

NORTH CAROLINA COURT OF APPEALS

JEFFERSON GRIFFIN,

Petitioner-Appellant,

v.

NORTH CAROLINA STATE BOARD
OF ELECTIONS,

Respondent-Appellee,

and

ALLISON RIGGS,

Intervenor-Respondent-
Appellee.

From Wake County
No. 24CV040619-910
No. 24CV040620-910
No. 24CV040622-910

**BRIEF OF AMICI CURIAE U.S. VOTE FOUNDATION, ASSOCIATION
OF AMERICANS RESIDENT OVERSEAS, AND IMPACTED VOTERS
LINDA K. BERKELEY, NIKITA BERRY, COLIN BEVERIDGE,
ROBERT JOHN BRIGHTWELL, KAREN BRIGHTWELL, AND
NICHOLAS AHMED DE LACZKOVICH-SIDDIQI, IN SUPPORT OF
RESPONDENT-APPELLEES**

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INTRODUCTION¹

Legitimate political power is derived solely from the will of the people. Their voice is the very foundation of our democracy. Here, under the guise of “election integrity,” Petitioner seeks to selectively silence these voices for his political gain. Among those he targets are military and overseas voters who jumped through every hoop required of them to cast a ballot.

Amici seek to amplify those voices. They include voters like Karen Brightwell, a public school teacher from Durham living in New Zealand, who has voted from abroad in every North Carolina election since 2012 without issue.² And Nikita Berry, a technology consultant from Winston-Salem living in Canada, who hopes to move back home when life allows.³ And Colin Beveridge, a retiree from Asheville currently traveling the world who returns to North Carolina every summer and looks forward to moving back for his golden years. These voters and hundreds of other members of Amici organizations diligently voted from abroad in the 2024 general election.

These are not just names on a list. They are American citizens and North Carolinians. They bank with SECU. They read the *News & Observer*. They

¹ No person or entity other than amici, their members, and their counsel wrote any part of this brief or contributed any money to support the brief’s preparation. See N.C. R. App. P. 28(i)(2).

² See K. Brightwell Decl.

³ See Berry Decl.

cheer for the Tar Heels. They have deep and active ties to North Carolina and return often. They take seriously their role as informal ambassadors of our State and Country while abroad, including spreading the values of democracy and active citizenship. They are personally invested in and impacted by the policies, laws, and wellbeing of the State and their home counties. They may be expatriates, but by no means are ex-patriots.

So they vote. To do so, they rely heavily on existing rules as established by the State and local boards of elections. They carefully follow these rules, and act diligently to correct even the smallest error. When they do so, they reasonably expect their valid votes to be counted. Petitioner knows this system well: he likewise voted absentee in 2019 and 2020 while deployed with the North Carolina National Guard.⁴

Petitioner could have raised questions about these rules before the election. Instead, he waited—not coincidentally—until after he lost. This *post-hoc* challenge seeks to selectively disenfranchise Amici voters for Petitioner’s political gain in violation of our law, our Constitution, and the fundamental principles of our democracy.

⁴ Doug Bock Clark, *North Carolina Supreme Court Candidate Wants Military Absentee Votes Tossed. Years Earlier, That’s How He Voted.*, PROPUBLICA (Jan. 18, 2025), available at <https://www.propublica.org/article/jefferson-griffin-military-absentee-votes-north-carolina-supreme-court>.

Judicial approval of Petitioner’s efforts would create chaos for Amici voters specifically and for our State generally. It would encourage candidates to withhold their challenges—legitimate or otherwise—until after they lose. If such mischief were condoned by this Court, it would open the floodgates to post-election litigation, destabilize the framework of laws and rules that enable election administration, and undermine faith and participation in the democratic process.

Accordingly, Amici and their members urge this Court to affirm the Superior Court’s dismissal of Petitioner’s protests.

AMICI STATEMENT OF INTEREST

Amici U.S. Vote Foundation (“U.S. Vote”) and the Association of Americans Resident Overseas (“AARO”) are nonprofit, nonpartisan organizations that represent and advocate for the interests of thousands of military and overseas voters, including hundreds of North Carolinians.

U.S. Vote is a voter assistance organization dedicated to making it easier for all Americans to register to vote and stay active in the electoral process. Its core mission is to ensure that every American citizen can participate in our democracy, regardless of location. Its Overseas Vote initiative provides easily accessible, nonpartisan voting resources for military and overseas voters who vote under the protections of North Carolina’s Uniform Military and Overseas

Voter Act (UMOVA), N.C.G.S. § 163-258, and the federal Uniformed Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. § 20301–311.

