

SUPREME COURT OF NORTH CAROLINA

JEFFERSON GRIFFIN,)
)
 Petitioner,)
)
 v.)
)
 NORTH CAROLINA STATE BOARD OF)
 ELECTIONS,)
)
 Respondent,)
)
 and)
)
 ALLISON RIGGS; NORTH CAROLINA)
 ALLIANCE FOR RETIRED AMERICANS;)
 VOTEVETS ACTION FUND; TANYA)
 WEBSTER-DURHAM; SARAH SMITH;)
 JUANITA ANDERSON,)
)
 Intervenor-Respondents.)
)

From the North Carolina
State Board of Elections

**INTERVENOR-RESPONDENT ALLISON RIGGS’
MOTION FOR PEREMPTORY SETTING**

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Intervenor-Respondent Allison Riggs moves under Appellate Rules 22(c) and 29(b) for an order scheduling oral argument in this action during a peremptory setting.

1. On 18 December 2024, Petitioner Jefferson Griffin filed in this Court a Petition for Writ of Prohibition.

2. On 19 December 2024, Respondent North Carolina State Board of Elections removed this action to the Eastern District of North Carolina. On 6 January 2025, the Eastern District of North Carolina entered an order remanding this action to this Court.

3. On 7 January 2025, this Court entered an Amended Order acknowledging receipt of “notice from the Board of Elections of its appeal of the order from the United States District Court for the Eastern District of North Carolina” and stating that, “in the absence of a stay from federal court, this matter should be addressed expeditiously because it concerns certification of an election.” The Court then allowed Judge Griffin’s “motion for temporary stay” and set an “expedited briefing schedule,” with the final brief due 24 January 2025.

4. Justice Allen, who signed the Amended Order, filed a separate concurrence, explaining that, by “allowing the motion, the Court has merely ensured that it will have adequate time to consider the arguments made by Judge Griffin in his petition for writ of prohibition.”

5. Three days later, on 10 January 2025, the Fourth Circuit scheduled oral argument for 27 January 2025 on the appeal from the Eastern District of North Carolina remand order. The Fourth Circuit deferred ruling on the State Board’ stay motion pending that oral argument.

6. Justice Riggs respectfully requests that this Court schedule oral argument in this action during a peremptory setting for three reasons.

7. First, this case is unusual in that this Court and the Fourth Circuit are exercising simultaneous jurisdiction while expediting their respective proceedings. As of now, the Fourth Circuit cannot know when (or whether) this Court intends to hold oral argument. By scheduling that argument now, this Court will minimize the risk of miscommunication between the parties and courts. And by holding oral argument, this Court will ensure that it has the most up-to-date information on which to make its decision.

8. Second, this case is also unusual because it involves a dispute between two sitting judges who ran against each other in a partisan election. Given the enormous public interest in that dispute—and to avoid any risk that the Court’s decision could be misunderstood via a partisan lens—oral argument is critical to bolstering public confidence in the fairness and integrity of our judicial system. Oral argument will allow the public to witness how the justices of this Court and the parties before it engage with the legal issues and arguments presented.

9. Third, oral argument will aid the Court and the parties in understanding what exactly Judge Griffin is requesting. In his Petition, Judge Griffin asks the Court to address all three categories of protests at issue. *See, e.g.*, Pet. at 70. But in his opening brief, Judge Griffin now asks the Court to phase its handling of the three categories, beginning with his challenge to military and overseas citizen voters. *See Br.* at 3–6, 71–73. Justice Riggs has serious concerns about that new approach for the reasons stated in her response brief. Oral argument will ensure that the Court and parties have clarity about the relief requested.

10. Counsel for Judge Griffin, the State Board of Elections, and the other Intervenor-Respondents have been notified of the intended filing of this motion. The State Board does not object to the relief and does not intend to respond. The other Intervenor-Respondents consent to the requested relief. Judge Griffin intends to respond.

WHEREFORE, Justice Riggs respectfully moves under Appellate Rules 22(c) and 29(b) for an order scheduling oral argument in this action during a peremptory setting.

Respectfully submitted, this 21st day of January, 2025.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was electronically filed and served this day by email, addressed as follows:

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