STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

DOCKET NO. 19-CV-014688

NORTH CAROLINA DEMOCRATIC PARTY, DSCC a/k/a DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, AND DCCC a/k/a DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; AND DAMON CIRCOSTA, in his official capacity as CHAIR OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendants.

AMENDED COMPLAINT

(Three-Judge Court Requested Pursuant to N.C. Gen. Stat. § 1-81.1(a1))

Plaintiffs, complaining of Defendants, say and allege:

INTRODUCTION

1. In the last three presidential elections, more than half of North Carolina's ballots were cast during one-stop absentee voting ("early voting"). Early voting provides access and flexibility for voters whose work schedules, family care responsibilities, or lack of reliable transportation make Election Day voting difficult or even impossible. Although early voting is popular with voters across the state and from all backgrounds, certain groups of voters have embraced early voting with enthusiasm. African American North Carolinians in particular have cast their ballots during early voting at a higher rate than White North Carolinians. The same has generally held true for voters who are registered Democrats, as compared to non-Democrats.

When these trends became apparent, Republican members of the North Carolina General Assembly repeatedly set their sights on reducing and restricting early voting opportunities for North Carolinians, targeting voters whom they perceive to hold unfavorable political views.

2. Federal courts have already rejected the General Assembly's most brazen attempt to restrict access to the franchise through limitations on early voting. In 2013, the General Assembly passed HB 589—an omnibus bill that targeted and rolled back voting reforms that most heavily affected African Americans. Following several legal challenges, a federal court of appeals found in 2016 that the legislature enacted the law with discriminatory intent in violation of the U.S. Constitution and the Voting Rights Act. *See N.C. State Conference of NAACP v. McCrory*, 831 F.3d 204, 219 (4th Cir. 2016).

3. Undeterred, the General Assembly's Republicans—whose legislative supermajority was entrenched though a partisan gerrymander eventually ruled unconstitutional by a panel of this Court—sought to achieve the same end through the surprise unveiling and rushed passage of Senate Bill 325 ("SB 325") in 2018. Their efforts were so stealthy that Republican legislators did not even consult with, let alone obtain the support of, the very county elections boards whose interests the bill's sponsors claimed to champion. Under the guise of "uniformity," SB 325: (1) made it more expensive for counties to operate early voting sites by imposing costly and rigid one-size-fits-all mandates on early voting hours and locations; and (2) outlawed early voting during the weekend before Election Day, even though the last Saturday of early voting ("Last Saturday") was far and away the most popular day among voters to cast an early ballot.

4. Although the General Assembly backtracked on the unpopular Last Saturday ban almost immediately—it passed a stopgap bill that delayed the ban's effect until after the 2018

midterm election, followed by a bill in 2019 ("SB 683") that permanently repealed the Last Saturday ban—the General Assembly left SB 325's one-size-fits-all mandates largely in place.[1]

5. These requirements were largely in effect during the 2018 midterm elections with predictable results: many North Carolina county boards of elections reduced the number of early voting sites or the number of weekend early voting dates, and in some counties, boards reduced both sites and dates.[2] And the pattern of reduced early voting opportunities observed in the 2018 election is certain to repeat itself in the 2020 general election.

6. North Carolina courts have long recognized that the purpose of elections is "to ascertain, fairly and truthfully, the will of the people." *Wilmington, O. & E.C.R. Co. v. Onslow Cty. Comm'rs*, 21 S.E. 205, 207 (N.C. 1895). To that end, the tools that North Carolina uses to administer elections "should not be used to defeat the object which they were intended to aid." *Id.* North Carolina's Constitution secures the rights of North Carolina voters to participate in the political process by guaranteeing its citizens the rights of Free Elections, Equal Protection, Freedom of Speech, and Freedom of Assembly.