AARO is a global association that seeks to build awareness of the issues affecting Americans overseas and advocates for fair treatment by the U.S. government for Americans abroad. AARO’s advocacy led to the enactment of the Overseas Citizens Voting Rights Act of 1975, which led to UOCAVA in 1986. AARO assists U.S. citizens living overseas in the voting process and advocates for the removal of undue barriers to overseas voting.

Amici organizations are fiercely nonpartisan and represent members of all or no political affiliations. Amici have an interest in ensuring that all eligible American voters—especially service members stationed abroad and civilians living abroad—can participate in our democracy. Amici are deeply concerned that a ruling in Petitioner’s favor would not only unfairly discard their members’ valid votes in the 2024 general election, but also raise uncertainty about their ability to vote in future elections.

Individual Amici Linda K. Berkeley, Nikita Berry, Colin Beveridge, Karen and John Brightwell, and Nicholas Ahmed de Laczkovich-Siddiqi, (collectively “Amici voters”) are North Carolinians currently living abroad.⁵ Their ballots are among the tens of thousands that Petitioner seeks to discard.

⁵ Declarations from each of the individual Amici are attached.

Most are members of Amici organizations. All regularly vote in North Carolina elections. All lawfully voted in the 2024 general election, and were shocked and frustrated to later learn—not from Petitioner, but from friends, family, or Amici organizations—that Petitioner is seeking to use them as political pawns by selectively invalidating their votes. Amici voters have a personal stake in the outcome of this litigation and share their experiences with the Court to provide a more comprehensive understanding of the personal impact of Petitioner’s efforts.

ARGUMENT

Amici voters reasonably relied on well-established election rules and procedures to vote from abroad. Petitioner’s *post-hoc* challenges to these valid votes violate longstanding law and fundamental fairness. If condoned by our courts, Petitioner’s efforts would create chaos and degrade the rule of law for future elections. Accordingly, Amici urge this Court to affirm.

I. Amici Members Reasonably Relied on Established Voting Rules Under State and Federal Law.

When voters follow the rules as established at the time of the election, longstanding caselaw instructs that their votes must be counted. Because Amici voters did so here, Petitioner’s protest fails.

Voting from abroad requires more than a trip to a local polling station on Election Day. It entails completing a series of detailed steps well before

November.⁶ First, like all North Carolina voters, overseas voters must register to vote. Unlike domestic voters, however, overseas voters must reregister every calendar year during which they intend to vote.⁷

Once registered, overseas voters must request an absentee ballot. Most do so via the State Board of Election's Absentee Ballot Portal.⁸ To request an absentee ballot, they must provide a variety of information, such as their birthdate, North Carolina driver's license or last four digits of their social security number, registered North Carolina voting address, and international mailing address. *See id.*; *see generally* N.C.G.S. §§ 163-226–244, 258 (establishing absentee voting procedures).

When overseas voters receive their absentee ballots—usually via mail or email—the ballots are accompanied by detailed cover letters explaining all the rules they must follow to submit their vote.⁹ They then complete their ballots, either electronically or in print, and return them to the State Board of Elections via mail, email, or fax. To ensure adequate time to correct any errors,

⁶ To see the steps required to vote from abroad, *see* U.S. Vote, *Voter Journey Map*, available at <https://www.us.vote/how-to-vote>.

⁷ *See* North Carolina State Board of Elections, *Military and Overseas Voting*, available at <https://www.ncsbe.gov/voting/military-and-overseas-voting#Online-2868>.

⁸ *See* North Carolina State Board of Elections, *North Carolina Absentee Ballot Portal*, available at <https://votebymail.ncsbe.gov/app/home>.

⁹ *See, e.g.*, K. Brightwell Decl. at 6.

most Amici voters submitted their completed ballots by mid-October or earlier.¹⁰

Finally, overseas voters must wait to receive confirmation that their votes have been received and processed. If they made even a small error along the way, they may need to begin again. Although most Amici voters did not experience issues with casting their ballots, those who received notice of such errors acted diligently to correct them to ensure that their vote could be counted, and their voice could be heard.¹¹

This process can be complicated even for voters with high technological access and proficiency. For those without one or both, including those stationed in remote areas, casting a valid ballot can raise significant challenges, often requiring travel, personal expense, and extensive correspondence with far-away officials in a different time zone.¹²

Yet voters like Amici do whatever it takes. They conduct research, contact election officials, prepare weeks or months in advance, and submit all the information asked of them. They carefully review the instructions provided by State authorities and follow those instructions meticulously. They take

¹⁰ See, e.g., Berkeley Decl. at 1 (submitted Aug. 11); Beveridge Decl. at 1 (Oct. 1); Berry Decl., at 1 (Oct. 15).

