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January 23, 2025

VIA [CM/ECF]

Nwamaka C. Anowi
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: No. 25-1019 (consolidated with 25-1018 (lead), 25-1024), *Griffin v. North Carolina State Board of Elections* Response to citation of supplemental authority under Rule 28(j)

Dear Ms. Anowi:

Intervenor-Appellants North Carolina Alliance For Retired Americans, VoteVets Action Fund, Tanya Webster-Durham, Sarah Smith, and Juanita Anderson (“Voter Intervenors”) submit this response to Judge Griffin’s Rule 28(j) letter.

Voter Intervenors believe it is appropriate to proceed with the appeal and oral argument as scheduled because Appellants continue to have a concrete interest in the outcome of this appeal and any subsequent disposition once the case is returned to federal district court. After the district court’s remand, the North Carolina Supreme Court granted Judge Griffin an indefinite stay of the election’s certification pending proceedings in Wake County Superior Court, raising the prospect that Voter Intervenors’ ballots may yet be discarded. In doing so, it granted Judge Griffin the precise relief he previously sought from the district court below. *Griffin v. N.C. State Bd. of Elections*, Case No. 5:24-cv-00724-M-RN (E.D.N.C. Dec. 23, 2024), ECF No. 32 at 20 (asking the district court to “enjoin[] the Board from certifying the election results”). The order therefore does not affect this Court’s jurisdiction because the parties retain a concrete interest in the outcome of this proceeding. A favorable ruling upon returning this case to the district court would lift the stay in due course, providing Voter Intervenors with relief by permitting certification to proceed and their ballots to be counted. Judge Griffin’s letter identifies no issue presented to this Court that requires further briefing, nor does it offer any other good reason to delay this appeal. Additionally, *Griffin v. N.C. State Board of Elections*, No. 25-1020, which is also pending before this Court, presents “substantially identical” legal questions to this appeal. See *Griffin v. N.C. State Bd. of Elections*, Case No. 5:24-cv-00731-BO (E.D.N.C. Jan. 6, 2025), ECF No. 24.

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Respectfully submitted,

/s/ Lalitha D. Madduri
Lalitha D. Madduri

Counsel for Voter Intervenors

Cc: All counsel of record via CM/ECF

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