

No. 320P24-2

No. _____

TENTH JUDICIAL DISTRICT

SUPREME COURT OF NORTH CAROLINA

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

From Wake County
 No. 24CV040620-910
 No. 24CV040622-910
 No. 24CV040619-910
 No. COAP25-104

**PETITION FOR DISCRETIONARY REVIEW PRIOR TO
 DETERMINATION BY THE COURT OF APPEALS,
 MOTION TO SUSPEND APPELLATE RULES, AND
 MOTION TO EXPEDITE**

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 DETERMINATION BY THE COURT OF APPEALS,
 MOTION TO SUSPEND APPELLATE RULES, AND
 MOTION TO EXPEDITE**

The North Carolina State Board of Elections respectfully files this petition for discretionary review before determination by the Court of Appeals. *See* N.C. Gen. Stat. § 7A-31(b); N.C. R. App. P. 15(a). Immediate review is appropriate because the subject matter of this appeal has significant public interest, the appeal involves legal principles of major significance, and delay in this Court's review is likely to cause substantial harm. N.C. Gen. Stat. §§ 7A-31(b)(1), (2), (3).

The Board further requests that the Court suspend the appellate rules to consider this petition immediately on an expedited basis.

INTRODUCTION

In this case, Respondent Judge Jefferson Griffin challenges more than 60,000 votes cast in the November 2024 general election by (1) voters who Respondent alleges registered to vote without providing certain identifying information; (2) military and overseas voters who did not submit a copy of their photo ID with their ballot; and (3) military and overseas voters who have not lived in the United States but who the General Assembly authorized to vote in state elections.

Respondent's claims meet three statutory grounds for immediate review by this Court prior to determination by the Court of Appeals.

First, Respondent's challenge raises issues of significant public interest. N.C. Gen. Stat. § 7A-31(b)(1). On this point, the parties agree. Respondent has previously noted that the issues raised in his protests are "matters of great public significance." Pet. for Writ of Prohibition at 14, No. 320P24. It was for that reason that Respondent sought to resolve these issues through an original action in this Court. Specifically, he argued that "the writ of prohibition will issue to promptly resolve a novel issue of great import" because "there is a need for the expeditious administration of justice." *Id.* at 16, 17 (citations and internal quotation marks omitted); *see also id.* at 19 ("The candidates and the public have a vital interest in this election receiving finality as expeditiously as possible.").

In ruling on the writ of prohibition, moreover, a majority of the Justices of this Court described this case as essential to preserving the public's trust and confidence in our elections. Order, No. 320P24 (N.C. Jan. 22, 2025). These observations were correct. In a case of this magnitude, the public interest would be served by prompt adjudication by this Court of the state-law issues that Respondent raises.

Second, this appeal involves legal issues that are significant to the State's jurisprudence. N.C. Gen. Stat. § 7A-31(b)(2). For example, this case

raises the question whether, under state law, election rules may be retroactively changed to invalidate ballots that were cast in compliance with the rules in place at the time of the election, contrary to this Court's decision in *Pender County v. Bartlett*, 361 N.C. 491, 649 S.E.2d 364 (2007). That issue alone is significant under any definition of the word. And as this Court is aware, Respondent's challenges raise other significant state-law issues as well. This case therefore squarely implicates this Court's role to decide legally significant issues that concern the public interest.

Third, delay in resolving this case would cause substantial harm. N.C. Gen. Stat. § 7A-31(b)(3). Here, too, the parties agree. Respondent has emphasized "the need for an expeditious and final determination" of this dispute. Pet. for Writ of Prohibition at 5, No. 320P24. That need for prompt resolution is why he chose to file an original action in this Court. *Id.* And even while dismissing the writ of prohibition, this Court ordered that this case proceed "expeditiously." Order at 3, No. 320P24 (N.C. Jan. 22, 2025).

