “Impacted Voters”), together with the North Carolina State Conference of the NAACP, North Carolina Black Alliance, Common Cause Education Fund, Democracy North Carolina, El Pueblo, North Carolina Asian Americans Together, and North Carolina Poor People’s Campaign (the proposed “Organizational Amici,” together with the Impacted Voters, the proposed “Amici”) respectfully move under Rule 28.1(a) of the North Carolina Rules of Appellate Procedure for leave to file the appended Brief of Amici Curiae in opposition to the relief sought by Petitioner-Appellant Jefferson Griffin. In his appeal, Judge Griffin seeks to change the rules of the 2024 election after the voters of our state, including *amici*, cast their ballots. As the proposed Brief of Amici Curiae and accompanying voter affidavits show, granting the relief requested by Judge Griffin would invalidate the lawful ballots of eligible North Carolina voters who simply followed the rules of voting then in effect.¹

¹ On Feb. 3, 2025, proposed Amici filed a brief in the Wake County Superior Court in opposition to the relief sought by Petitioner Griffin. Case Nos. 24CV040619-910, 24CV040620-910, 24CV040622-910. This brief was accepted by the court on Feb. 7, 2025.

As non-partisan, non-profit organizations dedicated to protecting and advancing the rights of voters, and as the voters at risk of disenfranchisement if these protests are successful, proposed *Amici* have a substantial interest in this case and in ensuring that the election protest statutory scheme is properly applied, that the protestor is held to the correct burden of proof, and that the constitutional rights of the challenged North Carolina voters are protected.

NATURE OF THE INTEREST OF *AMICI CURIAE*

Amici are (1) North Carolina voters who at the time of voting in the 2024 General Election met all the requirements under North Carolina law to register and vote, lawfully voted under the laws and regulations that existed during the voting process, and now face threat of disenfranchisement by the relief sought in Judge Griffin’s Election Protests, specifically voters challenged as lacking a Social Security Number (“SSN”) or driver’s license number in their voter registration (the “Incomplete” Protests) or not presenting voter ID when voting overseas (“Overseas ID” Protests) as a sole reason for disqualification (hereinafter the “Impacted Voters”); and (2) non-partisan, non-profit North Carolina based organizations that engage in extensive year round voter outreach, voter education, and election protection activities across the state with a focus on communities of color (hereinafter, “Organizational *Amici*”).

As described in Exhibits 1 through 32 and summarized below, each of the Impacted Voters have an interest in the outcome of this matter both as to their challenged ballot in the 2024 General Election and their broader faith in North

Carolina elections should their lawful vote be canceled due to no fault of their own. Judge Griffin's protests also disproportionately impact the Black and brown constituents and members of the Organizational Amici, whose voting rights are under consistent attack in the state of North Carolina, which provides a unique and particularly strong interest in the case for those organizations.² It is not clear that, without the voices of proposed *Amici* being heard in this matter, the perspectives of any voter or any of the non-partisan organizations that assist voters in this state will be heard.

The Impacted Voters and Organizational Amici 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 whose valid votes in the 2024 General Election have been baselessly called into question by these protests.

Ralim Allston, a 35-year-old Black man residing in Pasquotank County, has been a registered voter in North Carolina since 2008. He checked his registration before voting in November 2024, and he voted early in person with no issues. If his ballot is retroactively discarded under Judge Griffin's protest, he will feel angry and

² According to an analysis completed by the News and Observer, "Black registered voters were twice as likely to have their votes challenged [by Judge Griffin] as white voters." Kyle Ingram, *Black NC voters twice as likely to have ballots challenged in Griffin election protests*, THE NEWS & OBSERVER (Jan. 7, 2025), <https://www.newsobserver.com/news/politics-government/election/article296693744.html>. Professor Chris Cooper from Western Carolina University also published an analysis of how the voters on Griffin's list compared to the entire pool of voters who cast a ballot in the November 2024 election, as well as compared to all active registered voters in North Carolina. Christopher Cooper, *An Analysis of Challenged Voters in the 2024 NC Supreme Court Justice Election*, OLD NORTH STATE POLITICS (Jan. 12, 2025), <https://www.oldnorthstatepolitics.com/2025/01/an-analysis-of-challenged-voters-in.html>. Professor Cooper concluded that the challenged voters are "much less likely to be white than the pool of voters in 2024," and that they are more likely to be either Black, Hispanic or Asian. *Id.*

discouraged because he thought the United States was a democracy and that voting was supposed to be fair. Allston believes that this challenge is stripping him of his right to vote. Ex. 1.

