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

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| College Democrats of North Carolina, *et al*.,<br>Plaintiffs,<br>v.<br>North Carolina State Board of Elections, *et al*.,<br>Defendants. | **Case No. 1:26-cv-92-TDS-JLW** |

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION**

Plaintiffs move for a temporary restraining order or a preliminary injunction on Counts I and II in their First Amended Complaint. Plaintiffs are likely to succeed on the merits of their claims and will suffer irreparable harm without a preliminary injunction, and the balance of hardships and public interest support Plaintiffs' request. Plaintiffs respectfully request a hearing and relief on their motion before February 12, 2026.

## INTRODUCTION

For years, Jackson and Guilford Counties have operated early-voting sites on the campuses of Western Carolina University ("WCU") in Jackson, and University of North Carolina Greensboro ("UNC-G") and North Carolina A&T ("A&T") in Guilford. These sites were a huge success, collectively serving thousands of young voters. On-campus voting is more than a mere convenience for young student voters; it is critical to overcoming the unique barriers they often face, including lack of personal transportation, lack of familiarity with off-campus geography, demanding class and work schedules, and limited financial resources. And *early* voting is particularly important for students because it is the only way they can access same-day registration, which is critical for first-time voters and those who have recently moved.

Despite all this, the Jackson and Guilford County Boards of Elections each voted 3-2 to eliminate these sites for early voting in the March 2026 primary election, which begins on February 12. The State Board of Elections rubber stamped those eliminations. Both the State and County Boards flippantly dismissed the concerns of student voters, community members, and their colleagues about the significant obstacles the closures place in the path of young student voters seeking to access the franchise. They concocted justifications

ranging from unsubstantiated cost savings, to invented accessibility concerns and incorrect projections about turnout. But contemptuous comments from Board members revealed the real motivation for the site closures: invidious discrimination against young college students trying to make their voices heard in the political process—some of them for the first time.

The Twenty-Sixth Amendment prohibits states from abridging the right to vote on the basis of age. States violate that prohibition when they intentionally target young voters for disfavored treatment, as they did here. And the First and Fourteenth Amendments prohibit states from unjustifiably burdening the right to vote. The site closures here will unquestionably impose severe burdens on the voting rights of Plaintiffs and young voters like them. But no matter the severity of the burden, the site closures cannot pass constitutional scrutiny because the justifications offered for them are woefully insufficient. The Court should grant Plaintiffs' requested relief.

## BACKGROUND

### I. North Carolina's Early Voting and Same-Day Registration Framework

North Carolina permits eligible voters to cast ballots in person during a multi-week early voting period prior to election day. N.C.G.S. § 163-166.40(a). Early voting is especially critical for voters with limited access to transportation or inflexible schedules, because it allows voters to both register to vote and simultaneously cast a ballot at any authorized site within their county during extended and weekend hours (a practice known as "same day registration" or "SDR"). *Id.* § 163-82.6.

SDR is particularly important for young voters on college campuses, who are more likely to be first-time voters or to be registering at a new address. *See* Ex. A, Decl. of Dr. Kenneth Mayer, at 7.[1] SDR is *not* available at polling sites on election day. Voters who vote on election day must have already registered at least 25 days prior and may only vote at their assigned precinct. *See* N.C.G.S. §§ 163-128, 163-82.6(d)(1)−(3).

To administer early voting, county boards of elections must adopt an early voting plan specifying the number, location, and hours of early-voting sites. *Id.* § 163-166.35(a). If a county board's vote on the plan is not unanimous, the State Board must select the county's plan. *Id.*

## II. On-Campus Early Voting at WCU, A&T, and UNC-G

In recent federal elections, students at WCU, A&T, and UNC-G have been able to access early voting and SDR at on-campus voting sites. *See* Ex. A at 3. Since the 2016 general election, 55,169 votes have been cast at these three sites combined. *Id.* at 6. The elimination of these sites will have a profound and immediate effect.

