

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV02888-910

REPUBLICAN NATIONAL COMMITTEE
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS, et al.,

Defendants.

**DEFENDANTS' BRIEF
IN OPPOSITION TO
PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER**

NOW COME Defendants, the North Carolina State Board of Elections (“State Board” or “Board”), its members and its Executive Director, all sued in their official capacity only (“State Board Defendants”), to submit this Brief in Opposition to Plaintiffs’ Motion for a Temporary Restraining Order (“TRO”), filed September 12, 2024. The Motion should be denied for the reasons detailed below.

Introduction

On August 20, 2024, the State Board of Elections approved the University of North Carolina at Chapel Hill’s Mobile One Card as an authorized form of photo identification under the State’s voter-ID laws. *See* August 20, 2024 State Board Meeting, 7:00-23:30.¹ The Mobile One

¹ The video of the State Board meeting is available on the State Board’s website: [https://s3.amazonaws.com/dl.ncsbe.gov/State Board Meeting Docs/2024-08-20/State%20Board%20of%20Elections%20Meeting-20240820.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-08-20/State%20Board%20of%20Elections%20Meeting-20240820.mp4) (last visited Sept. 13, 2024).

Most of the documents and videos cited in this brief are public records found on government websites. As such, they are subject to judicial notice by the Court. *See State ex. rel. Utilities Comm’n v. Southern Bell Tel. & Tel. Co.*, 289 N.C. 286, 288, 221 S.E.2d 322, 323 (1976)

Card is the default identification card issued to UNC students and employees. *See* UNC Finance and Operations, *Get My Card*, <https://onecard.unc.edu/get-my-card> (last visited Sept. 13, 2024). Protected by sophisticated technology, the Mobile One Card can be used for “library and meal plan use, building access, copy and print services and access to campus events.” *Id.* If a student or employee prefers a physical One Card for some reason, they must opt out of the Mobile One Card, appear in person at an office on campus, and pay a \$10 fee. *Id.* The cost for a Mobile One Card, by contrast, is included in regular student fees. *Id.* If a student with a physical One Card subsequently uses a Mobile One Card to open a door or make a purchase at the cafeteria, their physical One Card is deactivated. *Id.*

Plaintiffs claim that the State Board’s decision to authorize the Mobile One Card as an acceptable form of photo identification violated state law. But Plaintiffs are incorrect. In fact, the opposite is true: State law *requires* the State Board to “approve the use of student identification cards issued by a constituent institution of The University of North Carolina” and “employee identification cards issued by a state or local government entity,” so long as certain criteria are met. N.C.G.S. §§ 163-166.17(a); -166.18(a). UNC and the Mobile One Card met each of these criteria. Thus, under state law, the State Board was duty bound to approve the Mobile One Card as an acceptable form of photo identification.

Plaintiffs do not dispute that Mobile One Cards satisfy the substantive criteria set forth in N.C.G.S. § § 163-166.17 and -166.18. Instead, their case hinges almost entirely on the meaning of one phrase: “identification card.” In Plaintiffs’ view, an “identification card” *must* be a physical,

(“This Court has recognized in the past that important public documents will be judicially noticed.”); *see also* N.C. R. Evid. 201.

handheld document. Mobile or digital identification cards like the Mobile One Card, they say, cannot qualify.

But Plaintiffs' tangibility requirement is entirely of their own invention. The governing statutes do not define "identification card." And they certainly do not include any express requirement that a photo identification be a tangible, physical object. Because the State Board's decision to approve the Mobile One Card was consistent with state law, Plaintiffs are unlikely to succeed on the merits of their claim.

Plaintiffs' motion for a TRO has at least three more problems. First, Plaintiffs lack the concrete injury needed to qualify as "persons aggrieved" under the Administrative Procedure Act. N.C.G.S. § 150B-43. They thus have no statutory basis to pursue their claim. Second, Plaintiffs cannot point to any irreparable harm caused by voters' use of Mobile One Cards. Plaintiffs insist that approval of the Mobile One Card will lead to rampant voter fraud, endangering the security of our State's elections. But Plaintiffs offer no support whatsoever for this baseless conspiracy theory. Voters, on the other hand, will suffer considerable harm if this Court grants Plaintiffs their requested relief, as will the State Board. Third, Plaintiffs waited more than three weeks after the State Board's decision approving Mobile One Cards to bring this suit. That delay is reason enough to deny the extraordinary intervention that Plaintiffs demand.

For all these reasons, this Court should deny Plaintiffs' motion and permit UNC students and employees to use their Mobile One Cards as photo identification when voting.

Statement of Facts

A. State Law Allows a Wide Range of Photo-Identification Options.

Since the 2023 municipal elections, to cast a ballot in North Carolina, voters have been asked to present photo identification. *See* N.C. Const., Art. VI, sec. 2(4); N.C.G.S. § 163-

166.16(a). There are a range of capacious exceptions to the photo-identification requirement. *See* N.C.G.S. § 163-166.16(d). For instance, any registered voter who does not produce an acceptable form of photo identification can “complete an affidavit,” referred to as an ID Exception Form, which affirms their identity and asserts that a “reasonable impediment . . . prevent[ed] the registered voter from presenting photograph identification.” *Id.* § 163-166.16(d)(2), -166.16(e). Voters can also be exempt from the photo-identification requirement due to a religious objection or natural disaster. *Id.* § 163-166.16(d)(1), -166.16(d)(3). The default expectation, however, is that a voter will present photo identification prior to voting. *Id.* § 163-166.16(a).

State law identifies a broad and varied range of “forms of identification” that satisfy the photo-identification requirement. These include, among others, North Carolina driver’s licenses, nonoperator ID cards, U.S. passports, voter ID cards issued by county boards of elections, tribal enrollment cards, out-of-state driver’s licenses (for voters who register within 90 days of election day), and military ID cards. *Id.* § 163-166.16(a)(1)-(2).

As relevant here, state law also includes on this list of acceptable “forms of identification” “[a] student identification card issued by a constituent institution of the University of North Carolina, a community college, . . . or eligible private postsecondary institution . . . , provided that card is issued in accordance with G.S. 163-166.17.” *Id.* § 163-166.16(a)(1)(g). And state law separately allows “[a]n employee identification card issued by a state or local government entity . . . , provided that card is issued in accordance with G.S. 163-166.18.” *Id.* § 163-166.16(a)(1)(h).

