

STATE OF NORTH CAROLINA

WAKE COUNTY

REPUBLICAN NATIONAL  
COMMITTEE; and NORTH CAROLINA  
REPUBLICAN PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD  
OF ELECTIONS; KAREN BRINSON  
BELL, in her official capacity as  
Executive Director of the North Carolina  
State Board of Elections; ALAN  
HIRSCH, in his official capacity as Chair  
of the North Carolina State Board of  
Elections; JEFF CARMON, in his official  
capacity as Secretary of the North  
Carolina State Board of Elections;  
STACY EGGERS IV, KEVIN N.  
LEWIS, and SIOBHAN O'DUFFY  
MILLEN, in their official capacities as  
members of the North Carolina State  
Board of Elections,

Defendants.

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

No. 24CV026995-910

**MOTION TO INTERVENE  
BY THE DEMOCRATIC NATIONAL  
COMMITTEE**

The Democratic National Committee (“DNC”) is the nationwide coalition of voters, volunteers, party officers, and elected officials dedicated to strengthening our democracy and preserving every voter’s right to vote. The Republican National Committee (“RNC”) and North Carolina Republican Party (“NCRP”) threaten that purpose with this lawsuit. They seek to disenfranchise 225,000 North Carolinians not because those voters did anything wrong, but because—according to them—small portions of North Carolina’s approved voter registration form were improperly color coded. Their claims are unsupported by state or federal law, and their

request to disenfranchise voters on the eve of an election is expressly prohibited by the National Voter Registration Act.

Many of the 225,000 North Carolinians targeted by the RNC belong to the broad coalition of Democrats, Republicans, independents, and third-party voters who intend to cast votes for Democratic candidates this fall. The DNC therefore respectfully moves to intervene in this lawsuit pursuant to North Carolina Rule of Civil Procedure 24. The DNC moves to intervene in this case as a matter of right, or in the alternative by permission, to protect its unique interests in North Carolina's 2024 general election being conducted in accordance with North Carolina and federal law.

1. Rule 24(a)(2) of the North Carolina Rules of Civil Procedure allows a timely movant that makes three showings to intervene in a civil action as of right. N.C. Gen. Stat. § 1A-1, Rule 24(a)(2). Specifically, intervention as of right requires the movant to show that “(1) it has a direct and immediate interest relating to the property or transaction, (2) denying intervention would result in a practical impairment of the protection of that interest, and (3) there is inadequate representation of that interest by existing parties.” *Virmani v. Presbyterian Health Servs. Corp.*, 350 N.C. 449, 459, 515 S.E.2d 675, 683 (1999). These three requirements are satisfied in this case, so intervention of right should (indeed must) be allowed.

2. This motion, filed just seven days after Plaintiffs filed their Complaint, is timely.

3. The DNC—the oldest continuing party committee in the United States—is the Democratic Party's national committee as defined by 52 U.S.C. §30101(14). The DNC's organizational purposes and functions are to communicate the Democratic Party's position and messages on issues; protect voters' rights; and aid and encourage the election of Democratic candidates at the national, state, and local levels, including by persuading and organizing citizens

not only to register to vote as Democrats but also to cast their ballots for Democratic nominees and candidates. The DNC's leadership is composed of the chair, vice chairs, and over 200 members elected by Democrats in every U.S. state and territory and the District of Columbia, including North Carolina.

4. As a political organization representing and campaigning for candidates standing for office in the upcoming election, the DNC has a clear and direct interest in the election and its proper administration. *See James v. Bartlett*, 359 N.C. 260, 263 n.2, 607 S.E.2d 638, 640 n.2 (2005); *cf. Libertarian Party of N.C. v. State*, 200 N.C. App. 323, 324, 688 S.E.2d 700, 703 (2009), *aff'd as modified*, 365 N.C. 41, 707 S.E.2d 199 (2011). The DNC has dedicated significant resources to encouraging its supporters and constituents in North Carolina to register and to vote in the upcoming election, including through door knocking, text messaging, phone banking, mailed advertising, and digital advertising targeting counties across North Carolina. The DNC has a substantial interest in protecting the right of its members who do choose to vote (and of others who will support Democratic candidates) to have those votes counted in accordance with federal and North Carolina law. These members include individuals qualified to vote in (and candidates for offices in) every county in this state.

