No. _____   TENTH JUDICIAL DISTRICT

NORTH CAROLINA COURT OF APPEALS

****

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR.;
DANDRIELLE LEWIS; TIMOTHY
CHARTIER; TALIA FERNÓS;
KATHERINE NEWHALL; R. JASON
PARSLEY; EDNA SCOTT; ROBERTA
SCOTT; YVETTE ROBERTS;
JEREANN KING JOHNSON;
REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.;
REVEREND DELORIS L. JERMAN;
VIOLA RYALS FIGUEROA; and
COSMOS GEORGE,

                       Plaintiffs,   <u>From Wake County</u>
                                          21 CVS 015426
    v.

REPRESENTATIVE DESTIN HALL,
in his official capacity as Chair of the
House Standing Committee on
Redistricting; SENATOR WARREN
DANIEL, in his official capacity as Co-
Chair of the Senate Standing
Committee on Redistricting and
Elections; SENATOR RALPH E. HISE,
JR., in his official capacity as Co-Chair
of the Senate Standing Committee on
Redistricting and Elections; SENATOR
PAUL NEWTON, in his official
capacity as Co-Chair of the Senate
Standing Committee on Redistricting

and Elections; REPRESENTATIVE TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives; SENATOR PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate; THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as Chairman of the North Carolina State Board of Elections; STELLA ANDERSON, in her official capacity as Secretary of the North Carolina State Board of Elections; JEFF CARMON III, in his official capacity as Member of the North Carolina State Board of Elections; STACY EGGERS IV, in his official capacity as Member of the North Carolina State Board of Elections; TOMMY TUCKER, in his official capacity as Member of the North Carolina State Board of Elections; and KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections,

       Defendants.

****
NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC., ET AL.'S PETITION FOR WRIT OF SUPERSEDEAS OR PROHIBITION AND MOTION FOR TEMPORARY STAY
****

INDEX

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS AND STATUTES

OTHER AUTHORITIES

NO. _____   TENTH JUDICIAL DISTRICT

NORTH CAROLINA COURT OF APPEALS

****

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR.; et al.,
 	
            Plaintiffs,
 	
    v.
 	
 REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al.,
 	
            Defendants.
	<u>From Wake County</u>
	 21 CVS 015426

****

**NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.,
ET AL.'S PETITION FOR WRIT OF SUPERSEDEAS OR
PROHIBITION AND MOTION FOR TEMPORARY STAY**

****

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Pursuant to Section 1 of Article IV of the North Carolina State

Constitution, Section 7A-32(c) of the North Carolina General Statutes,

and Rules 2, 8, 22, and 23 of the North Carolina Rules of Appellate

Procedure, and pending final review by this Court or the North Carolina

Supreme Court, Plaintiffs respectfully petition this Court to issue a writ of supersedeas to stay the candidate-filing period for the primary elections that is currently scheduled to open at ***12:00 noon today*** (6 December 2021) and to close in just a week and a half, at 12:00 noon on 17 December 2021.

In 2017, the General Assembly drew redistricting maps for Congress, the state Senate, and the state House that it frankly acknowledged "would be a political gerrymander." *Harper v. Lewis*, No. 19-CVS-012667, 2019 N.C. Super. LEXIS 122, at *17–18 (N.C. Super. Ct. Oct. 28, 2019) (three-judge panel) (unpublished). It also proclaimed that, under our state's law, the majority party is "'perfectly free' to engage in constitutional partisan gerrymandering." *Common Cause v. Lewis*, No. 18-CVS-014001, 2019 WL 4569584, at *4 (N.C. Super. Ct. Sept. 3, 2019) (three-judge panel) (unpublished). In 2019, a three-judge panel (composed of Judges Ridgeway, Crosswhite, and Hinton) issued a unanimous 357-page opinion that exhaustively canvassed North Carolina law to reject that remarkable claim. The panel held that our state Constitution prohibits "extreme partisan gerrymanders" and that

courts must enforce this prohibition. The General Assembly did not appeal.

In November 2021, however, the General Assembly enacted new plans that effect nearly identical gerrymanders in the maps for Congress, the state Senate, and the state House (the "Enacted Plans"). The plans guarantee one political party majorities in the congressional delegation and both chambers of the General Assembly even when its candidates lose statewide by up to ***seven percentage points***, thereby all but ensuring counter-majoritarian rule. Undisputed evidence shows that even when Democratic candidates outpoll their opponents across North Carolina by significant margins, Republicans nonetheless will likely take 10 of the state's 14 congressional seats and majorities in the Senate and House. Elections thus become meaningless formalities—an untenable outcome for democracy in our evenly divided and highly competitive state.

Petitioners sought relief from these extreme partisan gerrymanders in the Superior Court. A coalition encompassing the North Carolina League of Conservation Voters, Inc. ("NCLCV"), civil-rights leaders, individual voters, and professors of mathematics, statistics, and

computer science (collectively, "NCLCV Petitioners") moved for a preliminary injunction against the use of the Enacted Plans in the 2022 primary election (in which the first primary is scheduled for 8 March 2022, months before other states' primaries). The NCLCV Petitioners explained that the plans violated the North Carolina State Constitution in the **exact** same way as did the maps at issue just two years ago in *Common Cause* and *Harper*. The NCLCV Petitioners also sought ancillary relief, including an injunction delaying the candidate-filing period that begins at noon today (6 December 2021). But the three-judge panel appointed to hear the case, composed of Judges Shirley, Poovey, and Layton, rejected the core holding of *Common Cause* and *Harper* and held that North Carolina's Constitution **does not** prohibit even extreme partisan gerrymanders. The panel thus denied the motion for a preliminary injunction.

Given the importance of the issues and the relatively short time before the March 8 primaries, the NCLCV Petitioners are filing—simultaneously with this Petition—a petition in the North Carolina Supreme Court seeking discretionary review prior to determination by this Court, an expedited briefing schedule, and related relief. That

petition seeks to avoid the irreparable harm that millions of North Carolinians will suffer if forced to vote under redistricting plans that drain their votes of meaning.

In this Petition, the NCLCV Petitioners seek more modest interim relief—namely, an order staying the filing period for candidates to file to run for the upcoming primary election pending the resolution of the NCLCV Petitioners' appeal. Absent such relief, there will be needless waste and inconvenience: Individuals will file candidacies and launch their campaigns in unlawfully drawn districts. The State Board of Elections will expend resources on steps that will need to be redone if (as is likely) the Enacted Plans are enjoined. And needless aggravation may ensue if the State Board must throw out existing candidacies and start over. All this can be avoided via the relief the NCLCV Petitioners seek here.

In support of their petition, the NCLCV Petitioners show as follows:

FACTS

I.   The Law Governing Redistricting in North Carolina

After every federal decennial census, the General Assembly must draw new legislative districts. N.C. Const. art. II, §§ 3, 5. Our

Constitution imposes several limits on that authority, including that (1) each Senator and Representative "shall represent, as nearly as may be, an equal number of inhabitants"; (2) each district "shall at all times consist of contiguous territory"; (3) "[n]o county shall be divided in the formation of a senate district … [or] a representative district" (the "Whole County Provisions"); and (4) "[w]hen established, the senate [and representative] districts and the apportionment of [legislators] shall remain unaltered until the return of another decennial census." *Id.*

Redistricting also must comply with other constitutional requirements, including North Carolina's Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause. *Common Cause*, 2019 WL 4569584, at *108–24; *Harper*, 2019 N.C. Super. LEXIS 122, at *7–14. Federal law—including the one-person, one-vote requirement and the Voting Rights Act of 1965—imposes additional requirements.

In a line of cases beginning with *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002) (*Stephenson I*), the Supreme Court set forth a mandatory, nine-step framework that explains how to apply certain aspects of North Carolina redistricting law governing state legislative

maps—in particular, the Whole County Provisions—consistent with federal law. *See id.*; *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*); *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*); *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 404 (2015) (*Dickson II*).

II.   *Common Cause* and *Harper*

The General Assembly, however, frequently has ignored the neutral principles articulated by this Court and gerrymandered based on party, race, or both. *See generally* J. MICHAEL BITZER, REDISTRICTING AND GERRYMANDERING IN NORTH CAROLINA (2021). On that score, neither party's hands are clean—though recently, control of the General Assembly has rested with the Republican Party. In the 2011 redistricting cycle, the controlling party instructed its mapmaker to "ensure Republican majorities," based on claims that the majority was "'perfectly free' to engage in constitutional partisan gerrymandering." *Common Cause*, 2019 WL 4569584, at *4. In 2016, federal courts invalidated the 2011 congressional and legislative plans as racial gerrymanders.[1] But

---

[1] *Harris v. McCrory*, 159 F. Supp. 3d 600 (M.D.N.C. 2016) (congressional plan), *aff'd sub nom. Cooper v. Harris*, 137 S. Ct. 1455 (2017); *Covington*

when the General Assembly redrew those maps, it again created "[e]xtreme partisan gerrymander[s]." *Id.* at *125, *135; *see Harper*, 2019 N.C. Super. LEXIS 122, at *16–18. Indeed, one legislative leader "acknowledge[d] freely that" the congressional map "would be a political gerrymander." *Harper*, 2019 N.C. Super. LEXIS 122, at *17.

In 2019, the three-judge panel of Judges Ridgeway, Crosswhite, and Hinton unanimously rejected the argument that incumbent officeholders are "perfectly free" to gerrymander. *Common Cause*, 2019 WL 4569584, at *4. The panel's exhaustive opinion concluded that, under "extreme partisan gerrymander[s]," elections do not "fairly ascertain[]" the "free will of the People"; rather, "the carefully crafted will of the map drawer … predominates." *Id.* at *3. That result "violate[s] multiple fundamental rights guaranteed by the North Carolina Constitution." *Harper*, 2019 N.C. Super. LEXIS 122, at *18–19. Those include the fundamental rights protected by North Carolina's Free Elections Clause, as well as the Equal Protection, Free Speech, and Free Assembly Clauses.

---

v. North Carolina, 316 F.R.D. 117 (M.D.N.C. 2016) (legislative plans), *summarily aff'd*, 137 S. Ct. 2211 (2017).

That conclusion, the panel emphasized, "reflect[ed] the unanimous and best efforts of the … judges—each hailing from different geographic regions and each with differing ideological and political outlooks—to apply core constitutional principles to [a] complex and divisive topic." *Common Cause*, 2019 WL 4569584, at *1.

That conclusion also accorded with the guidance of the United States Supreme Court. *Id.* at *2. In 2004, all nine Justices agreed that "an excessive injection of politics" in redistricting is "unlawful." *Vieth v. Jubelirer*, 541 U.S. 267, 292–93 (2004) (plurality op. of Scalia, J.); *see id.* at 316 (Kennedy, J., concurring) (noting the plurality's agreement that severe partisan gerrymandering is unlawful). And in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), all nine Justices again agreed that partisan gerrymanders are "incompatible with democratic principles." *Id.* at 2506; *see also id.* at 2512 (Kagan, J., dissenting) (detailing unanimous rejection by all Members of the Court of extreme partisan gerrymandering). While the United States Supreme Court ultimately found that partisan gerrymandering claims are nonjusticiable in federal court, Chief Justice Roberts emphasized that the Court's opinion did not "condemn complaints" about "excessive partisan gerrymandering" to

"echo into a void." *Id.* at 2507 (majority op.). Instead, state courts can find prohibitions on such gerrymandering in "state constitutions." *Id.*

III. The 2021 Redistricting Process

When the time came to redistrict following the 2020 census, rather than conform its conduct to the constitutional prohibitions articulated in *Common Cause* and *Harper*, the General Assembly attempted to circumvent them. Instead of drawing North Carolina's districts to fairly reflect North Carolinians' preferences, the General Assembly structured its processes to conceal its aims to effect extreme partisan gerrymanders and, if possible, to shield its gerrymandered maps from scrutiny.

The General Assembly did so, first, in the criteria and methods adopted by the committees overseeing the redistricting process. The Senate Committee on Redistricting and Elections (chaired by Defendants Hise, Daniel, and Newton) and the House Committee on Redistricting (chaired by Defendant Hall) issued proposed redistricting criteria on 9 August 2021 and, three days later, adopted them with minimal amendments. Verified Compl. ¶¶ 61–63 (App. 155). The adopted criteria stated that "[p]artisan considerations and election results data ***shall not***

be used in the drawing of districts in the 2021 Congressional, House, and Senate plans." *Id.* ¶ 69 (App. 157).

This statement was clearly intended to avoid the frank admissions of partisan gerrymandering that plagued the General Assembly in *Common Cause* and *Harper*. But the statement had little substance: It meant only that the Committees' computer terminals did not contain electoral data. *Id.* ¶ 70 (App. 157.). Members could freely draw maps elsewhere, using whatever data they liked, and redraw them on the public terminals. *Id.* Indeed, "legislators were free to bring materials into and out of the hearing rooms," *id.* ¶ 75 (App. 159), and Defendant Hall admitted that he had no intention of blocking members from relying on electoral data outside the committee chambers. *Id.* ¶ 70 (App. 157); Liberman Aff. ¶ 2 (App. 249–52).

Meanwhile, the General Assembly established a calendar that discouraged judicial review of its maps. Redistricting depends on census data, but the pandemic delayed the release of that data until August 2021. Verified Compl. ¶ 60 (App. 154–55); Feldman Aff. Ex. J at 1 (App. 357). The Executive Director of the State Board of Elections advised the General Assembly to delay the 2022 congressional and legislative

primary by eight weeks—from the original date, March 8, to May 3—with second primaries on July 12. Verified Compl. ¶ 184 (App. 205); Feldman Aff. Ex. L at 14 (App. 379). The General Assembly allowed municipalities to delay their municipal elections but refused to reschedule congressional and legislative primaries. Verified Compl. ¶ 185 (App. 205).

As a result, North Carolina is an outlier. Forty-eight states have 2022 primaries scheduled in May or later. *Id.* ¶ 183 (App. 204–05). Nineteen states have scheduled 2022 primaries for August or later. *Id.* Only North Carolina and Texas are contemplating a primary as early as March—and Texas's primary may be postponed based on pending litigation. *Id.*

North Carolina's artificially compressed redistricting schedule became a tool to limit public and expert scrutiny. During September, the Committees held 13 public hearings—but because no maps had been proposed, those hearings did not give the public or experts a meaningful opportunity to provide input. *Id.* ¶ 72 (App. 158). On October 6, Committee members began drawing proposed maps in the hearing rooms. *Id.* ¶ 75 (App. 159). On October 21, with little notice, the Committees announced that public hearings would be held on October 25

and 26. *Id.* ¶ 76 (App. 160). The Committees did not specify which of the many maps that had been posted online were final contenders, leaving the public and experts unable to identify the maps that were the Committee leaders' focus. *Id.*

On October 28, the Committees announced legislative hearings on November 1 and 2 to consider proposed congressional and legislative plans. *Id.* ¶ 77 (App. 160). After cursory hearings, the Committees passed proposed plans for Congress, the state Senate, and the state House. On November 4, the General Assembly adopted the Enacted Plans into law, each with no or few amendments and all on party-line votes. *Id.* ¶¶ 78–81 (App. 160–61). This Petition refers to those plans as the Enacted Congressional Plan, the Enacted Senate Plan, and the Enacted House Plan.

IV. This Suit and the Motion for a Preliminary Injunction

The NCLCV Petitioners filed this case just 12 days after the General Assembly enacted its maps. The Verified Complaint (App. 132–223) alleges that the Enacted Plans are unconstitutional partisan gerrymanders that violate North Carolina's Free Elections Clause (Count I), Equal Protection Clause (Count II), and Free Speech and Free

Assembly Clauses (Count III). It also alleges that the Enacted Plans unlawfully dilute the voting strength of North Carolina's black voters in violation of North Carolina's Free Elections Clause (Count IV) and Equal Protection Clause (Count V), as well as violate the Whole County Provisions as implemented in the *Stephenson/Dickson* framework (Count VI).

The NCLCV Petitioners include the NCLCV, which sues on its own behalf and on behalf of thousands of its members who are registered to vote in North Carolina and reside in every congressional, state Senate, and state House district. The NCLCV Petitioners also include civil-rights legend Mickey Michaux, himself a former member of the General Assembly, as well as Democratic and black voters who reside across the state. And the NCLCV Petitioners include noted professors of mathematics, statistics, and computer science.

Simultaneously, the NCLCV Petitioners moved for a preliminary injunction on their political gerrymandering claims in Counts I–III. (App. 528–32). The motion sought to enjoin Defendants—who include officials from the State Board of Elections—from preparing for, administering, or conducting the 8 March 2022 primary election and any

subsequent election for Congress, the state Senate, or the state House using the Enacted Plans. The motion also sought—as necessary, and among other things—an injunction delaying the candidate-filing period scheduled to commence at noon today (6 December 2021). Pltfs' Mot. for Prelim. Inj. ¶ 7(b) (App. 531). The NCLCV Petitioners supported their motion with detailed evidence. (App. 132–527).

In particular, the NCLCV Petitioners submitted an affidavit from Professor Moon Duchin, a mathematician specializing in metric geometry and one of the Nation's leading experts on computational redistricting—a field that applies principles of mathematics, high-performance computing, and spatial demography to the redistricting process. Dr. Duchin's affidavit used standard techniques in the field to show that the Enacted Plans are extreme, unjustified partisan gerrymanders. She examined voting data from 52 statewide partisan elections in 2012, 2014, 2016, 2018, and 2020 and analyzed how the Enacted Plans would translate those votes into seats. Duchin Aff. 8, 13–14 (App. 232, 237–38).

The results were striking: In all 38 elections decided by seven percentage points or fewer, the Enacted Plans ensure that the

Republican Party will retain majorities in Congress, the state Senate, and the state House. *Id.*

Dr. Duchin also addressed the counterargument—namely, that skewed results reflect the inevitable effects of North Carolina's political geography or traditional districting principles. *Id.* at 7–8 (App. 231–32). She did so by analyzing alternative maps that the NCLCV Petitioners had drawn by harnessing the power of computational redistricting (identified in the Verified Complaint as the "Optimized Maps"). The Optimized Maps, Dr. Duchin concluded, perform ***better*** than the Enacted Plans on North Carolina's traditional districting criteria: They are more compact, better respect county lines, and split municipalities less—all while avoiding the severe partisan bias that afflicts the Enacted Plans. *Id.* at 6 (App. 230).

On 22 November 2021, Chief Justice Newby appointed a three-judge panel pursuant to N.C.G.S. § 1-267.1. The panel set a preliminary-injunction hearing for 3 December 2021. The panel also set a preliminary-injunction hearing, that same day, in *Harper v. Hall*, No. 21-CVS-500085, which likewise sought to enjoin the Enacted Congressional Plan as a partisan gerrymander.

On 1 December 2021, Defendants served an affidavit from Sean Trende, a commentator for "RealClearPolitics" and a Ph.D. candidate in political science. (App. 656–82) Mr. Trende did not address Dr. Duchin's showing that the Enacted Plans are extreme partisan gerrymanders. Nor did he counter Dr. Duchin's showing that North Carolina's political geography does not compel the Enacted Plans' partisan bias. Instead, he simply opined that most of North Carolina's counties tend to vote Republican—ignoring the vast population differences among the counties. Thus, Mr. Trende appears to believe that the results in Mecklenburg County (population 1.11 million) should be weighted exactly the same as the results in Tyrell County (population 3,245).

