

Associate Justice Allison Riggs, North Carolina Supreme Court
U.S. Senate Rules and Administration Committee Forum
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Good afternoon. My name is Allison Riggs and I'm an associate justice on the North Carolina Supreme Court. I was appointed to the Supreme Court in 2023 and ran statewide to keep my seat last year. In a very competitive state and in a competitive state race, I won my election to keep my seat by 734 votes out of over 5.5 million cast.

My race was the last race from the 2024 election to be certified and was unfortunately the subject of much post-election dispute and litigation. Despite the fact that a Republican presidential candidate and a Democratic gubernatorial candidate both won statewide (and, indeed, Republicans and Democrats came close to splitting the statewide races evenly), my Republican opponent and his party filed post-election litigation alleging that thousands of ballots should be discounted. To be clear, the valid votes of the 68,000 North Carolina voters were cast in accordance with North Carolina election law and in compliance with every instruction those voters were given. The votes cast by those voters in the presidential and gubernatorial race were not challenged.

Instead, because my race was so close, politicians deemed it possible to change the election outcome by selectively challenging the votes cast by certain voters. These were voters who cast early and absentee votes and voters who were registered in four heavily Democratic counties (out of our 100 counties total).

For six months and three days after the election, as a party to the litigation, as a winning candidate, and as a constitutional officer, I fought to make sure that every eligible vote was counted. The irony of my situation was pointed because I spent my private career, before joining the bench, as a civil rights attorney with a focus on voting rights.

I ran for office because I knew how important it was to have candidates and public servants whose values and lived experience would lead them to serve everyone, not just the powerful few. I am the youngest woman to ever serve on the North Carolina Supreme Court and as a former civil rights attorney, I didn't come into politics because of money or connections. I signed up to lead because I believed that our democracy works best when the people decide our direction and those who lead do so at the pleasure of the voters. I hoped that my commitment to democracy would make me a strong defender of each of our rights and freedoms.

And in the attacks on voters after I won my race, we came perilously close to losing our democracy. Our state appellate courts were willing to give credence to an argument that

the rules of an election could be changed after the election to change an election outcome. Obviously, a federal court rejected that, as I knew it would, but my experience and the experience of North Carolinians in this past election cycle should be taken as the very serious threat to democracy that it posed.

Let me tell you a bit about the voters who came so close to being disenfranchised after the 2024 election. One category of voters were military voters, their families, and other citizens who cast their ballot overseas or stationed at a military base away from home. These voters used a federal law called the Uniformed and Overseas Citizens Absentee Voting Act, called UOCAVA. UOCAVA voters who were registered in only 4 of North Carolina's 100 counties had their absentee votes disputed. To be clear, my opponent challenged the right of citizens to vote who raised their hands to serve and protect our country if they registered in four heavily democratic counties. All UOCAVA voters were told before the election that they did not have to photocopy their ID and submit it with their ballot, but only those UOCAVA voters in those 4 Democratic counties had a state court tell them that their vote in my race would not count unless they "cured" their ballot by submitting a copy of their ID months after the election was conducted.

Other voters who had their vote challenged were over 60,000 voters whose registration allegedly lacked a driver's license or social security number. My parents were two of those 60,000 voters. My dad served his country in uniform for 30 years and was deployed in war. Because my dad registered to vote with his retired military IDs – that is, he presented a valid photo ID that did not have a DL or SSN on it. Subsequent to registering, he also showed a valid picture ID to vote. He did everything asked of him, as did our UOCAVA voters across the state. But in an attempt to selectively overturn the results of elections that disgruntled partisans and disappointed politicians disagreed with, the fundamental right to vote was put at risk.

And what we experienced wasn't even just about one person's (or 68,000 people's) right to vote – it was a more fundamental dispute: do voters decide elections? Because if the answer is no, then our representative democracy does not work. No voter will ever walk out of the polling place certain that their vote will count – instead, it will depend on how close a race in which they voted is and whether partisan politicians have enough money to throw at a race to litigate the outcome after the fact.

As a former voting rights attorney, I was not naïve. I hired my attorneys before election day because I knew it was possible that those whose values weren't in the right place might be tempted to litigate their way to election wins. If voters did put their faith in me, I wanted to be prepared to live up to my commitment to the people of this state and defend the rule of law, no matter what it cost me personally.

I recused myself from the litigation surrounding my election and intervened in the litigation to vindicate the right of all eligible North Carolinians to cast a vote that will be counted. Over the course of the months of that expensive and intense litigation, I talked to thousands of impacted voters – voters who were confused about how their vote could count in the presidential election but not in a state supreme court race. Voters who did not understand why the rules as they understood them on election day weren't the rules that would decide if their votes counted. And to my dismay, I have never been able to give most of those voters a satisfactory answer. It's one thing to say that, forward-looking, we need to elect candidates and especially judges, where we elect them, who will put country and constitution above partisanship and personal political ambition.

As a current public official who placed her hand on a Bible and swore a solemn oath to uphold and defend our state and federal constitutions, I will continue to share my experience and what happened in the 2024 election in North Carolina until I am certain that the rule of law and the will of voters will be upheld in my state or in any place in this country I love so much. Thank you for your time today and I look forward to your later questions.