Cindy Oates Anthony was born in Gaston County, North Carolina, and has resided in Jackson County since 2008. She is a fully qualified voter and has been a registered voter in the state since at least 1992. Ms. Anthony presented her driver's license when she voted early in the November 2024 General Election. She learned that her name was on the list of voters challenged by Judge Griffin from a member of her church and contacted the Jackson County Board of Elections to confirm that she did provide her driver's license number on her registration form. Anthony believes it is the right and responsibility of citizens to vote and that everyone who is eligible should be able to cast a ballot and have that vote counted. If her ballot were discarded, she would feel like a fundamental right were taken away, and she would wonder what this means for all of the elections that have occurred. Ex. 2.

Rachel Suzanne Arnold is a 51-year-old senior vice president of a government affairs firm. She has resided in Guilford County since moving to North Carolina in 2009. She is an active voter and has participated regularly in primary and general elections held in Guilford County since registering to vote in 2009. She has never had any issue with voting. Arnold believes voting is a form of expression and a statement of values. She participated in early voting during the November 5, 2024, General Election. While at the voting site, she gave her "Real ID" to a poll worker and she received a ballot to vote. Although there were no issues, Arnold

received a mailer from the North Carolina Republican Party suggesting that her vote could be rejected. She assumed it was junk mail. She called the North Carolina Republican Party and left a message, but no one returned her call. Shortly thereafter, she stumbled upon the Griffin Challenge list circulating on social media and was floored to see her name. She contacted the State Board of Elections and was told that if there was a hearing, she would be notified. Arnold believes she is an upstanding citizen and always adheres to the voting laws. She believes that the process contesting her vote is unfair, and it has shown her how easily a miscarriage of justice can happen in our democratic society. Ex. 3.

Danielle Brown is a 40-year-old Black woman who serves as the National Field Co-Director for Black Voters Matter. She works very closely with elections and promotes voter engagement. Ms. Brown moved to North Carolina in 2006 and is a current resident of Kannapolis, located in Cabarrus County. She has been a registered voter in North Carolina since 2006 and last updated her registration shortly after moving residences on September 26, 2016. In the November 5, 2024, General Election, Ms. Brown voted at an early voting site. She provided her North Carolina driver's license and was able to cast her ballot without issues. Ms. Brown received a text message from a nonprofit organization on January 15, 2025, informing her of this challenge. She originally ignored the text because she receives various notifications from the organization, and assumed the message was not directed at her. However, after receiving a second text from the organization she realized her name was actually on the list. When Ms. Brown learned she was potentially an impacted

voter, she contacted the Cabarrus County Board of Elections who confirmed her name was on the list. She was told information was missing from her registration. Prior to that conversation, neither the State nor the Cabarrus County Board of Elections had contacted or communicated to Ms. Brown that her registration lacked information. To Ms. Brown, voting is her political voice. It is her way of essentially hiring and firing those who make critical decisions that impact her life. If Ms. Brown's ballot is discarded, she will feel as if her voice has been stolen. Ex. 29.

Amy Grace Bryant is a physician, a wife, a mother, and an educator. Dr. Bryant moved to Durham, North Carolina, in 2011. She has resided in the same location since 2011. Dr. Bryant registered to vote at the North Carolina DMV in 2011, and she has voted in every election held in her county since that time. In the November 5, 2024, General Election, Dr. Bryant voted at an early voting site. She used her North Carolina driver's license to vote without any complications. Dr. Bryant learned that her vote was being challenged after she received a post card from the North Carolina Republican Party. She initially thought that it was junk mail because it was addressed to "Amy Bryant or current resident." She eventually found her name on this list of voters whose registration was being questioned by Judge Griffin's campaign. Dr. Bryant has reached out to the Griffin campaign and has not received any response. Dr. Bryant spends her working hours caring for patients and educating medical trainees, and she finds it sickening that she now must fight to save her lawfully cast vote. Dr. Bryant believes this entire process is unfair and that to cancel her vote along with the 60,000 others would be a blow to our democracy. Ex. 4.

Denise Bradley Carman, a 59-year-old white woman residing in Chatham County, has been registered to vote in North Carolina since 2004. She has also served as an Election Judge for the Goldston precinct for the past 18 months. She feels strongly that everyone who is eligible to vote should have the opportunity to do so and enjoys working for our state's elections as a way to contribute to a process that is important to her in a non-partisan way. Ms. Carman presented her passport as identification when she voted early in the 2024 General Election. When she learned through her election work that her vote was being challenged due to an allegedly "incomplete" registration record, she contacted the Chatham County Board of Elections, which recommended she submit a new voter registration application but did not have any advice for what she could do about the challenge. She will feel angry if, as a qualified voter of the state, her ballot is discarded, and she is concerned for others who do not understand the process as well. She is particularly concerned that such a challenge will deter others from voting and wonders if that might be a motivation for the current challenges that are happening. Ex. 5.