V.   The Superior Court's Decision

After the December 3 hearing, the panel acknowledged that partisan gerrymandering "results in an ill that has affected this country and state since Colonial days." Tr. 112:15–17 (App. 126). It held, however, that North Carolina law does not permit any remedy for even "extreme partisan gerrymanders." Order on Pltfs' Mot. for Prelim. Inj. at 11 ("December 3 Order") (App. 11). Barely mentioning the 357-page opinion issued by the prior three-judge panel in 2019 that painstakingly

detailed how extreme partisan gerrymandering violates the North Carolina State Constitution, the panel held that the NCLCV Petitioners were unlikely to succeed on the merits because their claims presented political questions that were "not justiciable." *Id.* at 7 (App. 7).

The panel also held that the NCLCV Petitioners were unlikely to prove that they had standing to bring their claims—even though, during the hearing, the panel did not ask a single question about standing. The panel incorrectly stated that the NCLCV Petitioners "reside in only 6 of the congressional districts, 8 of the Senate districts, and 9 of the House districts." *Id.* at 8 (App. 8). In fact, as is established by the Verified Complaint, the ***individual petitioners*** in this suit reside in enacted Congressional Districts 2, 4, 6, 11, 12, 13; enacted Senate Districts 2, 4, 12, 20, 23, 27, 32, 37; and enacted House Districts 6, 10, 27, 29, 56, 58, 61, 72, 98. Verified Compl. ¶¶ 14–28 (App. 138–44). But in addition to these individuals, NCLCV "has members who are registered Democratic voters in all 14 districts under the Enacted Congressional Plan, all 50 districts under the Enacted Senate Plan, and all 120 districts under the Enacted House Plan." *Id.* ¶ 11 n.4 (App. 137).

The panel also held that the NCLCV Petitioners had not shown a likelihood of success on the merits, stating that "some evidence of intent is required to prove … extreme partisan gerrymandering" and "the evidence presented shows that the General Assembly did not use any partisan data in the creation of these congressional and state legislative districts, suggesting a lack of intent." December 3 Order at 11 (App. 11).

The panel therefore denied the motion for a preliminary injunction (as well as the motion in *Harper*). The panel stated that "[t]o the extent necessary, this Court determines that there is no just reason for delay and certifies this order for immediate appeal pursuant to Rule 54 of the North Carolina Rules of Civil Procedure." *Id.* at 13 (App. 13).

The NCLCV Petitioners filed their Notice of Appeal on the same day as the panel's order.

VI. The Impending Election Process

As explained above, the primary election for congressional and legislative candidates is currently scheduled for March 8, with runoff primary elections, if needed, held on April 26 or May 17. Bell Aff. ¶ 3 (App. 687–88). In-person early voting is set to begin on February 17, *id.* ¶ 12 (App. 691), and the candidate-filing period is set to open today

(December 6) at 12:00 noon, *see* N.C.G.S. § 163-106.2. The State Board

of Elections has represented that it must begin sending out vote-by-mail

ballots on or about 14 January 2022, to comply with federal and state

law. Bell Aff. ¶ 10 (App. 690–91).

Before the three-judge panel, the State Board took "no position on

the merits of Plaintiffs' claims." State Board Defs' Resp. at 1 (App. 672).

It explained that, while the NCLCV Petitioners' requested relief would

impose some "burden," that relief would not create any "insurmountable"

issues so long as the State Board's "administrative considerations and

concerns" were "taken into account." *Id.*

In particular, the State Board made two points relevant here. First,

some pre-election processes can occur "concurrently"—including, as

relevant here, "geocoding" the map data and candidate filing. Bell Aff.

¶¶ 8, 9, 14 (App. 689–92).[2] As a result, a delay in the candidate-filing

period does not require an immediate delay in the primary election.

---

[2] In particular, to prepare ballots, the State Board must first assign
voters to voting districts (a process called "geocoding"), hold a period for
candidate filing (which can proceed simultaneously with geocoding), and
then prepare and proof ballots. Bell Aff. ¶¶ 4–8 (App. 688–90). The "total
time required for geocoding and ballot preparation is likely between 38
and 42 days (including holidays and weekends)." *Id.* ¶ 9 (App. 690).

Second, the primary could feasibly be delayed until 17 May 2022—similar to what has occurred in prior redistricting cycles, *infra* pp. 28–29—so long as the State Board received new districting plans by the week of February 14. Bell Aff. ¶ 23 (App. 695).

VII. The NCLCV Petitioners' Petition in the North Carolina Supreme Court

Owing to the significance of this case to all North Carolinians, and given the impending election deadlines that the General Assembly imposed, the NCLCV Petitioners are simultaneously filing a petition in the North Carolina Supreme Court seeking discretionary review prior to determination by this Court, an expedited briefing schedule, and related relief (including a writ of supersedeas from that Court, if this Court does not act first). The NCLCV Petitioners are proposing the following expedited schedule in the Supreme Court:

Opening Brief & Record on Appeal:	Noon on 10 December 2021
Response Brief:	Noon on 17 December 2021
Reply Brief:	Noon on 21 December 2021
Argument:	As soon as possible, at the Court's discretion

REASONS WHY THE WRIT SHOULD ISSUE

Absent an order from this Court, the candidate-filing period will begin at *12:00 noon today, December 6*. Candidates will begin declaring their candidacies across North Carolina, for both congressional and state legislative offices under maps that the three-judge panel in this case acknowledged very well may have been extreme partisan gerrymanders. An order is warranted to stay the candidate-filing period pending review of legal issues that affect the fundamental rights of millions of North Carolina citizens.

"Through its inherent power [protected by Article IV, § 1] the court has authority to do all things that are reasonably necessary for the proper administration of justice." *Beard v. N.C. State Bar*, 320 N.C. 126, 129, 357 S.E.2d 694, 696 (1987). In particular, the writ of supersedeas allows this Court to preserve the status quo while an appeal is pending. *E.g.*, *Craver v. Craver*, 298 N.C. 231, 237–38, 258 S.E.2d 357, 362 (1979). Here, such relief is necessary to stop the State Board from conducting a candidate-filing period that will require candidates to begin declaring their candidacies on the basis of unlawful maps and avoid the needless burdens that will result from beginning the filing period at noon today.

Thus, pursuant to Section 1 of Article IV of the North Carolina State Constitution, Section 7A-32(c) of the North Carolina General Statutes, and Rules 2, 8, 22, and 23 of the North Carolina Rules of Appellate Procedure, this Court should issue a writ of supersedeas to suspend the candidate-filing period pending review of the December 3 Order.[3]

It would have been futile for the NCLCV Petitioners to seek from the Superior Court panel an injunction against the candidate-filing period pending appeal: They had already sought and been denied a stay of the candidate-filing period in their motion for a preliminary injunction. In substance, the NCLCV Petitioners thus had already asked the panel for the relief they seek here—and the request was denied. Moreover, the panel agreed that the appropriate place to seek relief is now in the appellate courts, as demonstrated by its decision to certify its order for immediate appeal pursuant to Rule 54(b). And the imminent start of the candidate-filing period—at 12:00 noon today, 6 December 2021—fully justifies the NCLCV Petitioners' decision to seek relief from this Court instead.

---

[3] Although NCLCV Petitioners believe this relief is properly sought via supersedeas, they have included an alternative request for prohibition under Rule 22, to the extent the Court deems that avenue appropriate.

I. Preservation of the Status Quo Is Necessary to Avoid the Waste and Inconvenience that Would Result from the Candidate-Filing Period Proceeding on the Basis of Unlawful Maps.

Immediate relief from this Court is needed to preserve the status quo and avoid the waste and inconvenience that will result from the opening of the candidate-filing period on the basis of the Enacted Plans.

A. Conducting the Candidate-Filing Period under Unlawful Maps Will Lead to Waste and Inconvenience.

At noon today, 6 December 2021, candidates will begin filing their notices of candidacy for congressional and legislative elections based on districts that violate our Constitution. A writ of supersedeas is warranted to prevent the waste and inconvenience that step will yield. Writs of supersedeas often issue in election-law cases, *see, e.g.*, *Cmty. Success Initiative v. Moore*, 861 S.E.2d 885, 886 (N.C. 2021) (unpublished), and in other cases implicating important constitutional questions, *see, e.g.*, *N.C. State Bd. of Educ. v. State*, 371 N.C. 170, 175, 814 S.E.2d 67, 71 (2018).

Indeed, the relief sought here is consistent with what other courts have granted: In *Harper*, for example, the three-judge panel enjoined the candidate-filing period for the 2020 congressional primary election "until

further order," to "allow the Court sufficient opportunity" to review the legality of maps at issue.[4] In *Stephenson I*, the Supreme Court granted far more significant relief—enjoining the primary elections for the Senate and House, resulting in a deferral of the candidate-filing period and the deferral of all primary elections. 355 N.C. at 360, 562 S.E.2d at 382.

If the Enacted Plans are ultimately used in the 2022 primary and general elections, the NCLCV Petitioners will suffer irreparable harm of the most grievous sort: Their fundamental right to vote will lose all meaning. *See Holmes v. Moore*, 270 N.C. App. 7, 35, 840 S.E.2d 244, 266 (2020) ("Courts routinely deem restrictions on fundamental voting rights irreparable injury.… [D]iscriminatory voting procedures in particular are the kind of serious violation of the Constitution … for which courts

---

[4] Order at 2, *Harper v. Lewis*, No. 19-CVS-012667 (N.C. Super. Ct. Nov. 20, 2019) (unpublished); *see also* Order at 1, *Harper v. Lewis*, No. 19-CVS-012667 (N.C. Super. Ct. Dec. 2, 2019) (unpublished) (setting aside the injunction delaying the filing period for the congressional elections and ordering that period to begin by directing the State Board to "immediately accept for filing any notices of candidacy" from congressional candidates); *accord Harper*, 2019 N.C. Super. LEXIS 122, at *24–25 (preliminarily enjoining legislative defendants and State Board of Elections "from preparing for or administering the 2020 primary and general elections" and retaining jurisdiction "to move the primary date for the congressional elections, or all of the State's 2020 primaries, including for offices other than Congressional Representatives, should doing so become necessary to provide effective relief").

have granted immediate relief." (quoting *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014))). To be sure, that most grievous irreparable harm is not at issue in this petition: The NCLCV Petitioners are seeking, via their appeal on the merits, an injunction against the use of the Enacted Plans—and even if the candidate-filing period proceeds as scheduled, it can be redone if this Court or the Supreme Court enjoins the Enacted Plans. Nonetheless, permitting the candidate-filing period to open will yield waste and inconvenience, which a writ of supersedeas can avoid.

The waste and inconvenience will take at least four forms. First, the 2022 election season will commence in earnest based on unlawful maps designed to entrench one party in power. Second, absent a court order, the State Board will have to waste public resources by conducting candidate filing under unlawful maps. After those maps are declared unlawful (as is likely) the State Board will have to do this process over again. Third, opening the candidate-filing process, and then restarting it after the Enacted Plans are declared unconstitutional, could create unnecessary confusion. Candidates that have already filed will have to refile their candidacies, potentially in different districts. *Cf. Holmes*, 270

N.C. App. at 36, 840 S.E.2d at 266 ("While the future of [the requested] injunction and litigation is uncertain, enjoining the law during the litigation of this action … further helps prevent voter confusion…."). Fourth, even though it is feasible for the State Board to redo the candidate-filing period if the Enacted Plans are enjoined, Petitioners expect that the General Assembly will—incorrectly—invoke the closing of the candidate-filing period as militating against enjoining the Enacted Plans.

None of this is necessary. As detailed below, the Court can conserve public resources and allow for the orderly adjudication of the NCLCV Petitioners' claims without harm to the sound administration of the 2022 primary. Indeed, it was this very urgency that the panel recognized when it promptly scheduled a hearing for December 3, when it rapidly issued its order just hours after argument, and when it immediately certified for appeal its December 3 Order. Tr. 74:17–25 (App. 88) ("But let's be honest, we are on this compressed schedule, being required to make a determination five hours and four minutes before the next business—five hours and four business minutes from the date that the filings begin[,] because the legislature wouldn't move back the filing period or the

primaries for the congressional and legislative districts while they …
gave that possibility to municipal[ities]."). While the panel reached the
wrong result on the merits, it correctly recognized the urgency. This
Court should do the same by staying the candidate-filing period while the
NCLCV Petitioners pursue review.

B.   The Balance of the Equities and the Public Interest Favor Immediate Relief.

The balance of the equities and the public interest also favor halting
the candidate-filing period from proceeding beginning at noon today.
Given that geocoding under the Enacted Plans can occur simultaneously
with the candidate-filing period, as the State Board explained in the
Superior Court, it appears that the primary elections can occur as
scheduled even with a delay in the filing period. *See Holmes*, 270 N.C. at
36, 840 S.E.2d at 266 (finding that the "public interest" and the
"balance[e of] equities" supported preliminary injunctive relief aimed at
avoiding "voter confusion").

At most, this challenge may eventually require a delay in the March
8 primary date. But if such a delay becomes necessary, it will not be
unusual or unprecedented. Indeed, in *Harper*, the General Assembly
stated that while it might "prefer not to move elections or otherwise

change the current schedule," it "acknowledge[d] that the election schedule can be changed if necessary." *Harper*, 2019 N.C. Super. LEXIS 122, at *20. In fact, in another suit challenging the General Assembly's 2021 redistricting process, the former head of the State Board testified that he had overseen "delayed primaries in the 1990s, in 2002, and in 2004." Affidavit of Gary Bartlett ¶ 11, *N.C. State Conf. of NAACP v. Berger*, No. 21-CVS-014476 (N.C. Super. Ct. Nov. 5, 2021). That included the North Carolina Supreme Court's decision in *Stephenson I*, which likewise resulted in the delay of the May 2002 primary by several months. *Stephenson I*, 355 N.C. at 359–60, 562 S.E.2d at 382–83; *N.C. State Bd. of Elec. v. United States*, 208 F. Supp. 2d 14, 16 (D.D.C. 2002); *see Stephenson II*, 357 N.C. at 303–04, 582 S.E.2d at 248–49.

Here, any concerns about delay should be alleviated by the State Board's confirmation that holding the primary election as late as May 17 is feasible so long as the Board receives new district maps no later than the week of February 14. Bell Aff. ¶ 23 (App. 695). The NCLCV

Petitioners have proposed an expedited schedule to meet that deadline with ample time to spare.[5]

Delay-based concerns are especially immaterial because the General Assembly's own actions are the only reason postponement may be needed here. When the State Board told the General Assembly that it should push back the March 2022 primary to May 2022 because of the delayed census data, the General Assembly refused—even though a May 2022 primary is consistent with (or earlier than) the schedules set by every other state (except Texas). A May 2022 primary is also consistent with the schedules for the first primaries after the prior redistricting

---

[5] The NCLCV Petitioners are seeking a writ of supersedeas preserving the status quo and staying the candidate-filing period for **all** offices, even though they challenge only the maps for Congress and the General Assembly. That is because some candidates may be deciding which of several offices to run for. It would therefore be inappropriate to allow the candidate-filing period to proceed for some offices even as it remains stayed for other offices. Similarly, to the extent a delay in the March 8 primary ultimately proves necessary, the State Board has explained that it desires a delay of **all** March 8 primary elections, not just those for Congress and the General Assembly. Bell Aff. ¶¶ 15–22 (App. 692–95). According to the State Board, allowing **some** of the March 8 primaries to proceed would be more disruptive than delaying **all** the March 8 primaries. If this Court nonetheless determines that the requested relief is too broad, the NCLCV Petitioners request in the alternative that the filing period be postponed solely for candidates for Congress, the state Senate, and the state House.

cycles in 2000 and 2010—when primaries were set for May, not March. Bartlett Aff. ¶ 30.

C. Suspending the Candidate-Filing Period Will Preserve the Status Quo.

Preserving the status quo by suspending the candidate-filing period is appropriate relief here, pending review of the December 3 Order. The "status quo" is the "last peaceable" status that existed between the parties "before the dispute … arose." *State v. Fayetteville St. Christian Sch.*, 299 N.C. 731, 733, 265 S.E.2d 387, 388 (1980). In cases like this one that involve constitutional challenges to statutes (or analogous government action), the last peaceable uncontested status between the parties is the status **before** the statute takes effect. *See, e.g.*, *Firearm Owners Against Crime v. Lower Merion Twp.*, 151 A.3d 1172, 1181 (Pa. Commw. Ct. 2016); *Makindu v. Ill. High Sch. Ass'n*, 40 N.E.3d 182, 193 (Ill. Ct. App. 2015). As relevant to this petition, the NCLCV Petitioners seek to preserve the status quo that exists **before** the candidate-filing period begins at noon today. Candidates have never filed for candidacy under the unlawful Enacted Plans, and the NCLCV Petitioners seek to preserve that status quo.

II. The NCLCV Petitioners Are Likely to Succeed on the Merits.

Although the NCLCV Petitioners in this Petition seek only modest relief aimed at preserving the status quo pending review, the NCLCV Petitioners are also likely to succeed on the ultimate merits of their claims. *Common Cause* and *Harper* correctly hold that North Carolina's Constitution prohibits partisan gerrymandering. The Enacted Plans are nearly identical to the extreme gerrymanders those cases enjoined. And the panel's contrary conclusions are wrong.

A. The North Carolina State Constitution Prohibits Partisan Gerrymandering.

Free Elections Clause. North Carolina's prohibition on partisan gerrymandering flows, first, from its Free Elections Clause—as *Common Cause* correctly held, based on a scholarly analysis of text and history. 2019 WL 4569584, at *2. That clause declares that "[a]ll elections shall be free." N.C. Const. art. I, § 10. It derives from the 1689 English Bill of Rights and is "one of the clauses that makes the North Carolina Constitution more detailed and specific than the federal Constitution." *Common Cause*, 2019 WL 4569584, at *109 (citing *Corum v. Univ. of N.C.*, 330 N.C. 761, 783, 413 S.E.2d 276, 290 (1992)). As *Common Cause* explained, the Free Elections Clause protects the "fundamental role of

the will of the people in our democratic government." *Id.* In particular, it protects the ability of a *majority* of the people to translate votes into governing power: Because "this is a government of the people, … the will of the people—the majority—legally expressed, must govern." *Id.* (quoting *Quinn*, 120 N.C. at 428, 26 S.E. at 638). Hence, "the object of all elections" must be "to ascertain, fairly and truthfully, the will of the people—the qualified voters." *Id.* (quoting *Hill v. Skinner*, 169 N.C. 405, 415, 86 S.E. 351, 356 (1915)).