State law is largely silent as to the particular form these “identification card[s]” must take. For “student identification card[s]” and “employee identification card[s],” the card must include a “frontal image that includes the [student or employee’s] face” and “represents a clear, accurate

likeness of the [student or employee] to whom the identification card is issued.” *Id.* § 163-166.17(a)(1)a; *id.* § 163-166.18(a)(1)a. These identification cards must also contain an expiration date (at least if they were issued after January 1, 2021). *Id.* § 163-166.17(a)(1)f; *id.* § 163-166.18(a)(1)f. But state law is silent as to whether student and employee identification cards must be tangible, physical objects or rather can take a digital, mobile form.

B. State Law Requires the State Board to Authorize Student and Government Employee ID Cards that Meet Certain Criteria.

For most of the “forms of identification” permissible under state law, the State Board plays no role in their approval. As explained above, however, student and employee identification cards are different. Before a voter can use a particular student or employee identification card to cast a ballot, that particular identification card must be approved by the State Board. N.C. Gen. Stat. §§ 163-116.16(g)-(h); -116.17(a); -116.18(a).

Section 163-166.17(a) is the provision of state law that governs approval of student identification cards. That law reads as follows:

(a) The State Board shall approve the use of student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for voting identification under G.S. 163-166.16 if the following criteria are met:

(1) The chancellor, president, or registrar of the university or college submits documentation satisfactory to the State Board that the following have been met and will not knowingly be violated with regard to student identification cards issued during the approval period:

a. The identification cards that are issued by the university or college contain photographs of students obtained by the university or college or its agents or contractors, provided the photograph obtained (i) is a frontal image that includes the student's face and (ii) represents a clear, accurate likeness of the student to whom the identification card is issued. If the photograph is one not produced by the university or college or its agents, the university or college

shall certify in detail the process used by the university or college to ensure the photograph is that of the student to whom the identification card is issued and shall certify that the process is designed to confirm the identity of the student to whom the identification card is issued.

- b. The identification cards are issued after an enrollment or other process that includes one or more methods of confirming the identity of the student using information that may include, but are not limited to, the social security number, citizenship status, and birthdate of the student.
- c. Access to the equipment for producing the identification cards is restricted through security measures.
- d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.
- e. University or college officials would report any misuse of student identification card equipment they have knowledge of to law enforcement if G.S. 163-82.8(19) was potentially violated.
- f. The cards issued by the university or college on or after January 1, 2021, contain a date of expiration.
- g. The university or college will provide copies of student identification cards to the State Board to assist with training purposes.
- h. The college or university will provide to students who are issued the student identification card a copy of, or an electronic link to, a document developed by the State Board that details the requirements related to identification for voting; the requirements to vote absentee, early, or on election day; a description of voting by provisional ballot; and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163-82.8A to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs; and the requirements of North Carolina residency to vote, including applicable intent requirements of North Carolina law, and the penalty for voting in multiple states.

(2) The university or college complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the student identification process.

Id. In brief, if a university can establish that its student identification card meets these criteria—which are designed to ensure that the identification cards are reliable, accurate, and secure—the State Board “shall” approve that identification. *Id.*

Section 163-166.18(a) provides the equivalent criteria for “employee identification cards issued by a state or local government entity,” including a public university like UNC. That provision of state law reads as follows:

(a) The State Board shall approve the use of employee identification cards issued by a state or local government entity, including a charter school, for voting identification under G.S. 163-166.16 if the following criteria are met:

(1) The head elected official or lead human resources employee of the state or local government entity or charter school submits documentation satisfactory to the State Board that the following true have been met and will not knowingly be violated with regard to employee identification cards issued during the approval period:

a. The identification cards that are issued by the state or local government entity or charter school contain photographs of the employees obtained by the state or local government entity or charter school employing entity or its agents or contractors, provided the photograph obtained (i) is a frontal image that includes the employee’s face and (ii) represents a clear, accurate likeness of the employee to whom the identification card is issued. If the photograph is one not produced by the state or local government entity or charter school, the state or local government entity or charter school shall certify in detail the process used by the state or local government entity or charter school to ensure the photograph is that of the employee to whom the identification card is issued and shall certify that the process is designed to confirm the identity of the employee to whom the identification card is issued.

b. The identification cards are issued after an employment application or other process that includes one or more methods of confirming the identity of the employee using information that include, but are not limited to, the social security number, citizenship status, and birthdate of the employee.

c. Access to the equipment for producing the identification cards is restricted through security measures.

d. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

e. State or local or charter school officials would report any misuse of identification card equipment they have knowledge of to law enforcement if G.S. 163-275(19) was potentially violated.

f. The cards issued by the state or local government entity or charter school on or after January 1, 2021, contain a date of expiration.

g. The state or local government entity or charter school will provide copies of employee identification cards to the State Board to assist with training purposes.

(2) The state or local government entity complies with any other reasonable security measures determined by the State Board to be necessary for the protection and security of the employee identification process.

Id. As with student identification cards, if an employee identification card satisfies these detailed requirements—which similarly aim to ensure that the identification cards are reliable, accurate, and secure—the State Board “shall” approve that card. *Id.*

Like section 163-166.16, sections 163-166.17(a) and 163-166.18(a) both decline to define the term “identification card.” They are also equally silent as to any requirement that an “identification card” be a tangible, physical card. *See* N.C. Gen. Stat. §§ 163-166.16; 163-166.17; 163-166.18.

C. UNC Submits Its Mobile One Card for Authorization, and the State Board Approves.

The UNC Mobile One Card is the default identification card issued to UNC students and employees. *See* UNC Finance and Operations, *Get My Card*, <https://onecard.unc.edu/get-my-card> (last visited Sept. 13, 2024). Once a student or employee obtains a One Card, they can access and use the Card via their cell phone. The Card is used for a number of different functions: it serves

as the primary means of library and meal plan use, and it is the key that allows students to access various buildings and events across campus. *Id.* Although students and employees can obtain a physical identification card “on a case-by-case basis,” doing so requires opting out of the Mobile One Card and paying an additional \$10 fee. *Id.* Moreover, once a student or employee adds the Mobile One Card to the Apple Wallet² on their smart device, their physical One Card will no longer work. State Board Meeting, 18:50-19:03.

