

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

DEMOCRACY NORTH CAROLINA,
THE LEAGUE OF WOMEN VOTERS
OF NORTH CAROLINA, DONNA PERMAR,
JOHN P. CLARK, MARGARET B. CATES,
LELIA BENTLEY, REGINA WHITNEY
EDWARDS, ROBERT K. PRIDDY II, SUSAN
SCHAFFER, and WALTER HUTCHINS,

Plaintiffs,

v.

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, in his official
capacity as MEMBER OF THE STATE
BOARD OF ELECTIONS, JEFF CARMON
III, in his official capacity as MEMBER OF
THE STATE BOARD OF ELECTIONS,
DAVID C. BLACK, in his official capacity as
MEMBER 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 SECURITY, THE
NORTH CAROLINA DEPARTMENT OF
HEALTH AND HUMAN SERVICES, and
MANDY COHEN, in her official capacity as
SECRETARY OF HEALTH AND HUMAN
SERVICES,

Defendants,

Case No. 20-cv-457

**THE PUBLIC INTEREST
LEGAL FOUNDATION'S
MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN
OPPOSITION TO PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

and

PHILIP E. BERGER, in his official capacity as
PRESIDENT PRO TEMPORE OF THE
NORTH CAROLINA SENATE, and
TIMOTHY K. MOORE, in his official capacity
as SPEAKER OF THE NORTH CAROLINA
HOUSE OF REPRESENTATIVES,

Defendant-Intervenors.

Pursuant to Local Rule 7.5(b), the Public Interest Legal Foundation (the “Foundation”) respectfully requests leave to file the accompanying *Amicus Curiae* Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction in the above captioned case. Pursuant to Local Rule 7.5(c), the Foundation requests that the Court allow it to file its *amicus curiae* brief beyond the time allowed for the filing of the brief of the party the Foundation supports. The Foundation’s brief is concise and straightforward. Further, the Foundation’s motion for leave has been filed prior to the Plaintiffs’ deadline for their reply in support of their motion for preliminary injunction.

STATEMENT OF INTEREST

The Foundation is a non-partisan, 501(c)(3) public-interest organization that is dedicated entirely to promoting the integrity of elections nationwide through research, education, remedial programs, and litigation. This matter presents issues that are at the core of the Foundation’s election-integrity mission—namely, the problems and risks attendant to enjoining state laws designed to ensure the integrity of absentee ballots. The Foundation thus has a serious interest in the subject of this action.

REASONS FOR ALLOWING THE PROPOSED *AMICUS CURIAE* BRIEF

The Foundation believes the information presented in the proposed brief and exhibit will significantly aid the Court in the resolution of the questions raised herein.

As part of its mission, the Foundation studies, audits, and analyzes voter rolls throughout the country. The Foundation analyzes voter roll data to flag registrations that are potentially incomplete, outdated, or no longer valid. The Foundation submits its

findings and leads to state and local election officials for further investigation in order to aid their voter roll maintenance programs.

The Foundation recently provided findings regarding potentially duplicated registrations with apparent voting credits assigned to the North Carolina State Board of Elections. A copy of that submission is attached to the Foundation's proposed brief. While election officials alone determine whether an individual is eligible to vote, the Foundation believes this Court will benefit from understanding the potential condition of North Carolina's voter roll as it considers whether to enjoin North Carolina law. The Foundation's proposed brief presents factual matters related to those issues and the brief is thus relevant to the issues before the Court. The information and data presented in the Foundation's proposed brief has not been presented by the existing parties, intervenors, or other *amici*.

Mindful of the Court's limited judicial resources, the Foundation does not seek to intervene as a party or receive any oral argument time. The Foundation wishes merely to direct the Court to concrete factual matters bearing on the issues presented. Permitting the Foundation to file the attached brief and exhibit will thus not prejudice any party or delay resolution of this matter.

CONCLUSION

For these reasons, the Foundation respectfully requests leave to file the attached *amicus curiae* brief and exhibit.

Dated: July 8, 2020

Respectfully Submitted,

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**Special Appearance Pursuant to Local Civil Rule 83.1(d)*

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CERTIFICATE OF WORD COUNT

Pursuant to Local Rule 7.3(d)(1), the undersigned counsel hereby certifies that the foregoing Memorandum contains 465 words as measured by counsel's word processing program.

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Curiae Public Interest Legal Foundation

CERTIFICATE OF SERVICE

I certify that on July 8, 2020, I caused the foregoing to be filed with the United States District Court for the Middle District of North Carolina via the Court's CM/ECF system, which will serve all registered users.

/s/ Joshua Howard

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