

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:20-cv-457

DEMOCRACY NORTH CAROLINA, *et al.*,
Plaintiffs,
v.
THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; *et al.*,
Defendants,
and
PHILIP E. BERGER, etc., *et al.*,
Intervenors.

**STATE DEFENDANTS’
MOTION TO DISMISS**

NOW COME defendants—the North Carolina State Board of Elections; Damon Circosta, in his official capacity as Chair of the State Board of Elections; Stella Anderson, in her official capacity as Secretary of the State Board of Elections; Ken Raymond, Jeff Carmon III, and David C. Black, in their official capacities as Members of the State Board of Elections; Karen Brinson Bell, in her official capacity as Executive Director of the State Board of Elections; the North Carolina Department of Transportation; J. Eric Boyette, in his official capacity as Transportation Secretary; the North Carolina Department of Health and Human Services; Mandy Cohen, in her official capacity as Secretary of Health and Human Services (collectively “the State defendants”)—and Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure respectfully move that this Court dismiss plaintiffs’

Second Amended Complaint [D.E. 30] The motion should be granted for the reasons stated in the accompanying brief in support.

This the 30th day of July, 2020.

JOSHUA H. STEIN
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