In April 2024, the State Board opened an application period for the approval of student and employee photo IDs for voting. *See* August 20, 2024 State Board Meeting, 7:00-7:23. UNC submitted an application to approve the Mobile One Card, along with detailed supplemental materials explaining the Card’s compliance with all statutory criteria.³

That application explained the secure process through which Mobile One Cards are created. Consistent with § 163-116.17(a)(1)c and -116.18(a)(1)c, access to the equipment for making One Cards is “restricted through security measures.” Ex. A at 3. “The equipment involved is all digitally accessed through a contract with a vendor, who has been approved by the University’s Data Governance and Privacy offices as having secure data practices.” *Id.* “The same technology is used in the chip securing the UNC One Cards as the chip in credit and debit cards.” *Id.*

² Apple Wallet is a mobile application where other secure mobile credentials like credit cards, transit cards, and airplane tickets are stored. *See* Apple, *Wallet*, <https://www.apple.com/wallet/> (last visited Sept. 13, 2024).

³ UNC’s application was part of the record below and is on the State Board’s meeting website at [https://s3.amazonaws.com/dl.ncsbe.gov/State Board Meeting Docs/2024-08-20/Photo%20ID%20Approval%20Consideration/UNC-CH%20Digital%20Card.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2024-08-20/Photo%20ID%20Approval%20Consideration/UNC-CH%20Digital%20Card.pdf). It is also attached as Exhibit A to this brief.

To obtain a Mobile One Card, the requesting student or employee must submit a photograph that “meet[s] quality and composition criteria designed to ensure that submissions are suitable for identification card use.” *Id.* at 2. In addition, the student or employee must upload an additional official photo identification, such as a driver’s license, military ID, or passport. *Id.* The UNC Mobile One Card will not be issued until a comparison is conducted to ensure the person’s One Card photo submission matches their official photo identification. *Id.* A mismatch triggers an error and prevents issuance of the One Card. *Id.*

A student or employee cannot obtain a Mobile One Card until after the student application and enrollment process is complete, or after the employee hiring or other on-boarding process is finished. *Id.* at 2-3, 7, 9-10. To access the UNC One Card, an individual must type their unique UNC identifier and password. The card cannot be downloaded until after the UNC One Card user agreement is signed and UNC has approved the individual’s photo. *Id.* at 3, 7, 9-10. Once that occurs, the Mobile One Card can be added to Apple Wallet for use. *Id.*

Because the information provided in UNC’s application confirmed that its Mobile One Card satisfied the criteria set forth under state law, both State Board staff and the Executive Director recommended that the Card be approved.⁴ State Board Meeting, 7:23-7:42. The Board received an objection to that recommendation, though, so the application was then considered by the full State Board at its August 20, 2024 meeting. *Id.*, 7:23-7:42. At that meeting, the Board considered whether a mobile form of identification could meet the statutory requirements for voter-

⁴ On June 2, 2023, the State Board delegated authority to the Executive Director to review and make recommendations to the State Board for approval of identification cards submitted during the 2024 application window. State Board Meeting, 7:23-7:42.

identification approval. Following that discussion, the State Board voted to approve the UNC Mobile One Card for students and employees of the University. *Id.*, 10:00-23:30.

More than three weeks later, on September 12, 2024, Plaintiffs sued and moved for a temporary restraining order.

Legal Standard

A court may grant a temporary restraining order only if the movant (1) shows “a likelihood of success on the merits” of the case, and (2) is “likely to sustain irreparable loss unless the injunction is issued.” *A.E.P. Indus., Inc.*, 308 N.C. at 401–02, 302 S.E.2d at 759–60. Issuance of an injunction “is a matter of discretion to be exercised by the hearing judge after a careful balancing of the equities.” *Id.* at 400, 302 S.E.2d at 759.

“[T]o obtain judicial review of any decision of the State Board rendered in the performance of its duties or in the exercise of its powers under this Chapter, the person seeking review must file a petition in the Superior Court of Wake County.” N.C.G.S. § 163-22(*l*). “When the trial court exercises judicial review over an agency’s final decision, it acts in the capacity of an appellate court.” *N.C. Dep’t of Env’t & Nat. Res. v. Carroll*, 358 N.C. 649, 662, 599 S.E.2d 888, 896 (2004). Where, as here, a petitioner alleges that the agency decision was infected by legal error, the challenged decision is reviewed de novo. N.C.G.S. § 150B-51(b)(1-4) and (c).

Argument

I. Plaintiffs Are Not “Persons Aggrieved” by the State Board’s Decision and Therefore Lack Standing to Challenge It.

Because Plaintiffs are challenging a decision of the State Board, their challenge is governed by N.C.G.S. § 163-22(*l*) and the State’s Administrative Procedure Act, N.C.G.S. § 150B-43 *et seq.* To bring a petition for judicial review under those provisions, petitioners must establish that they

are “aggrieved.” N.C.G.S. § 150B-43. “[T]he requirement that a person be aggrieved is quite similar to the concept of ‘standing,’” *Orange Cty. v. N.C. Dep’t of Transp.*, 46 N.C. App. 350, 361, 265 S.E.2d 890, 899 (1980). Those with generalized grievances, who lack any unique injury, do not qualify. *See generally Empire Power Co. v. N.C. Dep’t of Env’t, Health & Nat. Res., Div. of Env’tl. Mgmt.*, 337 N.C. 569, 589, 447 S.E.2d 768, 780 (1994). Rather, a “person aggrieved” must be “directly or indirectly affected substantially in his, her, or its person, property, or employment by an administrative decision.” N.C.G.S. § 150B-2(6). Put differently, as “[o]ur Supreme Court has held,” a “‘person aggrieved’ means ‘adversely affected in respect of legal rights, or suffering from an infringement or denial of legal rights.’” *In re Petition of Wheeler*, 85 N.C. App. 150, 153, 354 S.E.2d 374, 376 (1987) (quoting *In re Halifax Paper Company, Inc.*, 259 N.C. 589, 595, 131 S.E. 2d 441, 446 (1963)).

The quintessential “person aggrieved” would be someone injured by an agency’s permitting decision that diminishes their property rights in some way. In *Empire Power*, for instance, our Supreme Court confirmed that someone who lived downwind from a power company that was granted an air-pollution-control permit qualified as a “person aggrieved.” 337 N.C. at 589, 447 S.E.2d at 780. The Supreme Court emphasized that the petitioner’s injury had been “caused” by a specific permitting decision of the state agency sued in that case and that a ruling for petitioner “would substantially eliminate or redress” that injury. *Id.* at 591, 447 S.E.2d at 780.