5. The complaint challenges the administration of the election by seeking to invalidate the voter registrations (and, by extension, the lawful votes) of 225,000 North Carolinians. Such a challenge is a practical impairment to the DNC's interests in running successful campaigns to elect its candidates to public office. It is also contrary to "the object of elections," which is "to ascertain the popular will, and not to thwart it." *Owens v. Chaplin*, 228 N.C. 705, 711, 47 S.E.2d 12, 17 (1948). And it is contrary to another "object of election laws," which is "to secure the rights of duly-qualified electors, and not to defeat them." *Id.*

6. The relief the complaint seeks would require the DNC to expend and divert funds and resources that it would otherwise spend on voter outreach and mobilization efforts toward informing and educating voters about their rights under federal and North Carolina law, in order to ensure that those voters are not erroneously prevented from voting or removed from the voting rolls. The likely erroneous denial of Democratic voters' right to cast a ballot and have it counted, and the likely erroneous removal of Democratic voters from the voting rolls, each further injures the DNC by reducing the number of registered Democrats able to cast a ballot in North Carolina that will be counted.

7. The RNC alleges that disenfranchising 225,000 North Carolina voters will give it a competitive advantage in this year's general election. The DNC has a mirror-image interest in ensuring that eligible voters can cast votes for Democratic candidates.

8. The parties in this action do not adequately represent the DNC's interests in seeing Democratic candidates elected. Respondents are public officeholders focused on efficient administration of elections. They do not share the DNC's particularized interest in helping Democratic candidates win elections or its members' particularized interest in ensuring that their votes are each counted. The DNC thus should be allowed to represent its interests as of right in this action.

9. In recognition of the DNC's substantial interests in the outcome of cases affecting the electoral rights of Democratic voters, courts across the country routinely grant intervention to political party committees such as the DNC in cases like this—particularly cases that threaten to undermine the ability of one party's voters to vote or harm the electoral prospects of the party's candidates. For example, the U.S. Court of Appeals for the Third Circuit recently granted the motion of the DNC and other Democratic Party committees to intervene in a lawsuit challenging

a Pennsylvania state voting requirement as violating the federal Voting Rights Act. Order Granting Motion To Proceed As Intervenor, *Pennsylvania State Conference of NAACP Branches v. Northampton County Board of Elections*, No. 23-03166 (3d Cir. Dec. 7, 2023). Other such cases are legion.<sup>1</sup>

10. In the alternative, the DNC should be granted permissive intervention. N.C. Gen. Stat. § 1A-1, Rule 24(b)(2). For the reasons stated above, the DNC's defenses raise common questions of law and fact as those presently pending in this case. And the DNC will abide by whatever schedules and deadlines this Court sets for the original parties. Intervention therefore will not delay or prejudice the adjudication of the rights of those parties.

11. Pursuant to Rule 24(c) of the North Carolina Rules of Civil Procedure, attached as Exhibit A is an answer that the DNC would file if intervention is granted.

12. The DNC has conferred with the parties regarding their respective positions on the motion. Defense counsel stated that Defendants consent to the DNC's request to intervene. Plaintiffs' counsel indicated that Plaintiffs would consider the DNC's request and would provide a response to the DNC the following week.

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<sup>1</sup> *E.g.*, *Paher v. Cegavske*, 2020 WL 2042365, at \*4 (D. Nev. Apr. 28, 2020) (granting the DNC intervention in an election-law case brought by a conservative interest group); Order (ECF No. 35), *Donald J. Trump for President v. Bullock*, No. 6:20-cv-66 (D. Mont. Sept. 8, 2020) (granting the Democratic Congressional Campaign Committee ("DCCC"), the Democratic Senatorial Campaign Committee, and the Montana Democratic Party intervention in a lawsuit brought by four Republican party entities); *Donald J. Trump for President, Inc. v. Murphy*, 2020 WL 5229209, at \*1 (D.N.J. Sept. 1, 2020) (granting the DCCC intervention in a lawsuit by a Republican candidate and party entities); Minute Entry (ECF No. 37), *Cook County Republican Party v. Pritzker*, No. 20-cv-4676 (N.D. Ill. Aug. 28, 2020) (granting the DCCC intervention in a lawsuit by a Republican party entity); *Issa v. Newsom*, 2020 WL 3074351, at \*3 (E.D. Cal. June 10, 2020) (granting the DCCC and the California Democratic Party intervention in a lawsuit by a Republican congressional candidate).