### A. Western Carolina University

WCU, a public university within the UNC system, is located in rural Jackson County in the Appalachian Mountains and enrolls over 11,000 students, more than 71 percent of whom are between the ages of 18 and 24. Ex. B. It first had an on-campus early voting site in the 2016 general election after WCU students and administrators successfully lobbied the Jackson Board, collecting over 1,000 signatures and gaining bipartisan support. Ex. C

[1] All exhibits referenced herein are attached to the Declaration of Lalitha D. Madduri, filed in support of Plaintiffs' motion.

at 2. That site has operated in every federal primary and general election since and has been widely popular, with 12,537 votes cast at the site since 2016. Ex. A at 6. In the 2024 general election, it saw its highest turnout ever. *Id.*

Unsurprisingly, given its location on a college campus, the WCU site overwhelmingly serves young voters. The median age of early voters at the site since it was established is just 21. *Id.* at 7. The median age of voters who have utilized SDR there is even younger, at 20. *Id.* That presents a stark contrast to the rest of Jackson County: the median early voter age is *61*, and only 2.6% of off-campus early voters are 21 or younger. *Id.* The WCU site also serves the highest proportion of Black voters of any site in Jackson. *Id.* at 9.

The site is particularly critical for students like Plaintiff Yard who will register to vote for the first time and rely on SDR. Ex. D, Decl. of Rose Yard, ¶6. Indeed, a staggering 24.7% of voters at the WCU site used SDR. Ex. A at 8. In contrast, only 2.8% of other early voters in Jackson used SDR. *Id*. That makes sense, since college students are more likely to be registering for the first time, or changing their registration from their home county or state. *Id.* at 7.

As WCU's website explains, WCU is nestled in the Appalachian Mountains, where the "public transportation system is not well developed." Ex. E. A majority of WCU students—including Plaintiffs Powell and Yard—do not have cars. Ex. F, Decl. of Zach Powell, ¶11; Ex. D ¶7; Ex. V, 03:40:49. And taxi services and ride-sharing services like Uber are nearly non-existent. Ex. F ¶12; Ex. D ¶8.

With the elimination of the WCU site, the closest early voting site will be nearly two miles from campus. Ex. A at 10-11. Accessing it on foot is "not a safe or feasible option," and would require walking along, and eventually crossing, a four-lane highway and complex intersections, with no sidewalks and no safe shoulder. Ex. F ¶13; *see also* Ex. G at 11 (noting "many roads [around WCU] are highly unsuited to pedestrian and bicycle travel, due to lack of shoulders, narrow travel lanes, steep grades, curvy alignments, and poor sight distances"). This walk is not feasible for students with disabilities or physical challenges that make traveling off campus difficult. Ex. CC, Decl. of College Democrats of North Carolina, ¶12. And there is no campus shuttle or regular transit route that students can use to access the off-campus site. Ex. D ¶8.

In contrast, WCU's former early voting assured an accessible site for students like Plaintiffs, whose demanding schedules and lack of transportation make off-campus trips extremely burdensome and even prohibitive for some. *See* Ex. F ¶¶3, 18; Ex. D ¶6; Ex. CC ¶8.

**B. A&T and UNC-G**

A&T, in Guilford, is the country's largest public historically Black college or university, enrolling more than 15,000 students. Ex. H at 2. The school has a storied history of political activism and civic engagement that continues to inspire its students: It was four A&T freshman who sparked a movement by sitting down at a whites-only lunch counter. Ex. I, Decl. of Zayveon Davis, ¶21 (Davis Decl.). UNC-G, also in Guilford, is a public university enrolling nearly 20,000 students. Ex. J at 4. Its majority-minority student body

is racially and economically diverse and includes a sizable number of first-generation college students and federal Pell grant recipients. *Id.* at 3, 5.

Guilford first operated on-campus early-voting sites at both schools in the 2016 general election. Ex. A at 6. As a result of student activism, the County Board approved on-campus early voting for the 2020 primary and general elections. *Id.*; Ex. K; Ex. CC ¶9. And it continued to operate that site in the 2024 primary and general elections. Ex. A at 6.

Like WCU, the early-voting sites at A&T and UNC-G are popular: in the five federal elections in which Guilford operated the sites, a combined 19,683 votes were cast at A&T and 22,949 votes were cast at UNC-G. Ex. A at 6. Both sites saw record turnout in the 2024 general election, with 6,482 votes cast at A&T and 6,799 votes cast at UNC-G. *Id.* These numbers place the A&T and UNC-G sites around the middle of early voting sites in Guilford in terms of votes cast. *Id.* at 6. And, like WCU, the voters who use these sites skew very young. The median age of early voters is 22 at A&T and 27 at UNC-G, while the median age of early voters in the rest of the county is 56. *Id.* at 7. Early voters using SDR at these campus locations tend to be even younger: their median age is just 20, compared to 33 elsewhere in the county. *Id.* And 44.7% and 30.4% of the voters at the A&T and UNC-G sites, respectively, are under 21—compared to just 3.9% in the rest of the county. *Id.* SDR is also widely used at these sites—voters at WCU are *ten times* more likely to rely on SDR than the rest of the county's early voters. *Id.* at 8.