That same need for prompt resolution of this case applies on appeal, now that Petitioner has followed the proper procedural channels for seeking judicial review of his protests. The Board therefore respectfully requests that the Court exercise its discretion to review this appeal now.

BACKGROUND

Respondent Judge Jefferson Griffin and Intervenor Associate Justice Allison Riggs were candidates in the statewide 2024 general election for Associate Justice on the North Carolina Supreme Court. Final canvassed results show Justice Riggs prevailed by 734 votes. On November 19, 2024, Respondent filed election protests throughout the State challenging the election results.

On November 20, 2024, the State Board took jurisdiction over three categories of protests, each of which presented legal questions of statewide significance. In these protests, Respondent challenged the following categories of voters:

- 60,273 ballots cast by registered voters with allegedly incomplete voter registrations. These challenged ballots include only those cast by individuals who voted early or voted absentee. They do not include tens of thousands of identically situated ballots cast in-person on election day.
- 1,409 votes cast by military and overseas voters registered in Guilford County who did not include a copy of a photo identification with their ballots. Respondent also purported to challenge similar votes in three additional counties (Buncombe, Durham and Forsyth), but did not identify specific voters.
- 266 ballots cast by overseas citizens who voted absentee and who have not resided in the United States.

After a public meeting, the Board dismissed these protests at the “preliminary consideration” stage—concluding both that Respondent had failed to comply with procedural filing requirements, and that he had failed to establish “probable cause” of an election-law violation. Pet. for Writ of Prohibition App. 38-77, No. 320P24.

On December 20, Respondent filed three petitions for judicial review in Wake County Superior Court for each of the three categories of protests over which the Board took jurisdiction.¹

Respondent also filed a petition for writ of prohibition directly in this Court, as well as a request for a temporary stay of the certification of election. On January 7, 2025, this Court granted Respondent’s motion for a

¹ The Board removed those petitions to federal court. See *Griffin v. N.C. State Bd. of Elections*, No. 5:24-cv-00731, D.E. 1 (E.D.N.C.). The district court remanded them back to Wake County Superior Court. *Id.*, D.E. 24. On February 4, 2025, the Fourth Circuit held that the Board correctly removed to federal court and “direct[ed] the district court to modify its order to expressly retain jurisdiction of the federal issues identified in the Board’s notice of removal should those issues remain after the resolution of the state court proceedings, including any appeals.” *Griffin v. N.C. State Bd. of Elections*, No. 25-1018(L) (4th Cir. Feb. 4, 2025) (per curiam), slip op. at 11 (citing *England v. Med. Exam’rs.*, 375 U.S. 411 (1964)). Following this decision, the Board filed a notice in superior court under *England* expressly reserving its federal-law arguments for federal court. (T pp 6-7) The Board attaches that notice as an exhibit here and incorporates its *England* reservation by reference. Ex. 1.

temporary stay. Am. Order, No. 320P24 (N.C. Jan. 7, 2025). On January 22, this Court dismissed the petition for a writ of prohibition and directed the petitions for judicial review filed in Superior Court to proceed “expeditiously.” Order at 2-3, No. 320P24 (N.C. Jan. 22, 2025). The Court further ordered that the stay of the certification of the election “shall remain in place until the Superior Court of Wake County has ruled on [Respondent’s] appeals and any appeals from its rulings have been exhausted.” *Id.*

On remand in Wake County Superior Court, in addition to arguments on the merits of Respondent’s claims, the Board made three threshold state-law arguments: (1) that Respondent’s request to retroactively change election rules after the election came too late and was thus barred under this Court’s decision in *Pender County*, 361 N.C. 491, 649 S.E.2d 364; (2) granting retroactive relief would be fundamentally unfair to the voters whose votes Respondent seeks to invalidate, in violation of state-law equitable principles that this Court has recognized in a series of cases dating back more than a century; and (3) Respondent failed to provide voters with adequate notice under state law that he was challenging their votes.

