

SUPREME COURT OF NORTH CAROLINA

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JEFFERSON GRIFFIN

v.

NORTH CAROLINA STATE  
BOARD OF ELECTIONS

and

ALLISON RIGGS, Intervenor

From N.C. Court of Appeals  
25-181 P25-104

From Wake  
24CV040619-910 24CV040620-  
910 24CV040622-910

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ORDER

In its opinion filed on 4 April 2025, the Court of Appeals reversed orders entered by the Superior Court, Wake County, affirming dismissal of election protests filed by Petitioner Jefferson Griffin. The protests concern ballots cast by three categories of voters in the 2024 general election for Seat 6 on this Court: (1) voters with incomplete voter registration data, (2) military and overseas ballots cast under Article 21A of the North Carolina General Statutes but which failed to comply with the voter identification requirements in N.C.G.S. § 163-230.1, and (3) overseas voters who have never lived in North Carolina and have never expressed an intent to live in North Carolina.

On 6 April 2025, Respondent State Board of Elections and Intervenor-Respondent Allison Riggs filed motions for temporary stay, petitions for writs of supersedeas, and petitions for discretionary review with this Court. We allowed the

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

motions for temporary stay on 7 April 2025.

This Court is aware of the valid competing interests in this case – the need for an expeditious resolution of an election that occurred more than five months ago and the importance of ensuring that only lawful votes are counted. *See James v. Bartlett*, 359 N.C. 260, 270 (2005) (“To permit unlawful votes to be counted along with lawful ballots in contested elections effectively ‘disenfranchises’ those voters who cast legal ballots[.]”). Bearing in mind these competing interests, we dispose of the petitions for discretionary review as explained below.

The Court of Appeals summarized the legal background of the first category of challenged voters as follows:

To enable eligible voters to lawfully register, [respondent State Board of Elections] is statutorily tasked to develop a voter registration application form. [N.C.G.S.] § 163-82.3 (2023). The voter registration application form shall contain certain information to be provided by the voter applicant to lawfully register, including the applicant's “[d]rivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant's social security number[.]” [N.C.G.S.] § 163-82.4(a)(11) (2023).

If the voter applicant has neither a current and valid driver's license, nor a social security number, the Board must assign the applicant a “unique identifier number” which “shall serve to identify that applicant for voter registration purposes.” [N.C.G.S.] § 163-82.4(b) (2023).

The General Assembly enacted this requirement in 2004 to comply with the federal Help America Vote Act (“HAVA”), 52 U.S.C. § 21083 (2024), and to provide a corresponding state mandate. N.C. Sess. Law 2003-226, § 9 (amending [N.C.G.S.] § 163-82.4), § 22 (amendment effective 1 January 2004).

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

*Griffin v. N.C. State Bd. of Elections*, No.COA25-181, slip op. at 21 (N.C. Ct. App. April 4, 2025).

As to the more than 60,000 challenged voters for whom Petitioner asserts that registrations were accepted without obtaining statutorily required information, this Court allows the petitions for discretionary review for the limited purpose of reversing the decision of the Court of Appeals.

Under this Court’s longstanding precedent, mistakes made by negligent election officials in registering citizens who are otherwise eligible to vote “will not deprive the [citizens] of [their] right to vote or render [their] vote[s] void after [they have] been cast.” *Overton v. Mayor & City Comm’rs of City of Hendersonville*, 253 N.C. 306, 315 (1960); *see also State ex rel. Quinn v. Lattimore*, 120 N.C. 426, 433 (1897). (“[W]here a voter has registered, but the registration books show that he had not complied with all the minutiae of the registration law, his vote will not be rejected.”). Generally, absent fraud, negligence on the part of the government official charged with properly registering and entering voters onto the voter rolls should not negate the vote of an otherwise lawful voter. *See Woodall v. W. Wake Highway Comm’n*, 176 N.C. 377, 389 (1918) (“[W]hat may be a good reason for not allowing a party to register is not always a good reason for rejecting his vote after it has been cast.”).