Jean Cary is a 75-year-old woman who resides in Durham County. She is a retired law school professor who has been registered to vote in this state since 1976. Ms. Cary was taught the importance of voting by her parents, and it is a principle that she has kept with her for her entire life. In fact, she has voted in every single election since moving to Durham in 1983. Ms. Cary early voted without issue in the November 2024 election and was shocked when she found out from a friend that her name was being challenged as part of Judge Griffin's protest. When she contacted

the Durham County Board of Elections, they informed her that her registration was proper. As a retired trial attorney, she is shocked that her right to vote is being litigated in this way. Ex. 30.

Louanne Flanagan Caspar is a 52-year-old white woman residing in Wake County. Caspar has voted regularly since registering to vote at the age of 18, and she also volunteers regularly at the polls as a precinct official. Caspar voted in the November 5, 2024, General Election at an early voting site in Wake County, and she presented her North Carolina driver's license as her photo ID. When she learned she was on Judge Griffin's list of voters whose registrations lacked either a Social Security Number or a driver's license number, she contacted the Wake County Board of Elections to request a copy of her submitted voter registration form, which shows that her voter registration application did include her Social Security Number. Caspar will feel disenfranchised if her ballot is retroactively discarded under Judge Griffin's protest and believes it is fundamentally unfair to discount her vote. Ex. 6.

Alexia Chavis is a student of North Carolina Agricultural and Technical State University ("NC A&T") and a resident of Greensboro, North Carolina. Chavis pre-registered to vote in North Carolina in 2020. Voting is very important to her, and she currently serves as the Vice President for NC A&T's chapter of Black Girls Vote. She cast her ballot in the November 5, 2024 election by early voting in person at a site in Guilford County, and she showed her student ID to comply with the photo ID requirement. If her ballot is discarded under this protest, she will feel disheartened, frustrated, and disappointed. Chavis feels that voters should not have to deal with

voter suppression from people that they elect and that this burden should not fall on the voters when they did not do anything wrong. Ex. 7.

Carrie Conley is a North Carolina resident who lives overseas because her husband is active duty in the United States Army. She is a fully qualified voter who has been registered in North Carolina since she was 18 years old and has voted regularly in primary and general elections since then. Ms. Conley voted absentee through an online portal to cast her ballot in the November 2024 election, just as she had done without issue in the November 2022 election. She was not asked to submit a copy of her identification as part of this process. If her vote is stripped due to Judge Griffin's protest, she will feel angry that it is possible to retroactively change the rules after an election is already over. Ex. 28.

J. Benito Del Pliego is a naturalized citizen of the United States and has lived in North Carolina since 2002. He is a fully qualified voter and votes regularly because he believes voting is one of the basic principles of our democracy and that it is fundamental as a citizen that he exercise his right to vote. Mr. Del Pliego learned his name was on a list of voters challenged by Judge Griffin from a friend, and when he learned of the challenge, he contacted the Orange County Board of Elections to request a copy of his registration form. That form showed that he provided the last four digits of his Social Security Number when he registered to vote. He was told that the county may have had issues reconciling his registration and his Social Security Number because his last name has two words, but there was no further action required on his part. Del Pliego believes this challenge feels like a malicious effort to

suppress his vote, and if his vote is discarded, he will feel that the basics of our democracy are being challenged without reason. Ex. 8.

Sofia Dib-Gomez, a 19-year-old Hispanic woman residing in Durham County, registered to vote for the very first time in 2024. As a student at Duke University, Dib-Gomez is a member of the Student Voting Rights Lab and a first-year fellow for Duke Votes, a non-partisan student group at Duke which works to educate, register, and mobilize the Duke community to vote. She cast a ballot in person in Durham County without issue and did not realize that her vote was being challenged until she found her name on the list through her work at the Student Voting Rights Lab. When she found out that her ballot was being challenged, she contacted the Durham County Board of Elections, which confirmed that she provided her Social Security Number when she registered to vote. If her ballot is thrown out under this protest, she will feel very frustrated to have her vote not counted in the first election in which she was eligible to vote. Ex. 9.

Mary Kay Heling was born in Wisconsin but has lived in Raleigh, North Carolina, since January 2016. Heling believes that voting is not just a right but a responsibility and requirement. Heling has been voting in North Carolina for 9 years and has not been informed of any issues with her registration during that time. She cast a ballot in the November 5, 2024, General Election by early voting and presented her North Carolina driver's license as her photo ID. She confirmed with the Wake County Board of Elections that she provided a Social Security Number at the time she registered and that no further action was required on her part. Heling is

frustrated and angry about her ballot being potentially discarded because her right to vote is being stripped away despite doing all that was required of her. Ex. 10.

