

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

ACTION NC, DEMOCRACY NORTH )  
CAROLINA, NORTH CAROLINA A. )  
PHILIP RANDOLPH INSTITUTE, SHERRY )  
DENISE HOLVERSON, ISABEL NAJERA, )  
AND ALEXANDRIA MARIE LANE, )

Plaintiffs, )

v. )

1:15-cv-1063

KIM WESTBROOK STRACH, RICK )  
BRAJER, KELLY THOMAS, AND NICK )  
TENNYSON, )

Defendants. )

**ORDER FOR PRELIMINARY INJUNCTION**

Before the Court is Plaintiffs’ Motion for Preliminary Injunction (ECF No. 34) filed by Action NC, Democracy North Carolina, North Carolina A. Philip Randolph Institute, Sherry Denise Holverson, Isabel Najera, and Alexandria Marie Lane.

For the reasons, including this Court’s Findings of Fact and Conclusions of Law, as set forth in the Memorandum Opinion filed contemporaneously with this Order, which Opinion is incorporated herein as if fully set forth,

**IT IS ORDERED** that Plaintiffs’ Motion for Preliminary Injunction (ECF No. 34) is GRANTED IN PART and DENIED IN PART.

**IT IS FURTHER ORDERED** that Defendant Strach shall issue a directive within five (5) days of the entry of this Order to all North Carolina county boards of election. The

directive shall direct each county board of elections within the state to treat as registered to vote any voter who satisfies the following criteria:

1. the voter has completed a covered transaction at DMV following DMV's institution of its 2015 declination policy requiring that declinations be in writing,<sup>1</sup> **and** the covered transaction took place before the state's voter registration deadline;<sup>2</sup>
2. the voter casts a provisional ballot on November 8, 2016, attesting that he or she submitted a voter registration application to DMV or updated his or her address at DMV;
3. the relevant county board of elections, in addition to confirming that a covered transaction took place after DMV implemented its 2015 declination policy, **shall also request** that DMV provide any written declination of voter registration with respect to that voter; and
4. if for any reason, DMV fails to produce such written declination **and** the voter satisfies all other criteria under state and federal law to qualify as a registered voter, that voter shall be deemed registered to vote in the November 8, 2016 General Election.

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<sup>1</sup> (ECF No. 107-3 at 46:5–48:25; ECF No. 69-1 ¶¶ 9–10.)

<sup>2</sup> North Carolina's voter registration deadline is 25 days before an election. N.C. Gen. Stat. § 163-82.6(c). This year that day fell on October 14, 2016. However, 36 counties in eastern North Carolina had their registration deadline extended to October 19, 2016, due to the effects of Hurricane Matthew. See *North Carolina State Board of Elections*, available at <http://ncsbe2.azurewebsites.net/> (last visited Oct. 26, 2016).

**IT IS FURTHER ORDERED** Defendants Thomas and Tennyson shall make available any written declination requested by any county board of elections in this state.

**IT IS FURTHER ORDERED** that Defendants Strach, Thomas, and Tennyson shall take all reasonable steps necessary to effectuate this Court's Order.

**IT IS FURTHER ORDERED** that Defendant Strach's Motion to Strike Plaintiffs' Notice and Additional Declarations (ECF No. 116) is DENIED.

**IT IS FURTHER ORDERED** that Defendant Strach's Objection to the Notice of Amended Proposed Order (ECF No. 111) is SUSTAINED, in that Plaintiffs' Amended Proposed Order will not be considered by the Court.

This, the 27<sup>th</sup> day of October, 2016.

/s/ Loretta C. Biggs  
United States District Judge