Plaintiffs here have no such injury, and certainly no injury to a legal right. In fact, they do not seem to have any legitimate injury at all. Plaintiffs assert a special interest in “election integrity

and security.”⁵ Compl. ¶¶ 3-7. As Plaintiffs see things, Defendants’ decision to allow students and employees to use the Mobile One Card may result in “hundreds or thousands of ineligible voters” casting ballots in this election cycle, diluting “legitimate” votes and forcing Plaintiffs to “divert significant attention and resources into combatting election fraud in North Carolina.” *Id.* ¶¶ 3-7, 68-72; *see also* TRO Mot. ¶ 18.

This strained theory cannot elevate Plaintiffs into “persons aggrieved” for purposes of the Administrative Procedure Act. For starters, Plaintiffs provide zero support for the notion that approval of the Mobile One Card will allow *any* “unqualified voters” to vote in this year’s election. The Mobile One Card is useful only in verifying the identity of an already-registered voter who shows up to cast a ballot or mails in an absentee ballot. It cannot help an unqualified voter register to vote.

Plaintiffs’ allegations thus seem to rest on a hypothesis that perhaps unqualified voters will use fake Mobile One Cards to impersonate qualified, registered voters. This is fantasy. Plaintiffs offer no support for the notion that students or employees will be able to secure fake Mobile One Cards. Nor do they provide any reason to believe that Mobile One Cards are any less secure or easier to falsify than any of the other forms of identification allowable under state law (say, driver’s licenses). To the contrary, in its application seeking approval of the One Card, UNC submitted substantial evidence of the ID’s security and reliability. *See* Ex. A. Given this considerable

⁵ It bears emphasizing that, to the extent Plaintiffs have an interest in “election integrity” and preventing voter fraud, they are not unique. Plaintiffs’ interest in a “fair and secure electoral process, free from voter fraud” is shared by citizens throughout this State and nation. Compl. ¶ 8. To the extent Plaintiffs have any grievance, then, it is a generalized one that cannot support “aggrieved person” status under the Administrative Procedure Act.

evidence, Plaintiffs' alleged link between approval of the Mobile One Card and voter fraud strains credulity.

Without any real injury caused by the State Board's approval of Mobile One Cards, Plaintiffs are not "persons aggrieved." And because they consequently have no right even to bring their claims, they have no likelihood of success on the merits. Their TRO motion should be denied on that basis alone.

II. Plaintiff Has No Likelihood of Success on the Merits.

Plaintiffs' motion can also be denied as meritless. Their argument is a simple one: Plaintiffs believe that state law forbids approval of digital or electronic photo identification as a means of proving one's identity for voting. Compl. ¶ 82. Plaintiffs are incorrect.

The General Assembly drafted our State's voter-ID laws to be "among the most generous and accommodating . . . in the country." Legislative Defendants' Proposed Findings of Fact and Conclusions of Law, ¶¶ 283-284, 481, *N.C. State Conf. of the NAACP, et al. v. Hirsch, et al.*, Case No. 1:18-cv-1034, D.E. 335, ¶¶ 283-284, 481 (M.D.N.C. July 1, 2024). Although, in most instances, a voter must present or submit photo identification to cast a ballot, the legislature has authorized an expansive list of acceptable "forms of identification," including driver's licenses, military identification cards, tribal enrollment cards, and public-assistance identification cards, among others. N.C.G.S. § 163-166.16(a).

Cognizant of the legislature's inclusive approach to photo identification, the State Board authorized use of the Mobile One Card after concluding that it was a "student identification card" that satisfied all of the criteria in §§ 163-166.17(a) and -166.18(a). This agency interpretation of state law is concededly not binding on this Court. *N.C. Acupuncture Licensing Bd. v. N.C. Bd. of Physical Therapy Exam'rs*, 371 N.C. 697, 700, 821 S.E.2d 376, 379 (2018). But, under

longstanding state court precedent, it is afforded “great weight.” *Id.* (“[The North Carolina Supreme] Court gives ‘great weight to an agency’s interpretation of a statute it is charged with administering.’” (quoting *High Rock Lake Partners v. N.C. Dep’t of Transp.*, 366 N.C. 315, 319, 735 S.E.2d 300, 303 (2012))).

Plaintiffs do not dispute that the Mobile One Card meets each of the qualifications set forth in §§ 163-166.17(a) and -163-166.18(a). Instead, they zero in on the word “card.” In their view, the Mobile One Card is not *really* an identification “card,” as the relevant provisions of state law require.

Plaintiffs point to no restriction in state law to bolster this reading. Nor could they. The laws in question do not contain any limitation on the kinds of “identification cards” that the State Board can allow. They certainly do not include any express requirement that identification cards be physical, tangible objects.

Plaintiffs read this silence as a prohibition. The General Assembly has not “directly describe[d]” or explicitly authorized electronic forms of photo identification, they say, so such forms of identification should not be allowed. TRO Mot. ¶ 11. But the legislature’s silence could equally be read as permission: any forms of identification that are not expressly forbidden are eligible for approval. This is certainly the interpretation that is more consistent with the General Assembly’s expansive approach to voter-ID options.

Most of the forms of identification listed in § 163-166.16(a), to be sure, are physical items. *See* TRO Mot. ¶¶ 6-8. But not all of them. Voters who register within 90 days of an election are permitted to use out-of-state driver’s licenses. N.C.G.S. § 163-166.16(a)(1)i. Numerous States

across the country have now shifted toward digital driver’s licenses.⁶ State law provides no reason to believe that voters who move to North Carolina from one of these States shortly before an election should be required to present a form of identification other than their digital out-of-state driver’s license. Cf. [N.C. Sess. Laws 2024-30](#), sec. 1 (declaring the mobile driver’s licenses authorized under North Carolina law “the legal equivalent of a valid license”).

Without any textual hook to hang their hats on, Plaintiffs’ alternative strategy is to accuse the State Board of flip-flopping. They point to Numbered Memo 2023-03, which states that “[a]n image of a photo ID, either as a photocopy or a photo on a mobile device, is not one of the permitted forms of photo ID when voting in person.” TRO Mot. ¶ 10. This position, Plaintiffs contend, is flatly inconsistent with the State Board’s approval of the Mobile One Card. *Id.* Plaintiffs are again wrong. The Mobile One Card is *not* a photocopy or photograph of a physical identification card, as is referenced in the numbered memo. The Mobile One Card is *itself* an identification card, with technology embedded within it that allows students and employees to access campus buildings, make purchases, and attend university events. The State Board’s position continues to be that voters may not use a photograph of an ID to cast a ballot, and, consistent with that position, Numbered Memo 2023-03 remains in effect.