Wesley Hogan-Philipsen, a 54-year-old white female residing in Durham County, has lived at her current residence since August 2013. She voted in the November 5, 2024, General Election by going to an early voting site, and she used her North Carolina driver's license as her photo ID. When she contacted the Durham County Board of Elections after learning that she was on the list of challenged voters, staff told her that because she had requested an absentee ballot overseas in 2022, the Social Security Number and driver's license information that was previously in her registration record was depopulated to meet ballot distribution deadlines required by federal law. Staff reprocessed and repopulated the information and told her no further action was required on her part. If her vote is not counted, Hogan-Philipsen sees the intentional removal of people from the rolls as a 200-year pattern and believes that doing so would undermine the fundamental premise of what this country is supposed to stand for. Ex. 11.

Elizabeth Hunter Kesling, a wife and mother of children ages 7 and 10 years old, has been a resident of Hillsborough, North Carolina, since the fall of 2020. She has been registered at her current residence since October 2020. She cast her ballot in the November 5, 2024 election by going to an early voting site in her county. When voting, she provided her NC driver's license. Hunter Kesling believes that in a world where problems and issues can seem insurmountable, showing up to vote is one concrete step she can take to act on her beliefs and hopefully work toward a better

future for herself and others. She also feels that as a woman, she understands those who came before her fought for the right to vote, and she likes to honor their legacy every time she casts her ballot. If her ballot is retroactively discarded under Judge Griffin's protest, she will be disillusioned with the electoral system. Ex. 12.

Kevin Hunter Kesling, husband, father, and software engineer, was born in Chapel Hill and— after several moves out of the state – now lives in Hillsborough, in Orange County. He has lived at his current address since September 2020. Hunter Kesling registered to vote in North Carolina on October 7, 2020 at the Orange County Board of Elections in Hillsborough using his United States Passport and Social Security Number. For the November 5, 2024 election, he cast his ballot at an early voting site in his county. While voting, he provided his North Carolina driver's license. He did not experience any issues regarding his registration during his voting experience. Voting is important to Hunter Kesling because he believes 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. Ex. 13.

Lesley-Anne Leonard, a 38-year-old white woman residing in Forsyth County, moved to North Carolina in 2004 for college and decided to stay post-graduation. She has been a registered voter in Forsyth County since 2010 and has voted in every general election without issue since she first registered. Her parents instilled in her the importance of voting, and she tries to vote in as many elections as she can. It was not until January 2025, when a friend texted her, that she learned that she was in fact on the list and was being challenged as having an "incomplete"

registration record. She contacted the Forsyth County Board of Elections, which confirmed that her original registration did include both her driver's license number and the last four digits of her Social Security Number. If her ballot is discounted now, she will feel betrayed, especially because she has done everything she was supposed to do to cast a valid ballot and is eligible to vote in the state. Ex. 14.

Gaynelle Little, a 59-year-old Black woman residing in Wake County, has been registered to vote in North Carolina since 1986 and has been voting regularly in North Carolina for decades without issue. She voted in the November 5, 2024, General Election by going to an early voting site and provided her North Carolina driver's license as her photo ID at that time. Little was surprised to learn she was on the challenge list because she followed all the requirements to register and vote, and she will feel robbed of her constitutional right to vote if her ballot is retroactively discarded under Judge Griffin's protest. Ex. 15.

Jenna Marie Marrocco is a 27-year-old North Carolina resident. Marrocco has lived in North Carolina since 1998 and registered to vote in 2016. In September 2024, Marrocco checked her voter status and found out that her voter registration was listed as "inactive". She did her due diligence and determined what she needed to do prior to voting. Accordingly, she presented to the South East YMCA in Wake County during the early voting period. Prior to casting her vote, she handed her valid driver's license and a utility bill from her current address to the election official. She was given a ballot and she was able to vote. She never received a postcard or any other form of communication from Judge Griffin's campaign challenging her vote, nor

did she hear from the State Board of Elections. Marrocco believes she took every step to make sure she was eligible to vote. Ex. 16.

Audrey Meigs, a 23-year-old Asian American woman residing in Durham County, was born in China but now lives in Chapel Hill, North Carolina. Meigs has been working in the voting rights space since high school, when she held voter registration drives in her hometown of Asheville, North Carolina. She is very dedicated to voting rights work and serving the Asian American community because she feels they are often left out of the political process. When she learned that she was being challenged on Judge Griffin's list, she contacted the Durham County Board of Elections, which confirmed that she had provided her Social Security Number when she registered and that no further action was required on her part. If her vote is thrown out as a result of these protests, Meigs will feel angry and disheartened because someone running for a seat in the justice system should not be denying the right to vote to North Carolinians. Ex. 17.