Partisan gerrymandering thwarts this command. Elections under gerrymandered maps do not "ascertain, fairly and truthfully, the will of the people." *Hill*, 169 N.C. at 415, 86 S.E. at 356. Rather, the government has "interfere[d]" with that will. *Common Cause*, 2019 WL 4569584, at *111 (quoting JOHN V. ORTH & PAUL M. NEWBY, THE NORTH CAROLINA STATE CONSTITUTION 55–57 (2d ed. 2013)). It "is the will of the map drawers," not the voters, "that prevails." *Id.* at *110. And that result violates the "core principle of republican government"—namely, "that the voters should choose their representatives, not the other way around." *Id.* (quoting *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 576 U.S. 787, 824 (2015)).

Gerrymandering works, and has always worked, by manipulating district lines for partisan gain. In 17th-century England, the King undertook "to manipulate parliamentary elections, including by changing the electorate in different areas to achieve 'electoral advantage.'" *Id.* at *111 (quoting J.R. JONES, THE REVOLUTION OF 1688 IN ENGLAND 148 (1972)). Those abuses "led to a revolution" and, thereafter, a provision in the 1689 English Bill of Rights specifying that "election of members of parliament ought to be free." *Id.* (quoting Bill of Rights 1689, 1 W. & M. c. 2 (Eng.)). That clause aimed, directly, at the King's gerrymandering. *Id.* At the Founding, several states adopted free-elections clauses modeled on the 1689 English Bill of Rights, and the framers of the North Carolina Declaration of Rights drew inspiration from these states, including Pennsylvania. *Id.* These states have understood their free-elections clauses to prohibit partisan gerrymandering by protecting each citizen's right to "an equally effective power to select the representative of his or her choice" and "bar[ring] the dilution of the people's power to do so" via gerrymandering. *League of Women Voters v. Commonwealth*, 178 A.3d 737, 814 (Pa. 2018).

North Carolina has only strengthened that protection. Its original 1776 constitution closely paralleled the English Bill of Rights and provided that "elections ***ought*** to be free." *Common Cause*, 2019 WL 4569584, at *111 (emphasis added). In 1971, North Carolina amended the clause to specify that "'[a]ll elections ***shall*** be free.'" *Id.* (emphasis added by the panel). This "ma[d]e [it] clear" that the Free Elections Clause is a "command[] and not mere admonition[]." *N.C. State Bar v. DuMont*, 304 N.C. 627, 635, 639, 286 S.E. 2d 89, 94, 97 (1982). *Common Cause* properly enforced this command and held that partisan gerrymandering is "contrary to the fundamental right[s] of North Carolina citizens" under the Free Elections Clause. 2019 WL 4569584, at *110.

In rejecting *Common Cause*, the Superior Court panel believed that the North Carolina Supreme Court had ***approved*** partisan gerrymandering in *Stephenson I*. That reading, however, turns *Stephenson I* nearly on its head. First, the panel quoted *Stephenson I's* statement that the General Assembly "may consider partisan advantage and incumbency protection in the application of its discretionary redistricting decisions," December 3 Order at 14 (App. 14), but omitted

the caveat that follows—that the General Assembly "must do so in conformity with the State Constitution," *Stephenson I*, 355 N.C. at 371, 562 S.E.2d at 390. There is a world of difference between considering partisan advantage and gerrymandering districts across the State "to systematically prevent [one party] from obtaining a majority." *Common Cause*, 2019 WL 4569584, at *116. And the Free Elections Clause (as well as the Equal Protection, Free Speech, and Free Assembly Clauses, *infra* pp. 36–41) are among the "State Constitution" provisions that *Stephenson I* emphasized redistricting must follow. Second, the panel overlooked the case that *Stephenson I* cited to support its statement that redistricters may account for partisanship—*Gaffney v. Cummings*, 412 U.S. 735 (1973). *Gaffney* held that states can take politics into account to achieve "politically fair" maps." *Id.* at 753. *Stephenson I* could not have intended, by citing *Gaffney*, to condone gerrymandering to ***thwart*** the popular will.

Equal Protection Clause. *Common Cause* also held, correctly, that the North Carolina State Constitution's Equal Protection Clause proscribes partisan gerrymandering. As the Supreme Court has explained, "[t]he right to vote is one of the most cherished rights in our

system of government." *Blankenship v. Bartlett*, 363 N.C. 518, 522, 681 S.E.2d 759, 762 (2009). The Superior Court panel nonetheless averred that partisan gerrymandering "do[es] not impinge on the fundamental right to vote" because it "do[es] not deny the opportunity to vote nor … result in the unequal weighing of votes." December 3 Order at 11 (App. 11). The panel, however, simply failed to address the *Common Cause* Court's careful explanation of how partisan gerrymandering does just that.

In particular, the North Carolina Supreme Court has held that the Equal Protection Clause protects "[t]he right to vote ***on equal terms*** in representative elections," *Blankenship*, 363 N.C. at 522, 681 S.E.2d at 762 (emphasis added), and the right to "substantially equal voting power," *Stephenson I*, 355 N.C. at 379, 562 S.E.2d at 394. And as *Common Cause* correctly recognized, partisan gerrymandering denies individuals "the equal protection of the laws," N.C. Const. art. I, § 19, as to one of their most cherished rights. It does so "by seeking to diminish the electoral power of supporters of a disfavored party." *Common Cause*, 2019 WL 4569584, at *113. It thereby "treats individuals who support candidates of one political party less favorably than individuals who

support candidates of another" and deprives them of "equal" voting power. *Id.* As *Common Cause* emphasized, there "is nothing 'equal' about the 'voting power' of Democratic voters when they have a vastly less realistic chance of winning a majority." *Id.* at *116.

Free Speech and Assembly Clauses. Finally, partisan gerrymanders violate North Carolina's Free Speech and Free Assembly Clauses. *Id.* at *118–24. First, partisan gerrymanders violate the Free Speech Clause by targeting speech based on viewpoint. The Free Speech Clause provides that "[f]reedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained." N.C. Const. art. I, § 14. And "[v]oting … constitutes a form of protected speech." *Common Cause*, 2019 WL 4569584, at *119. Indeed, there "is no right more basic in our democracy than the right to participate in electing our political leaders." *Id.* (quoting *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 191 (2014) (plurality op. of Roberts, C.J.)).

The Superior Court panel nonetheless averred that partisan gerrymandering does not violate the Free Speech Clause because it does not "place … restraints on speech." December 3 Order at 11 (App. 11). But again, the panel overlooked *Common Cause*'s careful analysis.

Applying decades of North Carolina law, *Common Cause* recognized that a law violates the Free Speech Clause when "it renders disfavored speech ***less effective***, even if it does not ban such speech outright"—because the "government may not restrict a citizen's 'ability to ***effectively*** exercise' their free speech rights." *Common Cause*, 2019 WL 4569584, at *121 (emphasis added) (quoting *Heritage Vill. Church & Missionary Fellowship, Inc. v. State*, 40 N.C. App. 429, 451, 253 S.E.2d 473, 486 (1979), *aff'd*, 299 N.C. 399, 263 S.E.2d 726 (1980)).[6] And partisan gerrymandering does just that by making some votes—votes for the disfavored party—less effective based on viewpoint. It "is 'axiomatic' that the government may not infringe on protected activity based on … viewpoint." *Common Cause*, 2019 WL 4569584, at *120 (quoting *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995)).

---

[6] *See McCullen v. Coakley*, 573 U.S. 464, 489–90 (2014) (state law violated First Amendment rights of pro-life protestors, even though "petitioners [could] still be 'seen and heard,'" because the law "effectively stifled [their] message"); *Davis v. Fed. Election Comm'n*, 554 U.S. 724, 736 (2008) (restrictions on self-financed candidates violated the First Amendment by "diminish[ing] the effectiveness" of speech); *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 564 U.S. 721, 747 (2011) (scheme violated the First Amendment by rendering "speech … less effective").

Partisan gerrymandering also prevents voters and supporters of the disfavored party from effectively associating. The Free Assembly Clause specifies that the "people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." N.C. Const. art. I, § 12. This guarantee encompasses a "right to freedom of association." *Feltman v. City of Wilson*, 238 N.C. App. 246, 253, 767 S.E.2d 615, 620 (2014). In particular, *Common Cause* explained that "[j]ust as voting is a form of protected expression, banding together with likeminded citizens in a political party is a form of protected association." 2019 WL 4569584, at *120. That is because individuals form parties to "express their political beliefs and to assist others in casting votes in alignment with those beliefs." *Libertarian Party*, 365 N.C. at 49, 707 S.E.2d at 204. Indeed, for "elections to express the popular will, the right to assemble and consult for the common good must be guaranteed." *Common Cause*, 2019 WL 4569584, at *120 (quoting JOHN V. ORTH, THE NORTH CAROLINA STATE CONSTITUTION 48 (1995)).

The Superior Court panel found that partisan gerrymandering does not burden "associational rights," December 3 Order at 11 (App. 11)—but

again, it did not account for *Common Cause*'s careful analysis of how partisan gerrymandering does so. 2019 WL 4569584, at *122. Individuals and associations like NCLCV build political associations *in order to* "obtain … majorities" in the legislature and further their views. *Id.* at *76. When partisan gerrymandering "diminishes the effectiveness" of those efforts, by targeting individuals based on the party with which they seek to associate, gerrymandering severely burdens associational rights. *Davis*, 554 U.S. at 736; *see Bennett*, 564 U.S. at 736; *accord Common Cause*, 2019 WL 4569584, at *122 (partisan gerrymandering "violate[s] … associational rights by" weakening the ability of political associations to "carry out [their] core functions and purposes." *Common Cause*, 2019 WL 4569584, at *122 (quoting *Gill v. Whitford,* 138 S. Ct. 1916, 1939 (2018) (Kagan, J., concurring)).

B. The NCLCV Petitioners Are Likely to Succeed in Showing that the Enacted Plans Constitute Extreme Partisan Gerrymanders.

The NCLCV Petitioners are likely to succeed in showing that the Enacted Plans constitute exactly the type of extreme partisan gerrymander that *Common Cause* and *Harper* correctly condemned and so violate the constitutional provisions just described. As those cases

hold, maps constitute extreme partisan gerrymanders if they "are drawn to systematically prevent [one party] from obtaining a majority" of seats. *Common Cause*, 2019 WL 4569584, at *116. When plans have that feature, they violate the core democratic principle that "the will of the people—the majority—legally expressed, must govern." *Id.* at *109 (quoting *Quinn*, 120 N.C. at 428, 26 S.E. at 638). And to determine whether plans have that feature, *Common Cause* analyzed how maps performed in elections where partisan gerrymanders are most pernicious—"electoral environments where Democrats could win a majority of … seats under a nonpartisan map," including elections (like the 2018 election) where "Republican candidates won a minority … of the two-party statewide vote." *Id.* at *22, *74. The panel found that even in those environments, where fair maps would give Democratic candidates a realistic possibility of winning a majority, the maps were "designed specifically to ensure that Democrats would not" do so. *Id.* at *22.

In the Superior Court, the NCLCV Petitioners showed—via Dr. Duchin's analysis—that the Enacted Plans have that same feature. In "[e]*very single* … close statewide contest," they award the favored Republican Party "an outright … majority" of seats. Duchin Aff. 15 (App.

239). And even if Republican candidates *lose* the statewide vote by seven percentage points, they *still* receive a majority of seats. *Id.* at 14 (App. 238); Verified Compl. ¶¶ 129–131 (App. 182–83). In particular, in close elections, the Enacted Plans guarantee Republican candidates a 6-seat advantage in Congress, a 6-seat advantage in the Senate, and a 16-seat advantage in the House. Duchin Aff. 14 (App. 238). Even when Democratic candidates win the statewide vote by significant margins, the Enacted Plans guarantee Republican candidates at least 9 seats (of 14) in Congress, 26 Senate seats (of 50), and 62 House seats (of 120). *Id.* Dr. Duchin also showed, by analyzing Plaintiffs' Optimized Maps, that nothing in North Carolina's political geography or traditional districting principles compels those results—and that to the contrary, fair maps can *do better* on compactness, avoiding county splits, respecting municipalities, and so on. *Id.* Below, the NCLCV Petitioners address each Enacted Plan in turn.

1. The Enacted Congressional Plan Is an Extreme Partisan Gerrymander.

The Enacted Congressional Plan is designed to prevent Democrats from winning a majority of North Carolina's 14 seats in all likely electoral scenarios. In *any* election decided within a seven-point margin, it

effectively guarantees the Republican Party an overwhelming advantage, even if voters prefer Democratic candidates statewide.

In close elections, the Enacted Congressional Plan guarantees Republicans a supermajority. Table 1 illustrates that point using five recent close elections:

Table 1: Outcomes in 5 Close Elections in Enacted & Optimized Congressional Maps

Election (margin)	Enacted Congressional Plan	Optimized Congressional Map
2016 Governor (0.2-pt. D win)	10 R, 4 D	7 R, 7 D
2016 Atty General (0.5-pt. D win)	10 R, 4 D	7 R, 7 D
2016 Super. Pub. Instr. (1.2-pt. R win)	10 R, 4 D	8 R, 6 D
2020 President (1.4 pt.-R win)	10 R, 4 D	6 R, 8 D
2020 Chief Justice (0.0-pt. R win)	10 R, 4 D	6 R, 8 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

The same holds true even where Democratic candidates prevail by significant margins. If Democratic candidates prevail statewide by anything less than 7 percentage points, Republican candidates *still* carry 9 or 10 (of the 14) congressional districts. *Id*. And again, this result cannot be blamed on geography. As Table 2 shows, a fair and neutral map translates Democratic statewide victories into majorities.

Table 2: Outcomes in 3 Democratic Elections in Enacted & Optimized Congressional Maps

Election (margin)	Enacted Congressional Plan	Optimized Congressional Map
2020 Governor (4.6-pt. D win)	10 R, 4 D	6 R, 8 D
2020 Sec'y of State (2.3-pt. D win)	9 R, 5 D	6 R, 8 D
2020 Auditor (1.8-pt D win)	10 R, 4 D	6 R, 8 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

Figure 1 powerfully demonstrates the bias the Enacted Congressional Plan bakes in. It compares Democratic vote share (on the x-axis) with Democratic seat share (on the y-axis) across the same 52 elections. A map that responds to voters' preferences would roughly track one of the diagonal lines crossing at the "(50, 50)" point, where a 50% vote share generates a 50% seat share. Along those lines, as either party wins more votes, it wins more seats. And if either party wins a majority of votes, it wins a majority of seats. But as Figure 1 shows, the Enacted Congressional Plan (red dots) does not come near the diagonal lines or pass through the (50, 50) point.

Figure 1: Vote Shares and Seat Shares in Enacted & Optimized Congressional Maps
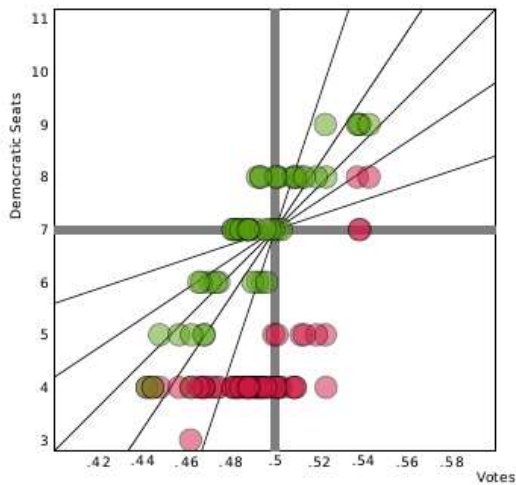
Note: Data derived from 52 recent general-election contests. Red dots denote results under the Enacted Congressional Plan. Green dots denote results under the Optimized Congressional Map in the same 52 elections.

Figure 1 shows that, under the Enacted Congressional Plan, more Democratic votes usually ***do not*** mean more Democratic seats, reflected in the flat red line near the bottom of the figure. Indeed, the bulk of the red dots are stuck on that line, where Democrats carry only 4 of 14 districts. And in each of the 12 statewide contests where the Democratic candidate won by less than seven percentage points, the winner carried only 4 or 5 of the 14 districts (these are the red dots in the lower-right quadrant, where more than half the votes generated less than half the seats for Democratic candidates). So a clear majority of Democratic votes does not translate into a majority of seats. By contrast, the Optimized Congressional Map (see the green dots in Figure 1) treats both parties

fairly, with seat shares following the diagonal lines, passing right through the (50, 50) point, and almost invariably (with only 4 exceptions out of 52 elections) falling in the upper-right and lower-left quadrants, where a majority of votes (for either party) generates a majority of seats (or a tie).

Classic gerrymandering tactics yield the Enacted Congressional Plan's result: The General Assembly "packed" Democrats into some districts, while "cracking" them elsewhere. Strikingly, it trisected the Democratic strongholds of Mecklenburg, Wake, and Guilford Counties— and *only those counties*—to minimize Democratic voting strength. Figure 2 depicts Guilford County. Before, the county sat within one Democratic-leaning district. It is now split into three, all guaranteed to elect Republicans. That is cracking.

Figure 2: Cracking in Guilford County.[7]
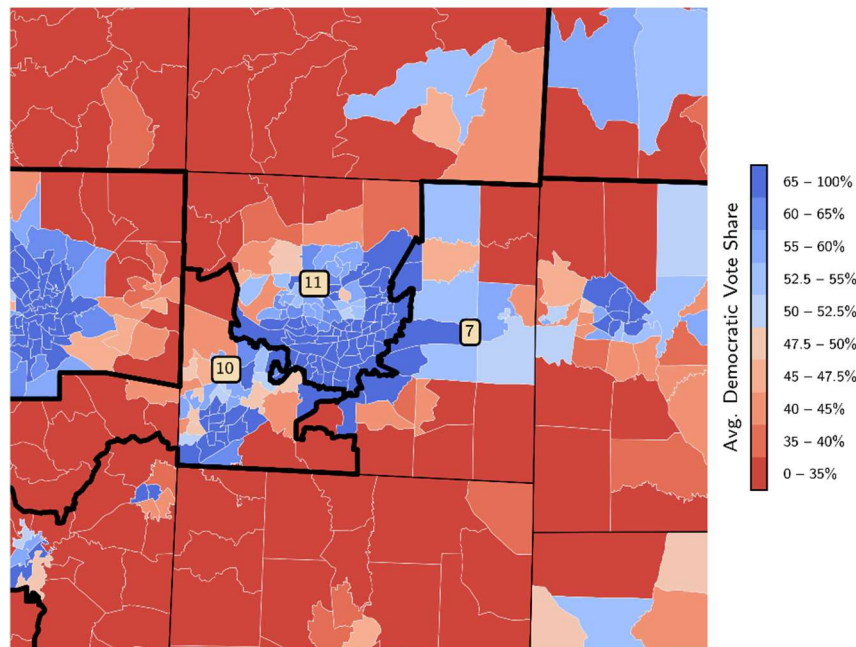
This is just one example of many—and these examples foreclose any

claim that political geography is responsible for the Enacted

---

[7] The color maps in this brief were presented to the Superior Court and are based solely on newly enacted 2021 district lines (described in the block assignment and shape files available at https://ncleg.gov/BillLook Up/2021/S740; https://ncleg.gov/BillLookUp/2021/S739; and https://ncleg. gov/BillLookUp/2021/H976); geographic and demographic data from the U.S. Census Bureau's 2020 Census (Public Law 94-171) "Redistricting Data Summary Files" and "TIGER/Line Shapefiles" (available at https:// www.census.gov/data/datasets/2020/dec/2020-census-redistricting-summ ary-file-dataset.html; and https://www.census.gov/geographies/mapping-files /time-series/geo/tiger-line-file.html), and 2020 electoral data from the North Carolina State Board of Elections (available at https://www.ncsbe. gov/results-data/election-results/historical-election-results-data ("Precinct Sorted Results"); and https://www.ncsbe.gov/results-data/voter-history-data ("Historical Voter History Stats"))—all of which are judicially noticeable under North Carolina law. N.C.G.S. § 8c-1, Rule 201; *see Anderson Creek Partners, L.P. v. County of Harnett*, 275 N.C. App. 423,

Congressional Plan's severe partisan bias. Indeed, that plan *subordinates* traditional, neutral redistricting principles, including compactness and respect for political subdivisions. *Harris v. McCrory*, 159 F. Supp. 3d 600, 614 (M.D.N.C. 2016). Compared with the Optimized Congressional Map, the Enacted Congressional Plan's districts are significantly less compact and split municipalities more often than necessary. Duchin Aff. 5 (App. 229).