On February 7, after briefing by the parties, the superior court held a hearing on the petitions.² That same day, the court denied Respondent's petitions for judicial review and affirmed the Board's decision, "conclud[ing] as a matter of law that the Board's decision was not in violation of constitutional provisions, was not in excess of statutory authority or jurisdiction of the agency, was made upon lawful procedure, and was not affected by other error of law." Ex. 2.

On February 10, Respondent filed a notice of appeal to the North Carolina Court of Appeals for each of the three petitions. The next day, Respondent filed a motion to expedite and consolidate under Rule 2 of the North Carolina Rules of Appellate Procedure. *See* Pet. Motion to Expedite, No. P25-104. Both the Board and Justice Riggs consented to consolidation and expedited review. The Court of Appeals granted the motions, consolidating the three appeals and setting a schedule that requires the record to be filed by February 21 and briefing to be completed by March 3. Order, No. P25-104 (N.C. Ct. App. Feb. 13, 2025).

² At the hearing, the Superior Court judge granted Justice Riggs' motion to intervene. (*See* T p 7)

**REASONS FOR GRANTING DISCRETIONARY REVIEW BEFORE
DETERMINATION BY THE COURT OF APPEALS**

I. This Case Raises Issues of Exceptional Public Importance.

This Court should grant discretionary review because this case raises issues of enormous importance to the State.

All parties agree on this score. In his petition for a writ of prohibition, Respondent sought to have this Court resolve his claims in an original action filed directly in this Court, because, in his words, this case is “a matter of such great public importance.” Pet. for Writ of Prohibition at 18, No. 320P24; *id.* at 13 (emphasizing “the great public interest in the subject matter . . . the importance of the issues to the constitutional jurisprudence of this State, and the need for urgency in reaching a final resolution on the merits at the earliest possible opportunity” (citation omitted)).

Members of this Court have also expressly recognized the exceptional importance of this case. In ruling on Respondent’s writ of prohibition, several Justices described this case as raising issues crucial to the State’s democratic integrity. See Order at 1, No. 320P24 (N.C. Jan. 22, 2025) (Newby, C.J., concurring) (this case is “about preserving the public’s trust and confidence in our elections through the rule of law”); *id.* at 1 (Barringer, J., concurring) (there is an “existential need” to resolve this case, and “our State

finds itself in a most extraordinary circumstance requiring decisive action”); *id.* at 3 (Earls, J., concurring in part and dissenting in part) (expressing “confiden[ce] that the members of our judiciary who evaluate these claims shall do so fairly and in furtherance of our solemn obligation to administer right and justice without favor, denial, or delay” (cleaned up)).

These statements were correct. The administration of elections is crucial to the effective functioning of our constitutional system. “Since 1776 the state constitution has recognized the importance of elections and their integrity in the Declaration of Rights.” *Bouvier v. Porter*, 386 N.C. 1, 3, 900 S.E.2d 838, 842 (2024) (citations omitted). And “[t]his Court has consistently interpreted the North Carolina Constitution to provide the utmost protection for the foundational democratic freedom[] of . . . voting.” *Libertarian Party of N.C. v. State*, 365 N.C. 41, 55, 707 S.E.2d 199, 208-09 (2011) (Newby, J., dissenting).

Because Respondent’s claims implicate fundamental issues about our democratic system of government, all parties agree that this case deserves this Court’s immediate attention.

II. This Case Raises Significant Legal Issues.

Immediate review of this case is also warranted because this case raises significant questions of state law.

The significant state-law issues here are not difficult to spot. Among them is whether it is permissible to change the rules of an election after that election has already taken place. *See* Am. Order at 1, No. 320P24 (N.C. Jan. 7, 2025) (Dietz, J., dissenting) (“The petition is, in effect, post-election litigation that seeks to remove the legal right to vote from people who lawfully voted under the laws and regulations that existed during the voting process.”); *id.* at 7 (Earls, J., dissenting) (citing cases in which “this Court has rejected the proposition that a protest can be used to discount the ballots of eligible voters who did everything they were told to do to register to vote”).