¹¹ K. Brightwell Decl. at 6.

¹² *Id.* at 5–6.

whatever time is necessary from their daily lives to ensure that their vote is cast and will be counted.

Amici voters make these efforts from different continents, in different countries, and for different candidates, but all for a common purpose: they believe deeply in the privilege and responsibility of democratic participation. For instance, Nikita Berry votes in North Carolina because “nearly everyone [she] know[s] lives in North Carolina,” and “[w]hat happens there matters to [her] and still directly impacts [her].”¹³ John Brightwell votes in North Carolina “to ensure that our State becomes a better place,” and “voting is an integral part of that.”¹⁴ As he stated, “North Carolina has always struck me as a service-oriented State. I believe that voting is one of the greatest services I can render to the State.”¹⁵ Colin Beveridge votes in North Carolina because it connects him to his State and his community, where his son still lives and where he intends to return for his retirement.¹⁶ Driven by this commitment to our State and faith in our democracy, voters like Amici reasonably rely on the existing rules and requirements as provided by the State Board of Elections to exercise their fundamental right to vote.

¹³ Berry Decl. at 2.

¹⁴ J. Brightwell Decl. at 6.

¹⁵ *Id.*

¹⁶ Beveridge Decl. at 2, 5.

Here, Petitioner does not challenge Amici voters' eligibility to vote, nor their compliance with the rules as established at the time of the election. Rather, Petitioner's sole contention is that Amici voters should have been made to follow different rules. Respondents have cogently explained why this is incorrect. But even if Petitioner were correct that the Board should have used other requirements, any such error cannot be charged to the voters to invalidate their votes.

Longstanding caselaw affirms this basic principle. For over a century, our Supreme Court has emphasized that it must be "kept constantly in mind that the ultimate purpose of [election] proceeding[s] is to ascertain and give expression to the will of the majority, as expressed through the ballot box and according to law." *Woodall v. W. Wake Highway Com.*, 176 N.C. 377, 388 (1918); *see also McPherson v. City Council of City of Burlington*, 249 N.C. 569, 573–74 (1959) (citing *Woodall*). In *Woodall*, election officials failed to administer a required oath to voters. *Id.* at 388. Nevertheless, the Court held that where the eligibility of the voters is not in question, and the outcome of the election has been confirmed, it is intolerable to "look for mere irregularities to defeat this will." *Id.* at 389. Thus, even where election officials may have failed to fulfill some requirement, if the voter is "allowed to vote and his vote is received and deposited ***it will not afterwards be held to be illegal, if he is otherwise qualified to vote.***" *Id.* (emphasis added); *see also Overton v. Mayor & City*

Comm'rs of City of Hendersonville, 253 N.C. 306, 315 (1960) (reemphasizing that “voters are not to be denied the right to vote by reason of ignorance, negligence or misconduct of the election officials.”)

Woodall is dispositive here. It is uncontested that Amici voters are eligible voters who cast their ballots in reliance on the rules promulgated by the Board. Whatever Petitioner or this Court may think about what the Board should have required, the outcome here is the same. Amici voters have expressed their will, and they cannot now be disenfranchised due to purported errors that were not their own.

II. Petitioner’s Choice Not to Protest Ballots Until After His Loss Prejudices Amici and Forecloses This Challenge.

Petitioner, unsatisfied with having lost, seeks to change the rules of the game long after its end. Despite having ample opportunity to challenge the existing rules before the election, he chose not to. This alone forecloses Petitioner’s attempt to disenfranchise Amici voters and tens of thousands of others like them long after the election.

Petitioner cannot feign surprise that Americans born abroad were allowed to vote. Since 2011, the General Assembly has specifically enabled children and dependents of North Carolinians—who are American citizens—to vote in North Carolina elections upon turning eighteen. See S.L. 2011-182 (codifying N.C.G.S. § 163-258.2(1)(e)).