⁶ See, e.g., Press Release, Californians Can Now Add Their Mobile Driver’s License to Google Wallet (Aug. 23, 2024), <https://www.gov.ca.gov/2024/08/23/californians-can-now-add-their-mobile-drivers-license-to-google-wallet/> (noting that California is “one of five states to offer a digital driver’s license in Google Wallet”).

Digital driver’s licenses are not yet available in North Carolina, but our legislature has authorized a transition to that form of identification. See [N.C. Sess. Laws 2024-30](#), sec. 1 (approving a “supplemental digital version of a valid drivers license” and declaring “[a] mobile drivers license the legal equivalent of a valid license”).

When UNC submitted its application for approval of the Mobile One Card, it simultaneously provided extensive evidence that the One Card satisfied all the criteria set forth in §§ 163-166.17(a) and -166.18(a). Having concluded that the Mobile One Card met all of the legislature's qualifications for an acceptable ID, the State Board was required to approve that form of identification. *See* N.C.G.S. §§ 163-166.17(a); -166.18(a) (“The State Board *shall approve* the use of” (emphasis added)). Plaintiffs will not succeed in proving otherwise.

III. The Balance of the Harms Counsels Against a Temporary Restraining Order.

For many of the same reasons that Plaintiffs are not “persons aggrieved” under the Administrative Procedure Act, they cannot establish irreparable harm. *See supra* Part I. As explained above, Plaintiffs fail to explain how the State Board's approval of the Mobile One Card could possibly lead to voter fraud or vote dilution. *Id.* That is because it cannot. To be crystal clear: An unqualified voter cannot use a Mobile One Card to register to vote. The Mobile One Card simply helps *already registered voters* prove their identity when they cast a ballot.

Moreover, disallowing use of the Mobile One Card will result in *fewer* eligible voters showing their identification when they vote, an outcome that would seem to exacerbate Plaintiffs' professed “harms.” If the default ID for UNC students is disallowed, any students who lack other acceptable forms of identification will be forced to rely on the ID Exception Form and vote a provisional ballot, claiming the disallowance of their student ID as a reasonable impediment. Under state law, those voters' ballots are required to count. *See* N.C. Gen. Stat. § 163-166.16(f) (“[T]he county board of elections shall find that the provisional ballot is valid unless the county board has grounds to believe the [exception form] is false.”). In short, if Plaintiffs' intent is to compel *more* voters to use forms of identification other than the Mobile One Card, a TRO is not at all certain to accomplish that goal.

To state the obvious: The State Board takes any threat to free and fair elections seriously and has a keen interest in election integrity. But Plaintiffs have not advanced any credible link between the State Board's approval of Mobile One Cards and a heightened risk of ineligible voters casting illegal votes. Plaintiffs cannot manufacture irreparable harm merely by crying voter fraud.

Whereas Plaintiffs have nothing more than conspiracy theories to offer the Court, Defendants can point to real, serious harm that would arise from a TRO. UNC has informed its students and employees that they can use the Mobile One Card for voting,⁷ and the State Board's approval of the Mobile One Card has been widely publicized.⁸ Reversing the State Board's decision at this point is likely to result in significant confusion among students and employees at UNC. These voters may well show up at polling places, prepared to present their Mobile One Cards as photo identification, only to be told they must provide another form of photo identification or else cast a provisional ballot. The State Board will also have to spend time and incur the expense of revising its training materials and programs to ensure that elections officials are aware that they can no longer accept the Mobile One Card as a valid form of photo identification.

These harms are especially acute in light of the fact that voting is set to begin in North Carolina at the end of this week. In considering whether to grant injunctive relief in an election

⁷ UNC Finance and Operations, *Mobile UNC One Card for Apple Wallet Approved for Voter ID Use* (Aug. 23, 2024), <https://onecard.unc.edu/news/2024/08/23/mobile-unc-one-card-for-apple-wallet-approved-for-voter-id-use/>.

⁸ See, e.g., Sofia Szostczuk, *'Easier for students.'* *UNC Mobile One Card Approved as Valid Voter ID*, *The Daily Tar Heel* (Aug. 26, 2024), <https://www.dailytarheel.com/article/2024/08/university-one-card-voter-id>; Gary D. Robertson, *North Carolina Elections Board OKs University ID on Phones for Voter Access This Fall*, *AP News* (Aug. 20, 2024, 5:35 PM), <https://apnews.com/article/north-carolina-voter-identification-university-mobile-33a78f54c45a739b2c201c79dcbcd30d>.

case, “a court is entitled to and should consider the proximity of a forthcoming election . . . and should act and rely upon general equitable principles.” *Pender Cty. v. Bartlett*, 361 N.C. 491, 510, 649 S.E.2d 364, 376 (2007) (quoting *Reynolds v. Sims*, 377 U.S. 533, 585 (1964)). This is a “bedrock tenet of election law: When an election is close at hand, the rules of the road must be clear and settled. Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Merrill v. Milligan*, 142 S. Ct. 879, 880–81 (2022) (Kavanaugh, J., concurring); see also *Purcell v. Gonzalez*, 549 U.S. 1, 4-6 (2006) (per curiam). Plaintiffs would have this Court risk precisely those “unanticipated and unfair consequences” here.

This request is all the more galling, given Plaintiffs’ delay in bringing this case. The State Board voted to approve the Mobile One Card on August 20, 2024. Plaintiffs inexplicably waited more than three weeks to challenge that decision. That delay alone is sufficient reason to deny equitable relief.

On the one hand, allowing duly registered UNC students and employees to use their Mobile One Cards to confirm their identity when voting causes Plaintiffs no harm. On the other, disallowing use of UNC’s digital identification cards could sow confusion and complicate casting a ballot for tens of thousands of voters. The balancing of the equities in this case is not close.

CONCLUSION

For the reasons stated above, Plaintiffs’ motion for a temporary restraining order should be denied.

WHEREFORE, State Board Defendants respectfully request that the Court deny the Motion for a Temporary Restraining Order.

Respectfully submitted this the 18th day of September, 2024.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

/s/ Mary Carla Babb

Mary Carla Babb
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North Carolina Dept. of Justice
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Fax No.: (919) 716-6763

Counsel for State Board Defendants

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER in the above-titled action upon all parties to this cause by electronic mail as follows:

WARD AND SMITH, P.A.
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Counsel for Intervenor Defendants – Democratic National Committee

This the 18th day of September, 2024.

