

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

PATSY J. WISE, REGIS CLIFFORD, CAMILLE ANNETTE BAMBINI, SAMUEL GRAYSON BAUM, DONALD J. TRUMP FOR PRESIDENT INC., U.S. CONGRESSMAN DANIEL BISHOP, U.S. CONGRESSMAN GREGORY F. MURPHY, REPUBLICAN NATIONAL COMMITTEE, NATIONAL REPUBLICAN SENATORIAL COMMITTEE, NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, and NORTH CAROLINA REPUBLICAN PARTY,

*Plaintiffs, vs.*

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as CHAIR OF THE STATE BOARD OF ELECTIONS; STELLA ANDERSON, in her official capacity as SECRETARY OF THE STATE BOARD OF ELECTIONS; JEFF CARMON III, in his official capacity as MEMBER OF THE STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her official capacity as EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS,

*Defendants.*

Civil Action No. 5:20-cv-505

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER**

Plaintiffs Patsy J. Wise, Regis Clifford, Camille Annette Bambini, Samuel Grayson Baum, the Donald J. Trump for President, Inc. (“DJT Committee”), Congressman Daniel Bishop, Congressman Gregory F. Murphy, Republican National Committee (“RNC”), National Republican Senatorial Committee (“NRSC”), National Republican Congressional Committee (“NRCC”), and the North Carolina Republican Party (“NCRP”) respectfully move for a temporary restraining order. The requested order would prevent the Defendant Board of Elections from enforcing or acting on its agreement, described below and entitled “Consent Judgment,” with the plaintiffs in *North Carolina Alliance for Retired Americans v. North Carolina State Board of Elections*, No 20-CVS-8881 (Sup. Ct. Wake Cnty.), as well as enforcement of the Numbered Memos described below, until the Court can hear the motion for preliminary injunction. Plaintiffs also request an expedited hearing to preliminarily enjoin entry of the Consent Judgment and enforcement of the Numbered Memos. Plaintiffs also request that the Court enter an order shortening the time for Defendants to file their opposition from 21 days to 6 days (to **Friday, October 2**), and the time for Plaintiffs to file their reply from 14 days to 3 days (to **Monday, October 5**). Plaintiffs respectfully request that the Court issue a decision as promptly as possible.

In support of their motion, Plaintiffs rely on the memorandum, declarations, and exhibits filed herewith and further state as follows:

1. In an improper and ultra vires backroom deal last week, the BOE and the plaintiffs in *North Carolina Alliance for Retired Americans v. North Carolina State Board of Elections*, No 20-CVS-8881 (Sup. Ct. Wake Cnty.) entered into a purported “Consent Judgment.” The “Consent Judgment” has not been entered by any Court, but has been presented to the Superior Court of Wake County.

2. The intent and effect of the deal is to undermine the North Carolina General Assembly's carefully-considered, balanced structure of election laws, as recently revised in light of the pandemic in HB 1169. For this reason, the deal violates Art. I, § 4 of the Constitution of the United States, which vests exclusive authority to set the time, places, and manner of conducting elections in the General Assembly.

3. The deal illegally and substantially alters absentee voting in North Carolina, which has been underway since September 4. It also threatens imminent and irreparable injury to the Plaintiffs in this case, consisting of voters of this state, candidates running for election in November 2020, political parties, and all other persons vested in the political process.

4. Before filing this Motion for a Temporary Restraining Order, counsel for Plaintiffs have contacted counsel for Defendants by telephone and email.

Dated: September 26, 2020

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of September, 2020, I electronically filed the foregoing document using the court's CM/ECF system and that I have electronically mailed the documents to all non-CM/ECF participants.

/s/ R. Scott Tobin  
R. Scott Tobin