

STATE OF NORTH CAROLINA  
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
No. 21 CVS 015426  
No. 21 CVS 500085

NORTH CAROLINA LEAGUE OF  
CONSERVATION VOTERS, INC. et al.,

REBECCA HARPER, et al.,

COMMON CAUSE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his  
official capacity as Chair of the House Standing  
Committee on Redistricting, et al.

Defendants.

**REPLY IN SUPPORT OF  
STATE DEFENDANTS'  
MOTION FOR CLARIFICATION  
OF THE ELECTION SCHEDULE**

NOW COMES Defendants the North Carolina State Board of Elections, its Members, and Executive Director (“State Defendants”), through undersigned counsel, to submit this Reply in response to Legislative Defendants’ Response to the Motion for Clarification of the Election Schedule.

**A. Request to Resume the Candidate Filing Period on February 24, 2022.**

State Defendants have no objection to the court setting dates for the resumption of a candidate filing period when it issues its final order on Tuesday, January 11, 2022. To the extent Legislative Defendants’ response to State Defendants’ motion appears to be based, at least in part, on the assumption that State Defendants require an order setting these dates prior to this Court’s final order, Legislative Defendant’s assumption is mistaken and is not a valid reason to oppose State Defendants’ motion.

State Defendants are aware of no reason related to the administration of orderly elections to set a candidate filing period in January for a primary election in May. Under Legislative Defendants' proposal to open candidate filing a week after this Court's decision, if a party in this case appeals this Court's judgment (which years of litigation history involving North Carolina's electoral districts suggest is a strong possibility here, and which the Supreme Court's December 8 Order contemplates in its notice that any appeal will follow an expedited schedule), then candidates and voters may once again face the possibility of a suspended filing period. A repeat of the suspensions of the candidate filing period would not promote the orderly administration of elections.

Additionally, the State Board's office is inadequate to ensure the health and safety of staff and candidates during candidate filing in the midst of the current rise in COVID-19 cases, and an alternative site would likely need to be identified and secured. As a result, it may be impossible to resume candidate filing on January 18 on such short notice.

**B. Request to Set a Date Certain for a Second Municipal Election in the Absence of a Second Primary.**

State Defendants would welcome the legislature setting a second municipal election date in the absence of a second primary.

However, Legislative Defendants are mistaken that this issue was not previously raised. The undersigned alerted all parties about this particular issue on December 10, 2021. Neither Legislative Defendants nor any member or staff person from the legislature has consulted the State Defendants on this issue or has otherwise suggested that legislation was being considered to address it. As such, State Defendants felt compelled to move this Court for relief under the authority expressly granted to this Court by the Supreme Court's December 8 Order.

Given Legislative Defendants representation that the legislature intends to address the timeline for second municipal elections in the coming weeks, State Defendants withdraw the portion of the motion requesting a date certain for these elections, and will renew the request for guidance at a later time if necessary.

Respectfully submitted this 7th day of January, 2022.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

/s/ Terence Steed

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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing document in the above titled action upon all parties to this cause by via email and addressed as follows:

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This the 7<sup>th</sup> day of January, 2021.

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