With the closure of these campus early-voting sites, the closest remaining site is at the Old Guilford Courthouse, about 1.6 miles from both schools. *Id*. at 9-10. For busy students like Plaintiff Davis at A&T, it requires walking that distance "along busy streets,"

and has previously required police escorts for student safety. Ex. I ¶7. Plaintiff Nelson similarly must trek a dangerous 1.8 mile stretch from her dorm at UNC-G to the Courthouse. Ex. L, Decl. of Raquel Nelson, ¶¶9, 12-13. Davis and Nelson, and many students like them, lack a viable alternative to walking, because public transportation in Greensboro is "not well developed or advertised on campus," and rideshare or taxi services require funds needed for tuition or books. *Id.* ¶¶10-11; Ex. I ¶15.

## III. Elimination of On-Campus Early-Voting Sites

Despite the popularity of these on-campus voting sites and their importance to young voters, the Jackson and Guilford Boards and the State Board voted to close them. In doing so, they exhibited stunning contempt for the rights of young voters.

### A. Jackson County

In December 2025, the Jackson Board voted 3-2 to approve an early voting plan that eliminated the WCU site—and *only* the WCU site—reducing the overall number of early-voting sites in the County from five to four. *See* Ex. M. As a result, the nearest early voting site to WCU will be the Cullowhee Recreation Center, nearly two miles down the highway from WCU. *Id.* at 2; Ex. A at 10.

Students and community members overwhelmingly disagreed with elimination: 21 members of the public spoke at the meeting, all but two opposing. Ex. N at 4. Plaintiff Powell was among those who spoke at that meeting. He explained to the Board that the on-campus site "was the product of student advocacy, was approved by a bipartisan vote, and meaningfully improved access to voting for students at WCU." Ex. F ¶8. The minority

board members opposing the elimination further pointed out that the Rec Center is not large enough to support the entire early voting population of the precinct. *See* Ex. M at 2.

Board Chairman Bill Thompson flippantly dismissed opponents' concerns, saying that because students "find ways" to get to a local convenience store to "buy beer," they can "find a way" to vote. Ex. F ¶8. He said that because *he* has never felt disenfranchised by the lack of an early voting site, closing the WCU site could not be an act of disenfranchisement. *See id.* ¶8; Ex. O. At the same time, he offered only cursory explanations for the Board's decision. He vaguely suggested that, at one of the two locations offered by WCU, the "designated parking is a little confusing to get to," and some of the parking is "sloped[,] making it difficult for elderly voters." Ex. M at 2. This was despite evidence that the WCU site had parking spots within 200 feet, accessible curbside voting, and "the parking lot is level with the building entrance and ADA compliant." Ex N at 2, 4. Thompson acknowledged that there was likely to be a "significant increase in" SDR at the Rec Center as a result of closing the WCU site, but puzzlingly dismissed this concern about straining resources, because it "only applies to qualified voters that have not preregistered to vote in Jackson County." Ex. M at 1.

**B. Guilford County**

In November 2025, the Guilford Board similarly voted 3-2 to approve a plan that eliminated the on-campus sites at both A&T and UNC-G. *See* Ex. P. As a result, the nearest early voting location for both schools will be approximately 1.6 miles from both campuses. Ex. A at 9-10. In a candid display of contempt for the students protesting, Defendant Lester

reportedly told them that "voting is a privilege," despite decades of legal precedent confirming that voting is a fundamental constitutional right. Ex. Q.

### C. The State Board

The State Board considered the contested plans at a meeting on January 13, 2026. Official meetings of the State Board are—by law—open to the public: "any person is entitled to attend such a meeting." N.C.G.S. § 143-318.10(a). Students from WCU, A&T, and UNC-G exercised their right to attend the State Board's January 13 meeting and express their view that the proposed site closures would disenfranchise them and other students. But not only did the State Board decline to hear from these students; Defendant De Luca threatened to "call the capitol police" if they refused to leave. Exs. R, S, T.