Brooklyn Miller, a 27-year-old African American resident of Durham, North Carolina, is a part time barista and videographer. She is a native of Durham County and is active in the Durham community. She registered to vote on August 23, 2017, and is registered at her current residence. Miller is an active voter who has participated in several primary and general elections held in North Carolina since 2020. For the November 5, 2024, General Election, she cast her vote at a church in her county during the early voting period. She provided her North Carolina driver's license. Prior to getting her ballot, she raised the concern of her address not being

updated on her registration. The poll worker changed it in the system. No other issues were raised by the poll worker regarding her registration. She has never had any issues casting her ballot. Voting is important to Miller because she knows elders took to the street to protest and organize in order to provide her the opportunity to vote. Miller believes voting is her way of expressing her voice in a society that tries to suppress it and is extremely frustrated that her vote is being challenged. Ex. 18.

Dirk Philipsen, a 65-year-old white male residing in Durham County, has lived at his current residence since August 2013. He has been registered to vote in North Carolina since 2013 and remembers registering using the last four digits of his Social Security Number. He voted in the November 5, 2024, General Election by going to an early voting site, and he used his North Carolina driver's license as his photo ID. Philipsen contacted the Durham County Board of Elections after learning his vote was being challenged for incomplete registration; staff told him his registration included his Social Security Number and assured him no further action was required on his part. Philipsen believes participating in your community and voting is a central part of one's responsibility as a citizen. If Judge Griffin's protest is successful and his vote is not counted, Philipsen would no longer trust the political process, he would feel disenfranchised, and he would be appalled. Ex. 19.

Larry Repanes, a 68-year-old white male residing in Mecklenburg County, was born in New York and is currently a resident of Charlotte, North Carolina. He believes voting is a right and is key to democracy. Repanes voted in the November 5, 2024, election by going to an early voting site and showing his North Carolina driver's license to cast a ballot. After learning he was on the list of challenged voters from a neighbor, Repanes contacted the Mecklenburg County Board of Elections, and the

staff informed him that both his Social Security Number and driver's license were present but not validated. Staff validated his Social Security information and assured him that no further action was required on his part. Repanes would be angry, shocked, and stunned if his vote were thrown out on a technicality that he believes could have and should have been resolved before the election. He believes the court not counting his and others' votes would be disenfranchisement and anti-democratic. Ex. 20.

Anna Richards, a 74-year-old Black woman residing in Orange County, has been voting since she was 18 years old and has been a registered voter in North Carolina since 2013. She is a retired corporate financial executor and a former County Commissioner for Orange County. She takes voting very seriously because her ancestors fought for her right to vote. Richards voted in the November 5, 2024, General Election at an early voting site in Orange County, and she presented her North Carolina driver's license as her photo ID. If her vote is thrown out because of Judge Griffin's protest, she will feel outraged because the United States is supposed to be a democracy, and she registered and cast her vote legally. Ex. 21.

Lila Richardson, a 23-year-old white woman living in Buncombe County, was born and raised in Asheville and still lives there today. Richardson has been registered to vote since she turned 18, and she believes that voting is an incredibly important opportunity to expand the future of her community. She cast her ballot in the November 5, 2024, election by early voting in person at a site in Buncombe County, and she showed her North Carolina driver's license to comply with the photo ID requirement. Richardson does not understand why her vote is being challenged because of incomplete registration and found it difficult to navigate the process of

obtaining more information on this challenge. If her ballot is discarded, she will feel frustrated and discouraged as she and her neighbors are still reeling from the traumatic effects of Hurricane Helene, and to have her vote discounted after the efforts she made to show up at the polls would feel disrespectful. Ex. 22.

Lyse Rochleder is a 25-year-old biracial woman who is a resident of Durham, North Carolina. She is a military member who is currently stationed in Alaska. She has been stationed in Alaska for two years and intends to return to North Carolina once her service there is complete. Ms. Rochleder has been registered at her current address in Durham, North Carolina, since July 25, 2017. Casting a ballot in the November 5, 2024, General Election was Ms. Rochleder's fourth time voting. In casting her ballot in 2024, Ms. Rochleder utilized overseas absentee voting and cast her ballot from Alaska. She followed the instructions and provided her Social Security Number when prompted. To submit the ballot, there were via electronic or mailing options; she chose to submit her affidavit electronically. Ms. Rochleder learned that her name was on the challenge list from her mother who also informed Ms. Rochleder's father that he was on the list. Ms. Rochleder did not receive any mailings or notifications from the State Board of Elections or the Griffin Campaign regarding issues with her registration. Because Ms. Rochleder believes everyone should be able to express their opinion on how they would like to see the government run, she would feel very disappointed if her vote is discarded. She believes she used the system that was provided by the state and followed all of the necessary processes to have her vote count. She believes her vote, as well as all of the others being challenged, should count. Ex. 32.