Respondent’s protests raise other significant state-law issues as well. As Justice Dietz has noted, the central argument presented in this case “is not that the Board violated the existing rules, but that the rules themselves are either unlawful or unconstitutional.” Order at 2, No. 320P24 (Dietz, J., concurring). And this Court has never decided the merits of any of the state-law claims made in Respondent’s three protests. This Court should grant review to answer these significant questions of state election law.

III. Delay Would Cause Substantial Harm.

A final reason supporting this Court's review prior to determination by the Court of Appeals is that delay would cause substantial harm.

On this issue, the parties again agree that this case should proceed expeditiously. As Respondent himself explained to the Court of Appeals last week, the "parties have acted under expedited briefing schedules in each of the many actions involving this election dispute, including proceedings before the State Board, the Supreme Court, the superior court, a federal district court, and the Fourth Circuit." Rule 2 Motion to Expedite Appeal at 4, No. P25-104; *see also* Response of Allison Riggs to Rule 2 Motion to Expedite Appeal at ¶ 2, No. P25-104 ("Justice Riggs agrees this matter should proceed expeditiously and wants this election dispute to come to an end as quickly as possible."). For this reason, Respondent urged the Court of Appeals to proceed on an expedited schedule. The Court of Appeals agreed, ordering an expedited schedule under which briefing will conclude by March 3. Ex. 3.

This Court has also agreed on the need for this case to "proceed expeditiously." Order at 3, No. 320P24 (N.C. Jan. 22, 2025). That need counsels in favor of immediate review by this Court.

ISSUES TO BE BRIEFED

If the Court allows the petition, the Board will present the following issues:

1. Was the Board correct to deny the protests here because they seek to alter established election laws, rules, or procedures in close proximity to an election in violation of *Pender County*?
2. Was the Board correct to deny the protests here because retroactively invalidating votes that were cast consistent with the laws and regulations that existed during the voting process would be fundamentally unfair under state law?
3. Did the Board correctly deny Respondent's protests for providing inadequate notice under state law to challenged voters?
4. Did the Board correctly deny under state law Respondent's protest that is based on allegedly incomplete voter registrations?
5. Was the Board correct to conclude that state law allows military and overseas voters to submit ballots without including a copy of their photo ID?
6. Was the Board correct to comply with a state statute allowing certain military and overseas voters to vote in state elections?
7. Even if Respondent's protests had merit, is Respondent's proposed remedy appropriate under state law?

**MOTION TO SUSPEND APPELLATE RULES
AND MOTION TO EXPEDITE**

On February 13—with the Board’s and Justice Riggs’ consent—the Court of Appeals allowed Respondent’s Rule 2 motion to expedite and ordered that the record be settled by February 20. Ex. 3. Here, the Board similarly moves under Rules 2 and 37(a) that this Court consider the above petition now, before the record has been formally docketed, and to do so on an expedited basis. The Board specifically requests that the Court resolve the petition by March 3, when briefing in the Court of Appeals will conclude.

As explained above, the public interest calls for this appeal to be resolved on an expedited basis. As Respondent recognized in seeking Rule 2 relief in the Court of Appeals before the record had been docketed—again, with the Board’s and Justice Riggs’ consent—the exigencies of this case present appropriate grounds to apply Rule 2. *See also* Order at 2, No. 320P24 (N.C. Jan. 22, 2025) (Barringer, J., concurring) (urging the Court to invoke “Rule 2 of the North Carolina Rules of Appellate Procedure, to suspend the ordinary procedure, . . . and proceed to a decision on the merits”).

Counsel for Intervenor Justice Riggs consents to the petition for discretionary review, motion to suspend the appellate rules, and motion for expedited treatment.