/s/ Mary Carla Babb
Mary Carla Babb
Special Deputy Attorney General

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Exhibit A

UNC-CH Digital Card

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STUDENT IDENTIFICATION APPROVAL REQUEST FORM 2023-2024



NC State Board of Elections • P.O. Box 27255 • Raleigh, NC 27611-7255 • (866) 522-4723

Please return completed form to VoterID@ncsbe.gov

1 Information About Your Institution

This institution is a: Constituent Institution of the University of North Carolina *
 Eligible Private University or College Community College*
 * Use this form for student IDs only; use the Employee ID Approval Form for approval of staff IDs.

The University of North Carolina at Chapel Hill
 Name of Institution
 Mobile UNC One Card
 Name/Type of Card
 Orange
 County or Counties with Campuses

2 ID Card Requirements

Indicate that this is a new request for approval or that the identification has not changed since its approval on March 15, 2019.



Check this box if you are seeking approval of a digital ID card or mobile credential. **If you check this box, you must attach additional documentation to this form describing how the digital ID or mobile credential meets the requirements in 1. through 8.**

New Request. The following requirements have been met and will not knowingly be violated with regard to student identification cards issued during the approval period: (you must check each box for this option to be complete)

- 1. The identification cards that are issued by the university or college contain photographs of students obtained by the university or college or its agents or contractors, and the photograph obtained is a frontal image that includes the student's face and represents a clear, accurate likeness of the student to whom the identification card is issued. **If the photograph used is not produced by the university or college or its agents, you must certify in detail the process used by the university or college to ensure the photograph is that of the student to whom the identification card is issued and must certify the process is designed to confirm the identity of the student to whom the identification card is issued. (You must attach additional documentation to this form describing the process used if the photograph is not produced by the university or college or its agents.)**
- 2. The identification cards are issued after an enrollment or other process that includes one or more methods of confirming the identity of the student using information that may include, but is not limited to, the social security number, citizenship status, and birthdate of the student.
- 3. Access to the equipment for producing the identification cards is restricted through security measures.
- 4. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.
- 5. University or college officials would report any misuse of student identification card equipment they have knowledge of to law enforcement if G.S. 163-275(19) was potentially violated.
- 6. ID cards issued by the university or college during the approval period will contain an expiration date.
- 7. The university or college will provide copies of student identification cards to the State Board for training purposes.
- 8. The college or university will provide to students who are issued the student identification card a copy of, or an electronic link to, the Voting as a College Student Infosheet that details the information required by G.S. 163-166.17(a)(1)h.

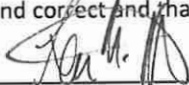
If you have any concerns about whether your institution meets any of the requirements, please attach additional documentation explaining the processes used.

Statement of No Changes. No changes have been made to the student identification cards that were approved by the State Board on March 15, 2019. *Current cards and cards approved on Mar. 15, 2019 must have an expiration date.*

3 Attestation

I have attached additional documentation to this form.

I certify that the information provided on this form, and any additional documentation attached to this form, are true and correct and that I am the Chancellor, President, or Registrar of the university or college.

X 
 Signature 06/12/2024
X Lauren M. DiGrazia Assistant Provost & University Registrar
 Print Name Print Title (Chancellor, President, or Registrar)

The University of North Carolina at Chapel Hill
Approval for Student Identification Cards- Mobile Credential Only

At present, mobile credentials are only available for students who use Apple phones.

Requirement 1- Photo submission process

The identification cards that are issued by UNC-CH contain photographs of students submitted by students to UNC-CH through a secure process. Self-submitted photographs must meet quality and composition criteria designed to ensure that submissions are suitable for identification card use. UNC-CH staff review submitted photographs and reject those that fail to meet the criteria.

The criteria given to individuals submitting photos are below:

“Your photo must

- Show you looking directly at the camera with a neutral expression or smiling.
- Have your face clearly visible and shoulders square to the viewer.
- Have a white or solid, light-colored background.
- Include only your head and upper shoulders (complete head must be in photo)
- Pixelated or grainy photos not accepted.
- Face should be visible (dark or light photos will not be accepted)
- Do not show other people, animals etc. or parts thereof.
- Orientation of photo must be correct (if photo is sideways, it will not be accepted)
- No filters accepted or watermarks (this includes black and white photos)
- No picture of a picture please
- Avoid headgear or sunglasses (an exception is made for reasons of religious observance)”

To submit a photograph for use on a student identification card, students must log onto a UNC-CH website using a unique identifier assigned and maintained by UNC-CH. That unique identifier is assigned after students provide their full legal name, gender, and birthdate. Students then use their unique identifier to obtain individual login credentials. They must use their individual login credentials to upload and associate their photograph with their unique identifier. They also must upload identification with the photo, including a U.S. Driver’s License, U.S. Visa, U.S. Passport, U.S. State issued ID, or a U.S. Military ID.

To receive a mobile credential that serves as a student identification card, students submit an official photo identification, such as a license, military ID, or passport. An AI program compares the official photo identification and the student’s physical appearance in the current photo submitted prior to providing the mobile credential. UNC staff also review the identification and the photo. A mismatch in the photo and the identification would trigger an error.

Requirement 2-The identification cards are issued after an enrollment or other process that includes one or more methods of confirming the identity of the student using information that may include, but is not limited to, the social security number, citizenship status, and birthdate of the employee.

As with physical identification cards, mobile credentials that serve as student identification cards are not issued until after the application and enrollment process is complete.

Requirement 3- Access to the equipment for producing the identification cards is restricted through security measures.

Access to the mobile credential is through secured systems. The equipment involved is all digitally accessed through a contract with a vendor, who has been approved by the University's data governance and Privacy offices as having secure data practices. The mobile credential that serves as a student identification card is secured by the HID Global system, the same producer of the chips in the physical identification cards. The mobile credential is issued via a secure HID Global Systems application programming interface. These systems are cloud based and contained in highly secure data centers. The same technology is used in the chip securing the UNC One Cards as the chip in credit and debit cards.

Requirement 4- Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.

As with the physical identification cards, only authorized personnel are involved in the process of creating the mobile credential. Anyone attempting to change internal control processing for creating or editing the mobile credential would similarly be subject to discipline. Only vendor personnel would have the capability to change the credential. HID is bound by the security requirements of the University's instantiated contract.

