

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

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

Plaintiffs,)

v.)

Case No.: 1:13-CV-658

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

Defendants.)

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

Plaintiffs,)

and)

LOUIS M. DUKE, et al.,)

Plaintiffs-Intervenors,)

Case No.: 1:13-CV-660

v.)

THE STATE OF NORTH CAROLINA, et al.,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiffs,)

v.)

Case No.: 1:13-CV-861

THE STATE OF NORTH CAROLINA, et al,)

Defendants.)

EMERGENCY MOTION TO ENFORCE THE INJUNCTION

The Duke Intervenor Plaintiffs (“Plaintiffs”) respectfully move on an emergency basis for an order requiring the North Carolina State Board of Elections (“SBOE”) to comply with this Court’s July 29, 2016 judgment and permanent injunction (Dkt. 429) (“Order”) by modifying the early voting plans in Nash, New Hanover, Mecklenburg, Guilford, and Forsyth County. SBOE recently approved early vote plans in these counties that restrict early voting opportunities for North Carolina citizens—particularly African Americans—in violation of this Court’s Order and the appellate court’s decision in *NAACP, et al. v. McCrory, et al.*, Nos. 16-1468, 16-1469, 16-1474, 161529, 2016 WL 4053033 (4th Cir. July 29, 2016). In the event that the Court deems it necessary to issue an order of contempt to grant the requested relief, Plaintiffs also move for an order to show cause why SBOE should not be held in civil contempt for its violation of this Court’s Order.

This motion is based upon the accompanying memorandum of law, declarations and exhibits, which address all necessary elements for the entry of the requested orders. Plaintiffs respectfully request that the Court consider this motion on an expedited basis, without oral argument. Given that early voting in North Carolina begins on October 20, 2016, it is essential that this motion be resolved as expeditiously as possible. Thus, Plaintiffs respectfully request a ruling by October 7.

Dated: October 1, 2016.

Respectfully submitted,

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**appearing pursuant to Local Rule 83.1(d)*

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2016, I electronically filed the foregoing **EMERGENCY MOTION TO ENFORCE THE INJUNCTION**, 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/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.

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**[PROPOSED] ORDER GRANTING EMERGENCY MOTION TO ENFORCE
THE INJUNCTION**

This matter comes before the Court on the Intervenor-Plaintiffs' Emergency Motion to Enforce the Injunction and Show Cause (Dkt. 461). The Court has considered the papers submitted by the parties and the supporting evidence and hereby finds that the North Carolina State Board of Elections ("SBOE") violated this Court's July 29, 2016 judgment and permanent injunction (Dkt. 429) ("Order") when it approved early voting plans in Nash, New Hanover, Mecklenburg, Guilford, and Forsyth Counties that run contrary to the terms of the injunction and *NAACP, et al. v. McCrory, et al.*, Nos. 16-1468, 16-1469, 16-1474, 161529, 2016 WL 4053033 (4th Cir. July 29, 2016).

Accordingly, the Motion to Enforce the Injunction is hereby GRANTED and SBOE is ordered to ensure that the challenged early voting plans are promptly modified to bring them into compliance with the terms of the Court's Order as follows:

- Nash County: The Nash County plan must be modified to allow for early voting at the Braswell Memorial Library in Rocky Mount during the first seven days of the early voting period.
- New Hanover County: The New Hanover County plan must be modified to allow for early voting on Sunday.
- Mecklenburg County: The Mecklenburg County plan must be modified to extend early voting on the last Saturday of the early voting period until 5:00 p.m.
- Guilford County: The Guilford County plan must be modified to allow for early voting to take place in more than one location during the first week of early voting and, in a sufficient number of locations to adequately serve Guilford County voters, but in any case no less than the number of locations available for voters in 2012, and including those locations that were heavily used by African-American voters as

evidenced by the materials submitted by Plaintiffs in support of their motion.

- Forsyth County: The Forsyth County plan must be modified to (1) allow for early voting to take place on the same Sundays and for the same number of hours that it was provided in 2012; (2) provide more than one location during the first week of early voting such that, based on expected turnout of the current population and historical use of early voting in the County, there are sufficient locations to avoid the significant lines experienced by Forsyth County voters during the first week of early voting in past elections; and (3) provide for early voting at the Anderson Center on the Winston-Salem State University Campus.

Date: _____, 2016.

THE HONORABLE THOMAS D. SCHROEDER
UNITED STATES DISTRICT COURT JUDGE