

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
24CV _____-910

NORTH CAROLINA DEMOCRATIC
PARTY,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS *et al.*,

Defendants.

**EMERGENCY MOTION FOR
PRELIMINARY INJUNCTION OR
EXPEDITED HEARING ON THE
MERITS**

Relief Requested by August 16, 2024

The North Carolina Democratic Party (“NCDP”) moves under North Carolina Rule of Civil Procedure 65(a) for preliminary injunction prohibiting the North Carolina State Board of Elections and its members in their official capacities (collectively, the “Board”) from printing any ballot for the 2024 general election that includes any candidate of the We The People Party of North Carolina (“WTP Party”).

The Democratic Party requests relief by August 16, 2024 to ensure there is sufficient time for the Board to print ballots for the November 5, 2024 general election. North Carolina is the first in the nation to send out absentee ballots. Our state requires that absentee ballots be provided to voters 60 days before the election—by September 6, 2024—unless an exception applies. N.C. Gen. Stat. § 163-227.10(a). This year, the Board is “generally tell[ing] political parties [to finalize their nominees by] mid-August to ensure any names can be added to the ballot, and ballots proofed, printed and distributed.” Kimberly Cataudella Tutuska, *When does the presidential nominee need to be selected to get on NC ballots?*, News & Observer (July 22, 2024) (quoting Board public information director Patrick Gannon), <https://www.newsobserver.com/news/politics-government/article290308599.html>.

In support of this Emergency Motion, the Democratic Party shows the Court as follows:

1. On July 16, 2024, the Board recognized the WTP Party as a new political party under N.C. Gen. Stat. § 163-96.

2. On July 25, 2024, the Democratic Party filed this lawsuit to seek judicial review of that July 16 decision.

3. The Democratic Party alleges in its Verified Complaint and Petition for Judicial Review that the Board's decision to recognize the WTP Party violated North Carolina law by permitting Robert F. Kennedy Jr.—a self-professed independent candidate for president—to circumvent the requirements for achieving ballot access as an unaffiliated candidate.

4. Without an expedited preliminary injunction, the Board and county boards of elections will soon begin printing ballots for the 2024 general election so that the State may distribute ballots to overseas voters.

5. Printing ballots with the names of candidates nominated by a party recognized in violation of North Carolina law will cause immediate and irreparable injury, loss, or damage to the Democratic Party and its members.

6. The balance of equities and public interest favor enjoining the Board from printing any ballot for the 2024 general election that includes any candidate of the WTP Party.

7. Alternatively, the NCDP requests that the Court enter an order providing for an expedited hearing on the merits on or before August 16, 2024.

8. Undersigned counsel certify that the NCDP will give notice to Defendants of this motion on July 25, 2024.

WHEREFORE, the NCDP requests that the Court issue a preliminary injunction prohibiting the Board from printing any ballot for the 2024 general election that includes any

candidate of the WTP Party, or that it enter an order providing for an expedited hearing on the merits.

Dated: July 25, 2024

Respectfully submitted,



Raymond M. Bennett
N.C. State Bar No. 36341
Samuel B. Hartzell
N.C. State Bar No. 49256
Womble Bond Dickinson (US) LLP
555 Fayetteville Street, Suite 1100
Raleigh, NC 27601
(919) 755-2100
Ray.Bennett@wbd-us.com
Sam.Hartzell@wbd-us.com

John R. Wallace
N.C. State Bar No. 7374
Wallace & Nordan LLP
3737 Glenwood Ave, Suite 260
Raleigh, NC 27612
(919) 782-9322
jrwallace@wallacenordan.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon the Defendants to this action by mailing a copy to the following addresses:

North Carolina State Board of Elections
c/o Paul Cox, General Counsel
430 N. Salisbury St., Suite 3128
Raleigh, NC 27603-5918

We The People Party of North Carolina
c/o Ceara Foley, Chair
157 Laurel Loop
Asheville, NC 28806

I hereby further certify that the foregoing was served upon the Defendants to this action by email at the following email addresses:

legal@ncsbe.gov (North Carolina State Board of Elections)
ceara@kennedync.org & ryanrabah@gmail.com (We The People Party of North Carolina)

Dated: July 25, 2024



Raymond M. Bennett