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

SHAUNA WILLIAMS, et al., Plaintiffs, v. REPRESENTATIVE DESTIN HALL, et al., Defendants.	Case No. 1:23-cv-01057
NORTH CAROLINA STATE CONFERENCE OF THE NAACP, et al., Plaintiffs, v. PHILIP BERGER, et al., Defendants.	Case No. 1:23-cv-01104

STATE BOARD DEFENDANT'S TRIAL BRIEF

Pursuant to the Court's May 23, 2024 Notice Setting a Bench Trial (Doc. 50) and May 15, 2025 Order (Doc. 115), Defendants, the North Carolina State Board Elections, and Francis X. De Luca, Stacy Eggers, IV, Jeff Carmon, III, Siobhan O'Duffy Millen, and Robert Rucho[1] named in their official capacities ("State Board"

[1] Pursuant to Fed. R. Civ. P. 25(d), the following official capacity members of the State Board are no longer parties to this action as their terms expired on April 30, 2025 and they were not reappointed: Alan Hirsch and Kevin N. Lewis. The following official capacity members of the State Board were sworn in on May 7, 2025 and are automatically substituted into this action as parties: Francis X. De

or "State Board Defendants"), hereby submit their Trial Brief for the trial set to begin in the above-captioned matters on June 16, 2025.

State Board Defendants take no position on the merits of Plaintiffs' claims in this action. *See* N.C.G.S. § 163-22(q). Rather, this filing is provided to generally inform the Court and the parties about the schedule for the upcoming 2026 elections and related administrative considerations. Should additional information be required, the State Board stands ready to provide same to the Court upon request.

2026 ELECTIONS SCHEDULE

In this case, the consolidated plaintiffs are challenging portions of North Carolina's 2023 House, Senate, and Congressional redistricting plans ahead of the 2026 primary and general elections. Candidate filing for the 2026 statewide primary election will begin at noon on December 1, 2025, and end at noon on December 19, 2025. *See* N.C.G.S. § 163-106.2(a). Absentee ballots for the primary will be distributed on January 13, 2026, fifty days ahead of the March 3, 2026 primary. N.C.G.S. §§ 163-227.10(a) and -258.9; *see also* 52 U.S.C. § 20302(a)(8) (federal law also requires the distribution of timely-requested ballots to military and overseas citizens no later than 45 days before election day). As soon as the candidate filing period is completed on December 19, 2025, the State Board and county boards begin numerous tasks that are necessary to prepare and proof the official ballots, to have certified vendors print

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Luca and Robert Rucho. *See* State Board's May 7, 2025 Press Release, "New State Board Sworn In, Chairman Election, Executive Director Appointed, https://www.ncsbe.gov/news/press-releases/2025/05/07/new-state-board-sworn-chairman-elected-executive-director-appointed, last visited May 19, 2025.

and deliver those ballots to the county board offices, and to have county board staff create outgoing absentee ballot packages for each eligible absentee ballot requester. *See* N.C.G.S. §§ 163-165.3, -229, -230.1(a1) & (c); *see also* 08 NCAC 06B .0103.

If changes to the current district maps are made as a result of this litigation, the impact on the elections calendar will depend on the scope and timing of such an order. To accommodate changes to the current maps without delaying any administrative dates or deadlines for ballot preparation and distribution for the March 2026 primary, the State Board would need to receive the new map by December 1, 2025, which is approximately six weeks (38-42 days) before absentee voting is set to begin for the March 2026 primary. This would allow the State Board and county boards to timely complete the necessary administrative reassignment of voters to new districts, which would take approximately 17-21 days including holidays and weekends, and to ensure that all ballot styles (*i.e.*, the versions of a ballot within a county that contain the combinations of contests each voter is eligible to vote) are generated, proofed, and printed, which would take approximately an additional 21 days, in time to meet the January 2026 absentee ballot distribution deadline. If new maps are received after candidate filing has begun, then filing would necessarily be shortened for candidates in any affected contests.

CONCLUSION

As stated above, the State Board Defendants take no position on the merits but stand ready to provide any and all additional information required by the Court regarding the election schedule, relevant deadlines, and practical administrative

considerations

Respectfully submitted this the 27th day of May, 2025.

JEFF JACKSON
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CERTIFICATE OF SERVICE

I, Mary L. Lucasse, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 27th day of May 2025.

/s/ Mary L. Lucasse
Mary L. Lucasse
Special Deputy Attorney General