To the extent that the registrations of voters in the first category are incomplete, the Board is primarily, if not totally, responsible. Since 2004, state law

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

has required election officials to collect voter registration applicants’ “[d]river’s license number[s], or if the applicant[s] do[ ] not have . . . driver license number[s], the last four digits of the applicant[s]’ social security number[s]” or, “assign [the applicant] a unique identifier number” if the applicant has no such information. N.C.G.S. § 163-82.4(a) and (b) (2023).<sup>1</sup> In 2023, however, the Board became aware and admitted that it had not been in compliance with these requirements since they were initially imposed. *See* Order at 4, *In re HAVA Complaint of Carol Snow* (N.C. State Bd. of Elections Dec. 6, 2023) (acknowledging that “the [then-]current North Carolina voter registration application form fail[ed] to require an applicant to provide an identification number or indicate that they do not possess such a number”). The Board took action by updating the voter registration application form going forward; it did nothing, however, to ensure that any past violations were remedied. These issues were brought to the Board’s attention again in August 2024, when litigation was commenced regarding registration applicants using the previous form. *See generally Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 398–99 (4th Cir. 2024). That litigation remains pending in federal court.

The Board’s inattention and failure to dutifully conform its conduct to the law’s requirements is deeply troubling. Nevertheless, our precedent on this issue is clear. Because the responsibility for the technical defects in the voters’ registrations rests

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<sup>1</sup> Federal law imposes an identical burden on state election officials when accepting or processing “application[s] for voter registration for an election for Federal office.” 52 U.S.C. § 21083(a)(5)(A).

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

with the Board and not the voters, the wholesale voiding of ballots cast by individuals who subsequently proved their identity to the Board by complying with the voter identification law would undermine the principle that “this is a government of the people, in which the will of the people—the majority—legally expressed, must govern.” *Lattimore*, 120 N.C. 428-429. Accordingly, we cannot agree with the Court of Appeals that the Board erred by counting their ballots.

We stress that this would be a very different case if the record provided grounds for believing that a significant number of the roughly 60,000 ballots in the first category were cast by individuals whose identity was not verified by voter identification or who were not otherwise qualified to vote.

Our case law regarding registration mistakes by elections officials does not apply to petitioner’s remaining challenges because each presents questions unrelated to “proving merely that *the registration law* had not been complied with.” *Woodall* 176 N.C. at 389 (emphasis added). “[T]he ultimate purpose of [an election] is to ascertain and give expression to the will of the majority, as expressed through the ballot box and *according to law*.” *Id.* at 388 (emphasis added). We have, therefore, stated that “[t]o permit unlawful votes to be counted along with lawful ballots in contested elections effectively ‘disenfranchises’ those voters who cast legal ballots[.]” *James* 359 N.C. at 270.

For the second category—military or overseas ballots cast under Article 21A for whom the Board of Elections failed to follow the express requirements of N.C.G.S.

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

§ 163-230.1 – we allow the petitions for the limited purpose of expanding the period to cure deficiencies arising from lack of photo identification or its equivalent from fifteen business days to thirty calendar days after the mailing of notice.

As to the “never residents” in the third category, the Court of Appeals held that allowing individuals to vote in our state’s non-federal elections who have never been domiciled or resided in North Carolina or expressed an intent to live in North Carolina violated the plain language of Article VI, Section 2(1) of the North Carolina Constitution, and we deny review.

Except as provided above, the petitions for discretionary review are denied. In addition, the temporary stay issued 7 April 2025 is dissolved, and the petitions for writs of supersedeas are denied. Petitioner’s conditional petition for discretionary review is denied. This matter is remanded to the Court of Appeals for further remand and actions not inconsistent with this order.

By order of the Court in Conference, this the 11th day of April 2025.

/s/ Allen, J.  
For the Court

Riggs, J., recused

GRIFFIN V. STATE BOARD OF ELECTIONS

No. 320P24-3

*Order of the Court*

WITNESS my hand and the seal of the Supreme Court of North Carolina, this  
the 11th day of April 2025.



A handwritten signature in blue ink, which appears to read "Grant E. Buckner", is written over a horizontal line.

Grant E. Buckner  
Clerk of the Supreme Court

Copy to:

North Carolina Court of Appeals

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