7. SBs 325 and 683, as currently reflected in N.C. Gen. Stat. § 163-227.6(c) (collectively, the "Challenged Provisions"), unconstitutionally burden North Carolinians' right to vote and none of the General Assembly's justifications are sufficiently weighty to uphold these laws. By limiting and restricting early voting opportunities and thereby disrupting the reasonable and settled expectations of North Carolina voters who have come to rely on early voting over the past two decades, the Challenged Provisions' one-size-fits-all mandates deny voters the rights

[1] SB 683 revised the one-size-fits-all mandates to require, among other things, that all one-stop sites that are open during the early voting period shall operate from 8:00 a.m. to 7:30 p.m. *See* N.C. Gen. Stat. § 163-227.6(c).

[2] In 2018, when SB 325 was in effect, the law required that any one-stop site that is open during the early voting period shall operate from 7:00 a.m. to 7:00 p.m.

guaranteed to them by the North Carolina constitution. For these reasons and those stated below, this Court should enjoin the Challenged Provisions' one-size-fits-all mandates as unconstitutional and order that North Carolina return to the early voting procedures that were in place before SB 325's passage.

PARTIES

8. The North Carolina Democratic Party ("NCDP") brings this action on its own behalf and on behalf of its members who are registered voters in North Carolina and have voted or intend to vote using early voting. The NCDP is a political party as defined in N.C. Gen. Stat. § 163-96. Its purposes are: (i) to bring people together to develop public policies and positions favorable to NCDP members and the public generally, (ii) to identify candidates who will support and defend those policies and positions, and (iii) to persuade voters to cast their ballots for those candidates. The NCDP has members in every county in North Carolina. The Challenged Provisions make it more difficult for NCDP members who use early voting to cast their ballots. The NCDP must divert and expend additional funds and resources than it would otherwise to combat the effects of these burdensome provisions.

9. Plaintiff DSCC is the national senatorial committee of the Democratic Party, as defined by 52 U.S.C. § 30101(14), and its mission is to elect candidates of the Democratic Party to the United States Senate, including in North Carolina. DSCC works to accomplish its mission across the country and in North Carolina by, among other things, making expenditures for, and contributions to, Democratic candidates for U.S. Senate and assisting state parties throughout the country, including in North Carolina. In 2016 (the last time there was a U.S. Senate election in North Carolina) DSCC spent in excess of $13 million to support the election of the Democratic Senate candidate and the defeat of the Republican Senate candidate in North Carolina. DSCC again expects to make substantial contributions and expenditures to support the Democratic

candidate for U.S. Senate in North Carolina in the 2020 election, as it has done in past elections. The Challenged Provisions' restrictions on early voting directly harm DSCC by imposing mandatory one-size-fits-all requirements that make it harder for counties to offer early voting hours to communities that rely on it the most, which, in turn, makes it more difficult for Democratic voters to participate in the political process and frustrates DSCC's mission of, and efforts in, electing the Democratic Party candidate in North Carolina to the U.S. Senate. DSCC will also have to expend and divert additional funds and resources, at the expense of its other activities in North Carolina and in other states, in order to combat the effects of the Challenged Provisions and the resulting reduction or elimination of early voting opportunities in future elections for U.S. Senate in North Carolina.

10. Plaintiff DCCC is the national congressional committee of the Democratic Party, as defined by 52 U.S.C. § 30101(14). DCCC's mission is to elect Democratic candidates to the U.S. House of Representatives from congressional districts across the United States, including from North Carolina's 13 congressional districts. DCCC works to accomplish its mission across the country and in North Carolina by, among other things, making expenditures for, and contributions to, Democratic candidates for U.S. Congress and assisting state parties throughout the country, including in North Carolina. Already this year, DCCC has spent in excess of $1.2 million to support the election of Democratic congressional candidates and the defeat of Republican congressional candidates in North Carolina. For the 2020 election, DCCC has identified several congressional districts in North Carolina as targeted races in which it will expend significant resources to support the Democratic candidate and plans to make contributions and expenditures to persuade and mobilize voters to support Democratic candidates in congressional elections around the country as well. The Challenged Provisions' restrictions on