Counsel for Respondent has requested that the Board include the following statement of their position: “Judge Griffin opposes the bypass petition, the Rule 2 motion, and the motion to expedite. Judge Griffin intends to file responses to these requests, in the ordinary course, because the requests are prejudicial to Judge Griffin. Judge Griffin is currently working under expedited deadlines at the Court of Appeals, for both the record on appeal and his opening brief at that Court. The State Board’s filings should be summarily denied without prejudice to refile after the record on appeal is docketed with the Court of Appeals. *See* N.C. R. App. P. 15(b).”

CONCLUSION

For the foregoing reasons, the Board respectfully requests that this Court allow its petition for discretionary review, as well as its motions to suspend the appellate rules and for expedited decision on the petition.

Respectfully submitted, this 17th day of February, 2025.

/s/ 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 had personally signed it.

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CERTIFICATE OF SERVICE

I certify that today I caused the above document to be served on counsel

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This 17th day of February, 2025.

/s/ Electronically Submitted
Ryan Y. Park
Solicitor General

EXHIBIT 1

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV040619-910

JEFFERSON GRIFFIN,
Petitioner,
v.
NORTH CAROLINA STATE BOARD OF
ELECTIONS,
Respondent.

**STATE BOARD’S NOTICE OF
RELATED RULING AND ENGLAND
RESERVATION**

NOW COMES Respondent, the North Carolina State Board of Elections (“Respondent” or “State Board”), to notify this Court of a related ruling from the U.S. Court of Appeals for the Fourth Circuit and to reserve its rights under *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411 (1964).

1. On December 20, 2024, Petitioner filed three petitions in this Court seeking judicial review of the State Board’s decision denying the three categories of election protests over which the State Board took jurisdiction. *See Griffin v. N.C. State Bd. of Elections*, Nos. 24CV040622-910, 24CV040619-910, and 24CV040620-910 (Wake Cnty. Sup. Ct.). The State Board removed those petitions to federal court. The State Board likewise removed the petition for a writ of prohibition that Petitioner filed in the North Carolina Supreme Court challenging the same State Board decision.

2. On January 6, 2025, the federal district court *sua sponte* remanded the three petitions for judicial review to this Court, citing as support its decision to also remand Petitioner’s petition for a writ of prohibition to the North Carolina Supreme Court, where the district court concluded that removal was proper but abstained from exercising jurisdiction.

3. Respondent appealed both of the district court’s remand orders to the U.S. Court of Appeals for the Fourth Circuit.

4. On February 4, 2025, the Fourth Circuit issued its opinion. *Griffin v. N.C. State Bd. of Elections*, Nos. 25-1018, 25-1019, 25-1020 & 25-1024 (4th Cir. Feb. 4, 2025) (per curiam) (slip opinion attached as Exhibit A).

5. The Fourth Circuit dismissed the appeal in the writ of prohibition case as moot. Slip op. at 8-9.

6. As for the appeal of the remand order sending back the petitions for judicial review to this Court, the Fourth Circuit first held that the State Board properly removed the case to federal court. *Id.* at 9. The Court also held that the district court had correctly decided to initially abstain from hearing the case. *Id.*

7. The Fourth Circuit modified the district court’s remand order in an important way, however. The district court had remanded this case back to state court under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943), without retaining jurisdiction. The Fourth Circuit held that the “more appropriate theory for abstaining from federal jurisdiction” here arises under *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941). *Id.* at 10. A federal court abstains under *Pullman* “when there is (1) an unclear issue of state law presented for decision (2) the resolution of which may moot or present in a different posture the federal constitutional issue such that the state law issue is potentially dispositive.” *Id.* (citation omitted). Unlike under *Burford*, when a federal court abstains under *Pullman*, it retains jurisdiction over the case to decide the federal issues in the case after the state-law issues are decided in state court. *Id.* Accordingly, the Fourth Circuit directed the district court “to modify its order to expressly retain jurisdiction of the federal issues identified in the State Board’s notice of removal should those

issues remain after the resolution of the state court proceedings, including any appeals.” *Id.* at 11.