Requirement 5- University or college officials would report any misuse of student identification card equipment to law enforcement if G.S. 163-275(19) was potentially violated.

Tampering with the mobile credential would be a crime and reported to law enforcement as soon as University personnel were aware or made aware by the vendor. This would be similar to a data or other technology security breach as the equipment is not physically housed at the University.

Requirement 6- ID cards issued by the university or college during the approval period will contain an expiration date.

There is an expiration date displayed on the mobile credential under the photograph of the user.

Requirement 7- The university or college will provide copies of student identification cards to the State Board for training purposes.

An image of a sample mobile credential is attached.

Requirement 8- The college or university will provide to students who are issued the student identification card a copy of, or an electronic link to, the Voting as a College Student Infosheet that details the information required by G.S. 163-166.17(a)(1)h.

The One Card Office will provide an electronic link on its website to the Voting as a College Student Infosheet after the mobile credential is approved.

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EMPLOYEE IDENTIFICATION APPROVAL REQUEST FORM 2023-2024



NC State Board of Elections • P.O. Box 27255 • Raleigh, NC 27611-7255 • (866) 522-4723

Please return completed form to VoterID@ncsbe.gov

1
Information About Your Entity

This entity is a: State Government Entity Local Government Entity Charter School

The University of North Carolina at Chapel Hill

Name of Entity
Mobile UNC One Card

Name/Type of Card
Orange

County

2
ID Card Requirements

Indicate that this is a new request for approval or that the identification has not changed since its approval on March 15, 2019.



Check this box if you are seeking approval of a digital ID card or mobile credential. If you check this box, you must attach additional documentation to this form describing how the digital ID or mobile credential meets the requirements in 1. through 8.

New Request. The following requirements have been met and will not knowingly be violated with regard to employee identification cards issued during the approval period: (you must check each box for this option to be complete)

- 1. The identification cards that are issued by the state or local government entity or charter school contain photographs of the employees obtained by the state or local government entity or charter school employing entity or its agents or contractors, and the photograph obtained is a frontal image that includes the employee's face and represents a clear, accurate likeness of the employee to whom the identification card is issued. **If the photograph used is not produced by the state or local government entity or charter school, you must certify in detail the process used by the state or local government entity or charter school to ensure the photograph is that of the employee to whom the identification card is issued and must certify the process is designed to confirm the identity of the employee to whom the identification card is issued. (You must attach additional documentation to this form describing the process used if the photograph is not produced by the state or local government entity or charter school.)**
- 2. The identification cards are issued after an employment application or other process that includes one or more methods of confirming the identity of the employee using information that may include, but is not limited to, the social security number, citizenship status, and birthdate of the employee.
- 3. Access to the equipment for producing the identification cards is restricted through security measures.
- 4. Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.
- 5. State or local or charter school officials would report any misuse of identification card equipment they have knowledge of to law enforcement if G.S. 163-275(19) was potentially violated.
- 6. ID cards issued by the entity during the approval period will contain an expiration date.
- 7. The state or local government entity or charter school will provide copies of employee identification cards to the State Board to assist with training purposes.

If you have any concerns about whether your institution meets any of the requirements, please attach additional documentation explaining the processes used.

Statement of No Changes. No changes have been made to the employee identification cards that were approved by the State Board on March 15, 2019. *Current cards and cards approved on Mar. 15, 2019 must have an expiration date.*

3
Attestation

I have attached additional documentation to this form.

I certify that the information provided on this form and any additional documentation attached to this form are true and correct and that I am the head elected official or lead human resources employee of the entity.

X Rebecca Menghini

Digitally signed by Rebecca Menghini
Date: 2024.06.07 14:14:35 -04'00'

6/7/2024

Signature

Date

X Rebecca Menghini

Vice Chancellor, Human Resource & Equal Opportunity & Compliance

Print Name

Print Title (head elected official or lead HR)

The University of North Carolina at Chapel Hill
Approval for Employee Identification Cards- Mobile Credential Only

At present, mobile credentials are only available for employees who use Apple phones.

Requirement 1- Photo submission process

The mobile credentials that serve as identification cards issued to employees of UNC-CH contain photographs of employees submitted by employees to UNC-CH through a secure process.

Employees submit their own photographs to UNC-CH for use on their mobile credentials that serve as an employee identification card. Self-submitted photographs must meet quality and composition criteria designed to ensure that submissions are suitable for identification card use. UNC-CH staff review submitted photographs and reject those that fail to meet the criteria.

The criteria given to individuals submitting photos are below:

“Your photo must

- Show you looking directly at the camera with a neutral expression or smiling.
- Have your face clearly visible and shoulders square to the viewer.
- Have a white or solid, light colored background.
- Include only your head and upper shoulders (complete head must be in photo)
- Pixelated or grainy photos not accepted.
- Face should be visible (dark or light photos will not be accepted)
- Do not show other people, animals etc. or parts thereof.
- Orientation of photo must be correct (if photo is sideways it will not be accepted)
- No filters accepted or watermarks (this includes black and white photos)
- No picture of a picture please
- Avoid headgear or sunglasses (an exception is made for reasons of religious observance)”

To submit a photograph for use on a mobile credential that serves as an employee identification card, employees must log onto a UNC-CH website using a unique identifier assigned and maintained by UNC-CH as well as the DUO authentication system. Employees receive their individual login information after entering their Person ID Number, an identification number assigned after employees provide their full legal name, gender, and birthdate. Photographs submitted by employees are associated with this unique identifier and saved electronically.

To receive a mobile credential that serves as an employee identification card, employees submit an official photo identification, such as a license, military ID, or passport. An AI program compares the official photo identification and the employee’s physical appearance in the current photo submitted prior to providing the mobile credential. UNC staff also review the identification and the photo. A mismatch in the photo and the identification would trigger an error and the mobile credential would not be issued.

Requirement 2- The identification cards are issued after an employment application or other process that includes one or more methods of confirming the identity of the employee using information that may include, but is not limited to, the social security number, citizenship status, and birthdate of the employee.

As with physical identification cards, mobile credentials that serve as employee identification cards are not issued until after the hiring or other on-boarding process is completed.

Requirement 3- Access to the equipment for producing the identification cards is restricted through security measures.