2. The Enacted Senate Plan Is an Extreme Partisan Gerrymander.

The Enacted Senate Plan is also gerrymandered to entrench Republican political power. In close elections, the Enacted Senate Plan again guarantees Republicans a substantial majority of seats, even when they lose the vote statewide—as Table 3 shows. Duchin Aff. 10, 14 (App. 234, 238). Indeed, with a voting pattern like the 2016 gubernatorial election or attorney-general election, the plan could produce a veto-proof Republican supermajority even when ***Democrats*** win statewide.

429, 854 S.E.2d 1, 6 (2020) (documents subject to judicial notice include, *inter alia*, "important public documents"); *see generally Hinkle v. Hartsell*, 131 N.C. App. 833, 836, 509 S.E.2d 455, 457–58 (1998).

Table 3: Outcomes in 5 Close Elections in Enacted & Optimized Senate Maps

Election (margin)	Enacted Senate Plan	Optimized Senate Map
2016 Governor (0.2-pt. D win)	30 R, 20 D	23 R, 27 D
2016 Att'y General (0.5-pt. D win)	30 R, 20 D	27 R, 23 D
2016 Super. Pub. Instr. (1.2-pt. R win)	28 R, 22 D	27 R, 23 D
2020 President (1.4-pt. R win)	30 R, 20 D	25 R, 25 D
2020 Chief Justice (0.0-pt. R win)	28 R, 22 D	23 R, 27 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

Even when Democratic candidates win statewide by significant margins, the Enacted Senate Plan again locks in Republican majorities. Under any plausible scenario—including significant Democratic victories like the 2020 gubernatorial election—Table 4 shows that the Enacted Senate Plan awards Republicans at least 26 of 50 Senate seats, and sometimes more. *Id*.

Table 4: Outcomes in 3 Democratic Elections in Enacted & Optimized Senate Maps

Election (margin)	Enacted Senate Plan	Optimized Senate Map
2020 Governor (4.6-pt. D win)	27 R, 23 D	23 R, 27 D
2020 Sec'y of State (2.3-pt. D win)	26 R, 24 D	22 R, 28 D
2020 Auditor (1.8-pt D win)	26 R, 24 D	22 R, 28 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

Indeed, for every vote share across 52 recent general elections, the Enacted Senate Plan manufactures a pro-Republican bias, as Figure 3 shows.

Figure 3: Vote Shares and Seat Shares in Enacted & Optimized Senate Maps
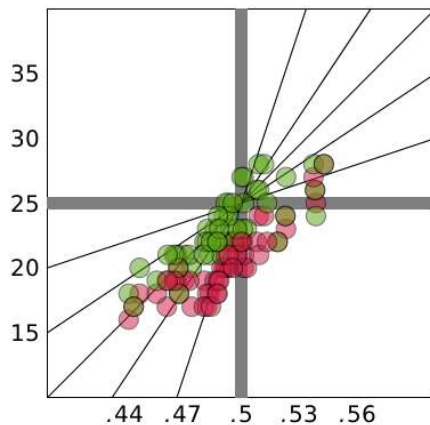
Note: Data derived from 52 recent general-election contests. Red dots denote results under the Enacted Senate Plan. Green dots denote results under the Optimized Senate Map in the same 52 elections.

Again, the Enacted Senate Plan achieves these skewed results by cracking and packing. As just one example, Figure 4 depicts northeastern North Carolina, which is home to large Democratic-voting populations that form substantial majorities in Bertie, Halifax, Hertford, Northampton, and Warren Counties. These counties could have been placed in the same district, creating one district where Democrats have an opportunity to elect candidates to the Senate, and another district that Republicans will win. There was every reason to do so: It would have

reduced the number of county traversals and improved compactness, consistent with the *Stephenson/Dickson* framework. *See Stephenson I*, 355 N.C. at 384, 562 S.E.2d at 397; Verified Compl. ¶ 104(b) (App. 172). Instead, the Enacted Senate Plan splits these majority-Democratic counties between two districts to crack Democratic voters. The result is two Senate seats that will reliably vote Republican, at the cost of violating the *Stephenson/Dickson* framework. Verified Compl. ¶ 104(c) (App. 172).

Figure 4: Cracking in Northeastern North Carolina
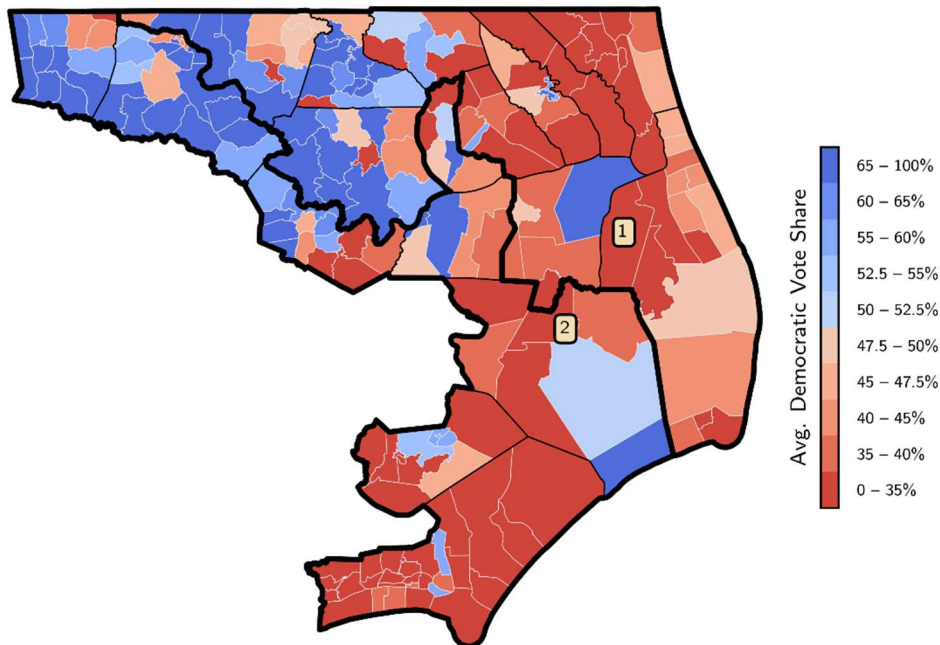
This is only one of many ways the General Assembly subordinated traditional districting principles. The *Stephenson/Dickson* framework

emphasizes minimizing county traversals. *See Dickson II*, 368 N.C. at 490, 781 S.E.2d at 413. The Enacted Senate Plan, however, traverses county lines 97 times—eight more traversals than in the Optimized Senate Map. Duchin Aff. 6 (App. 230). North Carolina law also requires pursuing compact districts—as set forth in each of steps four, five, seven, and nine of the *Stephenson/Dickson* framework. *Dickson II*, 368 N.C. at 490–91, 781 S.E.2d at 413. The Enacted Senate Plan, however, is less compact than the Optimized Senate Map. Duchin Aff. 5 (App. 229). Finally, North Carolina law favors keeping municipalities intact. *See Stephenson I*, 355 N.C. at 384, 562 S.E.2d at 397. Yet the Enacted Senate Plan splits more municipalities, into more parts, than the Optimized Senate Map. Duchin Aff. 6 (App. 230); Verified Compl. ¶ 171 (App. 201).

3. The Enacted House Plan Is an Extreme Partisan Gerrymander.

The Enacted House Plan is also engineered to entrench Republican power. In close elections, the Enacted House Plan creates a "firewall" that guarantees a safe majority of at least 16 seats (a 68-to-52 majority). *Common Cause*, 2019 WL 4569584, at *32; Duchin Aff. 10, 14 (App. 234, 238).

Table 5: Outcomes in 5 Close Elections in Enacted & Optimized House Maps

Election (margin)	Enacted House Plan	Optimized House Map
2016 Governor (0.2-pt. D win)	70 R, 50 D	62 R, 58 D
2016 Atty General (0.5-pt. D win)	70 R, 50 D	63 R, 57 D
2016 Super. Pub. Instr. (1.2-pt. R win)	71 R, 49 D	63 R, 57 D
2020 President (1.4-pt. R win)	70 R, 50 D	60 R, 60 D
2020 Chief Justice (0.0-pt. R win)	68 R, 52 D	60 R, 60 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

Again, even when Democratic candidates win by significant margins, the Enacted House Plan guarantees a Republican majority. As Dr. Duchin's analysis shows, under *any* plausible scenario—so long as the margin is within seven points—the map awards Republicans at least 62 House seats, and typically at least 66. Duchin Aff. 14 (App. 238).

Table 6: Outcomes in 3 Democratic Elections in Enacted & Optimized House Maps

Election (margin)	Enacted House Plan	Optimized House Map
2020 Governor (4.6-pt. D win)	62 R, 58 D	57 R, 63 D
2020 Sec'y of State (2.3-pt. D win)	67 R, 53 D	58 R, 62 D
2020 Auditor (1.8-pt D win)	66 R, 54 D	59 R, 61 D

Note: Data derived from Duchin Aff., Table 6 (App. 238).

Indeed, for every vote share across 52 recent general elections, the Enacted House Plan manufactures a pro-Republican bias, as Figure 5 shows.

**Figure 5: Vote Shares and Seat Shares in Enacted & Optimized House Maps**
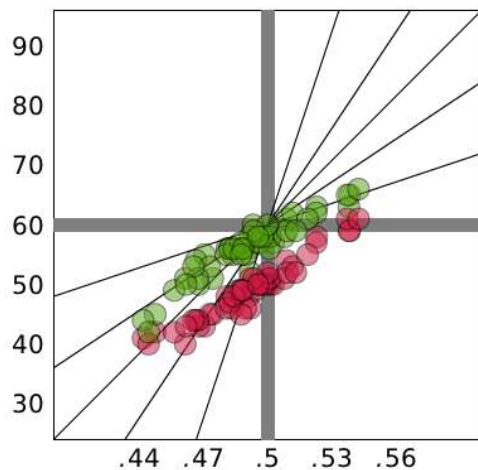
Note: Data derived from 52 recent general-election contests. Red dots denote results under the Enacted House Plan. Green dots denote results under the Optimized House Map in the same 52 elections.

As before, the skewed results again reflect the General Assembly's cracking and packing. Wayne County provides just one example. It contains many Democratic voters in Goldsboro and the community of Brogden just to the south. Verified Compl. ¶ 121 (App. 179–80). But instead of keeping them together, the Enacted House Plan cracks Wayne County's Democrats between House Districts 4 and 10 to create two reliably Republican districts. *Id.*

Figure 6: Cracking in Wayne County
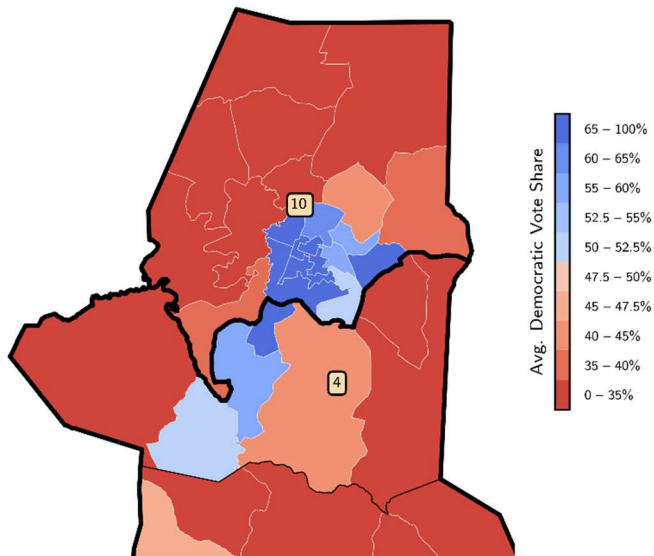
Across the plan, the General Assembly subordinated traditional

districting principles in pursuit of partisan gain. It traverses county lines

69 times (three more than the 66 traversals in the Optimized House

Map), is less compact than the Optimized House Map, and breaks more

municipalities into more parts. Duchin Aff. 6 (App. 230); Verified Compl.

¶ 179 (App. 204).

> **4. The NCLCV Petitioners Are Likely to Succeed in Showing that the Enacted Plans' Partisan Gerrymanders Violate the North Carolina State Constitution.**

The NCLCV Petitioners are likely to succeed in showing that this

partisan gerrymandering violates each of the provisions discussed above.

Free Elections Clause. The Enacted Plans do the same thing as the maps that *Common Cause* invalidated as violating the Free Elections Clause. They were "designed, specifically and systematically, to maintain Republican majorities" in Congress and the General Assembly. *Common Cause*, 2019 WL 4569584, at *112. Without disputing that point, the panel averred that the Enacted Plans could not have violated the Free Elections Clause because "evidence of intent is required" and the "evidence presented" supposedly "show[ed] that the General Assembly did not use any partisan data … suggesting a lack of intent." December 3 Order at 11 (App. 11).

But to begin, the North Carolina Supreme Court has held that when laws undermine free elections, "it is the effect of the act, and not the intention of the Legislature, which renders it void." *Van Bokkelen*, 73 N.C. at 225–26. That makes sense: If the General Assembly violates the bedrock command that "elections shall be free," it is no answer to insist that the General Assembly did not mean to prevent the "will of the people" from governing. *Common Cause*, 2019 WL 4569584, at *112.

Moreover, the panel erred when it said that evidence suggested that the General Assembly did not use partisan data. True, the General

Assembly adopted a redistricting criterion stating that "[p]artisan considerations and election results data shall not be used." But the General Assembly adopted this paper criterion only to avoid the frank **admission** of partisan intent that doomed it in *Common Cause* and *Harper*. As explained above, this criterion meant only that the redistricting committees' computer terminals did not contain electoral data. Verified Compl. ¶ 70 (App. 157). Members were free to draw maps outside the hearing rooms, using whatever data they liked, and then redraw them on the public terminals—and indeed, the House committee chairman admitted that he had no intention of blocking such maneuvers. *Id.*; Liberman Aff. ¶ 2 (App. 249–52).

In reality, evidence of intent abounds. Intent "may often be inferred from the totality of the relevant facts, including the fact, if it is true, that the law bears more heavily on one [group] than another." *Holmes*, 270 N.C. App. at 17, 840 S.E.2d at 255 (quoting *Washington v. Davis*, 426 U.S. 229, 242 (1976)). In particular, the U.S. Supreme Court has emphasized that so "long as redistricting is done by a legislature, it should not be very difficult to prove that the likely political consequences of the reapportionment were intended." *Davis v. Bandemer*, 478 U.S.

109, 128 (1986). That is so for a commonsense reason: "[T]hose responsible for the legislation will know the likely political composition of the new districts." *Id.* Indeed, it "is most unlikely that the political impact of such a plan would remain undiscovered by the time it was proposed or adopted, in which event the results would be both known and, if not changed, intended." *Gaffney*, 412 U.S. at 753. In fact, the Legislative Defendants admitted in the Superior Court that "legislative leadership did not say to all the Republicans … before you sit down in front of that computer terminal, you have to go have a lobotomy and take out all your political knowledge" and that "[n]obody expected them to do that." Tr. 45:3–6 (App. 59).

Particularly given that admission, the assertion that the General Assembly did not intend to gerrymander does not withstand scrutiny. Accepting that assertion would require believing all of the following:

1. That the General Assembly drew a congressional map that yields 10 Republican and 4 Democratic seats, even in close elections in which Democrats win a majority of the statewide vote—*by accident*.

2. That the General Assembly baked in a 6-seat Republican Senate majority and a 16-seat House majority, even when Democratic candidates win a majority of the statewide vote—*without realizing it*.

3. That the General Assembly prevented Democratic candidates from winning majorities in the congressional delegation, the state Senate, or the state House unless they perform the rare feat of winning the statewide vote by more than 7 points—*by happenstance.*

4. That when, to take just one example, the General Assembly's congressional plan split the three counties with the largest numbers of Democratic voters in the state—and only those three counties—three ways each, it was *coincidence.*

5. That even though the General Assembly adopted the Enacted Plans after being repeatedly told that the maps constituted partisan gerrymanders, *see* Verified Compl. ¶ 89 & n.27 (App. 163–64); Liberman Aff. ¶¶ 3–4 (App. 252–53); Feldman Aff. Exs. AA–AB (App. 478–87), the General Assembly did not *mean* to gerrymander.

6. That after *Common Cause* and *Harper* in 2019 found that the General Assembly engaged in "intentional … and systematic gerrymandering," *Common Cause*, 2019 WL 4569584, at *129, the General Assembly in 2021 just *stumbled upon* equally skewed maps.

7. That when the General Assembly did not act after being told that its paper ban on "[p]artisan considerations and election results" was sure to be violated, Verified Compl. ¶ 70 (App. 157); Liberman Aff. ¶ 2 (App. 249–52), that had *nothing to do* with the General Assembly's understanding that its mapmakers would rely on partisan considerations outside the hearing rooms.

8. That even though the General Assembly was warned by legislators in both chambers that the maps were unconstitutional partisan gerrymanders, it had *no idea* that the maps it enacted would have this effect. Verified Compl. ¶¶ 89, 98 (App. 163–64, App. 169); Liberman Aff. ¶ 3 (App. 252–53).

9. That when the General Assembly adopted a rushed process that limited public and expert scrutiny of its proposed maps before their enactment, that choice again had *nothing to do* with the

gerrymandered results the General Assembly knew such scrutiny would spotlight.

The reality is that the General Assembly enacted extreme partisan gerrymanders because it wanted to do so. And it declined to enact fair maps like the Optimized Maps because it did not want fair maps.

Equal Protection Clause. The NCLCV Petitioners are also likely to succeed in showing that the Enacted Plans violate the Equal Protection Clause. As *Common Cause* held, a partisan gerrymander violates that clause when (1) a "'predominant purpose'" of the map drawers was to "'entrench [their party] in power'"; and (2) the maps "have the intended effect" and "'substantially' dilute [the disfavored party's] votes." *Common Cause*, 2019 WL 4569584, at *114 (quoting *Ariz. State Legis.*, 135 S. Ct. at 2658). The Enacted Plans do both those things, for reasons already explained.

