

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

FRANCIS X. DELUCA,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; KIM WESTBROOK STRACH,
in her official capacity as Executive Director of
the State Board; and A. GRANT WHITNEY,
RHONDA K. AMOROSO, JOSHUA D.
MALCOLM, JAMES BAKER, and MAJA
KRICKER, in their official capacities as
members of the State Board of Elections,

Defendants.

No. 5:16-cv-913

MOTION TO INTERVENE AS DEFENDANTS

Pursuant to Federal Rule of Civil Procedure 24, the League of Women Voters of North Carolina, North Carolina A. Philip Randolph Institute, Common Cause North Carolina, Kay Brandon, Sara Stohler, Hugh Stohler, Anthony Mikhail Lobo, Anna Jaquays, and Michael T. Kuykendall (“proposed Defendant-Intervenors”) respectfully submit this Motion to Intervene as Defendants in this action of right or, in the alternative, with permission of the Court. A proposed order is attached to this Motion as Exhibit 1.

As set forth in the accompanying Memorandum in Support of Motion to Intervene as Defendants, proposed Defendant-Intervenors seek to dismiss Plaintiff’s Complaint and oppose any requested court-ordered injunction relating to North Carolina’s same-day registration processes. For the reasons stated in the Memorandum, no such court action is appropriate given the clear ruling of the U.S. Court of Appeals for the Fourth Circuit in *League of Women Voters v.*

North Carolina (“*LWV*”), 831 F.3d 204, 237 (4th Cir. 2016) (reinstating North Carolina’s same-day registration in a Voting Rights Act and equal protection challenge), and no such relief is mandated by the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20501-20511 (making it easier for voters to become registered to vote at their current addresses.). Moreover, proposed Defendant-Intervenors Lobo, Jaquays, and Kuykendall would likely be disenfranchised should Plaintiff obtain the relief he seeks.

Proposed Defendant-Intervenors additionally request that the Court accept as properly filed their Motion to Dismiss, Memorandum in Support of Motion to Dismiss, and Proposed Order on Motion to Dismiss, attached to this Motion as Exhibits 2-4.

On November 23, 2016, Proposed Defendant-Intervenors conferred with Plaintiff’s counsel and Defendants’ counsel. Plaintiff’s counsel indicated they oppose this Motion to Intervene. Defendants’ counsel indicated they do not oppose the Motion to Intervene.

Respectfully submitted this 23rd day of November.

/s/ Allison J. Riggs

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CERTIFICATE OF SERVICE

I certify that on this day I filed the foregoing **Motion to Intervene as Defendants** with the clerk's office via the CM/ECF system, which will send notification of filing to the following counsel of record:

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This the 23rd day of November, 2016.

/s/Allison J. Riggs
Allison J. Riggs

*Counsel for Proposed
Defendant-Intervenors*