Kemeka Sidbury, a 48-year-old Black woman residing in Brunswick County, is a wife, mother, and an educator who has taught middle school and adult education for two decades. Ms. Sidbury is an active voter who believes that voting awards every citizen a voice and an opportunity to elect representatives who reflect what matters to their constituents. She early voted in the November 2024 election, presenting her North Carolina driver's license as her identification. Ms. Sidbury learned about Judge Griffin's protest through an email from the New Hanover County NAACP and was shocked to find her name on the list. As an upstanding citizen who has dedicated her life to educating future leaders, she is heartbroken that a candidate is trying to strip her of her lawful vote. Ex. 31.

Sophia "Felix" Angelita Soto is a resident of Guilford County, North Carolina. He pre-registered to vote when he was 17-years-old and was excited to vote for the first time in the 2024 primary election and again in the November 5, 2024, General Election after he turned 18. He had planned to vote by mail in the general election, but he could not receive a ballot before traveling abroad because of the delay in printing absentee ballots in fall 2024. Instead, Soto voted from overseas. He initially provided a copy of his passport when voting, but the Guilford County Board of Elections requested that he submit a new ballot because of an error and informed him that overseas voters do not need to provide a copy of photo ID. Soto will feel disappointed in the electoral system if his ballot is retroactively discarded because he was excited for his voice to be heard. Ex. 23.

Alexa Adamo Valverde is a mental health therapist and nonprofit director, plus the mother of a 14-year-old and a 9-year-old. She was born in Florida and is currently a resident of Chapel Hill, North Carolina, in Chatham County. She voted

in the November 5, 2024, General Election by going to an early voting site and used her North Carolina driver's license as her photo ID. She registered to vote at the DMV when she received her North Carolina driver's license, so she does not understand how her Social Security Number or driver's license number could be missing. Ms. Valverde was raised to value democracy and believes that in a free country, every individual exercises their power by voting. If her vote is not counted, Ms. Valverde will feel outraged and that something is broken in the system. Ex. 24.

Dianne Wynne, a 56-year-old white female residing in New Hanover County, was born in New Jersey and is currently a resident of Wilmington, North Carolina. She votes regularly and has worked as a poll worker. She voted in the November 5, 2024, General Election by going to an early voting site, and she used her North Carolina driver's license as her photo ID. When she contacted the New Hanover County Board of Elections, staff told her that her registration contained her Social Security Number, and no further action was required on her part. If her ballot is retroactively discarded under Judge Griffin's protest, Wynne feels that would be outrageous because she filled out the forms correctly and voted correctly. She did everything right. She would also feel that our country is not what she thought it was and would question the point of voting if her vote could be taken away. Ex. 25.

Phoebe Zerwick, a 64-year-old white woman residing in Forsyth County, was born in New York City and has been registered to vote in Forsyth County since about 1988. She believes that voting is the bedrock of our democracy and a free society and that it is her civic duty to vote regularly. Zerwick voted in the November 5, 2024, General Election by casting an overseas ballot while she was teaching abroad through Wake Forest University. She was not required to provide a photo ID with her overseas

ballot but has both a North Carolina driver's license and a passport which are permissible photo IDs in North Carolina. Zerwick is furious that her ballot has been challenged in Judge Griffin's protest and will feel stripped of her citizenship if it is retroactively discarded. Ex. 26.

North Carolina State Conference of the NAACP (“North Carolina NAACP”) strives to 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. North Carolina NAACP has 70 adult branches and numerous student and youth branches, composed of over 10,000 members. Its members are predominantly Black or from other communities of color and include registered voters across the state. The organization has members that appear on the lists of voters protested by Petitioner as not having a driver's license number or last four digits of their SSN in their registration record. Due to this fact, North Carolina NAACP was accepted as Amicus Curiae by the United States Court of Appeals for the Fourth Circuit in the related matter *Republican National Committee v. North Carolina State Board of Elections*, No. 24-2044 (4th Cir. Oct. 25, 2024). Furthermore, the relief sought in this suit—discounting the votes of over 60,000 North Carolinians—frustrates a core part of the organization's mission, i.e. registering voters, educating them, and mobilizing them to polls. Casting aside these tens of thousands of votes would compromise all the hard work that North Carolina NAACP did throughout the 2024 General Election.

