

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:23-cv-00878-TDS-JEP

DEMOCRACY NORTH CAROLINA, et)
al.,)
)
Plaintiffs,)
)
v.)
)
ALAN HIRSCH, et al.,)
)
Defendants,)
)
And)
)
PHILIP E. BERGER, et al.,)
)
Intervenor-Defendants.)

**STATE BOARD
DEFENDANTS'
ANSWER**

Defendants Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, Siobhan O'Duffy Millen and Karen Brinson Bell, in their official capacities (collectively, "State Board Defendants"), hereby answer Plaintiffs' Complaint [D.E. 1] as follows:

INTRODUCTION

1. Neither admitted nor denied to the extent that the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

2. State Board Defendants admit that same-day registration is available during early voting but not on Election Day and that same-day registrations allows individuals to register to vote and vote on the same day. Denied that only prior-registered voters are

eligible to cast a ballot on Election day to the extent that N.C.G.S. § 163-82.6(f) permits a person who has become qualified to register and vote in the 25 days before an election to register and vote on Election Day. To the extent that this paragraph contains conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

3. Neither admitted nor denied to the extent that the statistics cited are a matter of public record, which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

4. Neither admitted nor denied to the extent that the statistics cited are a matter of public record, which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

5. Because this paragraph contains conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

6. Neither admitted nor denied to the extent that SB 747 is a matter of public record, which speaks for itself and is the best evidence of its content. To the extent that this

paragraph contains conclusory allegations, no response is required.

7. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

8. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, which speaks for itself and is the best evidence of its content. Neither admitted nor denied as the allegation is not directed at State Board Defendants. To the extent that this paragraph contains conclusory allegations, no response is required.

JURISDICTION AND VENUE

9. Admitted.

10. Admitted that the Court had original jurisdiction over the subject matter of the action when filed. Otherwise denied.

11. Admitted.

12. Admitted.

13. Denied to the extent that the allegations all appear to involve alleged actions that arose from official conduct of state actors in Raleigh, North Carolina.

PARTIES

A. Plaintiffs

14. State Board Defendants lack sufficient information to admit or deny the

allegations of this paragraph.

15. State Board Defendants lack sufficient information to admit or deny the allegations of this paragraph.

16. State Board Defendants lack sufficient information to admit or deny the allegations of this paragraph.

17. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' actions or diversion of resources in this paragraph. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

18. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' actions or diversion of resources in this paragraph. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1]. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

19. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' membership. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity

cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1]. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

20. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' engagement efforts. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1]. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

21. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' relationships with voters. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1]. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

B. Defendants

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.
26. Admitted.
27. Admitted.
28. Admitted.

STATEMENT OF FACTS

A. Youth Voter Registration and Participation is Steadily Increasing in North Carolina's Elections

29. Admitted with respect to publicly available election data sourced from the State Board. Neither admitted nor denied with respect to the characterization of any given segment of the voting population.

30. Admitted with respect to publicly available election data sourced from the State Board.

31. Admitted with respect to publicly available election data sourced from the State Board and voting rights.

B. North Carolina's Historical Attempts to Restrain the Youth Vote

32. State Board Defendants lack sufficient information to admit or deny the allegations regarding Plaintiffs' relationships with voters.

33. Neither admitted nor denied to the extent that HB 589 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

34. Neither admitted nor denied to the extent that the legal authority cited is a matter of public record, speaks for itself, and is the best evidence of its contents.

35. Neither admitted nor denied to the extent that SB 824 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

36. Neither admitted nor denied to the extent that SB 824, its legislative history, and subsequent amendments are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

37. Neither admitted nor denied to the extent that HB 589, SB 824, and the legal authority cited are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

38. Neither admitted nor denied to the extent that these allegations are not directed at State Board Defendants. Denied to the extent this allegation implies that the State Board Defendants engaged in such actions. Neither admitted nor denied to the extent that the legal authority cited is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

39. Neither admitted nor denied to the extent that these allegations are not directed at State Board Defendants.

40. Neither admitted nor denied to the extent that these allegations are not directed at State Board Defendants.

41. Neither admitted nor denied to the extent that these allegations are not

directed at State Board Defendants. Neither admitted nor denied to the extent that the legislative records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

42. Neither admitted nor denied to the extent that these allegations are not directed at State Board Defendants. Neither admitted nor denied to the extent that the legislative records cited are matters of public record, speak for themselves, and are the best evidence of their contents.

C. Registering to Vote and Voting in North Carolina Prior to SB 747

1. Laws Related to Voter Registration, Early Voting, and Same-Day Registration

43. Admitted to the extent that the U.S. Constitution and federal law also govern North Carolina elections.

44. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

(a) Voter Registration

45. Admitted that each of the described methods of registration are accurate; however, other methods are available for eligible voters to register in North Carolina.

46. Admitted to the extent that certain information is required, other information is optional, and affirmations are required on the voter registration form, however, the form itself and the legal authorities on which it is based are public documents, speak for themselves, and are the best evidence of their contents.

47. Admitted to the extent that the cited legal authorities are public documents,

speak for themselves, and are the best evidence of their contents.

48. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

(b) Same-Day Registration

49. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

50. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

51. Admitted to the extent that the State Board website and legal authorities cited are public documents, speak for themselves, and are the best evidence of their contents.

52. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

(c) Verification of Qualifications and Address of Applicant

53. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

54. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

55. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

56. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

57. Admitted to the extent that the cited legal authorities are public documents,

speak for themselves, and are the best evidence of their contents.

(d) Voting When the Verification Process Is Incomplete

58. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

59. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

60. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents.

