

NORTH CAROLINA COURT OF APPEALS

REPUBLICAN NATIONAL
COMMITTEE and NORTH CAROLINA
REPUBLICAN PARTY,

Plaintiffs-Petitioners,

v.

NORTH CAROLINA STATE BOARD
OF ELECTIONS, ALAN HIRSCH, JEFF
CARMON, KEVIN N. LEWIS,
SIOBHAN O'DUFFY MILLEN,
STACY "FOUR" EGGERS IV, in
Official Capacity as Members of
NCSBE, and KAREN BRINSON BELL,
in Official Capacity as Executive
Director of NCSBE,

Defendants-Respondents,

DEMOCRATIC NATIONAL
COMMITTEE,

Defendant-Intervenor-
Respondent,

AFFIRMATIVE ACTION COALITION,

Defendant-Intervenor-
Respondent.

From Wake County
24CV028888-910

**NOTICE OF THE DEMOCRATIC NATIONAL COMMITTEE'S INTENT
TO RESPOND TO PLAINTIFFS' PETITION FOR WRIT OF
SUPERSEDEAS AND MOTION FOR TEMPORARY STAY**

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Intervenor-Defendant-Respondent the Democratic National Committee (DNC) gives notice that it intends to provide a complete response to the Petition for Supersedeas and Motion for Temporary Stay filed by Plaintiffs Republican National Committee and North Carolina Republican Party. The DNC intends to submit its response by September 25—the deadline requested by Plaintiffs—unless a sooner deadline is set by this Court.

On August 20, the State Board of Elections approved UNC-Chapel Hill's digital identification card for use by UNC-Chapel Hill student and employee voters in the 2024 general election.¹ Plaintiffs filed this lawsuit against the State Board of Elections, its members, and its executive director (the Board) on September 12 and simultaneously filed a motion for a temporary restraining order (TRO) or, in the alternative, an expedited preliminary injunction to challenge the Board's approval. The DNC moved to intervene on September 16, which motion was granted by written order on September 20. (The court likewise granted leave to a student

¹ All dates herein referenced occurred in 2024.

organization, Affirmative Action Coalition, to intervene that day.) The Honorable Keith Gregory, presiding in the Wake County Superior Court, heard and denied Plaintiffs' TRO motion on September 19. The court did not rule on Plaintiffs' request for an expedited preliminary injunction, and Plaintiffs did not ask the court to do so at the hearing.

Plaintiffs likewise did not move the Superior Court to stay its decision at the hearing. *See* N.C. R. App. P. 23(a)(1). Instead, the day after the hearing, Plaintiffs noticed their appeal and filed the present Petition and Motion. Plaintiffs notified all other parties via email that day that they intended to file a motion to expedite briefing as soon as their appeal is docketed. Plaintiffs advised the other parties in that email that they will ask that responses to their Petition and Motion be filed no later than September 25.

On September 20, counsel for the Board emailed the Clerk of the Court of Appeals and notified him that Defendants and Intervenors intend to comply with Plaintiffs' requested deadline of September 25. The DNC hereby confirms that intent. (The DNC will of course submit a response sooner if directed to do so by this Court.)

The DNC respectfully requests that this Court not rule on Plaintiffs' Petition and Motion until it has been fully briefed by all the parties, including the DNC. Doing so will allow the Court to "appropriately weigh" the potential for voter

confusion and disenfranchisement before acting on the Petition and Motion. *Kennedy v. N.C. State Bd. of Elections*, 2024 WL 4119196, at *2 (N.C. Sept. 9, 2024). Plaintiffs ask this Court to prohibit thousands of registered voters from using their approved digital UNC-Chapel Hill student and employee identification cards at the polls, despite the trial court finding that Plaintiffs had not met the requisite legal standards for a TRO. Plaintiffs' request for relief from this Court fails for the same reasons as their request for a TRO below. As the trial court found: (1) "Plaintiffs' claim has no merit," and (2) the balance of equities weighs against the relief they seek, which "is likely to result in significant confusion among students and employees at UNC." 20 September 2024 Order at 4, 7.

WHEREFORE, the DNC respectfully requests that this Court delay ruling on Plaintiff's Motion for Temporary Stay until the Court has had the opportunity to review the DNC's response.

Respectfully submitted this the 23rd day of September, 2024.

Electronically Submitted

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

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the foregoing document was served upon the parties by email on 23 September 2024, addressed as follows:

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This the 23rd day of September 2024.

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