Students and other North Carolinians nonetheless attempted to make their views known to the State Board. Before the meeting, civil rights organizations and dozens of students and members of the Guilford community sent letters to the Board, urging it not to close the campus voting sites. Ex. U. The author of one of those letters put the issue in stark terms: the decision to eliminate the sites "will [] disenfranchise many college students" and harm "minority members of our community." *Id.* at 9. Board members from Jackson and Guilford who opposed the eliminations echoed these concerns, highlighting the remaining sites' distance from campus, the lack of public or private transportation in Jackson, and the high volume of students who rely on SDR. Ex. V at 03:40:07, 03:37:26.

Again, State and County Board members dismissed these concerns in disparaging terms. Jackson Chairman Thompson remarked that college students are not "kindergarteners who need help tying their shoes and opening their milk cartons," and

should have no problem voting off campus because of their "above average ability and mobility." *Id.* at 03:34:44. He went on to say that "adults who are seeking their post-secondary education . . . should be capable of getting themselves" to an off-campus site. *Id.* at 03:34:44. Another State Board member refused to engage with concerns of student disenfranchisement at all, instead facetiously intoning: "I want a site. I want a site right next to my house." *Id.* at 02:17:44. After the meeting, when A&T students approached board members to ask directly about the decision, the board members refused to engage with them, turning away without acknowledging their questions or concerns. Ex. I ¶19.

At the State Board meeting, the majority members of the Jackson Board offered cursory justifications for the cuts, which were quickly disposed of by their minority members. The Jackson Board's purported justification for closing the site at WCU was to save the county approximately $20,000. Ex. W at 1. But it offered no facts, figures, or other explanation to justify this number. Minority member Swift repeatedly clarified that financial savings would be far more modest: "staff analysis shows actual savings would be in the neighborhood of $6,000, largely due to staff being redeployed rather than eliminated," because staffing is "largely determined by the number of voters anticipated and not by the number of sites." Ex. V at 03:41:30; Ex. N at 2. The Board also disregarded other evidence in the record that the on-campus voting site at WCU is *more* cost effective than other sites, as the school itself absorbs a significant fraction of overhead costs. Ex. V at 03:41:30 ("Any modest savings would be offset by operational strain elsewhere."); Ex. N at 10 (noting WCU "space is provided free of charge"). Nor is there any indication that these cost savings were even needed. According to Swift, Jackson's Board "routinely

comes in *under budget* and returns funds to the county." *Id.* at 03:41:30 (emphasis added). The Jackson Board pointed to "[n]o evidence of waste," and it offered no "explanation of how savings would be reallocated." *Id.* at 03:41:30. In other words, it failed to identify *any* state interest actually advanced by reducing early voting expenditures.

The Jackson Board also cited concerns about the accessibility of the on-campus early voting locations, but their criticisms were entirely unsubstantiated. Materials submitted to the State Board by Jackson Board Members showed that WCU provides reserved parking for 20-30 voters within 200 feet of the polling site, accessible curbside voting, and an ADA-compliant facility. Ex. N at 3−4. And if the Board were truly concerned with accessibility, the solution would be to *replace* the WCU site with a more accessible one—not to eliminate it.

The justifications provided for closing the two on-campus polling sites in Guilford County were even thinner. No Guilford Board member who voted for the plan appeared to defend it, submitting only a one-page statement citing "historical and projected voter turnout" at these sites to suggest resources would be better allocated elsewhere. Ex. X. But actual voting data from Guilford shows otherwise. In the 2024 general election, the now-shuttered sites hosted thousands of voters and fell in the middle of the pack of Guilford's early-voting sites for turnout. Ex. A at 6.

Despite the flimsiness of the County Boards' proffered justifications and the extensive evidence that the closures would harm students, the State Board ultimately removed all three campus early-voting sites. Thus, absent an injunction, thousands of

students—many of them first-time voters or people of color—will face greater obstacles to accessing the franchise.

## LEGAL STANDARD

The Court should grant a preliminary injunction or temporary restraining order when plaintiffs demonstrate that "(1) they are likely to succeed on the merits; (2) they will likely suffer irreparable harm absent an injunction; (3) the balance of hardships weighs in their favor; and (4) the injunction is in the public interest." *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)); *MicroStrategy Inc. v. Motorola*, 245 F.3d 335, 339 (4th Cir. 2001).

## ARGUMENT

### I. Plaintiffs are likely to succeed on the merits.

Plaintiffs are likely to succeed in showing that the site closures violate (1) the Twenty-Sixth Amendment and (2) the First and Fourteenth Amendments.