Access to the mobile credential is through secured systems. The equipment involved is all digitally accessed through a contract with a vendor, who has been approved by the University's data governance and Privacy offices as having secure data practices. The mobile credential that serves as an employee identification card is secured by the HID Global system, the same producer of the chips in the physical identification cards. The mobile credential is issued via a secure HID Global Systems application programming interface. These systems are cloud based and contained in highly secure data centers. The same technology is used in the chip securing the UNC One Cards as the chip in credit and debit cards.

Requirement 4- Misuse of the equipment for producing the identification cards would be grounds for termination of an employee.

As with the physical identification cards, only authorized personnel are involved in the process of creating the mobile credential. Anyone attempting to change internal control processing for creating or editing the mobile credential would similarly be subject to discipline. Only vendor personnel would have the capability to change the credential. HID is bound by the security requirements of the University's instantiated contract.

Requirement 5- State or local government or charter school officials would report to law enforcement any misuse of employee identification card equipment that they have knowledge of.

Tampering with the mobile credential would be a crime and reported to law enforcement as soon as University personnel were aware or made aware by the vendor. This would be similar to a data or other technology security breach as the equipment is not physically housed at the University.

Requirement 6- ID cards issued by the entity during the approval period will contain an expiration date.

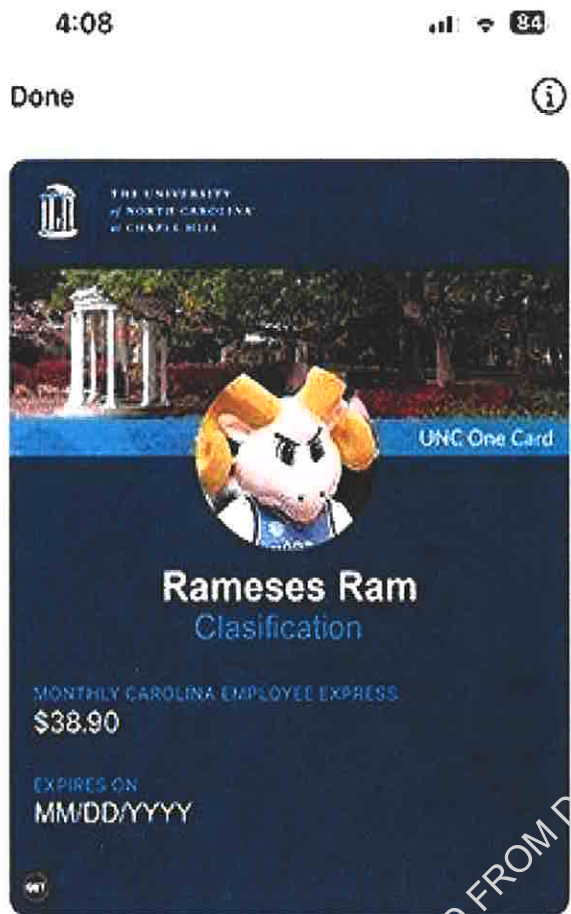
There is an expiration date displayed on the mobile credential under the photograph of the user.

Requirement 7- The state or local government entity or charter school will provide copies of employee identification cards to the State Board to assist with training purposes.

An image of a sample mobile credential is attached.

Front

Back



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NCSBE - Exhibit A

From: [Lewis, Kristen Simonsen](#)
To: [Wakely, Lindsey](#); [Menghini, Becci](#)
Cc: [SBOE_Grp - Legal](#)
Subject: Re: [External] Re: Mobile UNC One Card for Voting Purposes
Date: Wednesday, July 31, 2024 2:49:29 PM

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

That's correct, a user has to enter their ONYEN (and do the DUO authentication) for the Get Mobile App in order to have the Get Mobile App transmit the One Card into the Apple Wallet.

Here is the One Card user agreement:

<https://policies.unc.edu/TDClient/2833/Portal/KB/ArticleDet?ID=131704>

From: Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>
Sent: Wednesday, July 31, 2024 2:28 PM
To: Lewis, Kristen Simonsen <kslewis@email.unc.edu>; Menghini, Becci <becci_menghini@unc.edu>
Cc: SBOE_Grp - Legal <Legal@ncsbe.gov>
Subject: RE: [External] Re: Mobile UNC One Card for Voting Purposes

Thanks you Kristen. We appreciate your quick response.

I've been experimenting with the Get Mobile App. It looks like after downloading the App, a student or employee can select the University of North Carolina at Chapel Hill, but the student or employee will be prompted to enter their ONYEN ID and password in order to proceed. Is this correct? Does this mean a student or employee will not be able to download the One Card into their Apple Wallet without first entering their unique ONYEN and password?

Is it possible to get a copy of the One Card user agreement that students and employees must sign?

From: Lewis, Kristen Simonsen <kslewis@email.unc.edu>
Sent: Wednesday, July 31, 2024 2:16 PM
To: Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>; Menghini, Becci <becci_menghini@unc.edu>
Cc: SBOE_Grp - Legal <Legal@ncsbe.gov>
Subject: [External] Re: Mobile UNC One Card for Voting Purposes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks, Lindsey, happy to answer any questions. It's about the same process for both

students and employees.

Students are loaded into the University's One Card system once they arrive for orientation. Employees are loaded into the system when the One Card Office receives their assignment for their employee orientation or on their first day of employment.

Both are required to sign a One Card user agreement electronically with their ONYEN and Duo. After the signature is completed, they are approved to upload their ID and photo. They have to put an app on their phone called CBORD GET Mobile App. After the photo is approved, the button for the One Card is available for them in the GET Mobile App. It does not appear before the photo is approved. They must click on that button to download the One Card into their Apple Wallet.

From: Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>

Sent: Wednesday, July 31, 2024 11:57 AM

To: Lewis, Kristen Simonsen <kslewis@email.unc.edu>; Menghini, Becci <becci_menghini@unc.edu>

Cc: SBOE_Grp - Legal <Legal@ncsbe.gov>

Subject: Mobile UNC One Card for Voting Purposes

Good morning,

We are reviewing the UNC-Chapel Hill application for approval of the Mobile UNC One Card for voting purposes. I do have a follow up question stemming from the supplemental materials submitted as part of the attached application.

For requirement 2, you note that the mobile credential that serves as the identification card is not issued until after the student application and enrollment process is complete, or after the employee hiring or other on-boarding process is complete. Can you describe in detail how the student or employee is issued the mobile credential? How is the student or employee notified of the issuance and how the student or employee download or otherwise gain the ability to display the card on their phone or other device?

We appreciate any further information you can provide.

Sincerely,

Lindsey Wakely

Deputy General Counsel

O: (919) 814-0729



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