

# EXHIBIT 1

## Proposed Answer of Intervenor-Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

JUDICIAL WATCH, INC.,

Plaintiff,

v.

NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; KAREN BRINSON BELL, in her capacity as the Executive Director of the North Carolina State Board of Elections; THE MECKLENBURG COUNTY BOARD OF ELECTIONS; MICHAEL G. DICKERSON, in his official capacity as the Director of Elections for Mecklenburg County; CAROL HILL WILLIAMS, in her capacity as the Chair of the Mecklenburg County Board of Elections; THE GUILFORD COUNTY BOARD OF ELECTIONS; CHARLIE COLLICUTT, in his official capacity as Director of Elections for Guilford County; and HORACE KIMEL, JR., in his capacity as Chair of the Guilford County Board of Elections,

Defendants, and

THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA AND THE NORTH CAROLINA A. PHILIP RANDOLPH INSTITUTE,

Defendant-Intervenors.

Civil Action No. 3:20-cv-211

**[PROPOSED] ANSWER OF DEFENDANT-INTERVENORS THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA AND THE NORTH CAROLINA A. PHILIP RANDOLPH INSTITUTE**

The League of Women Voters of North Carolina and the North Carolina A. Philip Randolph Institute (“Defendant-Intervenors”), by and through counsel, respectfully file this Answer in response to Plaintiff’s Complaint (Dkt. No. 1).

**FIRST DEFENSE**

**(Failure to State a Claim)**

For and as a first defense, Plaintiff's Complaint fails to state a claim upon which relief can be granted under Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507. Specifically, Plaintiff's Complaint fails to establish that Defendants have failed to comply in any way with Section 8 of the NVRA pertaining to list maintenance.

**SECOND DEFENSE**

**(Standing)**

For and as a second defense, Plaintiff's Complaint fails to establish Article III standing to bring an action under Section 8 of the NVRA. Specifically, Plaintiff's Complaint fails to establish the Defendants violated prohibitions outlined under Section 8 of the NVRA in a manner that caused injury to Plaintiff that may be remedied by a favorable decision.

**ANSWER TO COMPLAINT**

Answering the specific allegations in Plaintiff's Complaint, Defendant-Intervenors admit, deny, and allege as follows:

1. Paragraph 1 states Plaintiff's request for relief and, as such, no response is required. To the extent a response is appropriate, it is denied that Defendants have violated the NVRA with respect to their voter list maintenance obligations and, as such, it is denied that Plaintiff has need for an adequate remedy at law under the NVRA with respect to Defendants' voter list maintenance obligations.
2. It is admitted that the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 52 U.S.C. § 20510(b)(2).
3. It is admitted the venue is proper in this District pursuant to 28 U.S.C. § 1391(b).
4. Defendant-Intervenors lack knowledge or information sufficient to form a belief about

the truth of the allegations in Paragraph 4 and the allegations are denied on that basis.

5. It is admitted that Defendant State of North Carolina is a “State” subject to the requirements of the NVRA.
6. The allegations in Paragraph 6 are admitted.
7. The allegations in Paragraph 7 are admitted.
8. The allegations in Paragraph 8 are admitted.
9. The allegations in Paragraph 9 are admitted.
10. The allegations in Paragraph 10 are admitted.
11. The allegations in Paragraph 11 are admitted.
12. The allegations in Paragraph 12 are admitted.
13. The allegations in Paragraph 13 are admitted.
14. Paragraph 14 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 14.
15. Paragraph 15 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 15.
16. Paragraph 16 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 16.
17. Paragraph 17 cites provisions of North Carolina state law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 17.
18. Paragraph 18 cites a federal regulation that speaks for itself. Defendant-Intervenors deny all other allegations contained in Paragraph 18, particularly because the remaining allegations in Paragraph 18 lack specificity as to what “list-maintenance-related documents” are referenced, and thus Defendant-Intervenors are unable to assess the accuracy of these allegations, which are denied on this basis.

