

NORTH CAROLINA COURT OF APPEALS

JEFFERSON GRIFFIN,)
)
 Petitioner,)
)
 v.)
)
 NORTH CAROLINA STATE)
 BOARD OF ELECTIONS,)
)
 Respondent,)
)
 and)
)
 ALLISON RIGGS,)
)
 Intervenor-)
 Respondent.)

From Wake

STATE BOARD'S RESPONSE TO
PETITIONER'S RULE 2 MOTION

Respondent State Board respectfully responds to Petitioner's Rule 2 Motion as follows:

1. On 22 January 2025, our Supreme Court extended a previously issued stay of the certificate of the election for the North Carolina Associate Justice Seat Six, the contest protested by Petitioner in the present case. *Griffin*

v. N.C. State Bd. of Elections, No. 320P24, Order at 3 (N.C. Jan. 22, 2025). The Court ordered that the stay was to “remain in place until the Superior Court of Wake County has ruled on petitioner’s appeals and any appeals from its rulings have been exhausted.” *Id.* It further ordered that “[t]he Superior Court of Wake County is ordered to proceed expeditiously.” *Id.*

2. The Superior Court did just that, holding a hearing and issuing its ruling denying the Petitions for Judicial Review on 7 February 2025.

3. Petitioner has now noticed an appeal to this Court and seeks this Court’s expedited review of that appeal, invoking Appellate Rule 2.

4. The State Board agrees that it is in the interests of justice for this matter to be resolved expeditiously. To that end, and in light of the significant interests involved, the Board intends to file a petition for discretionary review with the Supreme Court before determination of the cause by this Court pursuant to N.C.G.S. § 7A-31(b), commonly referred to as a bypass petition. The Board also intends to seek expedited resolution of the petition.

5. The Board takes no position on whether briefing in this Court should be stayed pending the Supreme Court’s resolution of the bypass petition. The Board leaves this decision to the sound discretion of this Court.

6. In the event the Court does proceed with briefing while the bypass petition is pending, the Board consents to an expedited briefing schedule, but

opposes the specific briefing schedule proposed by Petitioner. The Board respectfully submits that any schedule should give the parties equal time within which to file and serve their briefs.

7. As stated in Petitioner's motion, the Board consents to consolidation of these three related appeals, consents to Petitioner's proposed expansion of the word limits, and takes no position on Petitioner's proposal regarding electronic aspects of the record.

Electronically submitted this the 12th day of February 2025.

Electronically Submitted

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N.C. R. App. P. 33(b) Certification: I certify that the attorney listed below has authorized me to list his name on this document as if he personally signed it.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has this day been served upon the parties by electronic mail transmittal, addressed as follows:

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This the 12th day of February, 2025.

Electronically Submitted
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