Free Speech and Free Assembly Clauses. The Enacted Plans also violate the Free Speech and Free Assembly Clauses. First, the Enacted Plans constitute "viewpoint discrimination" (as well as retaliation) against certain voters and dilute their votes, based on the viewpoints they express—namely, that they favor the Democratic Party, which the Enacted Plans seek to exclude from power. *Common Cause*,

2019 WL 4569584, at *121, *123. Second, the Enacted Plans violate associational rights in all the ways explained above. They prevent "Democratic voters who live in cracked districts [from] instruct[ing] their representatives or obtain[ing] redress from their representatives"; they make it harder for the disfavored parties and for politically oriented associations to "carry out [their] core functions and purposes"; and they force these organizations "to drain and divert resources … merely to avoid being relegated to a superminority." *Id.* at *122–23.

C. The Panel's Non-Merits Holdings Contravene Established Law.

The panel also offered several non-merits reasons why the NCLCV Petitioners could not obtain relief even if the Enacted Plans constitute extreme partisan gerrymanders. These holdings contravene established law.

Political Question Doctrine. First, the panel held that North Carolina courts lack the power to decide partisan gerrymandering claims. December 3 Order at 7 (App. 7). According to the panel, the Constitution delegates redistricting solely to the General Assembly. *Id.*

Common Cause explained why this view is misplaced. Partisan gerrymandering claims do not involve, as the political question doctrine

requires, "a textually demonstrable constitutional commitment of the issue to a coordinate political department." *Bacon v. Lee*, 353 N.C. 696, 717, 549 S.E.2d 840, 854 (2001). Indeed, "North Carolina courts have adjudicated claims that redistricting plans violated the Whole County Provision, the mid-decade redistricting bar, the Equal Protection Clause, and other provisions of the North Carolina Constitution." *Common Cause*, 2019 WL 4569584, at *124 (citing cases). The panel's opinion does not address these points or this explanation in *Common Cause*.

Standing. The panel concluded that the NCLCV Petitioners had not shown a likelihood of standing. Order at 8. That conclusion, however, failed to grapple with the NCLCV Petitioners' principal arguments and evidence. "[B]ecause North Carolina courts are not constrained by the 'case or controversy' requirement of Article III of the United States Constitution, our State's standing jurisprudence is broader than federal law." *Davis v. New Zion Baptist Church*, 258 N.C. App. 223, 225, 811 S.E.2d 725, 727 (2018). Hence, the NCLCV Petitioners need show only "(1) the presence of a legally cognizable injury; and (2) a means by which the courts can remedy that injury." *Id.* In *Common Cause*, the court found that the North Carolina Democratic Party had standing because

its members included "registered Democratic voters located in every state House and state Senate District across our State." 2019 WL 4569584, at *107.

The same is true here. NCLCV "has members who are registered Democratic voters in all 14 districts under the Enacted Congressional Plan, all 50 districts under the Enacted Senate Plan, and all 120 districts under the Enacted House Plan." Verified Compl. ¶ 11 n.4 (App. 137). And an associational plaintiff, like the North Carolina Democratic Party or NCLCV, has standing "to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members." *River Birch Assocs. v. City of Raleigh*, 326 N.C. 100, 130, 388 S.E.2d 538, 555 (1990).

Here, NCLCV meets each requirement. Not only does NCLCV have members in every district under every plan, but the interests NCLCV seeks to vindicate here are "germane to [its] purpose." *Id.* NCLCV seeks to "elect legislators and statewide candidates who share its values," to "build a pro-environment majority across … North Carolina," and to "hold

elected officials accountable for their votes and actions." Verified Compl. ¶ 11 (App. 136–37). Challenging the Enacted Plans' partisan gerrymanders—which will thwart this pro-environment majority and make it impossible to hold officials to account—is "germane" to these purposes. Finally, just as in *Common Cause*, the "declaratory and injunctive relief" sought here does not "require[] the participation of individual … members in this lawsuit." 2019 WL 4569584, at *107.[8]

Status Quo. Finally, the panel wrote that the NCLCV Petitioners could not obtain a preliminary injunction because the relief they seek would "alter[] the status quo." December 3 Order at 10. If the panel's theory were the law, North Carolina courts could ***never*** issue preliminary injunctions against redistricting plans, no matter how flagrantly unconstitutional.

Fortunately, that theory is not the law. First, an injunction against using the Enacted Plans in the 2022 primary *would* preserve the status quo: the NCLCV Petitioners have never been forced to vote under these unlawful maps, and the NCLCV Petitioners seek to preserve that status

---

[8] This standing theory is only one of several that the NCLCV Petitioners pressed before the Superior Court and intend to press on appeal.

quo. Second, in any event, although the "general rule" is that preliminary injunctions maintain the status quo, *Roberts v. Madison Cnty. Realtors' Ass'n*, 344 N.C. 394, 474 S.E.2d 783, 788 (1996), that is not a categorical requirement. Instead, North Carolina courts have broad and flexible equitable powers. *Kinlaw v. Harris*, 364 N.C. 528, 532, 702 S.E.2d 294, 297 (2010).

Election-law cases often call on courts to use those powers. The 2022 elections must proceed under *some* maps, and the maps used before 2021—which constitute the "status quo" before the General Assembly passed the Enacted Plans—no longer comply with the Federal Constitution's equal-population requirements. That means remedial maps are needed (and the NCLCV Petitioners have proposed their Optimized Maps for that purpose). None of that, however, changes the fact that the NCLCV Petitioners' preliminary injunction seeks to maintain the status quo, properly understood. *Cf.* N.C.G.S. § 120-2.4(a) (statute laying out remedial process when maps found unlawful).[9]

---

[9] The panel also stated that Plaintiffs could not pursue state-law claims concerning Congressional districts because "it is the federal Constitution which provides the North Carolina General Assembly with the power to establish such districts" and thus "to address these claims, this Court must derive authority from the federal Constitution." December 3 Order

III. This Court Has Appellate Jurisdiction.

This Court has jurisdiction over the NCLCV Petitioners' underlying appeal and, therefore, authority to grant the relief the NCLCV Petitioners here request. This appeal is taken from an order of a three-judge Superior Court panel denying the NCLCV Petitioners' motion for a preliminary injunction. The Court has jurisdiction because the Superior Court certified the underlying decision for immediate appeal under Rule of Civil Procedure 54(b). December 3 Order at 13 (App. 13); *see Bessemer City Exp., Inc. v. City of Kings Mountain*, 155 N.C. App. 637, 639, 573 S.E.2d 712, 714 (2002) ("A trial court's ruling on a motion for preliminary injunction is interlocutory. For appellate review to be proper, the trial court's order must: (1) certify the case for appeal pursuant to N.C. R. Civ. P. 54(b); or (2) have deprived the appellant of a substantial right that will be lost absent review before final disposition of the case.").

This Court also has jurisdiction over this appeal because of the fundamental nature of the substantial rights that Defendants are poised to violate. "A party may appeal an interlocutory order if it 'deprives the

---

at 11–12 (App. 11–12). The panel, however, cited no authority to support that proposition. None exists. If the General Assembly violates state law in drawing congressional districts, state law may provide a remedy.

appellant of a substantial right which he would lose absent a review prior to final determination.'" *Holmes*, 270 N.C. App. at 13, 840 S.E.2d at 252 (quoting *A.E.P. Indus. v. McClure*, 308 N.C. 393, 400, 302 S.E.2d 754, 759 (1983)). Absent an interlocutory appeal, the 2022 primary election will occur under the Enacted Plans—and the NCLCV Petitioners will lose forever their fundamental rights to vote, speak, and associate in connection with that election. *See id.*, 270 N.C. App. at 13, 840 S.E.2d at 253.

MOTION FOR TEMPORARY STAY

Pursuant to Section 1 of Article IV of the North Carolina State Constitution, N.C.G.S. § 7A-32(c), and Rules 2, 8, 22, and 23 of the North Carolina Rules of Appellate Procedure, the NCLCV Petitioners respectfully request that this Court temporarily stay the candidate-filing period for all offices until the Court rules on this petition for a writ of supersedeas or prohibition.

CONCLUSION

WHEREFORE, the NCLCV Petitioners respectfully pray that this Court issue a writ of supersedeas staying the candidate-filing period currently scheduled to begin at 12:00 noon today, 6 December 2021. The

NCLCV Petitioners also request that this Court temporarily stay enforcement of the same until such time as this Court can rule on the petition for a writ of supersedeas or prohibition.

Dated: 6 December 2021   Respectfully submitted,

ROBINSON, BRADSHAW & HINSON, P.A.

<u>Electronically Submitted</u>

Stephen D. Feldman
North Carolina Bar No. 34940
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street
Suite 1600
Raleigh, NC 27601
(919) 239-2600
sfeldman@robinsonbradshaw.com

N.C. R. App. 33(b) Certification: I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it:

Adam K. Doerr
North Carolina Bar No. 37807
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street
Suite 1900
Charlotte, NC 28246
(704) 377-2536
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
North Carolina Bar No. 50247
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road
Suite 100
Chapel Hill, NC 27517
(919) 328-8800
ezimmerman@robinsonbradshaw.com

JENNER & BLOCK LLP

Sam Hirsch*
Jessica Ring Amunson*
Kali Bracey*
Zachary C. Schauf*
Karthik P. Reddy*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Avenue NW
Suite 900
Washington, D.C. 20001
(202) 639-6000
shirsch@jenner.com
zschauf@jenner.com

Counsel for Petitioners

*Pro hac vice application forthcoming

VERIFICATION

The undersigned attorney for Petitioners, after being duly sworn, says:

The material allegations of the foregoing are true to the best of my personal knowledge. Pursuant to Appellate Rules 22 and 23, I also hereby certify that the documents attached to this Petition are believed to be true and correct copies of the pleadings and other documents from or associated with the file in Wake County Superior Court pertaining to this action, including documents that were served or submitted for consideration as contemplated by Appellate Rule 11.

_____
Erik R. Zimmerman

Orange County, North Carolina

Sworn to and subscribed before me by
this _6th_ day of December 2021.

_____
Notary Public

_____
Printed Name

SARAH ERICKSEN
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires Jan. 18, 2026
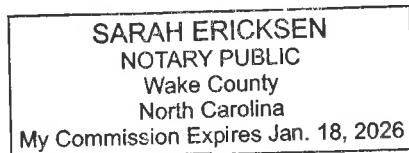
My commission expires: Jan. 18, 2024

CERTIFICATE OF SERVICE

Pursuant to Rule 26 of the North Carolina Rules of Appellate Procedure, I hereby certify that the foregoing document and all attachments have been filed with the Clerk of the North Carolina Court of Appeals by electronic submission. I further certify that a copy of this document has been duly served upon the following counsel of record via electronic mail:

Phillip J. Strach
Thomas A. Farr
John E. Branch III
Alyssa M. Riggins
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
phillip.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
john.branch@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Mark E. Braden
Katherine McKnight
Richard Raile
Baker Hostetler LLP
1050 Connecticut Avenue NW,
Suite 1100
Washington, DC 20036
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

*Counsel for Defendants
Representative Destin Hall, Senator
Warren Daniel, Senator Ralph E.
Hise, Jr., Senator Paul Newton,
Representative Timothy K. Moore,
and Senator Phillip E. Berger*

Terence Steed
Stephanie Brennan
Amar Majmundar
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27502-0629
tsteed@ncdoj.gov
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov

*Counsel for Defendants the
North Carolina State
Board of Elections, Damon
Circosta, Stella Anderson,
Jeff Carmon III, Stacy
Eggers IV, Tommy Tucker,
Karen Brinson Bell; and
the State of North Carolina*

This the 6th day of December, 2021.

Electronically Submitted
Stephen Feldman
Robinson, Bradshaw & Hinson, P.A.
Attorney for Petitioners

ATTACHMENTS

Attached to this Petition for consideration by the Court is an Appendix containing copies of the following documents from the Superior Court record:

1. Order on Plaintiffs' Motion for Preliminary Injunction, filed 3 December 2021.

2. Transcript of Proceedings Before Hon. A. Graham Shirley, Hon. Nathaniel J. Poovey & Hon. Dawn M. Layton, 3 December 2021.

3. Plaintiffs' Notice of Appeal, filed 3 December 2021.

4. Plaintiffs' Verified Complaint, filed 16 November 2021.

5. Affidavit of Dr. Moon Duchin, filed 16 November 2021.

6. Affidavit of Grace Liberman, filed 16 November 2021.

7. Affidavit of Stephen Feldman, filed 16 November 2021.

8. Plaintiffs' Motion for Preliminary Injunction, filed 16 November 2021.

9. Supplemental Affidavit of Stephen Feldman, filed 22 November 2021.

10. Affidavit of Sean P. Trende, filed 1 December 2021.

11. State Board Defendants' Response to Plaintiffs' Motion for Preliminary Injunction, filed 2 December 2021.

12. Affidavit of Karen Brinson Bell, filed 2 December 2021.

NORTH CAROLINA COURT OF APPEALS

****

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR., et al.,	
Petitioners,	
v.	From Wake County 21 CVS 015426
REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al.,	
Respondents.	

****

APPENDIX TO PETITION FOR WRIT OF SUPERSEDEAS OR
PROHIBITION AND MOTION FOR TEMPORARY STAY

****

i

CONTENTS OF APPENDIX

STATE OF NORTH CAROLINA

COUNTY OF WAKE

FILED

2021 DEC -3 PM 3 35

WAKE CO., C.S.C.

BY_____

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 015426

NORTH CAROLINA LEAGUE, OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR.;
DANDRIELLE LEWIS; TIMOTHY
CHARTER; TALIA FERNOS;
KATHERINE NEWHALL; R. JASON
PARSLEY; EDNA SCOTT; ROBERTA
SCOTT; YVETTE ROBERTS;
JEREANN KING JOHNSON;
REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.;
REVEREND DELORIS L. JERMAN;
VIOLA RYALS FIGUEROA; and
COSMOS GEORGE,

     Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in
his official capacity as Chair of the
House Standing Committee on
Redistricting; SENATOR WARREN
DANIEL, in his official capacity as Co-
Chair of the Senate Standing
Committee on Redistricting and
Elections; SENATOR RALPH E. HISE,
JR., in his official capacity as Co-Chair
of the Senate Standing Committee on
Redistricting and Elections; SENATOR
PAUL NEWTON, in his official
capacity as Co-Chair of the Senate
Standing Committee on Redistricting
and Elections; REPRESENTATIVE
TIMOTHY K. MOORE, in his official
capacity as Speaker of the North
Carolina House of Representatives;
SENATOR PHILIP E. BERGER, in his
official capacity as President
Pro Tempore of the North Carolina
Senate; THE STATE

**ORDER ON PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

OF NORTH CAROLINA; THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; DAMON CIRCOSTA,
in his official capacity as Chairman of
the North Carolina State Board of
Elections; STELLA ANDERSON, in her
official capacity as Secretary of the
North Carolina State Board of
Elections; JEFF CARMON III, in his
official capacity as Member of the North
Carolina State Board of Elections;
STACY EGGERS IV, in his official
capacity as Member of the North
Carolina State Board of Elections;
TOMMY TUCKER, in his official
capacity as Member of the North
Carolina State Board of Elections; and
KAREN BRINSON BELL, in her
official capacity as Executive
Director of the North Carolina State
Board of Elections,

     Defendants

STATE OF NORTH CAROLINA

COUNTY OF WAKE

REBECCA HARPER; AMY CLARE
OSEROFF; DONALD RUMPH; JOHN
ANTHONY BALLA; RICHARD R.
CREWS; LILY NICOLE QUICK;
GETTYS COHEN JR.; SHAWN RUSH;
JACKSON THOMAS DUNN, JR.;
MARK S. PETERS; KATHLEEN
BARNES; VIRGINIA WALTERS
BRIEN; DAVID DWIGHT BROWN,

     Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL,
IN HIS OFFICIAL CAPACITY AS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 500085

**ORDER ON PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

CHAIR OF THE HOUSE STANDING
COMMITTEE ON REDISTRICTING;
SENATOR WARREN DANIEL, IN HIS
OFFICIAL CAPACITY AS CO-CHAIR
OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING
AND ELECTIONS; SENATOR RALPH
HISE, IN HIS OFFICIAL CAPACITY
AS CO-CHAIR OF THE SENATE
STANDING COMMITTEE ON
REDISTRICTING AND ELECTIONS;
SENATOR PAUL NEWTON, IN HIS
OFFICIAL CAPACITY AS CO-CHAIR
OF THE SENATE STANDING
COMMITTEE ON REDISTRICTING
AND ELECTIONS; SPEAKER OF THE
NORTH CAROLINA HOUSE OF
REPRESENTATIVES TIMOTHY K.
MOORE; PRESIDENT PRO
TEMPORE OF THE NORTH
CAROLINA SENATE PHILIP E.
BERGER; THE NORTH CAROLINA
STATE BOARD OF ELECTIONS;
DAMON CIRCOSTA, IN HIS
OFFICIAL CAPACITY AS
CHAIRMAN OF THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; STELLA ANDERSON,
IN HER OFFICIAL CAPACITY AS
SECRETARY OF THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; JEFF CARMON III, IN
HIS OFFICIAL CAPACITY AS
MEMBER OF THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; STACY EGGERS IV, IN
HIS OFFICIAL CAPACITY AS
MEMBER OF THE NORTH
CAROLINA STATE BOARD OF
ELECTIONS; TOMMY TUCKER, IN
HIS OFFICIAL CAPACITY AS
MEMBER OF THE NORTH

CAROLINA STATE BOARD OF
ELECTIONS,

  Defendants

THESE MATTERS came on to be heard before the undersigned three-judge panel on December 3, 2021. Upon considering the pleadings, parties' briefs and submitted materials, arguments, pertinent case law, and the record established thus far, the Court finds and concludes, for the purposes of this Order, as follows:

As an initial matter, in order to promote judicial efficiency and expediency, this court has exercised its discretion, pursuant to Rule 42 of the North Carolina Rule of Civil Procedure, to consolidate these two cases for purposes of consideration of the arguments and entry of this Order, due to this court's conclusion that the two cases involve common questions of fact and issues of law. Because the claims do not completely overlap, the various claims of the parties will be addressed separately within this order.

In this litigation, the North Carolina League of Conservation Voters, Inc. and individual Plaintiffs in Civil Action 21 CVS 015426 (hereinafter "NCLCV Plaintiffs") have asserted the following causes of action against Defendants:

1. That Defendants' enacted redistricting maps for state legislative and congressional districts (hereinafter referred to as "Enacted Plans") constitute extreme partisan gerrymanders in violation of the Free Elections Clause under Article I, Section 10 of the North Carolina Constitution; the Equal Protection

Clause under Article I, Section 19 of the North Carolina Constitution; the Free

Speech and Free Assembly Clauses under Article I, Sections 12 and 14 of the

North Carolina Constitution; and

2. That the Enacted Plans cause unlawful racial vote dilution in violation of the

Free Elections Clause under Article I, Section 10 of the North Carolina

Constitution and the Equal Protection Clause under Article I, Section 19 of the

North Carolina Constitution; and

3. That the Enacted Plans were drawn in violation of the Whole County Provisions

of Article II, Sections 3(3) and 5(3) of the North Carolina Constitution, and

Stephenson I, *Stephenson II*, *Dickson I*, and *Dickson II*.

