

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.

**UNITED STATES' MOTION FOR
A PRELIMINARY INJUNCTION
AND FOR THE APPOINTMENT
OF FEDERAL OBSERVERS**

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

**UNITED STATES' MOTION FOR A PRELIMINARY INJUNCTION
AND FOR THE APPOINTMENT OF FEDERAL OBSERVERS**

Plaintiff United States of America (the “United States”), pursuant to 42 U.S.C. § 1973j(d) and Federal Rule of Civil Procedure 65, moves for entry of a preliminary injunction enjoining the State of North Carolina, the North Carolina State Board of Elections (“SBOE”), and the Executive Director of the SBOE (“Defendants”), from enforcing certain provisions of North Carolina’s House Bill 589 (Session Law 2013-381) (“HB 589”), including (1) the elimination of seven days of voting during the one-stop absentee voting period (“early voting”) (Section 25.1); (2) the elimination of same-day registration during the early voting period (Sections 16.1-16.8); and (3) the prohibition on counting provisional ballots that are cast in the correct county but not in the voter’s assigned precinct (Sections 49.1-49.4) (“the challenged provisions”). The evidence before this Court shows that the challenged provisions of HB 589 violate Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

The United States also moves for an interlocutory order authorizing the appointment of federal observers pursuant to Section 3(a) of the Voting Rights Act, 42 U.S.C. § 1973a(a), based on a determination that the appointment of such observers is necessary to enforce the voting guarantees of the Fourteenth and Fifteenth Amendments. The authorization of federal observers would permit the United States to monitor election procedures and the voting process in the polls.

In support of its motion, the United States asserts that (1) unless enjoined, Defendants will continue to enforce the challenged provisions of HB 589, which were

adopted with the purpose and will have the result of denying or abridging the right to vote on account of race or color in violation of Section 2 of the Voting Rights Act; (2) unless enjoined, the continued implementation of the challenged provisions of HB 589 will irreparably harm African-American voters and deny them the opportunity to participate equally in the political process; (3) the United States' interest in protecting the voting rights of eligible citizens and prohibiting the use of voting practices or procedures that will violate the Voting Rights Act outweighs Defendants' interest in implementation of the challenged provisions in future elections; and (4) enjoining Defendants' enforcement of the challenged provisions will serve the public interest. *See Johnson v. Halifax Cnty.*, 594 F. Supp. 161, 171 (E.D.N.C. 1984); *Dillard v. Crenshaw Cnty.* 640 F. Supp. 1347, 1363 (M.D. Ala. 1986).

The United States files herewith an accompanying Memorandum of Law in Support of its Motion for a Preliminary Injunction and for the Appointment of Federal Observers. In addition, the United States and private plaintiffs in case numbers 1:13-cv-658 and 1:13-cv-660 file an accompanying joint appendix of evidentiary materials. Finally, the United States files a proposed order granting its motion.

Dated: May 19, 2014

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2014, I electronically filed the foregoing **United States' Motion for a Preliminary Injunction and for the Appointment of Federal Observers**, 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.

/s/ Catherine Meza
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