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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
22 CVS 10520

IN RE APPEAL OF DECLARATORY  
RULING FROM THE STATE BOARD OF  
ELECTIONS

**ORDER  
DENYING PETITIONER'S  
MOTION FOR TEMPORARY  
RESTRAINING ORDER**

THIS MATTER was heard by the undersigned Judge of Superior Court of Wake County, pursuant to Petitioner's Motion for a Temporary Restraining Order pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, filed September 28, 2022 and requesting that the Court enter an order enjoining the State Board of Elections from enforcing its July 22, 2022 Declaratory Ruling in a manner to prohibit county boards of elections from verifying signatures on absentee ballot containers in the November 2022 General Election by comparing them to other signatures in a voter's registration file.

Based on the parties' submissions and the arguments presented at the hearing before the undersigned on October 3, 2022, the undersigned concludes that the Motion for a Temporary Restraining Order must be denied based on the following findings:

1. This matter presents a purely legal question regarding the statutory interpretation by the North Carolina State Board of Elections in its July 22, 2022 Declaratory Ruling regarding the voter verification process associated with voting absentee by mail and found in N.C.G.S., Chapter 163, Article 20;
2. Petitioners failed to demonstrate a likelihood of success on the merits because the statutory mechanisms enacted in North Carolina demonstrate a clear legislative intent to expressly set forth the information required on absentee container return envelopes and processes to be

carried out by county boards of elections to verify the identity of the voter. *See* N.C.G.S. §§ 163-229(b), 163-231(a). The comparison of signatures is not among these requirements. *Id.*

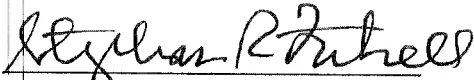
3. The relief requested by Petitioner is asking this Court to legislate. The General Assembly has provided the mechanisms it deemed reasonably necessary to determine the authenticity of signatures on absentee ballots and protect the security and authenticity of the ballot. It did not provide the mechanisms requested by Petitioner and this Court is not authorized to add to those legislatively provided mechanisms.

4. Petitioners failed to demonstrate that they will suffer an irreparable harm. In balancing and weighing the equities, as presented by the parties, the interests of the State Board, county boards of elections, and voters will be harmed by taking a position contrary to the General Assembly's clear statutory procedures for absentee ballot review.

5. The Court did not rule on other pending matters at this hearing.

Accordingly, the Court, in its discretion, DENIES Petitioner's Motion for a Temporary Restraining Order.

This the 7<sup>th</sup> day of October, 2022.

  
The Honorable Stephan R. Futrell  
Superior Court Judge Presiding