

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

PATRICK LLOYD MCCRORY, in his
official capacity as the Governor of North
Carolina, *et al.*,

Defendants.

**PLAINTIFFS' JOINT STATUS
REPORT REGARDING VOTER
PHOTO ID CLAIMS**

Civil Action No. 1:13-cv-658

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, *et al.*,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, *et
al.*,

Defendants.

Civil Action No. 1:13-cv-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, *et
al.*,

Defendants.

Civil Action No. 1:13-cv-861

**PLAINTIFFS' JOINT STATUS REPORT
REGARDING VOTER PHOTO ID CLAIMS**

Pursuant to this Court's June 26, 2015 Order, Plaintiffs file this joint status report on the voter photo identification ("photo ID") claims at issue in this case and a recommendation on how the Court should proceed.¹ *See* ECF No. 282 ¶ 4, 1:13-CV-861.

It remains Plaintiffs' position that the photo ID requirement imposed by SL 2013-381 was enacted with a prohibited purpose and will lead to discriminatory results on minority and young voters, as well as unduly burden the right to vote. Plaintiffs are also concerned about the training, rule-making, and public education surrounding any photo ID requirement that may be implemented, and implementation of the recently enacted Reasonable Impediment Declaration Exception. Nevertheless, based on the recent legislative amendments, Plaintiffs' pending photo ID claims may be able to be resolved through discussions and negotiations with Defendants. To that end, Plaintiffs are finalizing a proposed consent decree to address certain of Plaintiffs' continuing concerns.²

¹ The League of Women Voters Plaintiff group did not bring claims regarding photo ID in federal court. The United States, the NAACP Plaintiff group, and the Duke Plaintiff-Intervenors have claims against North Carolina's photo ID law.

² As stated in our opposition briefs, Plaintiffs do not believe the photo ID claims are moot. *See* ECF No. 318, 319, & 321, 1:13-CV-861. And contrary to Defendants' filing today, ECF No. 344, nothing in the Fifth Circuit's recent decision in *Veasey v. Perry*, 2015 WL 4645642 (Aug. 5, 2015), undermines the continued vitality of these claims as to North Carolina's photo ID provision here. The Fifth Circuit, for example, did not itself decide what would be a proper remedy even for the Texas photo ID under all standards and certainly did not address the proper remedy for a purposefully discriminatory voter ID law, as the question of whether Texas' voter ID law was intentionally discriminatory was remanded for further proceedings.

During the week of August 17, 2015, Plaintiffs will present this proposal to and raise areas of concern with Defendants for the purpose of settlement discussions.

Plaintiffs believe that through a consent decree, Defendants may be able to provide the reassurances needed to resolve the pending claims without further court proceedings and reserve any remaining concerns in a different proceeding, if necessary.

Plaintiffs propose reporting to the Court on the status of these discussions by Friday, September 18, 2015.³

Dated: August 17, 2015

Respectfully submitted,

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³ To the extent the Court rules in the interim on the pending motion to dismiss and if the court concludes that Plaintiffs must amend their pleadings pursuant to Federal Rule of Civil Procedure 15(d) in order to maintain their claims against the photo ID provisions, *see, e.g.*, ECF No. 318, United States' Opposition to Defendants' Motion to Dismiss Voter Photo ID Claims, pp. 16-19 (July 23, 2015), Plaintiffs request that the Court grant Plaintiffs 30 days from the date of its order to file amended pleadings.

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CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on August 17, 2015, I electronically filed the foregoing **Plaintiffs' Joint Status Report Regarding Voter Photo ID Claims**, using the CM/ECF system in case numbers 1:13- cv-658, 1:13- cv-660, and 1:13-cv-861, which will send notification of such filing to all counsel of record.

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General Information

Court	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
Federal Nature of Suit	Civil Rights - Voting[441]
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