Petitioner likewise cannot act surprised that Amici voters were allowed to vote without providing a copy of a photo ID. Over a year before the election, and consistent with longstanding federal and state laws that have not required military and overseas voters to provide copies of their photo IDs, *see, e.g.*, 52 U.S.C. § 21083(b)(3)(C), N.C.G.S. §§ 163-258.1–258.31, the Board established a rule making clear that such ballots would be accepted. *See* 08 N.C. Admin. Code 17.0109(d) (establishing that “[a] voter who is casting a ballot pursuant to [UMOVA] *is not required to submit a photocopy of acceptable photo identification*”) (emphasis added). The Board did so after full notice and comment rulemaking pursuant to the North Carolina Administrative Procedure Act. *See id.* This rule gave Petitioner, and any other interested party, fair notice that such ballots would be accepted. Were Petitioner concerned with this rule, he could have submitted a comment during the rulemaking process or challenged it after it became law.

Indeed, courts have recognized that an “obligation to afford prospective relief” goes hand in hand with judicial reluctance to interfere with an election as it is happening, or worse, after it is over. *Hendon v. N.C. State Bd. of Elections*, 710 F.2d 177, 182 (4th Cir. 1983). Despite ample notice of the applicable law, Petitioner chose not to raise any objection until it was far too late.

This choice implicates the laches doctrine. Laches will be applied “where lapse of time has resulted in some change in the condition of the property or in the relations of the parties which would make it unjust to permit the prosecution of the claim[.]” *Taylor v. Raleigh*, 290 N.C. 608, 622 (1976). Application is particularly appropriate where “the delay is mere neglect to seek a known remedy or to assert a known right . . . and is without reasonable excuse[.]” *Id.* In such situations, “the courts are strongly inclined to treat [the delay] as fatal[.]” *Id.*

Nowhere is application of laches more appropriate than in the context of *post hoc* challenges to election laws. In fact, “[c]ourts have imposed a duty on parties having grievances based on election laws to bring their complaints forward for *pre-election adjudication when possible.*” *Hendon*, 710 F.2d at 182 (emphasis added). For this reason, protections like the National Voter Registration Act prohibit systematic voter list maintenance 90 days before federal elections, 52 U.S.C. § 20507(c)(2), and the *Purcell* principle instructs federal courts to avoid implementing changes to election laws and procedures shortly before the election, *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006).

As Respondents ably explain, these principles are well supported by caselaw from our Supreme Court. *See Pender Cnty. v. Bartlett*, 361 N.C. 491, 510 (2007), *aff’d sub nom. Bartlett v. Strickland*, 556 U.S. 1 (2009). Rule changes and mass removals that are impermissible *before* an election cannot

instead be accomplished *afterward*, when there is no question that they would disenfranchise voters.

These doctrines are rooted in both principles of fundamental fairness and plain common sense. “[F]ailure to require pre-election adjudication would ‘permit, if not encourage, parties who could raise a claim to lay by and gamble upon receiving a favorable decision of the electorate and then, upon losing, seek to undo the ballot results in a court action.’” *Hendon*, 710 F.2d at 182 (quoting *Toney v. White*, 488 F.2d 310, 314 (5th Cir. 1973)). This prescient requirement should apply here and foreclose Petitioner’s protests.

Petitioner’s delay is also fatal because it particularly prejudices the military and overseas voters he targets. All Amici voters could have and would have provided photo ID with their ballot if it had been requested of them.¹⁷ The only reason they did not is because they were not asked to.¹⁸ Amici voters likewise could have and would have provided a photo ID after voting if election officials had requested one in order to cure their ballot.¹⁹ But because Petitioner never raised this issue before the election, Amici voters never got this chance. As such, Petitioner’s efforts now seek to disenfranchise Amici voters while depriving them of any ability to defend their rights. The laches

¹⁷ K. Brightwell Decl. at 7; Berkeley Decl. at 4; Beveridge Decl. at 4; Ahmed de Laczkovich-Siddiqi Decl. at 4; J. Brightwell Decl. at 5.

¹⁸ *Id.*

¹⁹ *Id.*

doctrine exists to protect against precisely this kind of prejudice. *See Taylor*, 290 N.C. at 624.

Put simply, Amici voters followed the rules. Had there been different rules in place, they would have followed those rules instead. If different rules are established for future elections, they will follow those. It offends fundamental notions of fairness and democracy to change those rules now, when Amici voters cannot follow them. For this reason alone, Petitioner's protests must fail.