NCLCV Plaintiffs have moved for a preliminary injunction solely on their partisan

gerrymandering-based claims.

NCLCV Plaintiffs seek to enjoin Defendants, their agents, officers, and employees

from preparing for, administering, or conducting the March 8, 2022 primary elections and

any subsequent elections for Congress, the North Carolina Senate, or the North Carolina

House of Representatives using the Enacted Plans. Plaintiffs further request that to the

extent the General Assembly fails to adopt redistricting plans —within two weeks from the

date of this Court's entry of a preliminary injunction—that adequately remedy the Enacted

Plans, then the 2022 primary elections and 2022 general elections for Congress, North

Carolina Senate, and the North Carolina House of Representatives shall be conducted

under Plaintiffs' Optimized Maps, as outlined in their Verified Complaint.

The individual Plaintiffs in Civil Action 21 CVS 500085 (hereinafter "Harper

Plaintiffs") have asserted the following causes of action against Defendants, claiming that

the Enacted Plans for congressional districts are unlawful partisan gerrymanders in

violation of: the Free Elections Clause of Article I, Section 10 of the North Carolina

Constitution; the Equal Protection Clause of Article I, Section 19 of the North Carolina Constitution; and the Freedom of Speech and Freedom of Assembly Clauses of Article I, Sections 12 and 14 of the North Carolina Constitution.

Harper Plaintiffs seek to enjoin Defendants, their agents, officers, and employees from preparing for, administering, or conducting the March 8, 2022, primary elections and any subsequent elections for the United State House of Representatives using the Enacted Plans. Harper Plaintiffs further prays this Court set forth a remedial process to create a new plan that complies with the North Carolina Constitution, to include a court-ordered remedial plan if the General Assembly fails to timely enact an adequate remedial plan.

Legislative Defendants (the Speaker of the North Carolina House of Representatives, the President Pro Tempore of the Senate, and the redistricting committees of each respective chamber) have responded to plaintiffs' motions by asserting that Plaintiffs' lack standing, present a political question, and that the Free Elections, Equal Protection, Freedom of Speech and Freedom of Assembly claims have been misapprehended by Plaintiffs.

State Defendants (the State of North Carolina, State Board of Elections, members of the State Board of Elections in their official capacity, and the Director of the State Board of Elections) have taken no position on the merits of Plaintiffs' motions for preliminary injunction but have provided information as to election administration concerns and deadlines.

PROCEDURAL HISTORY

On August 12, 2021, the United States Census Bureau released new census data. North Carolina gained a congressional seat due to population growth pursuant to Article I,

Section 2, Clause 3 of the United States Constitution, and Title 13 of the United States

Code. On November 4, 2021, the General Assembly enacted S.L. 2021-173 (North Carolina

Senate districts); S.L. 2021-174 (United States House of Representatives districts); S.L.

2021-175 (North Carolina House of Representatives districts). NCLCV Plaintiffs filed their

Complaint in this matter on November 16, 2021, contemporaneously with the present

Motion for Preliminary Injunction. Harper Plaintiffs filed their Complaint in this matter on

November 18, 2021, and the present Motion for Preliminary Injunction on November 30,

2021. The undersigned three-judge panel was assigned to preside over the NCLCV and

Harper matters pursuant to N.C.G.S. § 1-267.1 on November 19, 2021, and November 22,

2021, respectively.

POLITICAL QUESTION DOCTRINE

Plaintiffs' claims are not likely to succeed because they are not justiciable. North

Carolina courts lack jurisdiction over political questions. *See, e.g., Bacon v. Lee*, 353 N.C.

696, 716, 549 S.E.2d 840, 854 (2001). The State Constitution delegates to the General

Assembly the power to create congressional districts. Because a constitution cannot be in

violation of itself, a delegation of a political task to a political branch of government implies

a delegation of political discretion. Because Plaintiffs' claims are not justiciable, they have

not shown a likelihood of success on the merits.

STANDING OF PLAINTIFFS

Plaintiffs are unlikely to establish standing. It is clear that a voter is only directly

injured by specific concerns with that voter's districts. *Gill v. Whitford*, 138 S. Ct. 1916,

1932 (2018). A plaintiff has standing to challenge the district in which that plaintiff lives, but cannot raise generalized grievances about redistricting plans. Additionally, a "hope of achieving a Democratic [or Republican] majority in the legislature" is not a particularized harm. *Id.* Additionally, a district's partisan composition is not a cognizable injury is a similar composition would result "under any plausible circumstance." *Id.* at 1824, 1932.

None of the Harper Plaintiffs reside in six of the challenged congressional districts (CD2, CD3, CD5, CD8, CD12, and CD13). Additionally, though the Harper Plaintiffs claim that Democratic voters are "packed" in CD9 and CD6, they admit that these districts would be "packed" with Democratic voters in any event. This is also true for the "cracking" claimed in CD1, CD7, and CD10. For the remaining districts (CD4 and CD14), the Harper Plaintiffs are presumed to be represented by their designated representatives and it is therefore not self-evident that these individual plaintiffs are harmed.

The NCLCV Plaintiffs reside in only 6 of the congressional districts, 8 of the Senate districts, and 9 of the House districts. The individual plaintiffs do not establish that their own districts would shift from Republican-leaning to Democratic-leaning under a different configuration or that they are prevented from electing their candidates of choice. The organizational plaintiffs have not shown how the redistricting legislation has negatively impacted their ability to complete their organizational mission.

The Plaintiffs are unlikely to prove standing and therefore have not shown a likelihood of success on the merits.

INJUNCTIVE RELIEF

"It is well settled in this State that the courts have the power, and it is their duty in proper cases, to declare an act of the General Assembly unconstitutional—but it must be

plainly and clearly the case. If there is any reasonable doubt, it will be resolved in favor of the lawful exercise of their powers by the representatives of the people." *City of Asheville v. State*, 369 N.C. 80, 87-88, 794 S.E.2d 759, 766 (2016) (quoting *Glenn v. Bd. of Educ.*, 210 N.C. 525, 529-30, 187 S.E. 781, 784 (1936)); *State ex rel. Martin v. Preston*, 325 N.C. 438, 449, 385 S.E.2d 473, 478 (1989). "An act of the General Assembly will be declared unconstitutional only when 'it [is] plainly and clearly the case,' . . . and its unconstitutionality must be demonstrated beyond a reasonable doubt." *Town of Boone v. State*, 369 N.C. 126, 130, 794 S.E.2d 710, 714 (2016).

Plaintiffs have moved for a preliminary injunction pending a resolution of this action on the merits. "The purpose of a preliminary injunction is ordinarily to preserve the *status quo* pending trial on the merits. Its issuance is a matter of discretion to be exercised by the hearing judge after a careful balancing of the equities." *State ex rel. Edmisten v. Fayetteville Street Christian School*, 299 N.C. 351, 357, 261 S.E.2d 908, 913 (1980). A preliminary injunction is an "extraordinary remedy" and will issue "only (1) if a plaintiff is able to show *likelihood* of success on the merits of his case and (2) if a plaintiff is likely to sustain irreparable loss unless the injunction is issued, or if, in the opinion of the Court, issuance is necessary for the protection of a plaintiff's rights during the course of litigation." *A.E.P. Industries, Inc. v. McClure*, 308 N.C. 393, 401, 302 S.E.2d 754, 759-60 (1983) (emphasis in original); *see also* N.C.G.S. § 1A-1, Rule 65(b). When assessing the preliminary injunction factors, the trial judge "should engage in a balancing process, weighing potential harm to the plaintiff if the injunction is not issued against the potential harm to the defendant if injunctive relief is granted. In effect, the harm alleged by the plaintiff must satisfy a standard of relative substantiality as well as irreparability." *Williams v. Greene,* 36 N.C. App. 80, 86, 243 S.E.2d 156, 160 (1978).

Injunctive relief "may be classified as 'prohibitory' and 'mandatory.' The former are preventive in character, and forbid the continuance of a wrongful act or the doing of some threatened or anticipated injury; the latter are affirmative in character, and require positive action involving a change of existing conditions—the doing or undoing of an act." *Roberts v. Madison Cty. Realtors Ass'n*, 344 N.C. 394, 399-400, 474 S.E.2d 783, 787 (1996) (citations and quotation omitted).

Status Quo

Plaintiffs have asked that this Court enjoin the 2021 congressional and state legislative district legislation and to move the March 2022 primary schedule. However, this requested relief alters the status quo. Plaintiffs are not asking this Court to restore what has been unlawfully changed, but to create a new condition that has not existed to this point. *See Seaboard Air Line R. Co. v. A. Coast Line R. Co.*, 287 N.C. 88, 96, 74 S.E.2d 430, 436 (1953). Plaintiffs here have never voted under a redistricting plan like the one they request and so are asserting rights that have never existed. *Id.*

Likelihood of Success on the Merits

Plaintiffs burden on a motion for preliminary injunction is to show a likelihood of success in proving beyond a reasonable doubt that the enacted congressional and state legislative districts are unconstitutional. This Court finds on these facts that Plaintiffs have failed to carry this burden.

The Supreme Court of North Carolina has ruled that "[t]he General Assembly may consider partisan advantage and incumbency protection in the application of its discretionary redistricting decisions." *Stephenson v. Bartlett*, 355 N.C. 534, 371, 562 S.E.2d 377, 390 (2002). The North Carolina Constitution "clearly contemplates districting by

political entities" and redistricting is "root-and-branch a matter of politics." *Vieth v. Jubelirer*, 541 U.S. 267, 285 (2004) (plurality op.).

Plaintiff have not shown a likelihood of success on their Free Elections Clause claims. The decision in *Common Cause v. Lewis,* No. 18-CVS-014001, 2019 WL 4569584 relied heavily on the evidence of intentionally partisan gerrymandering, stating that they were "designed specifically to ensure that Democrats would not win a majority."

While the decision in *Common Cause v. Lewis* is not binding on this Court, it seems clear that some evidence of intent is required to prove of claim of extreme partisan gerrymandering. Plaintiffs have not claimed intent. In fact, the evidence presented shows that the General Assembly did not use any partisan data in the creation of these congressional and state legislative districts, suggesting a lack of intent.

Plaintiffs have also not shown a likelihood of success on the merits on their Equal Protection Clause claims. Membership in a political party is not a suspect classification. *See Libertarian Party of N. Carolina v. State*, 365 N.C. 41, 51-53, 707 S.E.2d 199, 206 (2011). Additionally, political considerations in redistricting do not impinge on the fundamental right to vote. These considerations do not deny the opportunity to vote nor do they result in the unequal weighing of votes.

Plaintiffs likewise have not shown a likelihood of success on the merits of their Freedom of Speech and Assembly claims. Political considerations in redistricting do not place any restraints on speech and do not discourage those who wish to speak. Additionally, associational rights do not guarantee a favorable outcome, only the ability to participate in the political process. These rights are not infringed by political considerations in redistricting.

Additionally, Plaintiffs assert claims regarding the congressional district legislation only under the North Carolina Constitution. However, it is the federal Constitution which

provides the North Carolina General Assembly with the power to establish such districts. In order to address these claims, this Court must derive authority from the federal Constitution. Since claims under the federal Constitution have not been alleged, Plaintiffs have not shown a likelihood of success on the merits.

Irreparable Harm

As discussed above, Plaintiffs have challenged districts in which they do not live, districts that would not likely be meaningfully different under any reasonable maps, and have asserted only abstract harms. They have not alleged that they are unable to obtain representation in Congress or the General Assembly by whomever is ultimately elected. As such, they have not shown that they will suffer irreparable harm should their request be denied.

Weighing of the Equities

Though Plaintiffs have not shown that they will suffer harm should their request be denied, the State and the public will suffer irreparable harm should the request be granted. It is obvious that any time a statute is enjoined, the State suffers irreparable harm. *See Maryland v. King*, 567 U.S. 1301, 133 (2012). This is particularly true in the area of elections due to the State's indisputably compelling interest in preserving the integrity of the election process. *See Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989). Additionally, an injunction will cause significant disruption, confusion, and uncertainty in the election process. As such, the equities weigh in favor of denial.
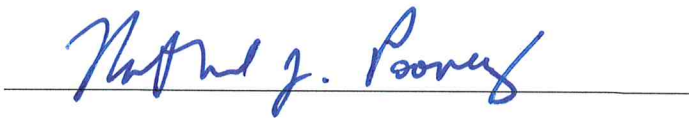
CONCLUSION

Under these circumstances, the Court, in its discretion and after a careful balancing of the equities, concludes that the requested injunctive relief shall not issue in regard to the 2021 Enacted Plans. To the extent necessary, this Court determines that there is no just reason for delay and certifies this order for immediate appeal pursuant to Rule 54 of the North Carolina Rules of Civil Procedure.
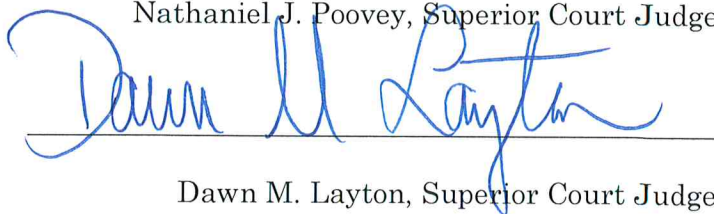
This the 3 day of December, 2021.

_____

A. Graham Shirley, Superior Court Judge

_____

Nathaniel J. Poovey, Superior Court Judge

_____

Dawn M. Layton, Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons

indicated below via e-mail transmission addressed as follows:

Stephen D. Feldman
Adam K. Doerr
Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
sfeldman@robinsonbradshaw.com
adoerr@robinsonbradshaw.com
ezimmerman@robinsonbradshaw.com
Counsel for Plaintiffs

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
NELSON MULLINS RILEY &
SCARBOROUGH LLP
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
Phillip.strach@nelsonmullins.com
Tom.farr@nelsonmullins.com
Alyssa.riggins@nelsonmullins.com
*Counsel for Defendants Destin Hall, Warren
Daniel, Ralph E. Hise, Jr., Paul Newton, Timothy
K. Moore, and Philip E. Begrer*

Terence Steed
Amar Majmundar
Stephanie A. Brennan
NORTH CAROLINA DEPARTMENT
OF JUSTICE
Post Office Box 629
Raleigh, NC 27602
tsteed@ncdoj.org
amajmundar@ncdoj.org
sbrennan@ncdoj.org
*Counsel for Defendants State of North Carolina,
North Carolina State Board of Elections, Damon
Circosta, Stella Anderson, Jeff Carmon III, Stacy
Eggers IV, Tommy Tucker, and Karen Brinson
Bell*

Service is made upon local counsel for all attorneys who have been granted pro hac vice

admission, with the same effect as if personally made on a foreign attorney within this state.

This the 3rd day of December 2021.

_____
B. Davis Cooper, Judicial Assistant
Bettye.D.Cooper@nccourts.org

IN THE NORTH CAROLINA GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC., et al.,

        Plaintiffs,   Wake County
   v.   21-CVS-15426

REPRESENTATIVE DESTIN HALL, in his official
capacity as Chair of the House Standing
Committee on Redistricting, et al.

        Defendants.
_____

REBECCA HARPER, et al.,   Wake County
                                     21-CVS-500085

        Plaintiffs,

   v.

REPRESENTATIVE DESTIN HALL, in his official
Capacity as Senior Chair of the House
Standing Committee on Redistricting, et al.

****

TRANSCRIPT, Volume 1 of 1

Pages 1 - 114

Friday, December 3, 2021

****

December 3, 2021, Civil Session

The Honorables A. Graham Shirley, Nathaniel J. Poovey,

and Dawn M. Layton, Judges Presiding

Plaintiffs' Motion for Preliminary Injunction

_____

Reported by: Dawn M. Dantschisch, RMR, CRR, CRC
                  Official Court Reporter
                  Dawn.M.Dantschisch@nccourts.org

APPEARANCES:

Zachary C. Schauf, Esquire
Jenner & Block, LLP
1099 New York Avenue NW, Suite 900
Washington, D.C. 20001
zschauf@jenner.com

Stephen D. Feldman, Esquire
Robinson, Bradshaw & Hinson, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, North Carolina 27601
sfeldman@robinsonbradhaw.com

Erik R. Zimmerman, Esquire
Robinson, Bradshaw & Hinson, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, North Carolina 27517
ezimmerman@robinsonbradshaw.com
      On behalf of the Plaintiffs North Carolina League of
      Conservation Voters, Inc., et al.

Elisabeth S. Theodore, Esquire
Samuel F. Callahan, Esquire
Arnold Porter Kaye Scholer, LLP
601 Massachusetts Avenue NW
Washington, D.C. 20001
elisabeth.theodore@arnoldporter.com
sam.callahan@arnoldporter.com

Graham W. White, Esquire
Elias Law Group, LLP
10 G Street NE, Suite 600
Washington, D.C. 20002
gwhite@elias.law
      On behalf of the Plaintiffs Rebecca Harper, et al.

Phillip J. Strach, Esquire
John E. Branch, III, Esquire
Nelson Mullins Riley & Scarborough, LLP
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
phillip.strach@nelsonmullins.com
john.branch@nelsonmullins.com

APPEARANCES CONTINUED:

Katherine L. McKnight, Esquire
Mark Braden, Esquire
Baker Hostetler
1050 Connecticut Avenue NW, Suite 1100
Washington, D.C. 200336
kmcknight@bakerlaw.com
mbraden@bakerlaw.com
     On behalf of the Legislative Defendants

Terence Steed, Esquire
North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602
tsteed@ncdoj.gov
     On behalf of the State Defendants

                    INDEX

                                              Page

	1	(Superior Court of Wake County convened civil
	2	court session December 3, 2021, before the
	3	Honorables A. Graham Shirley, Nathaniel J.
	4	Poovey, and Dawn M. Layton. The cases of
	5	North Carolina League of Conservation Voters,
	6	et al. v. Hall, et al., and Harper, et al. v.
	7	Hall, et al., were called for hearing at
	8	10:01 a.m.)
	9	JUDGE SHIRLEY: Good morning, everyone. We are
10:01AM	10	here in North Carolina League of Conservation Voters, Inc.,
	11	et al., v. Representative Destin Hall, et al., and that is
	12	File 21-CVS-15426, and in Rebecca Harper, et al., v.
	13	Representative Destin Hall, 21-CVS-500085.
	14	Let me go ahead and -- it's dangerous when you put me
10:02AM	15	in charge of technology.
	16	(Pause in proceedings.)
	17	JUDGE SHIRLEY: If counsel could please identify
	18	themselves for the record.
	19	MR. FELDMAN: Good morning, Your Honor. Stephen
10:05AM	20	Feldman of Robinson Bradshaw for the North Carolina League
	21	of Conservation Voters plaintiffs.
	22	MR. ZIMMERMAN: Erik Zimmerman also with Robinson
	23	Bradshaw for the North Carolina League of Conservation
	24	plaintiffs.
10:05AM	25	MR. SCHAUF: Zach Schauf also for the League,

	1	from Jenner & Block.
	2	MR. WHITE: Graham White for the Elias Law Group
	3	for the Harper plaintiffs.
	4	MR. CALLAHAN: Sam Callahan from Arnold & Porter
10:05AM	5	for the Harper plaintiffs.
	6	MS. THEODORE: Elisabeth Theodore from Arnold &
	7	Porter for the Harper plaintiffs.
	8	MR. STRACH: Good morning, Your Honor.
	9	Phil Strach of Nelson & Mullins for the Legislative
10:05AM	10	Defendants.
	11	MS. MCKNIGHT: Good morning, Your Honor. Kate
	12	McKnight with Baker Hostetler for the Legislative
	13	Defendants.
	14	MR. BRANCH: Good morning, Your Honor. John
10:06AM	15	Branch with Nelson Mullins for the Legislative Defendants.
	16	MR. BRADEN: Good morning. Mark Braden, Baker &
	17	Hostetler, for the Legislative Defendants.
	18	MR. STEED: Good morning, Your Honors.
	19	Terence Steed for the State Board of Elections and its
10:06AM	20	members.
	21	JUDGE SHIRLEY: All right. I have previously
	22	signed orders granting pro hac vice for, I think,
	23	Ms. McKnight; is that correct? If I have not, I've signed
	24	one for Mr. Braden, and I've signed one for -- I think I
10:06AM	25	need to sign one for Mr. White; is that correct?