8. In light of the Fourth Circuit’s decision, the U.S. District Court for the Eastern District of North Carolina retains jurisdiction over the federal issues in this case. The appropriate course would therefore be for this Court to resolve only the state-law issues raised by the parties here.

9. To be sure, when a federal court abstains under *Pullman* and a party returns to state court to litigate state-law issues, the party must still inform the state courts of its federal-law arguments. *Gov’t Emps. v. Windsor*, 353 U.S. 364, 366 (1957) (per curiam). This requirement allows the state court to construe the state laws at issue in light of federal law. In keeping with this requirement, the State Board notifies this Court that the federal-law arguments made in its responses in opposition to Petitioner’s petitions for judicial review should be considered for this purpose alone.

10. But to preserve the right to a federal forum guaranteed under *Pullman*, a party may also “inform the state courts that he is exposing his federal claims there only for the purpose of complying” with this requirement under *Windsor* “and that he intends, should the state courts hold against him on the question of state law, to return to the District Court for disposition of his federal contentions.” *England*, 375 U.S. at 421. “When the reservation has been made . . . his right to return [to federal court] will in all events be preserved.” *Id.* at 421-22; *see also Promovision Int’l Films, Ltd. v. Trapani*, 744 F.2d 1063, 1065 (4th Cir. 1984) (“Retention of jurisdiction by a federal court while the parties resolve state law issues in a state court is the procedure appropriate for abstention under [*Pullman*], but under this variety of abstention a party

may reserve the right to return to federal court for disposition of its federal issues under [*England*].”).

11. The State Board expressly states for the record that it has informed this Court of its federal-law arguments only to comply with the U.S. Supreme Court’s decision in *Windsor*. 353 U.S. at 366; see *England*, 375 U.S. at 420 (*Windsor* requires a party to “inform [the state] courts what his federal claims are.”).

12. Under *England*, the State Board expressly states for the record its “reservation to the disposition of the entire case by the state courts.” 375 U.S. at 421. Specifically, the State Board “is exposing [its] federal claims [in state court] only for the purpose of complying with *Windsor*” and intends, “should the state courts hold against [it] on the question of state law, to return to the District Court for disposition of [its] federal contentions.” *Id.*

13. In light of the Fourth Circuit’s decision holding that the U.S. District Court for the Eastern District of North Carolina retains jurisdiction over the federal-law issues, the State Board does not seek to litigate any issues of federal law before any state court. Those issues include, but are not limited to, the State Board’s arguments under (1) the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution; (2) the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution; (3) the National Voter Registration Act, 52 U.S.C. § 20501, *et seq.*; (4) the Voting Rights Act, codified in relevant part at 52 U.S.C. § 10307; and (5) the preemptive effect of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301, *et seq.*

14. In sum, given the Fourth Circuit’s decision, (1) the State Board requests that this Court not rule on any federal issues; (2) any federal issues raised in the State Board’s responses in opposition to Petitioner’s petitions for judicial review are only to comply with *Windsor*; and

(3) the State Board does not seek to submit any federal issues to the state courts or litigate any federal issues in the state courts.

15. The State Board makes this reservation under *England* so that its “right to return [to federal court] will in all events be preserved.” 375 U.S. at 422.

Electronically submitted this the 6th day of February, 2025.

/s/ Terence Steed
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Counsel for Respondent State Board

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing document with the Wake County Clerk of Court using the NC eCourts efile and serve system, which electronically mails a link to the same in PDF format using the following addresses:

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This the 6th day of February, 2025.