III. Endorsing Petitioner's Protests Would Create Chaos for Amici and Our Democracy.

While others have put it more delicately, the unvarnished truth is that Petitioner's protests constitute a transparent attempt to subvert this election. To deny this reality is to prioritize seeking power over speaking truth. A decision in Petitioner's favor would deny Amici voters—who have already had their trust in our elections shaken by Petitioner's efforts—their fundamental right to vote. Giving judicial imprimatur to this election subversion would have far-reaching implications, including incentivizing future candidates to bring similar post election litigation seeking to overturn their loss.

Petitioner can make no credible claim that his challenges are motivated by a concern for election integrity. Any such notion is belied by the nature of his challenges. For example, Petitioner vigorously argues that “photo

identification is required for all voters.” Pet.’s Br. at 6. But he does not challenge *all* such voters. Instead, he challenges only the ballots cast by military and overseas voters in Buncombe, Durham, Forsyth, and Guilford counties.

This Court need not speculate as to why. Petitioner told us: he “anticipates that if these[] ballots are excluded, he will win the election.” *Id.* at 7. Put differently, rather than maintaining a consistent position, Petitioner has selectively targeted only groups of overseas voters that he believes were not favorable to him. Notably, at least one Amici voter disproves this belief: Linda Berk, a Buncombe County voter since the mid-1980s, has “always vote[d] a straight Republican ticket, including this election, in which [she] voted for Jefferson Griffin.”²⁰

Petitioner’s inconsistency underscores why judicial approval of his gamesmanship would invite similar challenges. Using Petitioner’s effort as a playbook, future candidates would be encouraged to collect information on allegedly improper voting, keep those allegations private, publicize them only if they lose, and challenge only sets of ballots that they believe will skew the result in their favor. North Carolina voters will be left with no choice but to cast their ballots and cross their fingers hoping that a losing candidate will not

²⁰ Berkeley Decl. at 6.

concoct a reason to throw out their votes. Voters will have no way to predict what issues may arise, nor any opportunity to correct purported errors. No free and functioning democracy can operate in this manner.

Approving Petitioner's protests risks opening the floodgates to similar post-election protests on innumerable issues after every contest. Public trust in the electoral process will be eroded by extended certification delays while courts are dragged into the political quagmire to decide which ballots count and which candidates win. Such erosion will disillusion voters and chill election participation, with devastating effects on our democracy.

This Court is duty-bound to guard against such chaos and erosion. Our Constitution places upon the judiciary the "responsibility to protect the [S]tate constitutional rights of the citizens." *Corum v. Univ. of N.C.*, 330 N.C. 761, 783 (1992). Indeed, "this obligation to protect the fundamental rights of individuals is as old as the State." *Id.* That obligation requires this Court to reject Petitioner's request to overrule the voice of the people. As our Constitution makes clear, "[a]ll political power is vested in and derived from the people; all government of right originates from the people, [and] is founded upon their will only[.]" N.C. Const. art. I, § 2. Today, recurrence to this "fundamental principle" is once more "necessary to preserve the blessings of liberty." N.C. Const. art. I, § 35.

Honoring that principle matters to Amici. Though they currently reside abroad, Amici voters are American citizens entitled to equal protection of our laws. They followed the rules. They registered to vote. They lawfully cast their ballots. Now, their voices must be heard.

CONCLUSION

For the foregoing reasons, Amici respectfully urge the Court to affirm the Superior Court's dismissal of Petitioner's protests.

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

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**N.C. R. App. P. 33(b) Certification:
I certify that all of the attorneys
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**Pro Hac Vice Applications Forthcoming*

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 28(j) of the North Carolina Rules of Appellate Procedure, Amici certifies that the foregoing brief, which is prepared using a proportional font, is less than 3,750 words (excluding Cover Page, Caption, Index, Table of Authorities, Signature blocks, Certificate of Service, and this Certificate of Compliance) as reported by the word-processing software.

This the 27th day of February 2025.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed and served this day by email upon the following counsel of record:

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This the 27th day of February 2025.

