

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:25-cv-00003**

TELIA KIVETT; KARYN MULLIGAN;
WAKE COUNTY REPUBLICAN PARTY;
REPUBLICAN NATIONAL COMMITTEE;
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; KAREN BRINSON BELL, in
her official capacity as Executive Director of
the North Carolina State Board of Elections;
ALAN HIRSCH, in his official capacity as
Chair of the North Carolina State Board of
Elections; JEFF CARMON, in his official
capacity as Secretary of the North Carolina
State Board of Elections; STACY EGGERS
IV, KEVIN N. LEWIS, and SIOBHAN
O'DUFFY MILLEN, in their official
capacities as members of the North Carolina
State Board of Elections,

Defendants.

**NOTICE OF REMOVAL OF CIVIL
ACTION No. 24CV041789-910 FROM
WAKE COUNTY
SUPERIOR COURT**

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

PLEASE TAKE NOTICE THAT Defendants remove Civil Action No. 24CV041789-910 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, Defendants state the following:

1. On December 31, 2024, in the North Carolina Superior Court for Wake County, Plaintiffs filed a complaint challenging the votes of North Carolinians who allegedly first

registered to vote without providing either a driver's license or social security number. That complaint sought the issuance of a writ of mandamus ordering Defendants to contact every person whose voter registration application was accepted and processed without providing the information required in N.C. Gen. Stat. § 163-82.4(a)(11); requested injunctive relief requiring Defendants to segregate and remove ballots from all state office elections in the 2024 general election; and sought declaratory rulings that require interpretation of federal laws, including the Help America Vote Act (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (2002) *codified at* 52 U.S.C. § 20901, *et seq.*, and the National Voter Registration Act (NVRA), Pub. L. No. 103-31, 107 Stat. 77 (1993) *codified at* 52 U.S.C. § 20501, *et seq.*

2. The complaint directly implicates HAVA, the NVRA, the Voting Rights Act, and the Fourteenth Amendment to the United States Constitution.

3. Because the complaint is a civil action bringing 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).

4. The complaint further alleges that Defendants have refused to take certain actions. To the extent Defendants have indeed refused to take certain actions, their refusal was based on their 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).

5. Because Plaintiffs have sought relief for Defendants' 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).

6. Because Plaintiffs have yet to effect service of this complaint on Defendants, this removal notice is timely. 28 U.S.C. § 1446(b).

7. Pursuant to Local Rule 5.3(a)(1), copies of all process and pleadings in Defendants' possession are attached to this petition as separate distinctly titled exhibits. Defendants are also filing in the North Carolina Superior Court for Wake County a notice of removal for each petition, as required by 28 U.S.C. § 1446(d), and have 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, Defendants remove to this Court Civil Action No. 24CV041789-910 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 2nd day of January 2025.

Mary Carla Babb
Special Deputy Attorney General
N.C. State Bar No. 25731
MCBabb@ncdoj.gov

Terence Steed
Special Deputy Attorney General
N.C. State Bar No. 52809
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 Defendants

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 Plaintiffs, if registered, and I have served the document upon opposing counsel by mailing via the US Mail, first class, postage prepaid, addressed as follows:

Phillip J. Strach
phil.strach@nelsonmullins.com
Jordan Koonts
jordan.koonts@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
301 Hillsborough Street
Suite 1400
Raleigh, NC 27603
(919) 329-3800

Counsel for Plaintiffs

This the 2nd day of January, 2025.

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