1	MR. WHITE: Yes.
2	JUDGE SHIRLEY: And Mr. Callahan; is that
3	correct? And I believe -- so, those -- I will sign those.
4	As an administrative matter, the panel has concluded in
10:06AM 5	its discretion that as these two cases involve common issues
6	of law and fact, they will be consolidated for purposes --
7	for all purposes, and the lead case will be the case that
8	was filed first, which was the North Carolina League of
9	Conservation Voters, Inc., case.
10:07AM 10	How long do counsel believe their arguments will take?
11	I'll hear from Plaintiffs first. How long do you believe
12	your argument will take?
13	MR. SCHAUF: I mean, however long the Court finds
14	useful, but perhaps 20, 30 minutes.
10:07AM 15	JUDGE SHIRLEY: Okay.
16	MS. THEODORE: I think about the same. Of
17	course, it will depend on the number of questions from the
18	Court.
19	JUDGE SHIRLEY: Mr. Strach?
10:07AM 20	MR. STRACH: I think part of it will depend on
21	how long their presentation is. Probably, hopefully, no
22	more than 45 minutes or so.
23	JUDGE SHIRLEY: All right.
24	MR. STEED: Your Honor, the State's taking no
10:07AM 25	position on the merits, so to the extent you have questions

1	about the administrative issues, then we have no argument.
2	JUDGE SHIRLEY: All right. With respect to those
3	people -- individuals viewing WebEx, via WebEx, the Court
4	welcomes you. I will remind you your participation via
10:08AM 5	WebEx is just as if you were seated in the gallery.
6	Therefore, if you are -- I would request that you mute your
7	microphones.
8	I noticed pretty much everyone has their cameras off.
9	If your camera is turned on, your actions are visible to the
10:08AM 10	Court, and the Court would expect them to comply with the
11	decorum that would be expected of anyone in the courtroom.
12	Anyone have any additional administrative matters
13	before we hear argument? All right. We'll hear from the
14	North Carolina League of Conservation Voters first. You
10:08AM 15	may -- if you are actively arguing, you may take your -- you
16	may remove your mask. That helps us. It also helps the
17	court reporter.
18	MR. SCHAUF: So, thank you. May it please the
19	Court. Zack Schauf for the plaintiffs in the League of
10:09AM 20	Conservation Voters case. I'm here representing a coalition
21	of plaintiffs, not just the League, but civil rights
22	leaders, individual voters from across the state, and
23	professors of math, computer science, and statistics from
24	UNC, Wake Forest, Davidson, and High Point University, among
10:09AM 25	others. My clients come from different walks of life and

	1	have different perspectives on many things, but they share a
	2	common view on this matter that's brought them here.
	3	First, that elections should be fair and free, which
	4	means that, at minimum, the party that wins a majority of
10:09AM	5	seats should have a fair chance of winning a majority of
	6	votes, and second -- or that wins the majority of votes
	7	should have a fair chance of winning the majority of seats.
	8	And, second, the tools of math and computer science should
	9	be used to identify plans that depart from those principles.
10:10AM	10	In the Common Cause and Harper cases, Judges Ridgeway,
	11	Crosswhite, and Hinton correctly recognized that the North
	12	Carolina State Constitution bars partisan gerrymanders.
	13	JUDGE SHIRLEY: Now, you would admit, wouldn't
	14	you, that that case is only persuasive and not binding on
10:10AM	15	this Court?
	16	MR. SCHAUF: So, we have taken the position in a
	17	footnote that it could be regarded as binding. I don't
	18	think it's clear under North Carolina law, but we think it's
	19	persuasive, in any event.
10:10AM	20	JUDGE SHIRLEY: Right. And we have an
	21	independent duty of our own to examine the constitutionality
	22	of the acts of the legislature, don't we?
	23	MR. SCHAUF: Absolutely, you do. You do.
	24	JUDGE SHIRLEY: And in determining whether the
10:10AM	25	act of the legislature is constitutional or not, is there

	1	any guidance from the North Carolina Supreme Court as to the
	2	burden that must be presented to us in order to declare an
	3	act of the constitution -- an act of the legislature
	4	unconstitutional?
10:11AM	5	MR. SCHAUF: I would agree that we bear the
	6	burden as plaintiffs to show that the act is
	7	unconstitutional at the preliminary injunction stage. That
	8	just means, of course, we need to show a likelihood of
	9	success, as with any other preliminary injunction. But I
10:11AM	10	agree that we bear the burden, and we think that we've
	11	carried that burden.
	12	JUDGE SHIRLEY: What is that burden?
	13	MR. SCHAUF: I think it's a preponderance of the
	14	evidence. If you're asking about what we think the
10:11AM	15	substantive standard is, you know, I think we think that it
	16	is sufficient to show a partisan gerrymander that the map is
	17	systematically drawn to entrench one party in power even if
	18	voters prefer the other party by a significant margin.
	19	And, you know, particularly where, as we've shown
10:11AM	20	through the affidavit of Dr. Moon Duchin, a noted
	21	mathematician and redistricting expert, you can draw a map
	22	that complies fully with traditional districting principles
	23	that does not yield those same skewed effects.
	24	JUDGE SHIRLEY: When you talk about traditional
10:11AM	25	districting principles, based upon the complaint and based

1   upon what was said in Harper v. Lewis, it looks like

2   traditional districting principles have involved political

3   gerrymandering back to prior to Colonial times.

4   MR. SCHAUF: Well, so, I think when we refer to

10:12AM   5   traditional districting principles, we mean things like

6   compactness, continuity, respect for political subdivisions,

7   respect for municipalities, where we have presented in our

8   complaint these optimized maps that do better on all of

9   those metrics than the ones the legislature passed.

10:12AM   10   But to directly address your question, I think there is

11   truth in it, but it is also true that going back to Colonial

12   times, there were grossly misapportioned districts, and that

13   did not stop courts from holding that the

14   one-person-one-vote principle requires proportionality. And

10:12AM   15   we think it is the same here.

16   And it's actually, I think, easier here, because you do

17   have the lineage of the Free Elections Clause going back to

18   the 1689 English Bill of Rights where it was put there

19   precisely to address gerrymandering that the king was

10:12AM   20   engaged in to manipulate parliament by manipulating the

21   electors for different seats.

22   And that was a principle that the framers of the North

23   Carolina Constitution took and made part of North Carolina

24   law that they expected would be traditionally enforced, just

10:13AM   25   like the framers of the Pennsylvania Constitution put it

	1	into Pennsylvania law, and just like the Supreme Court of
	2	Pennsylvania a couple years ago found that that constitution
	3	prohibited partisan gerrymandering and that those claims
	4	were justiciable.
10:13AM	5	JUDGE SHIRLEY: Your position is there can be no
	6	partisan gerrymandering?
	7	MR. SCHAUF: So, we agree that there is a
	8	threshold showing of sort of substantiality required, but we
	9	think, you know, it's more than been shown here, and this is
10:13AM	10	a not close case.
	11	JUDGE SHIRLEY: Can there be partisan
	12	gerrymandering under the North Carolina Constitution?
	13	MR. SCHAUF: It depends, I suppose, what you mean
	14	by partisan gerrymandering. I think if you mean fixing
10:13AM	15	elections for political gain, I think the answer is no. I
	16	think if it's thinking about political considerations, then,
	17	you know, I think sometimes that can be permissible. And
	18	the thing that I --
	19	JUDGE SHIRLEY: Well, in fact, didn't Chief
10:14AM	20	Justice Lake indicate that that was a proper factor that
	21	could be considered by the legislature in the Stephenson v.
	22	Bartlett decision?
	23	MR. SCHAUF: So, what that said is that you may
	24	consider politics. And I think there's a very big
10:14AM	25	difference between considering partisan considerations and

	1
	2
	3
	4
10:14AM	5

1   partisan gerrymandering. But also that that is limited by

2   other aspects of the North Carolina State Constitution,

3   including the Free Elections Clause, the Equal Protections

4   Clause, the Free Speech Clause, and the Freedom of Assembly

5   Clause.

6   JUDGE SHIRLEY: Why didn't our -- didn't the

7   people specifically, when they addressed how districts were

8   to be formed, set forth the criteria that the legislature

9   was to use?

10   MR. SCHAUF: I mean, I think if you mean the sort

11   of specific districting criteria about population and no

12   mid-decade redistricting, you know, they did. But it's

13   quite clear that those aren't exclusive, because if they

14   were, you couldn't have found an equal protection violation

15   in Stephenson that came from the more general principles of

16   the Equal Protection Clause. And we think the same is true

17   here with the Free Elections Clause and the other provisions

18   that we invoke.

19   So, perhaps with that, I'll pivot to why we think that

20   the maps here indeed constitute the sort of extreme partisan

21   gerrymanders that were --

22   JUDGE SHIRLEY: To constitute extreme partisan

23   gerrymandering, does there have to be intent on the part of

24   the legislature to seek political gain?

25   MR. SCHAUF: So, our view is the answer is no, at

	1	least under the Free Elections Clause. We've cited in our
	2	brief the Van Bokkelen case from the North Carolina Supreme
	3	Court, which says that when you have laws like this that
	4	implicate voting rights, it is, quote, the effect and not
10:15AM	5	the intent of a legislature that renders it void. But I
	6	also don't think you have to agree with me on that, because
	7	there's ample evidence of intent that we've identified here.
	8	And I would also say that the bar for showing intent in
	9	these cases is going to be low, and the U.S. Supreme Court
10:16AM	10	has explained why it's low. I would point you to the
	11	Gaffney case we've cited in our brief where the Supreme
	12	Court explains that it is most unlikely when you've got a
	13	legislature drawing maps that the partisan effects of the
	14	maps they're drawing wouldn't be understood when they passed
10:16AM	15	the maps. And if they understand the partisan effects and
	16	they pass them anyway, it is intended.
	17	The Supreme Court said much the same thing in the
	18	Davis v. Bandemer case; that said, again, it is most likely
	19	that whenever a legislature redistricts, those responsible
10:16AM	20	will know the likely partisan consequences of what they do.
	21	And when you look at what the maps here do, they
	22	entrench a majority in every chamber that is impervious to
	23	any plausible electoral outcome in North Carolina. As we've
	24	shown through the affidavit of Dr. Duchin, in Congress, it
10:17AM	25	entrenches a 10-4 political majority, 9-5 if Democrats get

	1	very lucky. In the Senate, it is -- in even elections will
	2	guarantee a six-seat Republican majority in the House. It's
	3	16 seats.
	4	And, indeed, that -- you can have results where you
10:17AM	5	have Democrats win statewide elections, like they did in
	6	2016 for the gubernatorial election and the attorney general
	7	election, where if you take those results and transpose them
	8	onto the districts that were drawn here, those actually
	9	yield Republican supermajorities in every chamber, 30 seats
10:17AM	10	in the Senate, 70 seats in the house.
	11	And, you know, I think when we're talking about intent,
	12	it is most implausible to think that they drew those maps
	13	with those effects and didn't understand what they were
	14	doing, and particularly given where, you know, we are here
10:17AM	15	after two cases in 2019 where the maps at issue there, which
	16	were passed in 2016, were passed expressly in order to be a
	17	partisan gerrymander where the argument is that is
	18	consistent with the North Carolina Constitution, and they
	19	sort of forthrightly proclaimed that was what they were
10:18AM	20	doing, yielded very similar results where you had elections
	21	where Republicans lost the statewide vote, like in 2018, and
	22	nonetheless had ten seats in Congress, 65 seats in the
	23	House, and 29 seats in the Senate, almost the exact same
	24	results you get here.
10:18AM	25	And it's just not plausible to say that, well, you

	1
	2
	3
	4
10:18AM	5
	6
	7
	8
	9
10:19AM	10

know, they drafted those maps with express partisan intent

but got the very same result here while not considering

partisanship at all. It's just not plausible. And even

more so because this came up during the legislative

hearings. People said these are partisan gerrymanders that

will skew the election results, and instead of pausing and

saying --

            JUDGE SHIRLEY: So, a Republican said that?

            MR. SCHAUF: Republicans did not say it. They

were Democrats. But instead of saying, that's not what we

had in mind, we didn't mean for these to yield unfair

results, they pressed ahead and passed the maps on

party-line votes. And, you know, I think the natural

implication of that is that they intended those results.

     And, indeed, I mean, it would require, you know,

legislators, I think, to be almost angelic to, you know, be

a set of people who, you know, live and breathe politics

every day, and then when they go and do districting to say,

we are not going to take partisan considerations into

account at all. I understand they have the criteria --

            JUDGE SHIRLEY: In fact, when we gave our

governor the right to veto in 1996, the people of this state

decided that he would not be able to veto congressional

redistricting or legislative redistricting. They left it

with the bodies that seem to be the most overtly political

1	in the state, whether they be controlled by Republicans or
2	Democrats. The people in this state made that choice,
3	didn't they?
4	MR. SCHAUF: They did. But they also made the
10:20AM 5	choice to put in the constitution the Free Elections Clause,
6	the Equal Protection Clause, and the other clauses we rely
7	on. And we think the task here is to put those clauses
8	together and apply them to the maps that are before the
9	Court.
10:20AM 10	And, you know, I think in terms of both the intent and
11	the effect, it is telling that when you look at the brief
12	that came in from the other side last night and the expert
13	report they filed the day before, there's nothing there to
14	dispute the showing we've made about the degree of skew in
10:20AM 15	these maps. That in all three maps, so long as you have
16	results that are within seven points, which in North
17	Carolina, the way it is today, is every election, you are
18	going to have baked-in majorities for the incumbent party in
19	every chamber.
10:20AM 20	And it does that in a way that is, contrary to what
21	we've heard from the other side, not something that flows as
22	some inevitable effect of North Carolina's political
23	geography. And we know that because, again, we've put in
24	maps that show that you can do better with respect to
10:21AM 25	compactness, with respect to keeping counties together and

	1	avoiding traversals, with respect to municipalities, and
	2	also have results that are fair to both parties.
	3	JUDGE SHIRLEY: Do you believe that there can
	4	be -- both sides can take a reasonable position that
10:21AM	5	partisan gerrymandering is allowed in this state under the
	6	constitution?
	7	MR. SCHAUF: If the question is do I think that
	8	that is a frivolous argument, I don't think it's a frivolous
	9	argument. I think it's a wrong argument. And, you know,
10:21AM	10	we're here to support the position that, in fact, the Free
	11	Elections Clause and the other provisions we've invoked do
	12	impose a limit. But I understand why my friends on the
	13	other side are making the arguments they do. They're
	14	respectable arguments.
10:21AM	15	JUDGE SHIRLEY: You don't believe -- you would
	16	say they're incorrect, but they're not necessarily
	17	unreasonable? I mean, it's not a frivolous argument, is it?
	18	MR. SCHAUF: No, no. Absolutely not.
	19	JUDGE SHIRLEY: So, reasonable minds can differ
10:22AM	20	as to whether -- well, as to whether you can have partisan
	21	gerrymandering in this state?
	22	MR. SCHAUF: I mean, look, I think there's some
	23	distance between an argument not being frivolous and, you
	24	know, it being reasonable. I think, for us, the key point
10:22AM	25	is that we think it is wrong, and we think it is the job of

1 North Carolina courts and this Court to say that it is

2 wrong.

3   JUDGE SHIRLEY: Now, we have to be convinced

4 beyond a reasonable doubt that an act is unconstitutional

10:22AM 5 before we declare it unconstitutional, don't we?

6   MR. SCHAUF: I don't know that you have to be

7 convinced beyond a reasonable doubt. I think our view is

8 the standard is, you know, a preponderance on the merits,

9 and, here, a likelihood of success on the merits.

10:22AM 10   JUDGE SHIRLEY: So, when our Supreme Court has

11 said, "It is well settled in this state that the courts have

12 the power, and it is their duty in proper cases, to declare

13 an act of the General Assembly unconstitutional, but it must

14 be plainly and clearly the case. If there is any reasonable

10:23AM 15 doubt, it will be resolved in favor of the lawful exercise

16 of their powers by the representatives of the people," so

17 that's the Supreme Court telling us that if there's any

18 reasonable doubt, we have to rule in the favor of the acts

19 of the people through their elected representatives.

10:23AM 20   MR. SCHAUF: That simply is not our view. We

21 think it is a preponderance standard, a likelihood of

22 success standard here at the preliminary injunction stage,

23 and we think we have gotten there based on the evidence

24 we've put in.

10:23AM 25   JUDGE SHIRLEY: But when we talk about whether

	1	there can be partisan political gerrymandering, that is not
	2	a factual question. That is a legal question, isn't it?
	3	Whether you can -- whether the constitution prohibits --
	4	and, listen, I would dare say that most of us don't like
10:23AM	5	extreme partisan political gerrymandering, but that's --
	6	we're not here about our personal preferences. We're here
	7	because we have a job that is set, and we have certain
	8	restraints placed on us by the North Carolina Constitution
	9	and the Supreme Court.
10:24AM	10	And our Supreme Court has told us if we have any
	11	reasonable doubt, we have to rule in favor of
	12	constitutionality. And it seems to me the threshold
	13	question before you get to the facts is can you, as a matter
	14	of constitutional law, have extreme partisan -- or not even
10:24AM	15	extreme, can you have partisan gerrymandering in the state
	16	without violating the constitution?
	17	Because if the question is yes, because you're telling
	18	me there's a difference between political and partisan, and
	19	I read Harper v. Lewis as saying there's -- you can't have
10:24AM	20	partisan gerrymandering. I would read Common Cause v. Lewis
	21	as saying no partisan gerrymandering. Now, in your
	22	complaint, you use the term "extreme partisan
	23	gerrymandering." What's the difference between partisan
	24	gerrymandering and extreme partisan gerrymandering, from a
10:25AM	25	legal standpoint?

