

NAACP believes that a significant number of same-day registrants are African-American, and that they will make up a substantial proportion of those voters whose correspondence from county boards of election will have been returned as non-deliverable.

Moreover, the relief sought by Plaintiff will also directly harm the NC NAACP as an organization because it seeks to undermine the rulings of the Fourth Circuit in North Carolina State Conference of NAACP v. McCrory, 831 F.3d 204, 237 (4th Cir. 2016) (reinstating North Carolina's same-day registration based on the Voting Rights Act and on equal protection grounds) and the District Court's decision in North Carolina State Conference of the NAACP v. The North Carolina State Board of Elections, ___ F. Supp. 3d ___, 2016 WL 6581284 (M.D.N.C. Nov. 4, 2016). The NC NAACP was a plaintiff in each of these actions and should have an opportunity to be heard in a proceeding that could impact the effect of those decisions. The NC NAACP has spent valuable time and resources pursuing the relief obtained in those proceedings and is harmed when parties continue to relitigate issues raised and already decided in those cases.

Further, the interests of the NC NAACP will not be protected by the current Defendants. The State Board of Elections and its members were defendants in both cases because of their unwillingness to protect the rights of NC NAACP's membership and the rights of the voters that the organization's members assist. The State Board of Elections' interests in the litigation are not synonymous with those of the NC NAACP, and the NC NAACP cannot be assured that the Board will vigorously argue to protect voters from disenfranchisement.

The NC NAACP additionally requests that the Court accept as properly filed the Declaration of Rev. Dr. William J. Barber II, President of the NC NAACP, attached to this Motion as Exhibit 2.

On November 28, 2016, counsel for NC NAACP conferred with Plaintiff's counsel who indicated that Plaintiff opposes this motion to intervene. Counsel for NC NAACP attempted to confer with Defendants' counsel, but did not receive a response. Counsel for proposed Defendant-Intervenors the League of Women Voters of North Carolina et al. does not object to this motion to intervene.

November 29, 2016

Respectfully submitted,

/s/ Irving Joyner

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*Attorneys for North Carolina State Conference
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Advancement of Colored People*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016, I electronically filed the *Motion to Intervene as a Defendant* with the Clerk of the Court using the ECF, who in turn sent notice to the following:

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Dated: November 29, 2016

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