early voting directly harm DCCC by imposing mandatory one-size-fits-all requirements that make it harder for counties to offer early voting hours to communities that rely on it the most, which, in turn, makes it more difficult for Democratic voters to participate in the political process and frustrates DCCC's mission of, and efforts in, electing Democratic Party candidates in North Carolina to the U.S. House of Representatives. DCCC will have to expend and divert additional funds and resources, at the expense of its efforts in these districts as well as in other states, in order to combat the effects of the Challenged Provisions and the resulting reduction or elimination of early voting opportunities in future elections.

11. Defendant the State of North Carolina has its capital in Raleigh, North Carolina.

12. Defendant North Carolina State Board of Elections is an agency responsible for the regulation and administration of elections in North Carolina.

13. Defendant Damon Circosta is the Chair of the North Carolina State Board of Elections. Mr. Circosta is sued in his official capacity.

JURISDICTION AND VENUE

14. This Court has jurisdiction of this action pursuant to Article 26 of Chapter 1 of the General Statutes.

15. Under N.C. Gen. Stat. § 1-81.1(a1), the exclusive venue for this action is the Wake County Superior Court.

16. Pursuant to N.C. Gen Stat. Ann. § 1-81.1(a1), a three-judge panel must be convened because this action involves a determination as to the facial validity of an act of the General Assembly.

FACTUAL ALLEGATIONS

A. North Carolina adopted voting reforms that increased voter participation.

17. In 1996, North Carolina ranked near last in the country (43rd out of 50 states) in voter participation. Over the following decade, the North Carolina General Assembly took steps to ensure that eligible voters would have sufficient opportunities to cast ballots in elections. These measures furthered representative democracy in the state by increasing voter participation and expanding the number and diversity of voices and viewpoints expressed through the act of voting.

18. In 1999, the North Carolina General Assembly established "no-excuse" early voting in even-year general elections and authorized county boards of elections to establish early voting sites. S.L. 1999-455 (S.B. 568). When this law was implemented, county boards of elections had the discretion to select the placement and times of operation of early voting sites. *Id.* (allowing for selection of early voting sites based on unanimous vote of county board of elections and approval by the State Board of Elections).

19. In 2001, the North Carolina General Assembly expanded early voting to all elections, S.L. 2001-337, and subsequently passed legislation in 2007 that allowed individuals to register and vote all at once at an early voting location. S.L. 2007-253.

20. In the first election with no-excuse early voting (in 2000), more than 390,000 citizens cast their ballots during the early voting period. This figure represented 12.4% of the voters who cast ballots in that election. In the 2008 election, more than 50% of North Carolina voters cast their ballots using in-person early voting. The percentage of individuals who used early voting in the 2012 general election remained above 50%, with the total number of North Carolina citizens who voted early surpassing 2.5 million.

21. As a result of these measures to increase access to the ballot box, North Carolina jumped to 11th in the nation in voter participation in 2012.

B. The General Assembly has unsuccessfully attempted to restrict early voting.

22. Even as early voting grew in popularity with voters across the state, clear trends emerged revealing certain groups of voters for whom early voting was most essential. In the 2000 general election—the first North Carolina general election with early voting—around 30,000 more registered Democrats cast their ballots during the early voting period than registered Republicans. In the 2012 general election, the differential grew to about 50,000. In 2008 and 2012, African American voters in North Carolina used early voting at a higher rate than White voters. Rather than embrace the role that early voting played in expanding voter participation, General Assembly Republicans attempted to make early voting—the most popular form of voting in presidential election years—less accessible.

