

SUPREME COURT OF NORTH CAROLINA

\*\*\*\*\*

REBECCA HARPER; AMY CLARE )  
 OSEROFF; DONALD RUMPH; JOHN )  
 ANTHONY BALLA; RICHARD R. CREWS; )  
 LILY NICOLE QUICK; GETTYS COHEN, )  
 JR.; SHAWN RUSH; JACKSON THOMAS )  
 DUNN, JR.; MARK S. PETERS; KATHLEEN )  
 BARNES; VIRGINIA WALTERS BRIEN; and )  
 DAVID DWIGHT BROWN )

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his )  
 official capacity as Chair of the House )  
 Standing Committee on Redistricting; )  
 SENATOR WARREN DANIEL, in his official )  
 capacity as Co-Chair of the Senate Standing )  
 Committee on Redistricting and Elections; )  
 SENATOR RALPH HISE, in his official )  
 capacity as Co-Chair of the Senate Standing )  
 Committee on Redistricting and )  
 Elections; SENATOR PAUL NEWTON, in his )  
 official capacity as Co-Chair of the Senate )  
 Standing Committee on Redistricting and )  
 Elections; SPEAKER OF THE NORTH )  
 CAROLINA HOUSE OF )  
 REPRESENTATIVES, TIMOTHY K. )  
 MOORE; PRESIDENT PRO TEMPORE OF )  
 THE NORTH CAROLINA SENATE, PHILIP )  
 E. BERGER; THE NORTH CAROLINA )  
 STATE BOARD OF ELECTIONS; and )  
 DAMON CIRCOSTA, in his official capacity )

Defendants.

NORTH CAROLINA LEAGUE OF )  
CONSERVATION VOTERS, INC.; HENRY )  
M. MICHAUX, JR.; DANDRIELLE LEWIS; )  
TIMOTHY CHARTIER; TALIA FERNÓS; )  
KATHERINE NEWHALL; R. JASON )  
PARSLEY ; EDNA SCOTT ; ROBERTA )  
SCOTT ; YVETTE ROBERTS; JEREANN )  
KING JOHNSON; REVEREND REGINALD )  
WELLS; YARBROUGH WILLIAMS, JR.; )  
REVEREND DELORIS L. JERMAN; VIOLA )  
RYALS FIGUEROA; and COSMOS GEORGE )

Plaintiffs, )

v. )

REPRESENTATIVE DESTIN HALL, in his )  
official capacity as Chair of the House )  
Standing Committee on Redistricting; )  
SENATOR WARREN DANIEL, in his official )  
capacity as Co-Chair of the Senate Standing )  
Committee on Redistricting and Elections; )  
SENATOR RALPH E. HISE, JR., in his of )  
ficial capacity as Co-Chair of the Senate )  
Standing Committee on Redistricting and )  
Elections; SENATOR PAUL NEWTON, in )  
his official capacity as Co-Chair of the Senate )  
Standing Committee on Redistricting and )  
Elections; REPRESENTATIVE TIMOTHY )  
K. MOORE, in his official capacity as Speaker )  
of the North Carolina House of )  
Representatives; SENATOR PHILIP E. )  
BERGER, in his official capacity as President )  
Pro Tempore of the North Carolina Senate; )  
THE STATE OF NORTH CAROLINA; THE )  
NORTH CAROLINA STATE BOARD OF )  
ELECTIONS; DAMON CIRCOSTA, in his )  
official capacity as Chairman of the North )  
Carolina State Board of Elections; STELLA )  
ANDERSON, in her official capacity as )  
Secretary of the North Carolina State Board )  
of Elections; JEFF CARMON III, in his )  
official capacity as Member of the North )

Carolina State Board of Elections; STACY )  
 EGGERS IV , in his official capacity as )  
 Member of the North Carolina State Board of )  
 Elections; TOMMY TUCKER, in his of ficial )  
 capacity as Member of the North Carolina )  
 State Board of Elections; and KAREN )  
 BRINSON BELL, in her official capacity as )  
 Executive Director of the North Carolina )  
 State Board of Elections )

\* \* \* \* \*

ORDER

Plaintiffs’ Petitions for Discretionary Review Prior to Determination by the Court of Appeals, Motion to Suspend Appellate Rules to Expedite a Decision, and Motion to Suspend Appellate Rules and Expedite Schedule, filed in these consolidated cases on 6 December 2021 are allowed as follows:

In light of the great public interest in the subject matter of these cases, the importance of the issues to the constitutional jurisprudence of this State, and the need for urgency in reaching a final resolution on the merits at the earliest possible opportunity, the Court grants a preliminary injunction and temporarily stays the candidate-filing period for the 2022 elections for all offices until such time as a final judgment on the merits of plaintiffs’ claims, including any appeals, is entered and a remedy, if any is required, has been ordered.