WHEREFORE, the DNC respectfully requests that the Court grant its motion, allow it to intervene in this matter, and grant such other and further relief as the Court deem just and proper.

Respectfully submitted, this 30th day of August, 2024.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served by electronic mail upon the following:

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This the 30th day of August, 2024.

/s/ William A. Robertson  
William A. Robertson

# EXHIBIT A

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STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
No. 24cv026995-910

REPUBLICAN NATIONAL  
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LEWIS, and SIOBHAN O'DUFFY  
MILLEN, in their official capacities as  
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Board of Elections,

Defendants,

v.

DEMOCRATIC NATIONAL  
COMMITTEE and NORTH CAROLINA  
DEMOCRATIC PARTY

Intervenor Defendants.

**PROPOSED MOTION TO DISMISS,  
ANSWER AND AFFIRMATIVE DEFENSES  
BY INTERVENOR-DEFENDANT  
THE DEMOCRATIC NATIONAL  
COMMITTEE**

**(JURY TRIAL DEMANDED)**

Intervenor-Defendant the Democratic National Committee (“DNC”), pursuant to Rules 8 and 12 of the North Carolina Rules of Civil Procedure, respectfully submits the following motion to dismiss, answer, and affirmative defenses to the complaint of plaintiffs the Republican National Committee (“RNC”) and the North Carolina Republican Party (“NCRP”).

## MOTION TO DISMISS

The DNC moves to dismiss Plaintiffs' complaint for failure to state a claim pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure and for failure to join necessary parties pursuant to Rule 12(b)(7) of the North Carolina Rules of Civil Procedure.

## ANSWER TO COMPLAINT

The DNC answers each of the numbered paragraphs in the complaint as follows:

1. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

2. Denied.

3. Denied.

4. Denied.

5. Denied on information and belief.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. It is admitted that the RNC is the national committee for the Republican Party as defined by 52 U.S.C. § 30101(14) and a political party as defined by N.C. Gen. Stat. § 163-96, and that its principal place of business is 310 First Street SE, Washington, D.C. Except as explicitly admitted, the allegations of this paragraph are denied.

12. Denied. On information and belief, there is no recent rise in non-citizens and other unqualified persons voting. On information and belief, the RNC's efforts are not intended to

“ensure that the votes and voices of its members, its candidates, and the party are not silenced or diluted,” but rather to use false claims to undermine the public’s confidence in our nation’s safe and secure elections.

13. It is admitted that the NCRP is a state committee of the Republican Party as defined by 52 U.S.C. § 30101(15) and a political party as defined by N.C. Gen. Stat. § 163-96, and that its principal place of business is 1506 Hillsborough St, Raleigh, N.C. 27605. Except as explicitly admitted, the allegations of this paragraph are denied.

14. Denied on information and belief.

15. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

16. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

17. Denied.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

26. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

27. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

28. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

29. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

30. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

31. Denied.

32. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

33. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

34. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

35. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

36. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

37. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

38. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

39. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

40. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

41. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

42. Denied on information and belief.

43. Denied on information and belief.

44. Denied.

45. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

46. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

47. Denied.

48. It is admitted that Carol Snow filed a complaint with the State Board on October 6, 2023 (“Snow complaint”). Except as expressly admitted, the allegations of this paragraph are denied.

49. It is admitted that the Snow complaint is a written document, the content of which speaks for itself. The DNC denies all allegations that are inconsistent with the referenced document. Except as expressly admitted, the allegations of this paragraph are denied.

50. It is admitted that the Snow complaint is a written document, the content of which speaks for itself. The DNC denies all allegations that are inconsistent with the referenced document. Except as expressly admitted, the allegations of this paragraph are denied.

51. It is admitted that the State Board met on November 28, 2023 and issued an order on December 6, 2023. It is further admitted that State Board's order is a written document, the content of which speaks for itself. The DNC denies all allegations that are inconsistent with the referenced document. Except as expressly admitted, the allegations of this paragraph are denied.

52. Denied.

53. Denied.

54. This paragraph characterizes the State Board's December 6, 2023, order. That written document speaks for itself, and the DNC denies all allegations that are inconsistent with the referenced document. Except as expressly admitted, the allegations of this paragraph are denied.

