

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

FILED
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SUPERIOR COURT DIVISION

COUNTY OF WAKE

18 CVS _____

BY 

JABARI HOLMES, FRED CULP, DANIEL
E. SMITH, BRENDON JADEN PEAY,
SHAKOYA CARRIE BROWN, and PAUL
KEARNEY, SR.,

Plaintiffs,

v.

TIMOTHY K. MOORE *in his official
capacity as Speaker of the North Carolina
House of Representatives*; PHILLIP E.
BERGER *in his official capacity as President
Pro Tempore of the North Carolina Senate*;
DAVID R. LEWIS, *in his official capacity as
Chairman of the House Select Committee on
Elections for the 2018 Third Extra Session*;
RALPH E. HISE, *in his official capacity as
Chairman of the Senate Select Committee on
Election for the 2018 Third Extra Session*;
THE STATE OF NORTH CAROLINA; and
THE NORTH CAROLINA STATE BOARD
OF ELECTIONS,

Defendants.

**MOTION FOR PRELIMINARY
INJUNCTION**

NOW COME Plaintiffs, by and through counsel, and respectfully move this Court, pursuant to Rule 7(b) and Rule 65 of the North Carolina Rules of Civil Procedure, for entry of an order granting a Preliminary Injunction. Plaintiffs show the Court as follows:

1. This is an action for declaratory and injunctive relief to prevent Defendants from implementing a voter ID law (Senate Bill 824) that would violate numerous provisions of the North Carolina State Constitution that vigorously protect the right to vote. Thousands of North Carolina voters will be unjustifiably burdened and disenfranchised by this

unnecessarily stringent law. Moreover, for years now, North Carolina voters have been told that they do not need a picture ID to vote. Now the State wishes, within months, to change that, and this dramatic alteration to how elections are conducted in the State will create chaos and confusion among poll workers and voters, leading only to further disenfranchisement.

2. The Complaint in this action has been filed contemporaneously with this Motion on this day, December 19, 2018.
3. Plaintiffs have standing to bring this action and to assert the legal claims therein.
4. Plaintiffs seek to enjoin Defendants from implementing in any regard, relying on, enforcing, conducting elections, or preparing to conduct any elections in conformity with the voter ID requirements in Senate Bill 824—specifically Parts I and IV—which went into effect immediately upon the legislature’s override of Governor Cooper’s veto.
5. Because Plaintiffs raise serious concerns about the constitutionality of Senate Bill 824’s voter ID-implementing legislation, Plaintiffs ask that this Court to fully halt any implementation, including voter education or the grossly underfunded mandate on the county boards of elections requiring them to start producing picture IDs, until the constitutionality of the law can be fully resolved.
6. In order to prevent irreparable harm to the Plaintiffs during the pendency of this litigation, it is feasible and necessary to enjoin any and all of the implementation of voter ID-related sections of Senate Bill 824 (Parts I and IV). This law creates an incredibly rushed and inadequately funded process for requiring voters to present an ID to vote in mere months. Recent history demonstrates that election officials will not be able to accomplish this without disenfranchising eligible voters. Further, should the State start to

a requirement that this Court is likely to ultimately deem unconstitutional, voters will be unnecessarily confused. The most prudent, voter-protective course of action is to fully enjoin Parts I and IV of the law pending the resolution of this litigation, and Plaintiffs satisfy all the requirements to support such a judicial action.

7. Plaintiffs are likely to succeed in demonstrating that Senate Bill 824 violates numerous guarantees in the North Carolina State Constitution, including Article I, § 19, Article I, § 10, and Article I, §§ 12 and 14.
8. Absent a preliminary injunction, Plaintiffs are likely to suffer irreparable harm as a result of Defendants' constitutional violations—violations that will infringe on their right to vote and the right to vote of thousands of similarly situated North Carolina voters. They will, at best, be condemned to voting provisionally, and some will be disenfranchised just as they were when a nearly identical law was in place in the March 2016 primaries.
9. Once the requested three- judge panel is appointed, Plaintiffs intend to promptly move for a hearing on this motion.

WHEREFORE Plaintiffs respectfully request that this Court grant their motion for Preliminary Injunction enjoining Defendants from implementing in any regard, relying on, enforcing, conducting elections, or preparing to conduct any elections in conformity with the voter ID provisions of Senate Bill 824, specifically Parts I and IV.

This the 19th day of December, 2018.



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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day submitted a copy of the foregoing Motion for Preliminary Injunction in the above titled action with the Clerk of Superior Court in Wake County, and served the document by mail and electronic mail to the following parties:

Alexander McC. Peters
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This the 19th day of December, 2018.


Allison J. Riggs