/s/ Terence Steed
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EXHIBIT 2

FILED

DATE: February 7, 2025

TIME: 02/07/2025 4:05:22 PM

WAKE COUNTY

SUPERIOR COURT JUDGES OFFICE

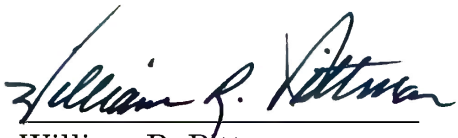
STATE OF NORTH CAROLINA BY: S. Smallwood IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION
24CV040619-910

Jefferson Griffin,)	
)	
)	
vs.)	
)	
North Carolina State Board of)	
Elections,)	ORDER
)	
)	
)	
and)	
Allison Riggs,)	
)	
)	
Intervenor-Respondent)	

THIS CAUSE WAS HEARD by the undersigned at the February 7, 2025 term of Wake County Superior Court upon Petitioner’s petition for judicial review of a final decision by the North Carolina State Board of Elections dismissing one category of protest of the 2024 general election for Seat 6 of the North Carolina Supreme Court (the “Never Resident” category). The Court has carefully considered *de novo* the entire record, the written and oral arguments of counsel, the written arguments of *amici curiae*, and the proffered and other relevant authority. The Court concludes as a matter of law that the Board’s decision was not in violation of constitutional provisions, was not in excess of statutory authority or jurisdiction of the agency, was made upon lawful procedure, and was not affected by other error of law.

NOW THEREFORE, based upon the foregoing, the Court concludes that the decision of the North Carolina State Board of Elections should be, and hereby is, affirmed.

IT IS SO ORDERED this the 7th day of February, 2025.


William R. Pittman
Superior Court Judge

FILED

DATE: February 7, 2025

TIME: 02/07/2025 4:32:05 PM

WAKE COUNTY

SUPERIOR COURT JUDGES OFFICE

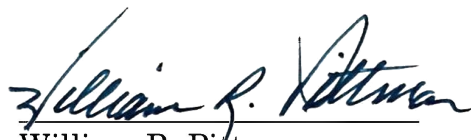
STATE OF NORTH CAROLINA BY: S. Smallwood IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION
24CV040620-910

Jefferson Griffin,)
)
) Petitioner)
)
) vs.)
)
)
) North Carolina State Board of)
) Elections,) ORDER
)
) Respondent)
) and)
)
) Allison Riggs,)
)
) Intervenor-Respondent)

THIS CAUSE WAS HEARD by the undersigned at the February 7, 2025 term of Wake County Superior Court upon Petitioner’s petition for judicial review of a final decision by the North Carolina State Board of Elections dismissing one category of protest of the 2024 general election for Seat 6 of the North Carolina Supreme Court (the “Incomplete Voter Registrations” category). The Court has carefully considered *de novo* the entire record, the written and oral arguments of counsel, the written arguments of *amici curiae*, and the proffered and other relevant authority. The Court concludes as a matter of law that the Board’s decision was not in violation of constitutional provisions, was not in excess of statutory authority or jurisdiction of the agency, was made upon lawful procedure, and was not affected by other error of law.

NOW THEREFORE, based upon the foregoing, the Court concludes that the decision of the North Carolina State Board of Elections should be, and hereby is, affirmed.

IT IS SO ORDERED this the ^{2/7/2025 4:30:21 PM} 7th day of February, 2025.


William R. Pittman
Superior Court Judge

FILED

DATE: February 7, 2025
TIME: 02/07/2025 4:20:17 PM

WAKE COUNTY
SUPERIOR COURT JUDGES OFFICE

STATE OF NORTH CAROLINA BY: S. Smallwood IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE SUPERIOR COURT DIVISION
24CV040622-910

Jefferson Griffin,)	
	Petitioner)
vs.)	
)	
North Carolina State Board of)	
Elections,)	ORDER
	Respondent)
and)	
Allison Riggs,)	
Intervenor-Respondent)	

THIS CAUSE WAS HEARD by the undersigned at the February 7, 2025 term of Wake County Superior Court upon Petitioner’s petition for judicial review of a final decision by the North Carolina State Board of Elections dismissing one category of protest of the 2024 general election for Seat 6 of the North Carolina Supreme Court (the “Lack of Photo Identification for Overseas Voters” category). The Court has carefully considered *de novo* the entire record, the written and oral arguments of counsel, the written arguments of *amici curiae*, and the proffered and other relevant authority. The Court concludes as a matter of law that the Board’s decision was not in violation of constitutional provisions, was not in excess of statutory authority or jurisdiction of the agency, was made upon lawful procedure, and was not affected by other error of law.

