

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Civil Case No. 5:21-cv-361-BO**

**DISABILITY RIGHTS NORTH
CAROLINA,**)
)
)
Plaintiff,)
)
v.)
)
**NORTH CAROLINA STATE BOARD
OF ELECTIONS, et al.,**)
)
Defendants.)

**JOINT MOTION
TO EXPEDITE CONSIDERATION OF
PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT**

Plaintiff and Defendants, by and through counsel and pursuant to Rules 6 and 7 of the Federal Rules of Civil Procedure and L.R. 6.1, jointly move the Court to expedite consideration of Plaintiff’s Motion for Summary Judgment. In support hereof, the Parties show the following:

1. Plaintiff filed this action on September 9, 2021 alleging that provisions of North Carolina law violate Section 208 of the Voting Rights Act by limiting the assistance available to voters with disabilities. (ECF No. 4.)
2. Defendants filed a Motion to Dismiss on November 1, 2021, (ECF Nos. 17 & 18), which the Court denied on May 4, 2022, (ECF No. 29).
3. Discovery closed on June 1, 2022. (ECF No. 23.)
4. Plaintiff filed its Motion for Summary Judgment on June 15, 2022, (ECF No. 33), Defendants responded in opposition on June 24, 2022, (ECF Nos. 35, 36), and Plaintiff filed a Reply in support of the Motion for Summary Judgment on June 30, 2022. Defendants do not intend on filing a dispositive motion.
5. The Parties, by mutual agreement, engaged in an expedited briefing schedule relating to Plaintiff’s Motion for Summary Judgment to avoid the need for Plaintiffs to seek duplicative

preliminary injunctive relief in time for the statewide election. Such a motion for preliminary injunctive relief would be virtually identical to the relief sought in Plaintiff's Motion for Summary Judgment and would create an inefficient use of judicial resources.

6. Expedited briefing was also agreed in recognition that the Defendants are required to distribute absentee ballots by September 9, 2022 for the November general election. In order to have absentee ballot envelopes prepared for distribution by that deadline, the language that appears on the absentee ballot envelopes instructing voters on how they may receive assistance must be finalized by the end of July 2022. This allows sufficient time for the envelopes to be printed by various third-party contractors across the state. If a ruling issues after that date that would impact this instructional language, there would be insufficient time to alter the instructions on the envelopes and start the printing process over.

7. Moreover, due to a nationwide shortage in paper stock, Defendants and county boards of elections are having difficulty sourcing paper for printing the envelopes. If a ruling issues after that date that would impact the instructional language, the State Board is uncertain at this time whether it could source the necessary paper to print new envelopes. County boards are already having difficulty locating sufficient stock for the envelopes that they need to have printed for the November election.

8. Thus, if this Court is contemplating a ruling that affects the instructional language on absentee ballot envelopes for the November general election, it is respectfully requested that the ruling be issued before the end of July.

9. If that is not possible, Defendants will still be able to alter public facing websites and the absentee voting portal, but the printed materials and absentee ballot envelopes would likely remain unchanged for the November general election.

10. The Parties respectfully request that the Court consider Plaintiff's Motion for Summary Judgment on an expedited basis.

WHEREFORE, the parties respectfully move the Court to expedite consideration of Plaintiff's Motion for Summary Judgment.

Dated: July 1, 2022

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Respectfully submitted,

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