#### A. Defendants intentionally targeted young voters in violation of the Twenty-Sixth Amendment.

The Twenty-Sixth Amendment prohibits age discrimination in voting that either denies or abridges the right to vote. *See, e.g.*, *One Wis. Inst., Inc. v. Nichol*, 186 F.Supp.3d 958, 976–77 (W.D. Wis. 2016), *aff'd in part, rev'd in part on other grounds*, *Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020); *League of Women Voters of Fla. v. Detzner*, 314 F.Supp.3d 1205, 1222–23 (N.D. Fla. 2018); *United States v. Texas*, 445 F.Supp. 1245, 1254–59 (S.D. Tex. 1978), *aff'd sub nom. Symm v. United States*, 439 U.S. 1105 (1979). That is precisely what Defendants have done. By targeting and eliminating early-voting sites on campus,

Defendants have "abridged" the right to vote—*i.e.*, made it more difficult to vote—for students who rely on those centers. And the justifications for the closures, including Defendants' denigrating comments signaling their hostility to young voters, demonstrate that age was a motivating factor.

The Twenty-Sixth Amendment provides, in relevant part: "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by . . . any State on account of age." U.S. Const. amend. XXVI. "Just as the 15th amendment prohibits racial discrimination in voting and just as the 19th amendment prohibits sex discrimination in voting, the [Twenty-Sixth Amendment] prohibit[s] age discrimination in voting." 117 Cong. Rec. 7534 (1971) (statement of Rep. Richard Poff); *see also id.* at 7539 (statement of Rep. Claude Pepper) (stating that the goal in drafting the Twenty-Sixth Amendment was to do "exactly what [they] did . . . in the 15th amendment and . . . the 19th amendment"). By "transplant[ing]" language from previous amendments into the text of the Twenty-Sixth, Congress intentionally "br[ought] the old soil with it.'" *Taggart v. Lorenzen,* 587 U.S. 554, 560 (2019) (quoting *Hall v. Hall*, 584 U.S. 59, 73 (2018)). The Amendment thus prohibits apparently neutral laws motivated by a discriminatory purpose. *See, e.g.*, *Walgren v. Howes*, 482 F.2d 95, 101–02 (1st Cir. 1973); *Auerbach v. Kinley*, 499 F.Supp. 1329, 1341–42 (N.D.N.Y. 1980) (similar); *Jolicoeur v. Mihaly*, 488 P.2d 1, 4 (Cal. 1971) ("The Twenty-Sixth Amendment, like the Twenty-Fourth, Nineteenth, and Fifteenth before it, 'nullifies sophisticated as well as simple-minded modes of discrimination. It hits onerous procedural requirements which effectively

handicap exercise of the franchise . . . although the abstract right to vote may remain unrestricted."' (quoting *Lane v. Wilson*, 307 U.S. 269, 275 (1939))).

Thus, to establish a Twenty-Sixth Amendment claim, Plaintiffs must show a denial or abridgement of the right to vote on account of age. The site closures easily meet both elements.

**1. The site closures abridge the right to vote.**

For purposes of the Twenty-Sixth Amendment, a law "abridges" the right to vote if it "makes it harder for [the] [p]laintiffs to vote." Ex. DD, Order at 19-20, *Count US IN v. Morales*, No. 25-0864 (S.D. Ind. Oct. 14, 2025) ("*Count Us IN*"); *League of Women Voters of Fla.*, 314 F.Supp.3d at 1222 (law abridged the right to vote by "stymie[ing] young voters from early voting"); *Reno v. Bossier Par. Sch. Bd.*, 528 U.S. 320, 333–34 (2000) (the "core meaning" of "abridge" is to "shorten," which "entails a comparison" to the pre-law "status quo").

The closures indisputably "abridge" the right to vote. Closing on-campus early voting locations necessarily makes voting harder for those who rely on them. Over 55,000 individuals have voted at these early-voting sites since 2016. Ex. A at 6. The voters affected by the site closures are disproportionately young. *See supra* Background § II. Early voting centers are particularly crucial for young voters because they alone permit SDR, essential for college students who are more likely to be first-time voters or registering to vote at a new address. Ex. A at 7. At each of the closed sites, between 10 and 25% of voters used SDR, compared to around 2% for other sites. *Id.* at 8.

