

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**No.** \_\_\_\_\_

JEFFERSON GRIFFIN,

Petitioner,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS,

Defendant.

**NOTICE OF REMOVAL OF CIVIL  
ACTION Nos. 24CV040622-910, 24-  
CV040619-910, 24CV040620-910  
FROM WAKE COUNTY  
SUPERIOR COURT**

TO: The United States District Court for the Eastern District of North Carolina

PLEASE TAKE NOTICE THAT Defendant removes Civil Action Nos.

24CV040622-910, 24-CV040619-910, 24CV040620-910 from the North Carolina

Superior Court for Wake County to this Honorable Court, pursuant to 28 U.S.C. §§ 1331,

1441(a), 1443(2), and 1367(a). In support of this notice, Defendant states the following:

1. On December 13, 2024, Defendant issued a final decision on election protests filed by Petitioner Judge Jefferson Griffin in relation to the 2024 General Election. Petitioner's election protests were based on six categories of allegations that certain voters' ballots were invalid. Of those six categories of protests, Defendant's decision dismissed the protests of Petitioner that concerned three categories: (1) ballots cast by registered voters with alleged incomplete voter registrations; (2) ballots cast by overseas citizens who have never resided in the United States but whose parents resided

in North Carolina before moving abroad; and (3) ballots cast by military and overseas-citizen voters who did not include a photocopy of photo identification or an ID exception form with their absentee ballots.

2. On December 18, 2024, Petitioner filed an original action, framed as a petition for a writ of prohibition, in the North Carolina Supreme Court. That petition sought declaratory rulings interpreting the Help America Vote Act (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002) *codified at* 52 U.S.C. § 20901, *et seq.*; the National Voter Registration Act (NVRA), Pub. L. No. 103-31, 107 Stat. 77 (1993) *codified at* 52 U.S.C. § 20501, *et seq.*, the Voting Rights Act (VRA), Pub. L. No. 89-110, 79 Stat. 437 (1965) *codified in relevant part at* 52 U.S.C. § 10307; the Civil Rights Act (CRA), Pub. L. No. 85-315, 71 Stat. 634 (1957) *codified in relevant part at* 52 U.S.C. § 10101; the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), Pub. L. No. 99-410, 100 Stat. 924 (1986) *codified at* 52 U.S.C. § 20301, *et seq.*; and the Fourteenth Amendment to the United States Constitution. Defendant filed a notice to remove that action to this Court on the same day. *See Jefferson Griffin v. North Carolina State Board of Elections*, No. 5:24-cv-00724-M-RN.

3. On December 20, 2024, Petitioner filed three separate petitions for judicial review of Defendant's December 13, 2024, final decision in North Carolina Superior Court for Wake County. Petitioner filed one petition for each of the three categories of election protests that were dismissed. In each petition, Petitioner seeks a temporary restraining order, preliminary injunction, and/or stay of the State Board's certification of

the election. Petitioner provided each petition to undersigned counsel electronically on December 20, 2024.

4. The three petitions at issue here all arise from the same December 13, 2024 final order of the Board. Further, they collectively raise the same legal issues as the petition in *Jefferson Griffin v. North Carolina State Board of Elections*, No. 5:24-cv-00724-M-RN, which the Board removed to this Court yesterday. D.E. 1-4.

5. The three petitions directly implicate the UOCAVA, the NVRA, and the Fourteenth Amendment to the United States Constitution.

6. Because the petitions raise claims arising under the laws of the United States, this Court has original jurisdiction over such claims. 28 U.S.C. § 1331. Removal is therefore proper. *Id.* § 1441(a).

7. The petitions further presuppose that Defendant has refused to take certain actions. To the extent Defendant has indeed refused to take certain actions, its refusal was based on its obligation to comply with 52 U.S.C. § 10101(a)(2), 52 U.S.C. § 10307(a), and 52 U.S.C. § 20507(c)(2)(A), and the Fourteenth Amendment of the United States Constitution.

8. Because Petitioner has sought relief for Defendant's refusal to do an "act on the ground that [the act] would be inconsistent" with 52 U.S.C. § 10101(a)(2) 52 U.S.C. § 10307(a), and 52 U.S.C. § 20507(c)(2)(A), removal is proper. 28 U.S.C. § 1443(2).

9. Because Petitioner has yet to effect service of these petitions on Defendant, this removal notice is timely. 28 U.S.C. § 1446(b).

10. Pursuant to Local Rule 5.3(a)(1), copies of all process and pleadings in Defendant's possession are attached to this petition as separate distinctly titled exhibits. Defendant is also filing in the North Carolina Superior Court for Wake County notice of removal for each petition, as required by 28 U.S.C. § 1446(d), and has requested that a complete copy of each of those state court filings be filed in this Court. A copy of each notice is included below.

Wherefore, Defendant removes to this Court Civil Action Nos. 24CV040622-910, 24-CV040619-910, and 24CV040620-910 from the North Carolina Superior Court for Wake County to the United States District Court for the Eastern District of North Carolina.

Respectfully submitted, this 20th day of December 2024.

Mary Carla Babb  
Special Deputy Attorney General  
N.C. State Bar No. 25731  
[MCBabb@ncdoj.gov](mailto:MCBabb@ncdoj.gov)

Terence Steed  
Special Deputy Attorney General  
N.C. State Bar No. 52809  
[TSteed@ncdoj.gov](mailto:TSteed@ncdoj.gov)

North Carolina Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Phone: 919-716-6900  
Fax: 919-716-6758

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that the foregoing Notice of Removal was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to the below listed attorneys for Petitioner, if registered, and I have served the document upon opposing counsel by mailing via the US Mail, first class, postage prepaid, addressed as follows:

W. Michael Dowling  
Craig D. Schauer  
Troy D. Shelton  
DOWLING PLLC  
3801 Lake Boone Trail  
Suite 2600  
Raleigh, NC 27607  
[mike@dowlingfirm.com](mailto:mike@dowlingfirm.com)  
[cschauer@dowlingfirm.com](mailto:cschauer@dowlingfirm.com)  
[tshelton@dowlingfirm.com](mailto:tshelton@dowlingfirm.com)

Philip R. Thomas  
Chalmers, Adams, Backer & Kaufman, PLLC  
204 N Person St.  
Raleigh, NC 27601  
[pthomas@chalmersadams.com](mailto:pthomas@chalmersadams.com)

*Counsel for Petitioner*

This the 20th day of December, 2024.

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