

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

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,

DEMOCRATIC NATIONAL  
COMMITTEE,

Intervenor-Defendants.

**UNOPPOSED MOTION TO INTERVENE  
BY THE DEMOCRATIC NATIONAL  
COMMITTEE**

The Democratic National Committee ("DNC"), by and through counsel, respectfully moves to intervene in this lawsuit pursuant to Federal Rule of Civil Procedure 24. In support of the Motion, the DNC respectfully shows the Court:

1. This case currently consists of (1) a proceeding pending in the North Carolina state courts, (2) an appeal to the United States Court of Appeals for the Fourth Circuit from this Court's order remanding the case to state court on abstention grounds, and (3) this present matter in which the Defendants have filed a motion for indicative ruling pursuant to Rule 12.1 of the Federal Rules of Appellate Procedure and Rule 60 of the Federal Rules of Civil Procedure.

2. With respect to the first proceeding, the DNC is already an intervenor-defendant. *See* Exhibit A (order allowing the DNC's intervention in Wake County Superior Court). The Wake County Superior Court denied a motion for temporary restraining order and preliminary injunction filed by Plaintiffs, and Plaintiffs have sought review of that determination in the North Carolina appellate courts. In reliance upon *Griffin v. North Carolina Board of Elections et al.*, Nos. 25-1018, 25-1019, 25-1020, 25-1024 (4th Cir. Feb. 4, 2025), the DNC has reserved its rights in that case under *England v. Louisiana State Bd. of Med. Examiners*, 375 U.S. 411 (1964).

3. With respect to the second proceeding, the State Board filed its joint appendix and opening brief in the Fourth Circuit today.

4. In the meantime, the State Board also has filed a motion for an indicative ruling in this Court (DE 24), which the DNC joins in full.

5. In anticipation of potential further proceedings in this Court, the DNC moves to intervene in this case as a matter of right, or in the alternative by permission, to protect its unique interests in North Carolina's 2024 general election (and subsequent elections) being conducted in accordance with North Carolina and federal law.

6. This lawsuit threatens to retroactively disenfranchise and delete the votes of tens of thousands of North Carolinians. Many of these voters belong to the broad coalition of Democrats, Republicans, independents, and third-party voters who cast votes for Democratic candidates in the

November 5, 2024 election. The DNC therefore has a clear interest at stake, the protection of which would be impaired because of the action. Defendants—public officeholders focused on efficient administration of elections—do not share the DNC’s particularized interest in helping Democratic candidates win elections or its members’ particularized interest in ensuring that their votes are each counted.

7. Furthermore, allowing the DNC to intervene in this case will prevent inconsistent rulings, both in the instant proceedings, and in other litigation pending before this Court to which the DNC is a party. *See RNC v. NCSBE*, Case No. 5:24-CV-547-M-RJ (E.D.N.C.).

8. In compliance with Fed. R. Civ. P. 24(c), the DNC submits as Exhibit B the responsive pleading it filed in this case in state court.

9. The DNC conferred with the parties on February 17, 2024. Neither Plaintiffs nor Defendants oppose this Motion.

WHEREFORE, the DNC respectfully requests that the Court grant its motion, allow it to intervene in this matter, and grant such other and further relief as the Court deem just and proper.

Respectfully submitted, this 18th day of February, 2025.

/s/ James W. Whalen

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed using CM/ECF, which electronically served all parties appearing in this lawsuit.

This the 18th day of February, 2025.

/s/ James W. Whalen  
James W. Whalen

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