

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 5:25-cv-00283-M-RJ

NORTH CAROLINA STATE BOARD OF ELECTIONS; SAM HAYES, in his official capacity as Executive Director of the North Carolina State Board of Elections; FRANCIS X. DE LUCA, JEFF CARMON, STACY EGGERS IV, SIOBHAN O'DUFFY MILLEN, and ROBERT RUCHO, in their official capacities as Members of the North Carolina State Board of Elections; and STATE OF NORTH CAROLINA,

Defendants.

**PROPOSED INTERVENOR  
THE NORTH CAROLINA ALLIANCE  
FOR RETIRED AMERICANS' NOTICE  
OF POTENTIAL AGREEMENT  
BETWEEN EXISTING PARTIES**

Proposed Intervenor the North Carolina Alliance for Retired Americans (“the Alliance”) provides this notice regarding a potential agreement reached between Defendant North Carolina State Board of Elections (“the Board”) and the federal government. On June 24, 2025, the Board announced a plan that the federal government had “tentatively signed off on.”<sup>1</sup> The Board’s plan is attached as Exhibit A. In relevant part, the plan would require the Board to mail information requests to tens of thousands of registered North Carolina voters whose files purportedly lack information the federal government contends is required by HAVA. *See* Ex. A at 4. The Board

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<sup>1</sup> Meeting of North Carolina State Board of Elections, at 0:17:19–0:17:28 (June 24, 2025), [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4).

In preparing this notice, counsel for the Alliance became aware that playback of the cited video skips over some quoted statements when streamed in a browser, but plays properly when downloaded and opened as a local file. Counsel will mail a physical copy of the video to the Court upon request.

stated that it would require as many as 98,000 of those registered voters to cast provisional ballots if they do not provide the requested information. *See id.* at 4, 7. The Alliance intends to file a reply brief in support of its motion to intervene, ECF Nos. 7, 8, to explain how the Board’s proposed plan confirms that the Alliance’s members’ voting rights are threatened by this litigation and that those interests are not adequately represented by the existing parties. The Alliance files this notice to timely inform the Court of this material factual development.

1. Yesterday, the Board’s Executive Director, Sam Hayes, publicly confirmed he had been in “discussions” with the federal government regarding a resolution to this action.<sup>2</sup> Mr. Hayes presented to the Board an “outline for a plan” that the federal government “tentatively signed off on.”<sup>3</sup> The Board voted to adopt the plan in full.<sup>4</sup>

2. As relevant here, the tentative plan would require the Board to mail two sets of notices to approximately 98,000 voters “who registered after HAVA became effective” and whose records “apparently” do not include “HAVA info and have not otherwise complied with HAVA.” Ex. A at 4. Mr. Hayes did not explain the method by which the Board had or would determine whether a voter lacked HAVA information or failed to comply with HAVA for purposes of these mailings, or whether the Board’s method would accurately capture such voters.

3. For registered voters who do not respond to the Board’s mailings and seek to vote in person, the Board would “creat[e] a flag to appear on these voters’ records” to “alert[] poll workers that they ***must vote provisional ballot*** and provide missing information for [the] ballot to count.” *Id.* at 7 (emphasis added).

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<sup>2</sup> Meeting of North Carolina State Board of Elections, at 0:17:10 (June 24, 2025), [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4).

<sup>3</sup> *Id.* at 0:17:19–0:17:28.

<sup>4</sup> *Id.* at 0:36:57–0:37:05.

4. Mr. Hayes further stated that he “believe[d]” the federal government would “sign off on” the plan, and if not, Mr. Hayes “plan[ned] to work with the DOJ to bring” the Board into “full compliance with federal law.”<sup>5</sup>

Dated: June 25, 2025

Respectfully submitted,

/s/ Lalitha D. Madduri

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*Counsel for Proposed Intervenor the North  
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<sup>5</sup> Meeting of North Carolina State Board of Elections, at 0:23:51–0:24:09 (June 24, 2025), [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4).

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served via ECF to all counsel of record.

Dated: June 25, 2025.

/s/ Lalitha D. Madduri

Lalitha D. Madduri

*Counsel for Proposed Intervenor the North  
Carolina Alliance for Retired Americans*

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