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TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

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DECLARATION OF NIKITA BERRY

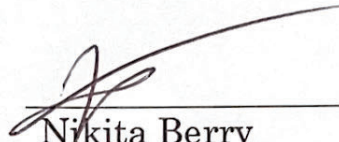
I, Nikita Berry, state:

1. I have been an overseas North Carolina voter since 2016 and vote in Forsyth County. I currently live in Calgary, Alberta, Canada, and have resided in Canada since 2008. I am a member of the U.S. Vote Foundation.
2. I am originally from Winston-Salem, where almost my entire family lives and where I grew up (I went to Reynolds High School). In 2008, I moved to Canada since my now ex-husband was from Vancouver. I still have lots of family and friends in North Carolina, and I visit regularly: I was just there for a wedding in October 2024, and plan to visit again later this year for a family member's wedding. If financially feasible, I hope to move back to North Carolina in the future.
3. I have voted in general elections since 2012, including several midterm elections. In the 2024 general election, I submitted my ballot via email on or around October 15, 2024.

4. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.
5. I vote in North Carolina because nearly everyone I know lives in North Carolina, including my friends from growing up — my whole world is still in the U.S. and especially in North Carolina. What happens there matters to me and still directly impacts me. That is why it has always been important for me to vote in North Carolina.
6. I was unaware my ballot was being challenged until I received an email from the U.S. Vote Foundation. I was furious to learn that my ballot had been challenged. Why now? I have been voting absentee for over a decade, my local board of elections sent a detailed list of everything I needed to do, and I did that — I have never had an issue before. I am incredibly proud to

be an American. But if one person can lose an election and then overturn the results, and if the courts throw out my ballot, it would contradict everything I was taught about our Country and shake my commitment to my civic duties as a citizen.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.



Nikita Berry

02/25/25

Date executed

NO. 25-181

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

Jefferson Griffin,

Petitioner-Appellant,

v.

**North Carolina State Board of
Elections,**

Respondent-Appellee,

and

Allison Riggs,

Intervenors-
Respondent-Appellee.

From Wake County

No. 24CV040619-910

No. 24CV040620-910

No. 24CV040622-910

DECLARATION OF KAREN BRIGHTWELL

I, Karen Brightwell, state:

1. I have been an overseas North Carolina voter since 2012 and am currently registered in Durham County. I currently live in New Zealand and have resided there since 2012.
2. I was born a United States citizen when I was born in Iran to American parents as my father was serving in the United States Air Force. I left Iran as a child. It is no exaggeration to say that my family caught the last plane out of the country as the Iranian Revolution was beginning. I then grew up primarily in Massachusetts.
3. I moved to North Carolina in 2004, as I was seeking a master's degree in education from UNC Chapel Hill. After obtaining my master's degree, I worked as a public school teacher at Jordan High School in Durham for several years. I still have money invested in the North Carolina State Retirement Plan.
4. I moved to New Zealand in 2012 due to difficulties in the job market that limited the opportunities available to my husband, Robert John Brightwell.

5. I have voted in North Carolina elections from New Zealand thirteen times, beginning in 2012. In the 2024 general election, I submitted my ballot via email, as I have done many times before.
6. As part of the process of voting from abroad, my ballot was accompanied by a cover letter that detailed all of the rules I would need to follow in order to have my vote counted. I complied with all these rules. In the past, I have been notified that my ballot could not be accepted for errors as minor as not capitalizing a word in the subject line of the email sending the ballot. On these occasions, my local board of elections notified me of the error and I acted diligently to correct it in order to ensure that my ballot would be counted. I always double—or triple—check that my ballot is properly received and counted.
7. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.

8. I vote in North Carolina because I firmly believe that it is not only my right but my obligation as a citizen of this State and Nation. My father dedicated his life to defending our Constitution as part of his military service; this is another reason why I view it as so important to vote. North Carolina elections still have a direct effect on me—particularly elections for State Treasurer, as it is that office that manages the State Retirement Plan.

9. I was unaware that my ballot was being challenged until I was contacted by counsel in this case. At no time did I or my husband receive notice from Judge Griffin that our ballots were among those he was challenging. This challenge infuriates me. I diligently followed all of the rules that were given to me. To try and disenfranchise me now based on a technicality is as insulting as it is deeply troubling. I am very concerned about the precedent this will set. This experience has undermined my trust in our judicial system and the integrity of our elections. My vote should not be thrown out because I did not follow a rule that was not in place and was never told to me. If it is, I worry that our democracy is in serious trouble. What's to stop other similar

challenges if my ballot is rejected here? I sincerely hope this does not happen.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.