1. Defendants are hereby enjoined from conducting elections for any public offices in the state on Tuesday, March 8, 2022 and, consistent with the response and affidavit

of the North Carolina State Board of Elections, defendants instead are directed to hold primaries for all offices on Tuesday, May 17, 2022. The trial court is authorized to issue any orders necessary to accomplish the resulting changes in the election schedule, including implementing shortened filing periods and other administrative adjustments.

2. Any individual who has already filed to run for public office in 2022 and whose filing has been accepted by the appropriate board of elections, will be deemed to have filed for the same office under the new election schedule for the May 2022 primary unless they provide timely notice of withdrawal of their candidacy to the board of elections during the newly-established filing period; and except to the extent that a remedy in this matter, if any, impacts a candidate's eligibility to hold the office for which they have currently filed. Any individual who has properly withdrawn their candidacy is free to file for any other office for which they may be eligible during the reopened filing period.

3. The trial court is directed to hold proceedings necessary to reach a ruling on the merits of plaintiffs' claims and to provide a written ruling on or before Tuesday, January 11, 2022.

4. Any party wishing to appeal the trial court's ruling must file a Notice of Appeal within two business days of the trial court's ruling, exclusive of weekends and holidays, in the trial court and with this Court, and should expect that an expedited briefing and hearing schedule in this Court will commence immediately thereafter.

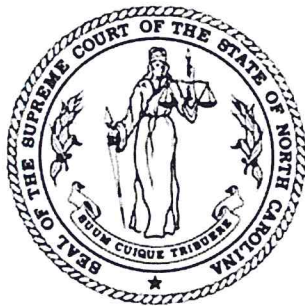
The Petition for Writ of Supersedeas and Motion for Temporary Stay are dismissed as moot.

By order of the Court in Conference, this the 8th day of December, 2021.

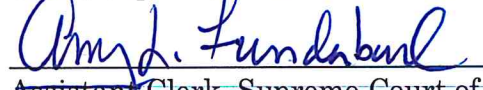


For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 8th day of December, 2021.



AMY L. FUNDERBURK  
Clerk, Supreme Court of North Carolina

  
Assistant Clerk, Supreme Court of  
North Carolina

Copy to:

North Carolina Court of Appeals

Mr. Narendra K. Ghosh, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Terence Steed, Assistant Attorney General, For State Board of Elections, et al. - (By Email)

Mr. Amar Majmundar, Senior Deputy Attorney General, For State Board of Elections, et al. - (By Email)

Ms. Stephanie A. Brennan, Special Deputy Attorney General, For State Board of Elections, et al. - (By Email)

Mr. Burton Craige, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Paul E. Smith, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Phillip J. Strach, Attorney at Law, For Hall, Destin, et al. - (By Email)

Ms. Alyssa Riggins, Attorney at Law, For Hall, Destin, et al. - (By Email)

Mr. John E. Branch, III, Attorney at Law, For Hall, Destin, et al. - (By Email)

Mr. Thomas A. Farr, Attorney at law, For Hall, Destin, et al. - (By Email)

Mr. Stephen D. Feldman, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Adam K. Doerr, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Erik R. Zimmerman, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Ryan Y. Park, Solicitor General, For Gov. Cooper and AG Stein - (By Email)

Mr. James W. Doggett, Deputy Solicitor General, For Gov. Cooper and AG Stein - (By Email)

Mr. Zachary W. Ezor, Solicitor General Fellow, For Gov. Cooper and AG Stein - (By Email)

Ms. Kellie Z. Myers, Trial Court Administrator - (By Email)  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)

---