

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:23-cv-00861-TDS-JEP

VOTO LATINO, et al, )  
)  
Plaintiffs, )  
)  
v. )  
)  
ALAN HIRSCH, et al., )  
)  
Defendants, )  
)  
And )  
)  
PHILIP E. BERGER, et al., )  
)  
Intervenor-Defendants. )

**NOTICE OF  
AGENCY ACTION**

**NOW COME** Defendants the North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, III, Stacy Eggers, IV, Kevin N. Lewis, and Siobhan O’Duffy Millen (collectively, the “State Board Defendants”), through undersigned counsel, to provide notice of agency action in response to the Court’s January 21, 2024 Order, which enjoined:

The remov[al] from the official count the votes of the ballots of any voter who has provided contact information in the registration process and whose first notice required under N.C. Gen. Stat. § 163-82.7(c) is returned by the Postal Service as undeliverable before the close of business on the business day before the canvass, without first providing such voter notice and an opportunity to be heard.

[D.E. 68 at 93-94]. State Board Defendants have issued a numbered memorandum establishing a process that provides a notice and opportunity to cure for same-day registrants whose first notice is returned as undeliverable. *See* Numbered Memo 2023-05,

Same-Day Registration (updated Jan. 29, 2024), Section 4, attached hereto as Exhibit A.

Respectfully submitted this the 30th day of January, 2024.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

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