55. This paragraph characterizes the State Board's December 6, 2023, order. That written document speaks for itself, and the DNC denies all allegations that are inconsistent with the referenced document. The allegations of this paragraph state legal conclusions to which no answer is required. Except as expressly admitted, the allegations of this paragraph are denied.

56. It is admitted, upon information and belief, that Ms. Snow attended and spoke at the State Board's meetings on March 11 and April 11, 2024. Except as expressly admitted, the allegations of this paragraph are denied.

57. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

58. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

59. Denied on information and belief.

60. Denied.

61. Denied.

62. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

63. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

64. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

65. Denied.

66. Denied.

67. Denied on information and belief.

68. Denied on information and belief.

69. Denied.

70. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

71. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

72. Admitted.

73. It is admitted that North Carolina county boards of elections collect additional information from some voters who vote provisional ballots on election day. Except as expressly admitted, the allegations of this paragraph are denied.

74. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations of this paragraph are denied.

75. Denied.

76. Denied.

77. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

78. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

79. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

80. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied.

81. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

82. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent an answer is required, the allegations are denied.

83. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied.



84. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied.

85. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

86. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

87. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that plaintiffs lacked alternative remedies.

88. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

89. The foregoing paragraphs are incorporated by reference as if fully set forth herein.

90. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

91. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that federal law permits the State Board to systematically remove registered voters from the voter-registration list within 90 days of any federal election.

92. Denied on information and belief.

93. Denied on information and belief.

94. The allegations of this paragraph state a legal conclusion to which no answer is required. To the extent a response is required, the allegations in this paragraph are denied. It is expressly denied that the conduct alleged in the complaint allowed ineligible voters to remain on voter rolls or that the mere presence of ineligible voters on voter rolls dilutes legitimate votes.

95. Denied.

96. Denied.

*Except as expressly admitted herein, the DNC generally denies all the allegations of the complaint in their entirety and demands strict proof of the same.*

### **AFFIRMATIVE OR ADDITIONAL DEFENSES**

Having fully answered the complaint, the DNC pleads the following defenses and/or affirmative defenses without waiving any arguments that it may be entitled to assert regarding the burden of proof, legal presumptions, or other legal characterizations. The DNC expressly reserves the right to plead additional defenses and other matters of defense to the complaint by way of amendment after further discovery and investigation is complete.

### **FIRST DEFENSE**

Plaintiffs are not entitled to relief under the Help America Vote Act, 52 U.S.C. § 20501 et seq.

## **SECOND DEFENSE**

Plaintiffs' claims are barred by the National Voter Registration Act, 52 U.S.C. § 20507(c)(2)(A).

## **THIRD DEFENSE**

Plaintiffs' claims are barred by the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B).

## **FOURTH DEFENSE**

Plaintiffs' claims are barred by the Fourteenth Amendment to the United States Constitution and Article I, §§ 1 and 19 of the North Carolina Constitution.

## **FIFTH DEFENSE**

Plaintiffs' claims are barred because N.C. Gen. Stat. § 163-82.11(c) does not impose a mandatory non-discretionary duty, rendering mandamus unavailable as a remedy.

## **SIXTH DEFENSE**

Plaintiffs' claims are barred they do not meet any of the factors necessary for issuance of an injunction.

## **SEVENTH DEFENSE**

Plaintiffs' claims fail to comply with the requirements of state law regarding challenges to voter registrations. Among other things, Plaintiffs have failed to use the prescribed statutory process for challenging voter registrations in an effort to circumvent the State Board's authority under N.C. Gen. Stat. § 163-22 and failed to join the voters they seek to disenfranchise in this lawsuit.

## **EIGHTH DEFENSE**

Plaintiffs' claims are barred in whole or in part by the doctrines of claim preclusion and issue preclusion.

## NINTH DEFENSE

Plaintiffs' requested relief is barred by the doctrines of estoppel, laches, waiver, ratification, and the doctrine of unclean hands.

### PRAYER FOR RELIEF

Wherefore, the DNC, having moved to dismiss, answered, and otherwise responded to the Complaint, respectfully prays unto the Court:

1. That plaintiffs' claims be dismissed with prejudice;
2. For a trial by jury on all issues so triable;
3. To tax the costs of this action against plaintiffs; and
4. For such other and further relief as the Court deems just and proper.

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

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was served by electronic mail upon the following:

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This the 30th day of August, 2024.

/s/ William A. Robertson  
William A. Robertson