For many students, on-campus registration and voting is their only realistic option to vote. *See* Ex. CC, ¶¶12-13. This is all the more so at WCU, which is in the Appalachian Mountains, where public transit is nearly non-existent. *Supra*, Background § II.A. About two-thirds of students lack a personal vehicle, and taxis and rideshare apps are almost entirely unavailable, making off-campus transportation difficult and expensive. *Id.* After the closures, the nearest early voting site is a nearly two-mile walk down a four-lane highway with no pedestrian infrastructure. The closure of WCU's on-campus voting location will thus make early voting and SDR nearly prohibitive for many WCU students.

Similarly, at A&T and UNC-G the closest off-campus early voting site is now about a mile and a half away, in a location that is not readily accessible on foot. *Supra*, Background § II.B. Since public transit in Greensboro is underdeveloped, and ride-share and taxi services are expensive, many students will need to choose between making a long and dangerous walk—or not voting at all. Ex. L ¶7; Ex. CC ¶¶13, 20.

Thus, for students at all three schools—particularly those with limited means or disabilities and those who work—the expense and challenge of traveling off-campus to vote early threatens to make voting difficult. *See supra* Background § II; Ex.CC ¶12-13. This is indisputably an "abridgement" of the right to vote, comparable to restrictions that other courts have found to violate the Twenty-Sixth Amendment. In *League of Women Voters of Florida*, for example, the court held that a statewide prohibition of on-campus early voting was a "ham-handed effort[] to abridge the youth vote." 314 F.Supp.3d at 1223. And in *Count US IN v. Morales*, the court held that a ban on the use of student IDs to satisfy

a state's voter ID law abridged the right to vote by "mak[ing] it harder for [young voters] to vote by eliminating a previously accepted form of identification." *See* Ex. DD at 19-20.

**2. The site closures were motivated by an intent to discriminate against young voters.**

The closures were the product of a targeted effort to discriminate against young voters. To assess claims of age discrimination in voting, "[m]ost [courts] have applied the *Arlington Heights* factors," *Allen v. Waller Cnty.*, 472 F.Supp.3d 351, 363 (S.D. Tex. 2020), a well-worn framework used to evaluate other types of discrimination claims. *See Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977); *see also, e.g.*, *One Wis. Inst.*, 186 F.Supp.3d at 976; *League of Women Voters of Fla.*, 314 F.Supp.3d at 1221. A plaintiff need not show that discrimination was the "sole[]," "dominant," or "primary" purpose behind the challenged law, but simply a "motivating factor." 429 U.S. at 265–66. This requires assessing all "circumstantial and direct evidence of intent as may be available," including: whether the challenged decision "bears more heavily" on one group than another; "[d]epartures from the normal procedural sequence"; and "[t]he legislative or administrative history," including "contemporary statements by members of the decisionmaking body." *Id.* at 267–68. Here, each factor supports the conclusion that discrimination against young voters was at least one "motivating factor" for the site closures.

*First*, the closures will "bear[] more heavily" on young voters. As described, the closed sites were overwhelmingly more likely to be used by younger voters compared to other sites in both counties, and the voters who used the closed sites were especially likely

to take advantage of SDR. And the burden from closures was not evenly distributed. Jackson closed *only* the on-campus site, and Guilford shuttered the only college-based sites in the county. *See* Ex. A at 7; Ex. W; Ex. X. "Disparities" like these that "are so glaring and so patently without justification . . . give rise to an irresistible inference that they are the consequence of intentional discrimination." *Smith v. Boyle*, 144 F.3d 1060, 1064 (7th Cir. 1998); *see also Jean v. Nelson*, 711 F.2d 1455, 1486 (11th Cir. 1983) (a law's "foreseeab[le]" disparate impact is circumstantial evidence of discriminatory intent); Ex. DD at 23 (law which singled out *only* student IDs was a "'shady contraction' in a context of exemptions," and thus discriminatory).

*Second*, the procedures followed by the Board were a "departure" from Defendants' ordinary practices. In past election cycles, the State Board has actively solicited public input before voting on non-unanimous early voting plans—for both general *and* primary elections, and in both presidential *and* non-presidential election cycles. *See* Ex. Y; Ex. Z; Ex. AA. But the State Board conspicuously did not offer a public comment period before its meeting to vote on the site closures at WCU, A&T, and UNC-G. Ex. BB. And when members of the public *did* appear at the meeting, the State Board reacted with hostility, threatening to call the police on the students who attended the meeting—even though it was, by law, open to the public. *Supra*, Background § III.C. Members of the public nonetheless attempted to express their views by writing letters about the closures, but the State Board ignored that input too. *Id.* As the Fourth Circuit has held, such procedural "deviations *themselves* are [] circumstantial evidence" of discriminatory intent. *Hollis v. Morgan State Univ.*, 153 F.4th 369, 383 (4th Cir. 2025).