Karen M Brightwell
Karen Brightwell

26 February 2025
Date executed

No. 25-181

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

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of Elections,**

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From Wake County

No. 24CV040619-910

No. 24CV040620-910

No. 24CV040622-910

DECLARATION OF LINDA K. BERKELEY

I, Linda K. Berkeley, state:

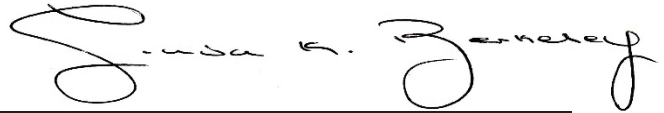
1. I have been an overseas North Carolina voter since the mid-1980s and vote in Buncombe County. I currently live in Berkshire, England and have resided in the United Kingdom since 1974. I am a member of the Association of Americans Resident Overseas and the U.S. Vote Foundation.
- ~~2.~~ In the mid-1980s, my mother moved to Buncombe County — shortly after I had moved to the United Kingdom to finish my university degree. Since I was still living abroad, I registered to vote in North Carolina at my mother's residence. Although I stayed in the United Kingdom as life unfolded — marriage, kids, and my career as a cognitive behavioral therapy psychotherapist.
3. I am a registered Republican and have voted in North Carolina by paper ballot since the mid-1980s, and online since 2016. In the 2024 general election, I requested my absentee ballot on August 11, 2024, via the Federal Post Card Application, and

submitted my ballot electronically on or around September 26, 2024.

4. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.
5. I vote because people died in the Revolutionary War and in World Wars — and are dying now — to protect democracy and my right to vote.
6. I was unaware that my ballot was being challenged until I received an email from the U.S. Vote Foundation. I am enraged that anyone wants to disenfranchise me. I always vote a straight Republican ticket, including this election, in which I voted for Jefferson Griffin. I resent that Judge Griffin is trying to change the rules after the election: there are so many

examples in life where you cannot move the goal post after the game has started. As an American citizen, I have an inalienable right to vote. If my ballot were thrown out in this election, I am very concerned about the implications that would have for future elections.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.

A handwritten signature in black ink that reads "Linda K. Berkeley". The signature is written in a cursive style with a large initial "L" and a long, sweeping tail on the "y".

Linda K Berkeley

February 25 2025

Date executed

No. 25-181

TENTH DISTRICT

NORTH CAROLINA COURT OF APPEALS

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From Wake County

No. 24CV040619-910

No. 24CV040620-910

No. 24CV040622-910

DECLARATION OF COLIN BEVERIDGE

I, Colin Beveridge, state:

1. I have been an overseas North Carolina voter since 2020 and vote in Buncombe County. I currently reside in Bedford, a community of Halifax, Nova Scotia, Canada, and have resided there since 2020. I am a member of the U.S. Vote Foundation.
2. I am originally from Scotland and moved to North Carolina in 1996, shortly after I became a U.S. citizen. My wife and I lived in Asheville for about ten years starting in 2008. Once we retired, we traveled to Canada, where we stayed due to the COVID-19 pandemic. Our son still lives in Asheville. We visit on a regular basis, including as recently as May 2024. We plan to fully retire in Winston-Salem in the next five years.
3. I have voted in North Carolina since 2008, including in elections in 2016, 2020, and 2024. In the 2024 general election, I submitted my ballot via email on or around October 1, 2024.
4. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had

an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.

5. I became a voter in North Carolina after spending nearly twenty-five years as a resident alien. Once I made the decision to become a U.S. citizen, I made the decision to vote as well. Voting overseas has been straightforward as it can be, and it still gives me the feeling of connection to my State and my community. Just because we're overseas doesn't mean we should have to give up our right to vote.

6. I was unaware my ballot was being challenged until I received an email from the U.S. Vote Foundation. I was shocked and surprised when I learned about this challenge. A candidate has a right to dispute votes, but when the dispute is as far-fetched as the challenge in this election, it strikes me as bizarre. I will still try to vote in future elections. While this challenge has not

undermined my confidence in our election system, it has made me realize how insidious such challenges are.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Colin Beveridge", written over a horizontal line.

