

No. 320P24

**SUPREME COURT OF NORTH CAROLINA**

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JEFFERSON GRIFFIN,

Petitioner,

v.

NORTH CAROLINA STATE BOARD  
OF ELECTIONS,

Respondent,

From the North Carolina  
State Board of Elections

\*\*\*\*\*

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF BY RESTORING  
INTEGRITY AND TRUST IN ELECTIONS, IN SUPPORT OF PETITIONER<sup>1</sup>**

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<sup>1</sup> Pursuant to Rule 28.1(b)(3)(c) of the North Carolina Rules of Appellate Procedure, no other persons or entities other than amicus curiae, its members, and its counsel helped to write or financially contributed to this brief.

## **TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:**

Restoring Integrity and Trust in Elections (“RITE”), a 501(c)(4) non-profit organization, respectfully moves this Court, pursuant to Rule 28.1(i) of the North Carolina Rules of Appellate Procedure, for leave to file an amicus curiae brief addressing Respondent’s unlawful position permitting individuals who never resided in North Carolina to vote in state elections. RITE is filing its amicus curiae brief conditionally along with this motion, pursuant to Rule 28.1(i)(2) of the North Carolina Rules of Appellate Procedure.

### **NATURE OF APPLICANT’S INTEREST**

RITE, as its name states, is a 501(c)(4) non-profit organization whose mission is to protect the rule of law in elections throughout the United States. RITE supports laws and policies that promote secure elections and enhance voter confidence in the electoral process. RITE also opposes unlawful executive and administrative actions such as allowing the counting of votes by ineligible nonresident voters. Pursuant to this mission, RITE has successfully litigated against unlawful ballot access practices across the nation and routinely files briefs in state and federal courts across the country on important issues regarding the qualifications for voting, including residency requirements. *See, e.g., Montana Public Interest Research Group et al. v. Christi Jacobsen*, No. 24-2811 (9<sup>th</sup> Cir. June 5, 2024); *Beals v. Virginia Coalition for Immigrant Rights*, No. 24A407 (U.S. 2024); *Moore v. Harper*, 600 U.S. 1 (2023).

## REASONS WHY AN *AMICUS* BRIEF IS DESIRABLE

As a non-profit and non-partisan entity focused on election integrity, RITE's expertise and national perspective on voting rights, election law, and election administration will assist the Court in reaching a decision consistent with the rule of law. RITE has a direct interest in the outcome of the petition pending before the Court to the extent it relates to Never Resident voting, as it directly bears on RITE's organizational mission. Courts across the country have accepted and appreciated RITE's perspective as an *amicus* on election matters. *See, e.g., Beals v. Virginia Coalition for Immigrant Rights*, No. 24A407 (U.S. 2024); *Baxter v. Philadelphia Bd. of Elections*, Nos. 76 EM 2024, 77 EM 2024 (Pa. Nov. 1, 2024); *Moore v. Harper*, 600 U.S. 1 (2023).

## ISSUE TO BE ADDRESSED

Does North Carolina law permit Never Residents to vote in elections for state office?

## POSITION OF *AMICUS CURIAE*

*Amicus* believes that Petitioner's requested relief is necessary to prevent a direct violation of the North Carolina Constitution which would dilute the votes of the state's lawfully-registered voters. While it should be easy for our eligible military and overseas voters to vote, that does not extend to individuals who are ineligible to vote, and it should not lead to ignoring crucial verification requirements. The Respondent's interpretation of state law to permit those who have never resided in North Carolina to vote in North Carolina's elections is plainly unconstitutional, as RITE's brief details.

Permitting Respondent's position to stand and count such plainly unconstitutional votes significantly undermines trust in elections. In effect, the Respondent's practice of permitting Never Resident voting gives those voters a way to tip the scale in close contests in North Carolina despite having never resided there. Fortunately, Respondent can easily identify the Never Resident votes and prevent them from diluting the lawfully-cast votes in North Carolina's state elections.

WHEREFORE, Restoring Trust and Integrity in Elections, a 501(c)(4) non-profit organization, respectfully requests that it be permitted to submit the attached *amicus curiae* brief.<sup>2</sup>

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

**NELSON MULLINS RILEY &  
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<sup>2</sup> Counsel for Amicus have conferred with counsel for the parties in this matter to request their position on the Motion for Leave to File Amicus Curiae Brief. Counsel for the Hon. Jefferson Griffin, the NCSBE, and the Hon. Allison Riggs stated that they consent to the motion. As of the filing of this motion, counsel for the North Carolina Democratic Party have not provided their position.

**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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Respectfully submitted this, the 21<sup>st</sup> day of January, 2025.

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