North Carolina Black Alliance (“NC Black Alliance”) is a nonpartisan 501(c)(3) organization that addresses policy and economic issues to enhance Black

communities by developing and promoting systemic policy change. To further its mission, NC Black Alliance works to mobilize the electorate through registration and education, including by eliminating barriers to voting participation. NC Black Alliance has also created a platform (located at <https://safevoternc.org/>) to provide voters with credible, up-to-date information regarding voting options and clear guidelines on how they can vote and avoid obstacles while voting at the polls. In direct response to the election protests, NC Black Alliance has created a resource at <https://ncblackalliance.org/countdontcancel/> to ensure the voice of the people is respected. In all of its efforts, NC Black Alliance works toward state-level systemic change through democratic engagement and collaboration with grassroots networks, and Petitioner's request to remove 60,000 voters' ballots from the count is detrimental to its efforts.

Common Cause Education Fund is a nonpartisan, 501(c)(3) organization which, along with its sister organization, Common Cause, has over 1.5 million members nationwide and staff in 25 states, including North Carolina. Common Cause Education Fund's mission centers on fair elections and encouraging a more representative, open, and responsive democracy. Common Cause Education Fund's North Carolina office created a website about the election protests (<https://www.commoncause.org/north-carolina/griffin/>), which includes information to help voters see if their name is on the election protests list. It also hosted a town hall event, launched a statewide public service campaign to raise awareness about the election protests, issued press releases, and posted information to its social media. Additionally, a number of Common Cause Education Fund's members and supporters are on the lists of voters challenged by Petitioner in these election protests. Common

Cause Education Fund seeks to ensure those members' votes are counted and their voices are heard. In the course of the organization's work to reach voters challenged in the protest, Common Cause Education Fund's North Carolina office and its partner organizations, including other amici organizations, prepared and verified a list of more than 1,000 voters who are speaking out against being challenged wrongfully in this election by Judge Griffin. *See* Ex. 27.

Democracy North Carolina (“Democracy NC”) is a nonpartisan 501(c)(3) organization dedicated to increasing voter access and participation and reducing the corrupting role of money in politics through research, organizing, and advocacy. By engaging in substantial election protection efforts to ensure that voters can access the ballot, and spending substantial time and effort to produce nonpartisan voter guides to educate voters about candidates and issues, Democracy NC works for pro-democracy reforms that protect voting rights and improve government accountability and ethics. Democracy NC's volunteers, who are registered North Carolina voters from every region of the state, form grassroots coalitions throughout the state and spend thousands of hours advocating for more early voting sites and times to ensure that all voters have reasonable access to the franchise. Democracy NC has joined other nonprofit organizations in a public service campaign about the election protests to educate North Carolinians and affected voters and shared information to its social media. Petitioner's attempt to remove 60,000 voters' ballots from the election results is counter to Democracy NC's goals.

El Pueblo is 501(c)(3) organization with a mission to build collective power through leadership development, organizing, and direct action so that the Latin American community and other marginalized communities control their own stories

and destinies. To accomplish its mission, El Pueblo operates robust civic engagement programs, which includes aiding community members in obtaining United States citizenship, helping them obtain proper identification, registering eligible voters and newly naturalized citizens to vote, ensuring that all registered voters have the resources and language access they need to cast their ballots, and mobilizing voters to the polls. For example, El Pueblo has partnership with U.S. Citizen and Immigration Services and attends naturalization ceremonies at least twice month, where it passes out voter guides in both English and Spanish. Petitioner's attempt to discount tens of thousands of voters' ballots directly impacts El Pueblo's engagement efforts.

North Carolina Asian Americans Together (“NCAAT”) is nonpartisan, nonprofit organization committed to supporting equity and justice for all by fostering community among Asian Americans and allies in North Carolina through civic engagement, leadership development, grassroots mobilization, and political participation. A key tenet of NCAAT's mission is to empower Asian Americans statewide in civic engagement and movement building by providing resources, training, and education toward a long-term social justice agenda. To accomplish this mission, NCAAT engaged in a variety of voter education programming, including producing print and digital materials about how to register and vote in North Carolina and how to access language assistance. Additionally, in major election years, NCAAT hosts a nonpartisan election protection hotline available in up to twenty-two Asian languages, which community members can call with questions about voting in North Carolina. A primary focus of NCAAT's civic engagement work is geared toward newly naturalized citizens. Once community members obtain United States

citizenship, NCAAT follows up with them to ensure they get registered to vote and have the resources they need to participate in upcoming elections. NCAAT's work in aiding and advocating for voters will be undermined if Petitioner's request to throw out 60,000 ballots is granted.