Colin Beveridge

February 25th 2025

Date executed

No. 25-181

TENTH DISTRICT

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From Wake County

No. 24CV040619-910

No. 24CV040620-910

No. 24CV040622-910

DECLARATION OF NICHOLAS AHMED DE LACZKOVICH-SIDDIQI

I, Nicholas Ahmed de Laczkovich-Siddiqi, state:

1. I have been an overseas North Carolina voter since 2008 and am currently registered in Durham County. I currently live in Berlin, Germany, and have resided there since 2001. I am a member of the U.S. Vote Foundation.
2. I was born a United States citizen when I was born in Germany to an American mother, who moved to Germany due to my grandmother. She had friends from her time in the United States all across the Country. Of these, a particularly good one lived in North Carolina. I moved to North Carolina to complete my junior year of high school at Riverside High School in Durham County. I moved back to Germany in 2001. Since then, I have returned to North Carolina to visit my host family and friends; my last visit was in 2009. I plan to visit North Carolina again next year to show my girlfriend around the State and introduce her to my host family and friends.

3. I have voted in every general election since 2008. In the 2024 general election, I submitted my ballot via email on October 15, 2024.
4. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.
5. I vote in North Carolina because my friends and former guardians still live in North Carolina, and I want to work for the betterment of the State. I also believe that citizens of democratic countries should exercise their right to vote, and as an American citizen, I am still impacted by policy or governmental changes.
6. I was unaware of this challenge until my host family sent me a Facebook message about the challenges, at which point I saw

the list online and my name on the list. My host family later sent me a scan of a postcard from the North Carolina Republican Party notifying me about the challenge. This challenge makes me incensed and saddened and feel like my voice is being taken away. There has been no evidence of fraud with respect to my vote or the other challenged ballots; there has not even been an allegation of fraud. That makes it obvious to me that these challenges are not about the democratic process — my vote is being challenged because someone doesn't like that he has lost. If my ballot were thrown out in this election, I would still try to vote in the future, but this makes it more difficult to feel like the proud American that I want to be.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.



Nicholas Ahmed
de Laczkovich-Siddiqi

25 February 2025

Date executed

No. 25-181

TENTH DISTRICT

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No. 24CV040619-910

No. 24CV040620-910

No. 24CV040622-910

DECLARATION OF ROBERT JOHN BRIGHTWELL

I, Robert John Brightwell, state:

1. I have been an overseas North Carolina voter since 2012 and am currently registered in Durham County. I currently live in New Zealand and have resided there since 2012.
2. I was born in New Zealand. I moved to North Carolina in 2004 after meeting my wife, Karen. While I was living in North Carolina, I became a Lawful Permanent Resident. In 2012 I went through the naturalization process and became a U.S. citizen. This process was expensive, difficult, and time consuming. However, I went through it because I love this Country. I felt like an American and wanted to be fully and legally recognized as such. I also wanted to vote, as I saw this as a way to give back to a nation that had already given me so much. I still feel this way today and truly see myself as an American.
3. I moved to North Carolina with Karen in 2004, as I was seeking a PhD in entomology from North Carolina State University. My

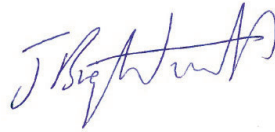
family and I lived in North Carolina until 2012. Unfortunately, though, the job market was not favorable and I was forced to return to New Zealand to find work in my field. I did not want to leave North Carolina. I truly loved—and still love—the State and wanted to spend my life there.

4. I have voted in North Carolina elections from New Zealand since 2012. In the 2024 general election, I submitted my ballot via email, as I have done many times before. Prior to this case, I have never had any significant issues with voting from New Zealand. Any issues that I did have were corrected after I received notification of them from my local board of elections.
5. I was not asked to provide photo identification with my ballot. Had I been asked, I could have and would have done so. Had an election official reached out to me after I submitted my ballot and requested that I submit a photo identification to ensure that my vote could be counted, I could have and would have done so.

6. I vote in North Carolina because I feel that my citizenship comes with certain responsibilities, chief among them voting. I want to ensure that our State becomes a better place, and I believe that voting is an integral part of that. North Carolina has always struck me as a service-oriented State. I believe that voting is one of the greatest services I can render to the State.

7. I was unaware that my ballot was being challenged until my wife informed me. At no time did I receive notice from Judge Griffin that our ballots were among those he was challenging. When I heard about the challenge, I was upset but not surprised, given our current political climate. I would view this challenge, if it succeeds, as a step away from democratic governance. I truly hope this does not happen and that our rights and our democracy will be protected.

I declare under penalty of perjury under the laws of the United States and North Carolina that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read "Robert John Brightwell".

Robert John Brightwell

26 February 2025

Date executed