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July 11, 2025

Sam Hayes  
Executive Director, North Carolina State Board of Elections  
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**VIA EMAIL AND CERTIFIED MAIL**

Dear Mr. Hayes:

I write on behalf of the Democratic National Committee (DNC) to inform you of an ongoing violation of the National Voter Registration Act (NVRA), 52 U.S.C. §§ 20501-11, in North Carolina. At its June 24, 2025, meeting, the North Carolina State Board of Elections (State Board) approved a “plan to collect incomplete registration information” (the Plan) that effectively removes approximately 98,000 registrants from the “official list of eligible voters” in violation of Section 8(a)(3) of the NVRA, 52 U.S.C. § 20507(a)(3).

The Plan states that the State Board has concluded that 98,000 voters who registered after the Help America Vote Act (HAVA) became effective in 2004 “apparently lack HAVA info[rmation] and have not otherwise complied with HAVA.” Ex. A, Plan at 5. The supposedly missing information is a voter’s driver’s license number, the last four digits of the voter’s Social Security number, or (for voters who lack either of those) a number assigned by the state. *Cf.* 52 U.S.C. § 21083(a)(5) (requiring states to collect this information). Under the Plan, “[t]hese voters will vote provisionally until they provide the information.” Plan at 5; *see also id.* at 8 (addressing future elections); *NCSBE*, 6/24/2025 State Board Meeting Recording (Recording) at 21:31–21:53, available at [https://s3.amazonaws.com/dl.ncsbe.gov/State\\_Board\\_Meeting\\_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2025-06-24/State%20Board%20of%20Elections%20Meeting-20250624.mp4). Critically, even if a voter on this list casts a provisional ballot and provides their driver’s license number or the last four digits of their Social Security number, their ballot will only be counted if the numbers provided are deemed “correct.” *Id.* at 25:01–25:54. By requiring voters to cast provisional ballots that may not be counted, the Plan effectively removes registrants from the official list of eligible voters. *See, e.g., Majority Forward v. Ben Hill Cnty. Bd. of Elections*, 512 F. Supp. 3d 1354, 1368 (M.D. Ga.

July 11, 2025

Page 2

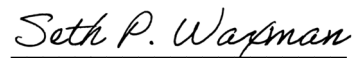
2021); *Common Cause / New York v. Brehm*, 344 F. Supp. 3d 542, 555 (S.D.N.Y. 2018). These voters may therefore be prevented from casting effective ballots in local elections held this fall.

Section 8(a)(3) of the NVRA prohibits a state from removing “the name of a registrant . . . from the official list of eligible voters” unless the removal occurs (1) at the registrant’s request, (2) because of a “criminal conviction or mental capacity,” (3) due to the death of the registrant, or (4) based on the registrant’s change in residence. 52 U.S.C. § 20507(a)(3); *see also id.* § 20504(a)(4). Under the Plan, the State Board would effectively remove registrants from the list of eligible voters for an unauthorized reason: because their voter-registration records purportedly lack certain identifying information. The Plan thus results in 98,000 registrants being effectively removed from the list of *eligible* voters, in violation of the NVRA, even if their names remain in poll books.

The Plan will harm the DNC and its members. Wrongful removal of registrants from the list of eligible voters will force the DNC to expend and divert funds and resources that it would otherwise spend on voter outreach and mobilization efforts toward informing voters about their registration status and urging them to attempt to update records before Election Day, so that those voters are more likely to cast ballots that will be counted. *See, e.g., Disability Rts. N.C. v. N.C. State Bd. of Elections*, 2022 WL 2678884, at \*3 (E.D.N.C. July 11, 2022). In turn, members of the Democratic party who attempt to update registration records during the voting process will be disenfranchised when they submit driver’s license number or partial Social Security numbers that fail to match administrative records. *See, e.g., Tex. Democratic Pty. v. Benkiser*, 459 F.3d 582, 587–88 (5th Cir. 2006) (recognizing political party associational standing).

This letter constitutes written notice of violations of the NVRA, pursuant to Section 10(b)(1) of that Act, 52 U.S.C. § 20510(b)(1). The DNC is sending this correspondence in addition to (rather than in lieu of) its participation in ongoing litigation to which the DNC is a party or has moved to intervene regarding North Carolina’s voter list maintenance practices. *See United States v. N.C. State Bd. of Elections*, Case No. 5:25-cv-00283-M-RJ (E.D.N.C.); *Republican Nat’l Comm. v. N.C. State Bd. of Elections*, Case No. 5:24-cv-00547-M-RJ (E.D.N.C.). I may be reached through your counsel at (202) 663-6800 or [seth.waxman@wilmerhale.com](mailto:seth.waxman@wilmerhale.com). I hope that these violations may be resolved without the unnecessary expense of additional litigation. But if the violations are not corrected by October 9, 2025, the DNC may file claims seeking declaratory or injunctive relief, whether as a crossclaim in existing litigation or in a new civil action. *See* 52 U.S.C. § 20510(b)(2).

Sincerely,

  
Seth Waxman

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July 11, 2025

Page 3

CC: North Carolina Department of Justice, c/o Terence Steed ([tsteed@ncdoj.gov](mailto:tsteed@ncdoj.gov)).