

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 14-1845 (L)  
(1:13-cv-00660-TDS-JEP)  
(1:13-cv-00658-TDS-JEP)  
(1:13-cv-00861-TDS-JEP)

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LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA; A. PHILIP  
RANDOLPH INSTITUTE; UNIFOUR ONESTOP COLLABORATIVE;  
COMMON CAUSE NORTH CAROLINA; GOLDIE WELLS; KAY  
BRANDON; OCTAVIA RAINEY; SARA STOHLER; HUGH STOHLER

Plaintiffs

and

LOUIS M. DUKE; CHARLES M. GRAY; ASGOD BARRANTES;  
JOSUE E. BERDUO; BRIAN M. MILLER; NANCY J. LUND; BECKY  
HURLEY MOCK; MARY-WREN RITCHIE; LYNNE M. WALTER;  
EBONY N. WEST

Intervenors/Plaintiffs – Appellants

v.

STATE OF NORTH CAROLINA; JOSHUA B. HOWARD, in his official  
capacity as a member of the State Board of Elections; RHONDA K.  
AMOROSO, in her official capacity as a member of the State Board of  
Elections; JOSHUA D. MALCOLM, in his official capacity as a member  
of the State Board of Elections; PAUL J. FOLEY, in his official capacity  
as a member of the State Board of Elections; MAJA KRICKER, in her  
official capacity as a member of the State Board of Elections; PATRICK  
L. MCCRORY, in his official capacity as Governor of the state of North  
Carolina

Defendants – Appellees

**APPELLANTS' JOINT MOTION  
FOR ADDITIONAL ORAL ARGUMENT TIME**

Appellants in the three appeals that have been consolidated under docket number 14-1845 (L) (collectively, “Appellants”) jointly move the Court pursuant to Rule 27 of the Federal Rules of Appellate Procedure and Fourth Circuit Local Rule 34(d) for additional oral argument time in the amount of 45 minutes per side, in order for the three separate groups of individual and organizational Appellants (collectively, the “Plaintiff Groups”) to have 15 minutes respectively to present their differing legal arguments. In support whereof, Appellants show the Court as follows:

### **STATEMENT OF FACTS**

The Plaintiff Groups are challenging the constitutionality of numerous voting and election law provisions contained in N.C. Sess. Law 2013-381 (hereinafter “H.B. 589”). The three Plaintiff Groups have sometimes been referred to in this litigation as (1) the “NAACP Plaintiffs”; (2) the “League Plaintiffs”; and (3) the “Duke Intervenors” (or simply “Intervenors”), respectively.<sup>1</sup>

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<sup>1</sup> See Appellants’ Joint Motion for Leave to File Separate Merits Briefs or, in the Alternative, to increase the Page Limit (Doc. 45) for a more detailed factual discussion of the parties and procedural history.

## ARGUMENT

### **I. THE COURT SHOULD GRANT 45 MINUTES OF ORAL ARGUMENT TIME PER SIDE**

Pursuant to Local Rule 34(d), “If counsel believes that more time is needed for oral argument, a written motion setting forth the reasons for additional time and whether the other parties consent must be submitted well in advance of the hearing date.” In the interest of brevity and efficiency, Appellants reincorporate by reference their argument from Appellants’ Joint Motion for Leave to File Separate Merits Briefs or, in the Alternative, to increase the Page Limit (Doc. 45), which details the differences in legal theory, differences as to the aspects of the law (H.B. 589) that are being challenged, and the differing legal issues that the three Plaintiff Groups must respond to in this appeal. Each Plaintiff Group should be afforded enough time to present their unique legal arguments and to respond to the Court’s inquiry as to the Plaintiff Groups’ differing challenges to the constitutionality of H.B. 589.

It is critical to point out that the three Plaintiff Groups have challenged numerous provisions of H.B. 589, on different legal grounds.

For the purposes of this appeal, the NAACP Plaintiffs are focusing on the way in which these provisions violate Section 2 of the Voting Rights Act; the League Plaintiffs are focusing on how the new law places an undue burden on the fundamental right to vote in violation of the Fourteenth Amendment; and the Duke Intervenors assert violations of young people's right to vote under the Fourteenth and Twenty-Sixth Amendments. With each Plaintiff Group focusing on different constitutional and statutory provisions, and, in some instances challenging different aspects of the law in question<sup>2</sup>, the normally allocated 20 minutes per side (*see* Local Rule 34(d)) is insufficient for each Plaintiff Group to adequately represent their position at oral argument. If additional oral argument time is not granted, each Plaintiff Group would have less than seven minutes (including rebuttal) to argue; which is insufficient time for each Plaintiff Group to adequately present their legal argument.

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<sup>2</sup> As a matter of example only, while all Plaintiff Groups are challenging the elimination of one week of early voting, only the League Plaintiffs and Intervenors are challenging the elimination of certain poll hours, while the NAACP Plaintiffs alone are challenging restrictions on poll observers.

The issues in this appeal are crucial to the right to vote of thousands of North Carolinians, in the upcoming election and beyond. Moreover, the necessarily expedited nature of the appeal means that the facts and arguments concerning the errors made below will not be developed as fully in the briefing. Increased oral argument time would assist the Court in having a fruitful discussion of the challenged legislation and the issues in this appeal. Appellants believe that an allotment of 15 minutes per Plaintiff Group (and thus 45 minutes total per side) is appropriate and critical to proper evaluation of the claims presented. Therefore, Appellants urge the Court to grant additional oral argument time to allow 45 minutes per side at oral argument scheduled in this action for September 25, 2014.

**STATEMENT PURSUANT TO  
FOURTH CIRCUIT LOCAL RULE 27(a)**

Counsel for Appellees have been notified of the intended filing of this Motion. Prior to filing this Motion, Appellants' counsel conferred with Appellees' counsel regarding this request for additional oral argument time. Counsel for Appellees advised that they oppose the Motion and do not intend to file a response.

WHEREFORE, Appellants pray that the Court grant the relief requested in this Motion and award such other and further relief as the Court may deem appropriate.

Dated: September 12, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on September 12, 2014, I served a copy of the foregoing Motion, with service to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action, namely:

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