NOW THEREFORE, based upon the foregoing, the Court concludes that the decision of the North Carolina State Board of Elections should be, and hereby is, affirmed.

IT IS SO ORDERED this the ^{2/7/2025 4:03:21 PM} 7th day of February, 2025.



 William R. Pittman
 Superior Court Judge

EXHIBIT 3



North Carolina Court of Appeals

Phone: (919) 831-3600
Fax: (919) 831-3615
<https://www.nccourts.gov>

Eugene H. Soar, Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

From Wake County
(24CV040619, 24CV040620, 24CV040622)

No. P25-104

JEFFERSON GRIFFIN,
Petitioner,

v.

**NORTH CAROLINA STATE BOARD
OF ELECTIONS,**
Respondent.

and

ALLISON RIGGS,
Intervenor-Respondent.

ORDER

The following order was entered:

By unanimous vote, the motion filed in this cause on the 11th of February 2025 and designated 'Rule 2 Motion to Expedite Appeal' is allowed as follows:

1. The appeals will be consolidated. The Appellant may file a single record on appeal;
2. Appellant will serve a proposed Record on Appeal no later than 18 February 2025;
3. Appellees will serve any objections, amendments, or other response to the proposed Record on Appeal no later than 19 February 2025;
4. The Record will be settled by agreement or operation of law no later than 20 February. Should Judicial Settlement of the Record be necessary, the Superior Court is directed to hear and resolve the matter expeditiously. In the event Judicial Settlement is requested, the parties shall notify this Court immediately and the briefing schedule set forth below may be modified accordingly;
5. The settled Record on Appeal shall be filed no later than 21 February. In the event of Judicial Settlement of the Record, the Record shall be filed within 2 days of the entry of any order Judicially Settling the Record.
6. The Record shall be docketed and assigned a docket number as an appeal consistent with the practices of this Court;
7. Any Exhibits and Other Items not included in the Record proper—including original or electronic exhibits—designated in the Record on Appeal shall be governed by N.C.R. App. P. 9(d);

8. The Appellant's Brief will be filed and served no later than 24 February 2025;
9. The Appellees' Briefs will be filed and served no later than 27 February 2025;
10. Any Reply brief will be filed and served no later than 3 March 2025;
11. The word limit for the parties' briefs shall be expanded to 17,500 words for the opening brief and response briefs and 7,500 words for the reply brief;
12. Upon filing of a Reply Brief or expiration of time to do so, the case will be calendared for hearing expeditiously;
13. This Order is entered without prejudice to any party filing additional motions in this Court regarding scheduling or other matter or seeking Discretionary Review pursuant to N.C.R. App. P. 15 upon docketing of the Record in this Court.

By order of the Court, sitting as a three-judge panel, this the 13th of February 2025.

WITNESS my hand and the official seal of the North Carolina Court of Appeals, this the 13th day of February 2025.



Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:

Mr. Craig D. Schauer, Attorney at Law, For Griffin, Jefferson - (By Email)
Mr. Troy D. Shelton, Attorney at Law - (By Email)
Mr. W. Michael Dowling, Attorney at Law - (By Email)
Mr. Philip Thomas, Attorney at Law - (By Email)
Mr. Terrence Steed, Special Deputy Attorney General, For NC State Board of Elections - (By Email)
Ms. Mary Carla Babb, Special Deputy Attorney General - (By Email)
Mr. Raymond M. Bennett, Attorney at Law, For Riggs, Allison - (By Email)
Mr. Samuel B. Hartzell, Attorney at Law, For Riggs, Allison - (By Email)
The Honorable Clerk of Superior Court, Wake County