North Carolina Poor People's Campaign ("NC Poor People's Campaign") is a state chapter of the national Poor People's Campaign, led by the North Carolina non-profit organization, Repairers of the Breach, which organizes around public policies to eliminate poverty. It also educates and advocates for a living wage, affordable healthcare, and voting rights. As part of its voting rights advocacy, the NC Poor People's Campaign organized a Moral March to the Polls campaign and engaged in the National Council of Churches' Freedom Summer to educate and empower voters through voter registration, education, and mobilization in the 2024 General Election. It also organized several get-out-the-vote canvasses and rallies leading up to the November 5, 2024, General Election. In response to the election protests, NC Poor People's Campaign has supported petitions to Judge Griffin to respect the will of voters. Petitioner's request to discard 60,000 ballots would compromise the work of the Poor People's Campaign in 2024 and would greatly impact their voting rights advocacy work, creating distrust among members that their valid votes will be respected and counted in future elections.

ISSUES ADDRESSED

Whether Petitioner's requested relief will lead to the disenfranchisement of eligible North Carolina voters.

Whether Petitioner has met his statutorily mandated burden of proof for an election protest.

Whether Petitioner's requested relief is available given his failure to provide any affirmative, individualized allegations or evidence of voter ineligibility.

REASONS WHY AN AMICUS BRIEF IS USEFUL TO THE COURT AND
POSITION OF *AMICI CURIAE*

The proposed Brief of Amici Curiae is beneficial to the Court's consideration of this matter because it directly addresses the required showing for an election protest that challenges voter eligibility and explains in detail why Judge Griffin's protests fall far short of these requirements and must be dismissed. This is true on the face of the allegations in the protests themselves, which fail to specifically allege or show the ineligibility of any voter challenged as lacking a SSN or driver's license number in their voter registration (so-called "Incomplete") or not presenting voter ID when voting overseas ("Overseas ID") as a sole reason for disqualification.³ As a matter of state law, Judge Griffin must show affirmative proof of voter ineligibility to show an outcome-determinative violation of election law. His complete lack of individualized allegations as to the eligibility of "Incomplete" and "Overseas ID" fails to carry his statutory burden.

The inadequacy of Judge Griffin's election protests is further emphasized by the personal accounts of voters who appear on Judge Griffin's challenged lists, appended as voter affidavits to the proposed Brief of Amici Curiae as Exhibits 1 through 32. These affidavits prove that qualified North Carolina voters have been targeted here, all of whom took care to fulfill the requirements presented to them

³ While Amici do not specifically address the "Overseas Non-Resident" category of Election Protest here, those number less than the margin of victory and thus would not alone cause an outcome determinative impact on the election.

when they voted, and all of whom would have worked to resolve any issues with their registration or ballots if they had known a different set of rules would apply. Moreover, some of the impacted voters even did satisfy the alternative (erroneous) set of rules that Judge Griffin has advocated for, having provided identifying information when they registered and having attempted to transmit photo ID when they voted from overseas. *See* Ex. 23, 26. In other words, the Impacted Voter Amici are qualified under North Carolina law to vote even under Judge Griffin's erroneous legal theory and would be unjustly denied that fundamental right if Judge Griffin's relief were granted.

Additionally, Judge Griffin cannot show that, had his preferred interpretation of the law applied to challenged voters and they had instead voted under that alternative set of laws, any of the "Incomplete" voters could not have still registered to vote, and any of the "Overseas ID" voters could not have met an ID requirement presented to them. He alleges no voter fraud, and no ballots cast by a non-citizen or otherwise disqualified voter. Therefore, he cannot show an "outcome-determinative" irregularity, or that his preferred interpretation of the laws, had they instead been in place all along, would have prevented any voter from still registering and voting. The sworn affidavits from impacted voters in fact prove otherwise, that voters were qualified and would have done everything they could to cast a ballot according to the rules presented to them.

APPELLATE RULE 37(c) CERTIFICATION

Pursuant to Appellate Rule 37(c), Proposed Amici certify that all counsel of record were notified of their intent to file this Motion for Leave to File Amicus Curiae Brief. Counsel for Justice Riggs and for the State Board of Elections consent to the filing of this motion. Counsel for Judge Griffin takes no position.

CONCLUSION

WHEREFORE, Amici respectfully request that they be permitted to submit the attached amicus curiae brief.

Respectfully submitted, this the 27th day of February, 2025.

**SOUTHERN COALITION FOR SOCIAL
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N.C. R. App. P. 33(b) Certification:

*I certify that all of the attorneys listed below
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CERTIFICATE OF SERVICE

Pursuant to Rule 26 of the North Carolina Rules of Appellate Procedure, I hereby certify that the foregoing document was e-filed and served upon the following counsel of record by email:

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This 27th day of February 2025.

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