23. In 2011 alone, Republican members introduced several bills "to reduce early voting." *N.C. State Conference of the NAACP v. McCrory*, 182 F. Supp. 3d 320, 337 (M.D.N.C.), *rev'd and remanded on other grounds sub nom. N.C. State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) (*citing* H.B. 658, 2011 Gen. Assemb., Reg. Sess. (N.C. 2011); S.B. 714, 2011 Gen. Assemb., Reg. Sess. (N.C. 2011); S.B. 657, 2011 Gen. Assemb., Reg. Sess. (N.C. 2011); S.B. 47, 2011 Gen. Assemb., Reg. Sess. (N.C. 2011)). None became law, but they established the beginning of a concerted partisan effort to make it more difficult for North Carolinians to vote.

24. In 2013, several additional bills were introduced for the same purpose. *Id.* (*citing* North Carolina Session Law 2013-381; H.B. 913, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013); S.B. 428, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013); S.B. 666, 2013 Gen. Assemb., Reg. Sess.

(N.C. 2013); S.B. 721, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013); H.B. 451, 2013 Gen. Assemb., Reg. Sess. (N.C. 2013)).

25. One of those bills, HB 589, which was signed into law on August 12, 2013, reduced the number of available early voting days from 17 to 10, among other restrictions. Following several legal challenges to HB 589's sweeping restrictions on the voting process, including the reduction of early voting days, the United States Court of Appeals for the Fourth Circuit held that the challenged provisions were enacted "with racially discriminatory intent in violation of the Equal Protection Clause of the Fourteenth Amendment [of the United States Constitution]." *McCrory*, 831 F.3d at 219. Of note, the Fourth Circuit's opinion emphasized that legislators received data when drafting the bill showing that African American voters used early voting at a higher rate than White voters. *See id.* at 230 (finding it "worthy of discussion" that the General Assembly "requested and received a breakdown by race" for voting practices including early voting and restricted "all—and only—practices disproportionately used by African Americans.").

C. As North Carolinians have increasingly relied on early voting, General Assembly Republicans have attempted to make early voting more difficult.

26. The Fourth Circuit ruling (and the subsequent district court injunction) restored all 17 days of early voting for the 2016 presidential election. During that election, county boards largely retained their traditional discretion to determine how many early voting election sites to open, which days to open them, and what their hours of operation would be. Troublingly, then-chair of the North Carolina Republican Party, Dallas Woodhouse, encouraged the Republican chairs of the county boards of elections to "make party[-]line changes to early voting." These party-line changes included restricting hours, eliminating early voting sites that were convenient to students, and closing early voting sites on Sundays—an important day for predominantly

African American churches that spearheaded "souls to the polls" campaigns to encourage voter participation and in some cases transported African Americans to polling places in order to vote after Sunday service.

27. Fortunately, most county boards failed to adopt Woodhouse's recommendations, and in 2016, early voting was again the most popular form of voting among North Carolinians, with over 60% of voters electing to cast their ballots during one of the 17 early voting days. Suffice it to say, North Carolinians have expressed a clear preference for early voting.

28. Yet despite increasing numbers of North Carolinians who rely on early voting, the General Assembly Republicans' sustained attack continued; instead of slashing the total number of early voting days, General Assembly Republicans crafted a bill to achieve the same ends indirectly.

29. Introduced in March 2017, SB 325 initially had nothing to do with early voting. But late in the evening on June 14, 2018, a House subcommittee substituted the bill's initial language with the deceptively-titled "Uniform & Expanded Early Voting Act." In less than 48 hours, this bill sailed through both chambers of the General Assembly along purely partisan lines— not a single Democratic legislator voted in favor of the final bill—with limited debate and almost no meaningful public input. Governor Roy Cooper vetoed the bill, stating simply that "[p]revious attempts like this by the legislature to discriminate and manipulate the voting process have been struck down by the courts. True democracy should make it easier for people to vote, not harder." On June 27, 2018, the General Assembly passed SB 325 over Governor Cooper's veto, again along purely partisan lines.