*Third*, the administrative record supports a finding of discriminatory intent. State and County Board members ignored warnings from students, community members, and their colleagues about the sites' impact on young voters. *Supra*, Background § III; *see N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 230 (4th Cir. 2016) (finding discriminatory intent where legislators had data showing which voting practices Black voters most employed and restricted those same practices). More importantly, Defendants' "contemporaneous statements" reveal a callous and hostile attitude toward student voters. *Supra*, Background § III.C. Rather than address students' well-founded concerns, State and County Board members openly mocked them. *Id.* This is precisely the sort of "ridicule[] and insult" that courts find evinces discriminatory intent. *Cf. Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993) (citation omitted).

This inference is compounded by the implausible justifications Defendants offered for the site closures—minimal cost savings, nonexistent accessibility issues, and vague "historical turnout" claims contradicted by evidence that campus sites matched or exceeded that of several other sites. *See supra*, Background §§ III.C. When a governing body makes a decision that affects fundamental rights with "no evidence" that the decision would achieve its intended purpose "and there is scant evidence in the record to suggest that the [body] made an effort to find such information," the lack of good-faith support for the decision can confirm its discriminatory purpose. *S.D. Farm Bureau, Inc. v. Hazeltine*, 340 F.3d 583, 594 (8th Cir. 2003); *cf. Miller-El v. Cockrell*, 537 U.S. 322, 339 (2003).

### B. The site closures violate the right to vote under the First and Fourteenth Amendments.

Plaintiffs are also likely to succeed in showing that the site closures violate voting rights protected by the First and Fourteenth Amendments under *Anderson v. Celebrezze*, 460 U.S. 780 (1983), and *Burdick v. Takushi*, 504 U.S. 428 (1993). Under this framework, courts must "weigh the character and magnitude of the asserted injury to the [plaintiff's] rights" against "the precise interests put forward by the State as justifications for the burden imposed by its rule," including "the extent to which those interests make it necessary to burden the plaintiff's rights." *Burdick*, 504 U.S. at 434 (quoting *Anderson*, 460 U.S. at 789). If a regulation *severely* burdens the right to vote, the court must apply strict scrutiny and uphold the law only if it is narrowly tailored to advance a compelling state interest. *See Fusaro v. Howard*, 19 F.4th 357, 363 (4th Cir. 2021). Lesser burdens trigger lesser scrutiny, but "'however slight [a law's] burden may appear,' the court must be satisfied that the burden is 'justified by relevant and legitimate state interests 'sufficiently weighty to justify the limitation.'" *Id.* at 368 (citation modified). The site closures impose substantial burdens on the right to vote that are not justified by *any* legitimate state interest.

#### 1. The site closures impose a severe burden on the right to vote.

The Board's decision to close the early voting sites at WCU, A&T, and UNC-G will severely burden the First and Fourteenth Amendment rights of students on these campuses, triggering strict scrutiny.

*First*, there is no question that without on-campus early voting sites, the remaining early voting—and SDR—options are vastly more difficult for Plaintiffs and other students

to access. *See supra*, Background § II.A-B, Argument § I.A.1; *Eakin v. Adams Cnty. Bd. of Elections*, 149 F.4th 291, 309 (3d Cir. 2025) (considering whether "voters [can] comply with a voting law with ease").

*Second*, the site closures' outsized impact on young college students and Black voters magnifies the severity of the burden. Under *Anderson*, "it is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group." 460 U.S. at 793; *see also Eakin*, 149 F.4th at 309 (identifying a law's disproportionate impacts on political participation by identifiable groups as a basis to find a severe burden). Voters affected by all three site closures are *overwhelmingly* young—less than half the age of off-campus voters. *See supra*, Background § II. And the early voting electorate at both A&T and WCU is disproportionately Black. Ex. A at 9. Moreover, all the voters associated with these sites are conspicuously associated with institutions of higher learning. That the Board's decision to close campus voting sites surgically targets these voters likewise supports applying strict scrutiny here. *See Fusaro v. Cogan*, 930 F.3d 241, 261–62 (4th Cir. 2019) (discussing the importance of a law's "neutrality to determining the applicable level of scrutiny" for *Anderson-Burdick* purposes).

