

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

VOTO LATINO, et al.,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
Chair of the State Board of Elections, et al.,

Defendants.

Case No. 1:23-cv-861-TDS-JEP

JOINT MOTION FOR STAY OF PROCEEDINGS

Plaintiffs Voto Latino, the Watauga County Voting Rights Task Force, Down Home North Carolina, and Sophie Jae Mead, by and through their undersigned counsel, join with the State Board Defendants (Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers IV, Kevin Lewis, and Siobhan O’Duffy Millen); the Watauga County Board Defendants (Michael Behrent, Eric Eller, Matt Walpole, Leta Councill, and Elaine Rothenberg); the Legislative Intervenors (Philip E. Berger and Timothy K. Moore); and the RNC Intervenors (Republican National Committee, North Carolina Republican Party, Virginia A. Wasserberg, and Brenda M. Eldridge), collectively (the “Parties”), to respectfully move for a stay of proceedings in this matter.

In support of the motion, the Parties state as follows:

1. On January 21, 2024, this Court preliminarily enjoined the procedures set forth in N.C. Gen. Stat. § 163-82.6B(d), which required county boards to remove from the official count the vote of any voter utilizing same-day registration if their address verification card was returned as undeliverable, without providing notice and an opportunity to be heard. *See* Order, ECF No. 68 at 93–94.

2. In response to this Court’s order, on January 29, 2024, the State Board Defendants reissued Numbered Memo 2023-05, which governs same-day registration procedures. *See* Notice, ECF No. 72. The Numbered Memo was issued pursuant to the State Board’s authority to adopt interim rules and regulations under N.C. Gen. Stat. § 163-22.2.

3. Under N.C. Gen. Stat. § 163-22.2, interim rules and regulations adopted by the State Board expire 60 days after the start of the next regular session of the General Assembly. The next regular session begins on January 8, 2025. *See* N.C. Gen. Stat. § 120-11.1. Therefore, the reissued Numbered Memo will expire on March 9, 2025.

4. Given the temporary nature of North Carolina’s current same-day registration procedures outlined in Numbered Memo 2023-05 and the prospect of legislative amendments to N.C. Gen. Stat. § 163-82.6B, it would conserve the Parties’ and the Court’s time and resources to stay proceedings by avoiding

litigation over issues that could soon become moot. The parties further agree that a lifting of the stay could be warranted, upon a party's motion if the General Assembly passes new legislation regarding same-day registration, or if the State Board of Elections meaningfully alters or fails to enforce those portions of Numbered Memo 2023-05 that were updated based upon this Court's preliminary injunction.

THEREFORE, the parties jointly request that the Court stay all proceedings pending further order of the Court. If N.C. Gen. Stat. § 163-82.6B has not been amended on or before March 9, 2025, the parties will confer and provide a status update to the Court by March 24, 2025. If N.C. Gen. Stat. § 163-82.6B or Numbered Memo 2023-05 are amended prior to November 5, 2024, the parties agree that any motion to lift the stay will be briefed on an expedited basis whereby any responses shall be filed within four days after service of the motion, and any reply shall be filed two days thereafter. A proposed order to that effect is attached as Exhibit A.

Dated: April 26, 2024.

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Respectfully submitted,

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**Special Appearance pursuant to
Local Rule 83.1(d)*

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CERTIFICATE OF SERVICE

I certify that I have electronically filed the foregoing Joint Motion with the Clerk of Court using the CM/ECF system, which will notify all counsel of record electronically.

Dated: April 26, 2024.

/s/ Aria C. Branch
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