D. SB 325 made early voting more difficult, and SB 683 does the same.

30. Despite its title, SB 325 did nothing to meaningfully expand early voting. Although the bill regulated various aspects of the early voting process, it did not mandate any

additional early voting hours or sites beyond those provided at county board of elections offices during the 17-day early voting period. Most glaringly, SB 325 eliminated Last Saturday from the early voting period—a decision which the General Assembly later reversed for the 2018 election and later amended in October 2019 to reinstate Last Saturday for future elections.

31. SB 325's one-size-fits-all provisions remain in effect, however, and have made it more expensive and inefficient for county boards of elections to expand or even maintain existing early voting opportunities by effectively stripping county boards of their discretion in determining when early voting sites should be open.

32. Before SB 325, county boards of election were obligated to offer a minimum total number of early voting hours but had broader discretion to open early voting satellite sites on the days and hours of their choice based on the needs of the voters in their communities. This allowed county boards to maximize their resources by offering early voting in a targeted, efficient manner that accounted for local needs and the boards' knowledge of local patterns of voting in past elections—all of which SB 325 forbids.

33. Similarly, SB 325 provides that if a county board of elections opens any early voting site on a weekend day, it must open all early voting sites in the county for the same number of hours on that day. Again, this places a burden on county boards of elections by eliminating their ability to take local needs into account in setting weekend hours, and instead forces them to adopt an all-or-nothing approach that makes it more costly to offer any weekend voting.

34. In the 2018 election, SB 325 contributed significantly to the reduction in the number of early voting sites offered in 43 of North Carolina's 100 counties, when compared to the previous mid-term election in 2014. In addition, 47 of North Carolina's 100 counties offered

fewer weekend early voting days as compared to the 2014 election, and 65 counties offered fewer weekend voting hours, despite the fact that North Carolina law in 2014 permitted only 10 total days of early voting (compared to 17 in 2018). And even the counties that did not reduce early voting sites or hours were forced to absorb higher costs, which could impede any efforts to expand early voting in future elections.

35. In the legislative session immediately following the 2018 election, the General Assembly passed legislation, SB 683, that permanently reinstated Last Saturday voting for future elections, but left SB 325's one-size-fits-all mandates largely in place.

36. SB 683's only significant changes to the one-size-fits-all requirements relate to the hours during which polling places must remain open: (1) all weekday early voting sites must now be open from 8:00 am until 7:30 pm, instead of 7:00 am to 7:00 pm; and (2) from 8:00 am to 3:00 pm on Last Saturday, instead of 8:00 am to 1:00 pm with the option to stay open later. County boards, however, must still follow burdensome and wasteful one-size-fits-all mandates and keep open early voting sites even during hours when few people tend to vote, or eliminate early voting sites entirely to avoid the expense imposed by the Challenged Provisions.

37. In their current form, the one-size-fits-all mandates will have a similar impact on future elections as they did in the 2018 election, when many North Carolina county boards of elections reduced the number of early voting sites or the number of weekend early voting dates or hours, and some county boards reduced some combination of early voting sites and weekend voting dates or hours.

38. In sum, SB 325 made it more difficult for North Carolinians to cast their ballots during the early voting period, and SB 683's amendments incorporate, but do nothing to

alleviate, the burdens imposed by North Carolina's one-size-fits-all requirements for early voting.

E. The General Assembly's justification for the one-size-fits-all mandates is pretextual and insufficient to justify the burden they impose on the right to vote.

39. The sponsors of SB 325 identified two justifications for the bill: (1) it would provide the people of North Carolina with "uniformity" regarding when and where they could early vote; and (2) eliminating the Last Saturday of early voting would allow poll workers to "prepare the books" for Election Day. Both of these justifications were meritless, as they set out to solve problems that do not exist or can be resolved through less burdensome means.