19. Paragraph 19 cites provisions of federal and state law, which speak for themselves.  
Defendant-Intervenors deny all other allegations contained in Paragraph 19.
20. Paragraph 20 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 20.
21. Paragraph 21 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 21.
22. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 22, and the allegations are denied on that basis.
23. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23, and the allegations are denied on that basis.
24. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 24, and the allegations are denied on that basis.
25. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 25, and the allegations are denied on that basis.
26. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 26, and the allegations are denied on that basis.
27. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 27, and the allegations are denied on that basis.
28. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 28, and the allegations are denied on that basis.
29. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 29, and the allegations are denied on that basis.
30. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 30, and the allegations are denied on that basis.

31. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31, and the allegations are denied on that basis.
32. Paragraph 32 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 32.
33. Paragraph 33 cites provisions of federal law, which speak for themselves. Defendant-Intervenors deny all other allegations contained in Paragraph 33.
34. The allegations in Paragraph 34 describe a publicly-available document that speaks for itself, and therefore no response is required. To the extent a response is appropriate, the allegations in Paragraph 34 are admitted.
35. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35, and the allegations are denied on that basis.
36. The allegations in Paragraph 36 are denied.
37. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 37, and the allegations are denied on that basis.
38. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 38, and the allegations are denied on that basis.
39. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39, and the allegations are denied on that basis.
40. The allegations in Paragraph 40 constitute Plaintiff's legal conclusions and thus require no response. To the extent that a response is appropriate, the allegations are denied.
41. It is admitted that voters with inactive registrations may still vote on Election Day and are thus properly counted as part of a county's voter registration list.
42. The allegations in Paragraph 42 are denied.
43. The allegations in Paragraph 43 are denied.

44. The allegations in Paragraph 44 are denied.
45. The allegation that “the numbers of inactive registrations in Mecklenburg County and Guilford County and throughout North Carolina were abnormally high” is denied.  
Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 45, and the allegations are denied on that basis.
46. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46, and the allegations are denied on that basis.
47. Defendant-Intervenors deny the allegation in Paragraph 47 that there were “abnormally high registration and inactive registration rates in Mecklenburg County and Guilford County.” Defendant-Intervenors lack knowledge or information sufficient to form a belief about Plaintiff’s conclusions or efforts, and these allegations in Paragraph 47 are denied on that basis.
48. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 48, and these allegations are denied on that basis.
49. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 49, and these allegations are denied on that basis.
50. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 50, and these allegations are denied on that basis.
51. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 51, and these allegations are denied on that basis.
52. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 52, and these allegations are denied on that basis.
53. Defendant-Intervenors lack knowledge or information sufficient to form a belief about

- the truth of the allegations in Paragraph 53, and these allegations are denied on that basis.
54. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 54, and these allegations are denied on that basis.
55. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 55, and these allegations are denied on that basis.
56. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 56, and these allegations are denied on that basis.
57. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 57, and these allegations are denied on that basis.
58. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 58 regarding Plaintiff's "further investigations." Upon information and belief, Defendant-Intervenors deny that the State Board has adopted the practices alleged in Paragraph 58. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in the Paragraph regarding the "practice adopted by the State Board," which is not specified, and deny the allegations regarding this alleged "practice" on that basis. Additionally, the allegations in Paragraph 58 regarding the State Board's "practice" constitute Plaintiff's legal conclusions requiring no response and, if a response is necessary, are denied further on that basis.
59. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 59, and these allegations are denied on that basis.
60. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 60 regarding Plaintiff's unspecified "further investigations" and the registration rates for Mecklenburg County at unspecified "various



times,” and these allegations are denied on that basis. It is further denied that the Mecklenburg County registration rate “remains abnormally high.”

61. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61 regarding Plaintiff’s unspecified further investigations as described in Paragraph 60 and the registration rates for Guilford County at unspecified “various times,” and these allegations are denied on that basis. It is further denied that the Guilford County registration rate “remains abnormally high.”
62. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62 regarding Plaintiff’s activities and expenses, and the allegations are denied on that basis.
63. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 63 regarding Plaintiff’s activities and expenses, and the allegations are denied on that basis.
64. It is admitted that lawfully registered voters have a Constitutional right to vote in state elections, including elections of federal office, as well as a statutory right to safeguards and protections set forth in the NVRA. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 64 regarding whether Judicial Watch has members in Mecklenburg or Guilford Counties or in North Carolina, or whether those alleged members are lawfully registered to vote, and these allegations are denied on that basis.
65. It is denied that Defendants have failed to comply with their NVRA voter list maintenance obligations and that this has burdened the constitutional right to vote of Judicial Watch members who are lawfully registered to vote in Mecklenburg County, Guilford County, and throughout North Carolina. Defendant-Intervenors lack knowledge

or information sufficient to form a belief about the truth of the remaining allegations regarding the mental feelings and impressions of Judicial Watch members, and deny these allegations on that basis.

66. The allegation in Paragraph 66 that Defendants have failed to comply with their NVRA voter list maintenance obligations, and that this has burdened the statutory rights of Judicial Watch members, is denied. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66 regarding whether Judicial Watch has members in Mecklenburg or Guilford Counties or in North Carolina, or whether those alleged members are lawfully registered to vote, and these allegations are denied on that basis. The allegation in Paragraph 66 that Judicial Watch's alleged members "have a statutory right to vote in elections for federal office that comply with the procedures and protections required by the NVRA" constitutes Plaintiff's legal conclusion requiring no response; to the extent a response is required, the allegation is denied.

67. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67.

68. The allegations in Paragraph 68 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 68.

69. Defendant-Intervenors lack knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 69.

### **COUNT I**

70. In response to Paragraph 70, Defendant-Intervenors re-allege and incorporate by reference, as if fully set forth herein, their responses to Paragraphs 1-69.

71. The allegations in Paragraph 71 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 71.
72. The allegations in Paragraph 72 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 72.
73. The allegations in Paragraph 73 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 73.
74. The allegation in Paragraph 74 constitutes a legal conclusion requiring no response and is denied on that basis.
75. The allegation in Paragraph 75 constitutes a legal conclusion requiring no response and is denied on that basis.

## **COUNT II**

76. In response to Paragraph 76, Defendant-Intervenors re-allege and incorporate by reference, as if fully set forth herein, their responses to Paragraphs 1-75.
77. The allegations in Paragraph 77 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 77.
78. The allegations in Paragraph 78 constitute legal conclusions requiring no response and are denied on that basis. Defendant-Intervenors deny all other allegations contained in Paragraph 78.
79. The allegation in Paragraph 79 constitutes a legal conclusion requiring no response and is denied on that basis.

**Prayer for Relief**

WHEREFORE, Defendant-Intervenors The League of Women Voters of North Carolina and the North Carolina A. Philip Randolph Institute respectfully request that this Court:

- 1) Deny all relief requested by Plaintiff with respect to Count I of its Complaint and in its Prayer for Relief, inclusive of Prayer for Relief subparagraphs (a)-(c), and enter judgment in favor of Defendants and Defendant-Intervenors;
- 2) Award such further relief as the Court deems just and proper.

Dated: April 21, 2020

Respectfully submitted,

/s/ Allison Riggs

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*\*Pro hac vice application forthcoming*

**CERTIFICATE OF SERVICE**

I certify that on the 21st day of April, 2020 the foregoing THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA AND THE NORTH CAROLINA A. PHILIP RANDOLPH INSTITUTE'S PROPOSED ANSWER OF DEFENDANT-INTERVENORS THE LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA AND THE NORTH CAROLINA A. PHILIP RANDOLPH INSTITUTE was filed via the Court's CM/ECF filing system, which will send a notification of filing to all counsels of record as indicated in the attached Service List. Counsel for Defendants Mecklenburg County Board of Elections, Michael G. Dickerson, and Carol Hill Williams has agreed to accept service by electronic mail on behalf of these defendants for this exhibit, and was served with the aforementioned documents via electronic mail as indicated in the attached Service List. Plaintiff's Counsel H. Christopher Coates has agreed to accept service by electronic mail and was served with the aforementioned documents via electronic mail as indicated in the attached Service List.

*/s/ Allison J. Riggs*  
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