61. Admitted to the extent that the cited legal authorities are public documents, speak for themselves, and are the best evidence of their contents. To the extent this allegation contains argument or conclusory allegations, no response is required.

2. Qualified Young Voters, Including Students, Experience High Rates of Failed Mail Verification, Which Threatens Their Ability to Vote

62. Neither admitted nor denied to the extent it is not clear what “NCSBE data” is relied upon. Neither admitted nor denied to the extent the data cited are public documents, speak for themselves, and are the best evidence of their contents. To the extent this allegation contains argument or conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

63. Neither admitted nor denied to the extent it is not clear what data is relied upon. Neither admitted nor denied to the extent the data cited are public documents, speak for themselves, and are the best evidence of their contents. To the extent this allegation

contains argument or conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

64. Neither admitted nor denied to the extent it is not clear what data is relied upon. Neither admitted nor denied to the extent the data relied upon are public documents, speak for themselves, and are the best evidence of their contents. To the extent this allegation contains argument or conclusory allegations, no response is required. To the extent a response is required, State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

65. State Board Defendants lack sufficient information to admit or deny the allegations based on Plaintiffs' experiences.

66. Denied that this accurately reflects all methods and means by which students at institutes of higher education can register and verify their address. State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

67. Denied that this accurately reflects all methods and means by which students at institutes of higher education can register and verify their address. State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

68. State Board Defendants lack sufficient information to admit or deny allegations regarding non-parties.

69. State Board Defendants lack sufficient information to admit or deny

allegations regarding non-parties, conclusory allegations, or any remaining allegations.

70. Neither admitted nor denied to the extent that SB 747 and the relevant laws cited are matters of public record, speak for themselves, and are the best evidence of their contents. State Board Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

71. Admitted to the extent that the documents and legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

D. SB 747 Places Onerous and Unnecessary Restrictions on the Same Day Registration Process and Other Election Law Provisions

1. SB 747's Provisions

72. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

73. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

74. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

75. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

76. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

77. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

78. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747 and SB 747 are matters of public record, speak for themselves, and are the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

79. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747 and SB 747 are matters of public record, speak for themselves, and are the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

80. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747 and SB 747 are matters of public record, speak for themselves, and are the best evidence of its contents. To the extent that this paragraph contains argument or conclusory

allegations, no response is required.

81. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

2. The Legislative Process and Public Statements by Members of the General Assembly

82. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

83. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

84. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

85. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

86. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public

record, speak for themselves, and are the best evidence of their contents.

87. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

88. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

89. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

90. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

91. Neither admitted nor denied to the extent that this allegation is not directed at State Board Defendants, and SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents.

E. SB 747 Makes It Much More Difficult for Young North Carolinians To Vote and Have Their Vote Counted, Yet Fails To Increase Election Integrity or Improve Election Administration

92. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747 and SB 747 are matters of public record, speak for themselves, and are the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

93. Neither admitted nor denied to the extent that the law prior to the enactment of SB 747, SB 747, and the legislative history of SB 747 are matters of public record, speak for themselves, and are the best evidence of its contents. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1]. To the extent that this paragraph contains argument or conclusory allegations, no response is required.

CLAIMS

COUNT ONE

(All Defendants)

(Denial of Plaintiffs' Right to Procedural Due Process in violation of the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. § 1983)

94. State Board Defendants repeat each response above as if set forth fully here.

95. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

96. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

97. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

98. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak

for themselves, and are the best evidence of their contents.

99. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

100. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

101. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

102. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

103. Neither admitted nor denied to the extent that SB 747 and its legislative

history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

104. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

105. Admitted.

106. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

COUNT TWO

(All Defendants)

(Undue Burden on the Fundamental Right To Vote in Violation of the First and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983)

107. State Board Defendants repeat each response above as if set forth fully here.

108. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

109. Neither admitted nor denied to the extent that the allegations in this paragraph contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

110. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

111. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced

provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

112. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

113. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

COUNT THREE

(All Defendants)

(Intentional Discrimination in Violation of the Twenty Sixth Amendment to the Constitution of the United States and 42 U.S.C. § 1983)

114. State Board Defendants repeat each response above as if set forth fully here.

115. Neither admitted nor denied to the extent that the allegations in this paragraph

contain legal conclusions and the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

116. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful.

117. Neither admitted nor denied to the extent that SB 747 and its legislative history are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful.

118. Neither admitted nor denied to the extent that SB 747 is a matter of public record, speaks for itself, and is the best evidence of its contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, it is denied that the referenced provisions are unlawful. Denied to the extent that the State Board has established a notice and opportunity cure process for address verification failure pursuant to Numbered Memo 2023-05. [D.E. 53-1].

ANY AND ALL OTHER ALLEGATIONS MADE IN PLAINTIFFS' COMPLAINT, INCLUDING THE RELIEF REQUESTED, EXCEPT AS SPECIFICALLY ADMITTED ABOVE, ARE HEREBY DENIED.

**FURTHER ANSWERING THE COMPLAINT AND AS FOR ANY DEFENSES
THERE TO, DEFENDANTS ASSERT THE FOLLOWING:**

FIRST AFFIRMATIVE DEFENSE

With the establishment of a notice and opportunity to cure through Numbered Memo 2023-05 [D.E. 53-1], Plaintiffs lack standing and their claims are moot such that the Complaint should be dismissed for lack of subject matter jurisdiction.

SECOND AFFIRMATIVE DEFENSE

State Board Defendants reserve the right to assert defenses against Plaintiffs that may become apparent during the course of litigation and discovery.

Respectfully submitted this the 30th day of April, 2024.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Terence Steed

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