40. The General Assembly Republicans that supported SB 325 largely failed to consult the North Carolina State Board of Elections or any of the county boards—the entities responsible for administering the elections in North Carolina's 100 counties—before introducing and passing SB 325 in less than 48 hours.[3] SB 325's passage led to a bipartisan outcry from members of various county boards because of the detrimental impact that it had on their ability to effectively and efficiently administer early voting.[4]

[3] Similarly, there was no credible evidence that Last Saturday early voting interfered with North Carolina's election officials' preparation for Election Day in any significant way. To the contrary, North Carolina's election officials have repeatedly demonstrated their ability to facilitate both Election Day and Last Saturday early voting in each of the past 11 general elections. The pretextual nature of the General Assembly Republicans' justifications is underscored by the fact that they immediately passed a bill, HB 335, to temporarily "restore early one-stop voting on the last Saturday before the 2018 election." This point is further underscored by the fact that a more balanced General Assembly reinstituted Last Saturday voting with SB 683 (immediately after Plaintiffs filed their original Complaint).

[4] *E.g.*, Blake Paterson, *Bipartisan Furor as North Carolina Election Law Shrinks Early Voting Locations by Almost 20 Percent*, PROPUBLICA (Sep. 24, 2018, 5:00 AM), https://www.propublica.org/article/bipartisan-furor-as-north-carolina-election-law-shrinks-early-voting-locations-by-almost-20-percent; Alexandra Olgin, *Early Voting Changes In North Carolina Spark Bipartisan Controversy*, NPR (Oct. 17, 2018, 5:01 AM), https://www.npr.org/2018/10/17/657928248/early-voting-changes-in-north-carolina-spark-

41. The characteristics, demographics, and geography of North Carolina's 100 counties vary widely, and county boards have the expertise necessary to set the dates and times of early voting that meet the needs of their respective counties. This is especially true in rural counties where voters may have to travel a great distance to their county board of elections office, and the ability to set early voting locations and times that best serve the community is essential in ensuring that early voting is accessible to all residents.

CAUSES OF ACTION

COUNT I
Violation of the North Carolina Constitution
Equal Protection, Art. I, § 19, Freedom of Speech, Art. I, § 14, and Freedom of Assembly, Art. I, § 12
(Unconstitutional Burden on Fundamental Rights)

42. Plaintiffs hereby incorporate all other paragraphs as if fully set forth herein.

43. Article I, § 12 of the North Carolina Constitution provides in relevant part: "The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances."

44. Article I, § 14 of the North Carolina Constitution provides in relevant part: "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained."

45. Article I, §§ 12 and 14 protect the right of voters to participate in the political process, to express political views, to affiliate with or support a political party, and to cast a vote. North Carolina courts have recognized that Article I, §§ 12 and 14 may afford broader protections than the federal First Amendment. *Evans v. Cowan*, 468 S.E.2d 575, 578, *aff'd*, 477 S.E.2d 926 (N.C. 1996).

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bipartisan-controversy.

46. Article I, § 19 of the North Carolina Constitution provides in relevant part that "[n]o person shall be denied the equal protection of the laws."

47. Early voting provides increased access to the ballot box especially for voters whose work schedules, family care responsibilities, or lack of transportation make Election Day voting difficult and at times impossible.

48. By making it more expensive for counties to operate early voting sites, the Challenged Provisions' one-size-fits-all mandates reduce access to early voting opportunities on which these voters have come to depend, thereby burdening their fundamental right to vote.

49. This burden is severe, and the Challenged Provisions' one-size-fits-all mandates are not narrowly tailored to advance a compelling state interest.

50. But even if the burden were not severe, the State's purported interest in uniformity is pretextual and not sufficiently weighty to justify the Challenged Provisions' restrictions on what has become the favored method of casting a ballot in presidential elections in North Carolina, and an increasingly popular method of voting in non-presidential elections.

