

No. 25-1021

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**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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TELIA KIVETT, ET AL.,  
*Plaintiff-Appellees,*

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS, ET AL.,  
*Defendant-Appellants,*

*and*

DEMOCRATIC NATIONAL COMMITTEE,  
*Proposed Intervenor-  
Defendant.*

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On Appeal from the United States District Court  
for the Eastern District of North Carolina

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**RESPONSE TO SHOW CAUSE ORDER BY PROPOSED INTERVENOR-  
DEFENDANT DEMOCRATIC NATIONAL COMMITTEE**

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July 29, 2025

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The Democratic National Committee (“DNC”) hereby responds to this Court’s July 29 Order to Show Cause, ECF No. 48. The DNC consents to Plaintiffs and the North Carolina State Board of Elections’ Joint Motion to Stay. *See* Jnt. Mot. to Stay, ECF No. 49. However, because the State Board has not reduced the precise contours of the “Registration Repair Project” to writing, the DNC cannot join in the factual assertions contained therein. *See id.*<sup>1</sup>

To the extent that this Court declines to enter a stay, this appeal should not be dismissed as moot. An appeal becomes moot “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Eden, LLC v. Justice*, 36 F.4th 166, 169 (4th Cir. 2022). This appeal concerns whether the North Carolina State Board of Elections is entitled to a federal forum to litigate Plaintiffs’ claims. That issue remains live. Plaintiffs seek prospective relief related to thousands of voters who allegedly did not provide their driver’s license number or the last four digits of their social security number when they registered to vote. The status of these voters remains a contested issue in at least three pending cases: the instant litigation; *Republican National Committee v. North Carolina State Board of Elections*, No. 5:23-cv-547 (E.D.N.C.); and *United States v. North Carolina State*

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<sup>1</sup> The DNC filed an unopposed motion to intervene in this appeal on February 24, 2025. *See* Mot. to Intervene, ECF No. 33. This Court first appeared to grant the motion, but the docket was subsequently revised to indicate that the Order had been entered in error. *See* Order, ECF No. 34. The DNC respectfully requests that this Court clarify the status of the DNC in this appeal and confirm that the DNC is an Intervenor-Appellant.

*Board of Elections*, No. 5:25-cv-283 (E.D.N.C.). Because the district court erred in abstaining from hearing this case, *see, e.g.*, N.C. SBE Br., ECF No. 29, this Court must ultimately resolve the merits of this appeal, absent a settlement of the ongoing litigation.

Dated: July 29, 2025

Respectfully submitted,

/s/ James W. Whalen

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**CERTIFICATE OF SERVICE**

On July 29, 2025, I electronically filed the foregoing using the Court's appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

*/s/ James W. Whalen*

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James W. Whalen

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