**2. Defendants' justifications fail under any standard.**

Defendants' justifications for closing the on-campus early voting sites are insufficient to justify a minimal burden on Plaintiffs' voting rights, let alone satisfy strict scrutiny. Although *Anderson-Burdick* review does not demand "elaborate, empirical verification of" the "weightiness" of the state's interests, the inquiry is *never* toothless, and states must "support [their] stated interests" with "[r]easoned, credible argument."

*Libertarian Party of Va. v. Alcorn*, 826 F.3d 708, 719 (4th Cir. 2016) (quotation omitted); *see also Eakin*, 149 F.4th at 314 (invalidating a minimally burdensome election regulation because the stated interests were "legitimate," but "d[id] not support the . . . requirement"). As explained, the Jackson Board's proffered "cost savings" and "accessibility" justifications were unsupported by the evidence they presented at the State Board meeting—and disproved by evidence from the minority members—while the Guilford Board relied on vague statements about "historical and projected turnout," without providing any turnout numbers, and despite contradicting data. *See supra*, Background § III.C; Ex. X. In other words, irrespective of the severity of the burden that the site closures place on students, Defendants have offered no sufficient justification to plausibly support that burden—meaning that the site closures cannot survive any level of scrutiny under *Anderson-Burdick* review.

## II. The remaining factors support preliminary relief.

Each of the remaining *Winter* factors weigh in favor of Plaintiffs' requested relief.

*First*, absent preliminary relief, Plaintiffs will suffer irreparable harm to their constitutional right to vote. "[V]oting is of the most fundamental significance under our constitutional structure." *Ill. State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979) (citations omitted). Accordingly, "[c]ourts routinely deem restrictions on fundamental voting rights irreparable injury." *League of Women Voters of N.C.*, 769 F.3d at 247 (collecting cases). "[D]iscriminatory voting procedures"—including those that discriminate based on age—"in particular are the kind of serious violations of the Constitution . . . for which courts have granted immediate relief." *Id.* (citation modified).

Whether the number is "thirty or thirty-thousand," it is enough that "some" North Carolinians will be "adversely affected in the upcoming election." *Id.* These harms are irreparable because "once the election occurs, there can be no do-over and no redress." *Id.*

*Second*, the balance of hardships weighs in favor of an injunction. Plaintiffs and others like them face irreparable loss of one of their most fundamental constitutional rights. Defendants cannot claim any comparable harm—certainly not any that can overcome Plaintiffs' weighty interest in their constitutional right to vote. Defendants have operated early voting sites at WCU, A&T, and UNC-G for years. The plans to operate these sites therefore "have existed, do exist, and simply need to be resurrected." *League of Women Voters of N.C.*, 769 F.3d at 248. An injunction would "merely require[] the revival of previous practices." *Id.* The requested injunction would not adversely affect North Carolina's interest in an orderly election because it would simply "preserv[e] the status quo." *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 590 n.1 (7th Cir. 2012). Moreover, the added incremental costs of operating these three on-campus early voting sites would be minimal. *See supra* § I.A.2.

*Finally*, the public interest strongly favors granting a preliminary injunction. "By definition, the public interest favors permitting as many qualified voters to vote as possible." *League of Women Voters of N.C.*, 769 F.3d at 247 (citation modified). Plain and simple, "upholding constitutional rights serves the public interest." *Newsom v. Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003).

## CONCLUSION

The Court should preliminarily enjoin Defendants from closing the on-campus early-voting sites at WCU, A&T, and UNC-G during the early voting period for the March 2026 primary election. Plaintiffs request relief by February 12, 2026—the start of early voting—but emphasize that restoring on-campus voting sites at any time during the early voting period would provide meaningful relief.

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Respectfully submitted,

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*Counsel for Plaintiffs*

## CERTIFICATE OF WORD COUNT

I hereby certify that this Brief complies with Local Rule 7.3(d)(1) in that it does not exceed 6,250 words in length, including the body of the brief, headings, and footnotes.

This the 30th day of January, 2026.

*/s/ Lalitha D. Madduri*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically with the Court's CM/ECF system, which will send notice of filing to all counsel of record.

This the 30th day of January, 2026.

*/s/ Lalitha D. Madduri*