COUNT II
Violation of the North Carolina Constitution's
Free Elections Clause, Art. I, § 10

51. Plaintiffs hereby incorporate all other paragraphs in this Complaint as if fully set forth herein.

52. Article I, § 10 of the North Carolina constitution states, in its entirety, that "[a]ll elections shall be free."

53. The rights that appear in Article I of the North Carolina Constitution are sacrosanct:

> The civil rights guaranteed by the Declaration of Rights in Article I of our Constitution are individual and personal rights entitled to protection against state action . . . . The Declaration of Rights was

> passed by the Constitutional Convention on 17 December 1776, the day before the Constitution itself was adopted, manifesting the primacy of the Declaration in the minds of the framers. The fundamental purpose for its adoption was to provide citizens with protection from the State's encroachment upon these rights. Encroachment by the State is, of course, accomplished by the acts of individuals who are clothed with the authority of the State. The very purpose of the Declaration of Rights is to ensure that the violation of these rights is never permitted by anyone who might be invested under the Constitution with the powers of the State.

Corum v. Univ. of N.C. Through Bd. of Governors, 413 S.E.2d 276, 289–90 (N.C. 1992).

54. "[T]he object of all elections is to ascertain, fairly and truthfully, the will of the people—the qualified voters." *Hill v. Skinner*, 169 N.C. 405, 86 S.E. 351, 356 (1915). "Our government is founded on the will of the people. Their will is expressed by the ballot." *People ex rel. Van Bokkelen v. Canaday*, 73 N.C. 198, 220 (1875). "[F]air and honest elections are to prevail in this state." *McDonald v. Morrow*, 119 N.C. 666, 673, 26 S.E. 132, 134 (1896).

55. The Challenged Provisions' one-size-fits-all mandates obstruct the will of North Carolinians because they reduce early voting opportunities and effectively silence entire groups of voters or make it harder for them to participate in the political process. The one-size-fits-all mandates also have the purpose or effect of making it more difficult for Democratic-affiliated voters, a group disfavored by General Assembly Republicans, to express their political will at the ballot box. By limiting the method of voting relied upon by certain groups (e.g., Democratic voters, African Americans, young voters) the General Assembly Republicans responsible for the one-size-fits-all mandates in the Challenged Provisions have placed their thumbs on the scale of the voting process in favor of Republican candidates and causes. Not unlike partisan gerrymandering, the representatives attempted to entrench themselves rather than submit to the will of the people. This represents an abuse of power that serves the self-interest of political parties at the expense of the public good.

56. Because the Challenged Provisions have the effect of silencing groups of voters or making it harder for them to have their voices heard in the political process, it works to prevent elections from ascertaining the true will of the people, and it therefore violates the Free Elections Clause.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in their favor and against Defendants, and:

a. Enter a declaratory judgment pursuant to N.C. Gen. Stat. § 1-253, *et seq.*, that the Challenged Provisions' one-size-fits-all requirements, as currently set forth in N.C. Gen. Stat. § 163-227.6(c), are unconstitutional and invalid because they violate the rights of Plaintiffs and North Carolina voters under the North Carolina Constitution's Equal Protection and Law of the Land Clauses, Art. I, § 19; and the Free Elections Clause, Art. I, § 10.

b. Enter an order preliminarily and permanently enjoining the Challenged Provisions' one-size-fits-all requirements as currently set forth in N.C. Gen. Stat. § 163-227.6(c), and return discretion to the county elections boards to establish locations and hours for early voting pursuant to North Carolina Rule of Civil Procedure 65;

c. Award to Plaintiffs their costs and expenses, pursuant to applicable statutory and common law, including N.C. Gen. Stat. §§ 6-20 and 1-263; and

d. Grant Plaintiffs such other and further relief as the Court deems necessary.

Respectfully submitted,

Dated: December 20, 2019

By: _____

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CERTIFICATE OF SERVICE

The undersigned attorney for Plaintiffs hereby certifies that on this day the foregoing document was served upon Defendants in this action by depositing a copy of same in the United States mail, postage prepaid, and addressed as follows:

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This the 20th day of December, 2019.

Burton Craige