	1	MR. SCHAUF: Right. So, I mean, I think the
	2	reason why Common Cause and Harper used extreme partisan
	3	gerrymandering is that that is sufficient to show a
	4	violation of the Free Elections Clause and the other
10:25AM	5	provisions. They didn't hold it's necessary.
	6	And, you know, we don't necessarily think it's
	7	necessary, but I also don't think you need to agree with me
	8	with me about that, because, again, what we have shown
	9	through the evidence we've put in is that these maps render
10:25AM	10	elections in North Carolina a formality, because anytime you
	11	have a statewide vote total within seven percentage points,
	12	it bakes in a single result. And, you know, I think that is
	13	an extreme partisan gerrymander by any measure, whether or
	14	not that is required.
10:25AM	15	JUDGE SHIRLEY: All right. And I just want to
	16	make sure, you are not arguing for a preliminary injunction
	17	based off of any sort of racial gerrymandering, are you?
	18	MR. SCHAUF: We have not. We've got racial
	19	gerrymandering claims in our complaint. We have not moved
10:26AM	20	for a preliminary injunction on those claims.
	21	JUDGE SHIRLEY: And, so, if we deny this motion
	22	for preliminary injunction, when can we expect to see the
	23	motion for preliminary injunction based off of racial
	24	gerrymandering?
10:26AM	25	MR. SCHAUF: We have no plans right now to

```
            1    file -- to be very precise, it's a claim about racial vote

            2    dilution, not racial gerrymandering.

            3              JUDGE SHIRLEY:  Right.

            4              MR. SCHAUF:  But we're not filing right now.  If

10:26AM     5    you rule against us on this today, we are not going to come

            6    in here on Monday and be filing for a preliminary injunction

            7    on those other claims.  These are our preliminary injunction

            8    claims, and we brought these because, you know, they are the

            9    same legal theories as were at issue in Harper and Common

10:26AM    10    Cause, and we think we've got nearly the same facts.

           11              JUDGE SHIRLEY:  There are plenty of cases that

           12    deal with the racial dilution claims that you couldn't

           13    rely -- could rely on to seek a preliminary injunction,

           14    aren't there?

10:26AM    15              MR. SCHAUF:  There are in different contexts, but

           16    this is the choice we've made in terms of what we are moving

           17    on, and we think we've got quite clear evidence that this

           18    does constitute all -- across all three maps, the same type

           19    of extreme partisan gerrymander that you had in Common Cause

10:27AM    20    and Harper.

           21              JUDGE SHIRLEY:  And, so, you're asking us to

           22    accept the rationale of the court in Common Cause and --

           23    Common Cause v. Lewis and Harper v. Lewis as the standard

           24    for determining whether political gerrymandering is

10:27AM    25    prohibited or permitted?
```

	1	MR. SCHAUF: So, I think our view is that the
	2	standards set forth in those cases is sufficient to show a
	3	partisan gerrymandering in violation of the North Carolina
	4	Constitution, and we think we have made the showing that it
10:28AM	5	was sufficient in those cases.
	6	JUDGE SHIRLEY: Again, you're asking -- and that
	7	was a standard never announced before in any appellate court
	8	in North Carolina as it relates to partisan gerrymandering;
	9	is that correct?
10:28AM	10	MR. SCHAUF: Well, so, I think, you know, that
	11	was the partisan gerrymandering case --
	12	JUDGE SHIRLEY: Okay.
	13	MR. SCHAUF: -- in North Carolina, but it drew on
	14	a deep well of North Carolina precedent from --
10:28AM	15	JUDGE SHIRLEY: I've read a lot of the precedent,
	16	and there are -- a lot of those cases also have verbiage
	17	that would run against you as well.
	18	MR. SCHAUF: So, perhaps. I mean, it's hard to
	19	say in the abstract, but what I can tell you is --
10:28AM	20	JUDGE SHIRLEY: It wasn't abstract. It's in
	21	black and white, isn't it? It's the printed word.
	22	MR. SCHAUF: Well, I mean, without knowing sort
	23	of which printed words you mean. But what I can point you
	24	to is Quinn v. Lattimore where the North Carolina Supreme
10:28AM	25	Court emphasized that under the Free Elections Clause, the

	1	will of the people, the majority, legally expressed, must
	2	govern.
	3	JUDGE SHIRLEY: And tell me the factual
	4	background of that case.
10:29AM	5	MR. SCHAUF: So, it was not a partisan
	6	gerrymandering case. It was about a different issue.
	7	JUDGE SHIRLEY: What issue was it about?
	8	MR. SCHAUF: It was about, I think,
	9	qualifications for particular office. I don't remember the
10:29AM	10	office.
	11	JUDGE SHIRLEY: Was that the case where someone
	12	was going to have to swear that they would -- that they
	13	would have to vote for the member of their party that
	14	they're registering for?
10:29AM	15	MR. SCHAUF: I don't recall whether that was that
	16	case or whether it was a different case, but it did announce
	17	that broad principle, which was reiterated in Hill v.
	18	Skinner. The object of all elections must be to ascertain,
	19	faithfully and truthfully, the will of the people. And
10:29AM	20	that, we think, is the fundamental thing that is problematic
	21	with partisan gerrymandering.
	22	When you have a partisan gerrymander, the point of
	23	elections isn't to ascertain the will of the people, it's to
	24	make the will of the people irrelevant and to entrench one
10:29AM	25	party in power.

	1	JUDGE SHIRLEY: When you talk about the will of
	2	the people, you're determining the will of the people from
	3	how the state votes -- how the state votes on a partisan
	4	basis statewide?
10:30AM	5	MR. SCHAUF: I don't think that's quite right,
	6	because what we have done is we've taken it down to a
	7	district-by-district level by looking at 52 general
	8	elections going back over the course of the last decade and
	9	then seeing -- you know, if, for example, you took the 2020
10:30AM	10	presidential election, then you attribute the votes there
	11	that went to President Trump to the Republican candidate
	12	under each district and you see what the outcomes are.
	13	And, you know, that's where we get the figures that we
	14	provide in our complaint and our motion, showing exactly how
10:30AM	15	thoroughly this election -- these maps entrench one party's
	16	advantage. And this --
	17	JUDGE SHIRLEY: Again, when we talk about the
	18	will of the people, are you telling me if these -- we allow
	19	these maps and the vote occurs and it happens as -- as you
10:30AM	20	project, that the will of the people that voted will not be
	21	reflected in the results?
	22	MR. SCHAUF: That's right. I mean, I think if
	23	you have results like -- you know, take the 2020
	24	gubernatorial election in North Carolina. Significant
10:31AM	25	democratic victory by almost five percentage points. But if

1   you project that across all three of these maps, it still

2   gives you, I think, ten Republican congressional seats, 26

3   or 27, a majority, of the Senate, and, I think, 62 House

4   seats.

10:31AM   5   And, you know, that, I think, is the archetype of

6   extreme partisan gerrymander, where you can have that be the

7   preference of the people expressed throughout the state and

8   yet have completely the opposite result under these maps.

9   In a way, again, and I think this is important --

10:31AM   10   JUDGE SHIRLEY: So when you look at the election

11   that won, you to look how much the Democrat candidate --

12   what percentage of the vote they received and how much the

13   Republican received?

14   MR. SCHAUF: That's right. So, you take --

10:31AM   15   JUDGE SHIRLEY: But -- but what you're saying --

16   by saying that, you're concluding that people vote based off

17   of the party and not on the individual.

18   MR. SCHAUF: Well, so, that's why we don't do

19   this just looking at a single election and, instead, our

10:32AM   20   expert aggregated 52 elections going back a decade. And you

21   get a really remarkable result. And when you look at all, I

22   think, 38 elections decided by a margin of seven points or

23   less, every single one of those delivers majorities in all

24   the chambers to the incumbent party, which is what we think,

10:32AM   25   you know, certainly is sufficient to show an extreme

	1	partisan gerrymander, and in the way that is not dictated by
	2	North Carolina's political geography or by traditional
	3	districting principles.
	4	And that, I think, is an important point. This is the
10:32AM	5	argument that you often hear on the other side and that, you
	6	know, we've heard here, that the issue here is not partisan
	7	gerrymandering, it's that Republicans are -- tend to be more
	8	dispersed, Democrats tend to be more concentrated, and
	9	that's why you see the results you see.
10:32AM	10	And, you know, Dr. Duchin's analysis proves that that's
	11	not true. Instead, you can draw maps, as we have, that are
	12	more compact, traverse fewer counties, break fewer
	13	municipalities, and also treat both parties in a more fair
	14	fashion, where, in almost every one of those 52 elections, I
10:33AM	15	think, with four exceptions in Congress and six in the
	16	legislative maps, you get the party receiving a majority of
	17	the votes also receiving a majority of the seats.
	18	And that, you know, I think, just goes to so that this
	19	is not something that is compelled by North Carolina's
10:33AM	20	political geography. It was a choice that was made, and I
	21	think we think it is a choice that is inconsistent with the
	22	North Carolina State Constitution.
	23	JUDGE SHIRLEY: Does a Republican voter have a
	24	right to be in a Republican district, to be placed in a
10:33AM	25	Republican district?

	1	MR. SCHAUF: On an individual basis, you
	2	obviously are always going to have some voters who are not
	3	going to be able to elect the candidates they prefer,
	4	because that's how districts work. But our fundamental
10:34AM	5	submission is that when you take the entire state and you
	6	systematically structure the map so that the one party is
	7	going to remain in control, even if voters reject that party
	8	by significant margins, then that is the hallmark, or a
	9	hallmark anyway, of a partisan gerrymander that is
10:34AM	10	inconsistent with the North Carolina State Constitution.
	11	JUDGE SHIRLEY: Okay.
	12	JUDGE POOVEY: Your argument is basically that
	13	each party is entitled to proportional representation; is
	14	that fair?
10:34AM	15	MR. SCHAUF: That is not correct, Your Honor.
	16	Proportional representation means that if your party gets 40
	17	percent of the vote, you should get 40 percent of the seats;
	18	50 percent, 50 percent; 60 percent, 60 percent, and so on.
	19	That is not our argument. We are -- we have no problem with
10:35AM	20	a map where one party maybe gets 55 percent of the votes,
	21	they've got a great election, and they end up with 65, 70
	22	percent of the seats. That's not our argument here.
	23	Our -- the much more modest proposition we're advancing
	24	is that when you have maps that systematically ensure one
10:35AM	25	party majority, even when they lose the popular vote by

	1	significant margins, that is inconsistent with fundamental
	2	democratic principles, particularly, again, when it is done
	3	in a way that is not compelled by the state's political
	4	geography or any neutral districting principle. And,
10:35AM	5	indeed, you can do better on all of those principles, as
	6	we've shown, with a map that is also more fair.
	7	Perhaps just as an illustration, I can put up our first
	8	figure. And I don't think I'm going to go through nearly
	9	all of these, but just to highlight graphically what we're
10:36AM	10	talking about here. These are some of the figures that --
	11	one of the figures that our expert has produced. And what
	12	you would see in a map that sort of perfectly translated
	13	votes into seats is you'd be following one of these trend
	14	lines, and, you know, they might be narrow -- shallower,
10:36AM	15	they might be steeper, but you would follow one of them, and
	16	you cross at the origin where you'd get a majority of
	17	seats -- a majority of votes translating into a majority of
	18	seats.
	19	But what you see instead in the congressional map is
10:36AM	20	Democratic congressional candidates -- these are the red
	21	dots at the bottom -- parked at four seats, maybe five if
	22	they get very lucky. And the place where you start to see
	23	the possibility of getting a tie is not until you are around
	24	54 percent of the two-party vote.
10:36AM	25	That is nearly identical to the map that was enjoined

10:37AM

1   in Harper where, I think, the number was 55 percent. And,

2   again, we think this is -- this is a mark of an extreme

3   partisan gerrymander. But it's not just a matter of what's

4   done in terms of the statewide map, it is effectuated by

5   some classic gerrymandering tactics.

6   Stephen, if you could do the Mecklenburg map. So, this

7   is a classic pack and crack where you have Democratic voters

8   in Charlotte packed into District 9, as many as possible, so

9   that then you can crack the remainder out into District 13,

10   which then stretches far west to accumulate enough

11   Republican areas to overcome their votes. And, basically,

12   the same thing on the east in District 8. And, you know,

13   even more so, I think you can see this in Guilford.

14   Stephen, if you could switch it to Guilford.

15   So this, again, is some classic -- the classic tools of

16   partisan gerrymandering, cracking one of the three biggest

17   Democratic strongholds in the state, currently represented

18   by a Democratic congressperson, into three districts where

19   the voters cannot affect any of these elections. So, you

20   see downtown Greensboro in District 11 cracked up. And, you

21   know, we don't have this on the figure, but it stretches all

22   the way far west to the Tennessee border.

23   District 7, the same one we were talking about a minute

24   ago, picks off a few of the Democratic voters on the east

25   and submerges them into a very Republican district that's

	1	drawn to have Republican majority. And then last, in
	2	District 10, you can see how High Point is split off where
	3	you have one of these shapes that, again, is your sort of
	4	classic gerrymandering shape. We don't get all of this on
10:39AM	5	this figure, but it sort of snakes off and then takes a
	6	90-degree turn south just off the map.
	7	And the results of all of this are, you know, what
	8	we've talked about, an entrenched Republican majority that
	9	is nearly impervious to any plausible electoral outcome that
10:39AM	10	you are going to have in a 50/50 state like North Carolina.
	11	Now, I've been up here for a while, and, you know,
	12	we've got similar figures we could show for the other maps,
	13	but those figures all come from our briefs and from our
	14	verified complaint. So, I think I'm inclined to, you know,
10:39AM	15	sort of leave it there unless the panel has further
	16	questions that, you know, I can address, and, you know,
	17	emphasize that we think that all three of these maps are
	18	partisan gerrymanders that violate the North Carolina
	19	Constitution and that we have shown a likelihood of success
10:39AM	20	across all three of these maps.
	21	JUDGE SHIRLEY: Those maps are congressional
	22	maps?
	23	MR. SCHAUF: These maps are congressional maps.
	24	When I say "all of these maps" --
10:40AM	25	JUDGE SHIRLEY: Okay.

	1	MR. SCHAUF: -- I mean Senate and House and
	2	Congress. And I am happy to go through sort of blow by blow
	3	the other maps, but I'm also respectful of the Court's time
	4	and mindful that we have two cases and four sets of lawyers.
10:40AM	5	JUDGE POOVEY: Do you have the map that your
	6	experts put forth?
	7	MR. SCHAUF: We have it, but we didn't blow it
	8	up.
	9	JUDGE POOVEY: Sorry?
10:40AM	10	MR. SCHAUF: It's in the record. We have not
	11	blown it up. If there's no further questions, I'll let my
	12	colleague proceed.
	13	JUDGE SHIRLEY: All right.
	14	MR. SCHAUF: Thank you.
10:41AM	15	MS. THEODORE: Good morning, Your Honors.
	16	JUDGE SHIRLEY: Good morning.
	17	MS. THEODORE: I'm Elisabeth Theodore on behalf
	18	of the Harper plaintiffs. North Carolina's congressional --
	19	THE REPORTER: You need to speak up, please. I
10:41AM	20	can't hear you.
	21	JUDGE SHIRLEY: You can take your mask off.
	22	MS. THEODORE: Sorry about that. If I sit down,
	23	I might be a little closer to the microphone.
	24	JUDGE POOVEY: Maybe you could move the
10:41AM	25	microphone up and move it a little closer to you.

	1	MS. THEODORE: Is this better?
	2	JUDGE POOVEY: Yes.
	3	MS. THEODORE: Thank you. North Carolina's
	4	congressional plan is an extreme partisan gerrymander that
10:41AM	5	predetermines elections and guarantees ten or sometimes 11
	6	seats for Republicans and three or four seats for the
	7	Democrats. And in 2016, the Legislative Defendants passed a
	8	map that they said was the best they could do. They said it
	9	was the most extreme possible gerrymander for North
10:41AM	10	Carolina's congressional districts. It was ten Republican
	11	seats and three Democratic seats.
	12	After Harper I struck it down, they passed an 8-5 map.
	13	And now, after North Carolina gained a 14th seat because of
	14	overwhelming population growth in Democratic-leaning areas,
10:42AM	15	it passed another map that guarantees ten seats to the
	16	Republicans. Just like in 2016, that is the most extreme
	17	possible gerrymander in North Carolina's congressional maps.
	18	And they didn't try to hide what they were doing. They
	19	cracked the three largest Democratic counties in North
10:42AM	20	Carolina, Wake, Mecklenburg, and Guilford. There's no
	21	population-based reason for that. They cracked the Piedmont
	22	Triad to cause three districts so that none of these
	23	overwhelming Democratic cities have a Democratic
	24	representative in Congress.
10:42AM	25	There was no community- and interest-based reason to do

10:42AM

1   this. These cities share an airport. They share a media

2   market. They share a newspaper. They double bunked

3   Representative Manning and Representative Foxx into an

4   overwhelmingly Republican district. And as the red-blue

5   maps that we've included in our preliminary injunction

6   motion show, every district was carefully drawn to crack and

7   pack Democratic voters.

8   And we've put forward overwhelming statistical evidence

9   from Dr. Pegden and Dr. Chen confirming this. Both of their

10   analyses were accepted by the Common Cause court. They were

11   subjected to search and cross-examination by the Legislative

12   Defendants. Dr. Pegden concludes that the enacted map is

13   more carefully crafted to favor Republicans than over 99.99

14   percent of billions of comparison maps that he generated by

15   making tiny random changes to the precincts at the borders

16   of the districts. In other words, you touch the map, and it

17   starts to break down.

18   And to be clear, he was following the same constraints

19   that the legislature offered in its redistricting criteria.

20   No more county splits, no more precinct splits, no more

21   municipality splits than the enacted map did, and it

22   protected the same incumbents in the enacted map.

23   The one thing that he did slightly differently was

24   population because of the way his system works. By swapping

25   precincts, he doesn't get down to person-by-person

	1	population, but he verified that the difference between 2
	2	percent and 1 percent population deviation, both of which he
	3	did, doesn't -- mathematically can't make a difference, and
	4	it can't be that the difference between the 1 percent, which
10:44AM	5	was his lowest threshold, and the zero plus or minus one
	6	person in the enacted map explains the partisan bias. And
	7	as I said, his very similar analysis, identical analysis,
	8	was given great weight by a unanimous court in Common Cause.
	9	Dr. Chen's analysis confirms the same thing. He's one
10:44AM	10	of the foremost academic experts on using simulations to
	11	evaluate maps, and his testimony has been repeatedly
	12	accepted, including in Common Cause and in Harper.
	13	And, ultimately, the hallmark of an effective
	14	gerrymander is that you want to spread your votes across as
10:44AM	15	many districts as possible while still retaining enough
	16	edge --
	17	THE REPORTER: I'm sorry. Can you slow down?
	18	MS. THEODORE: Yes. I said ultimately the
	19	hallmark of an effective gerrymander is you want to spread
10:45AM	20	your votes across as many districts as possible while still
	21	retaining as much edge to win in all of them. So, you want
	22	districts -- as many districts as possible that safely favor
	23	your party, but not by overwhelmingly large margins.
	24	And so, Dr. Chen looked at the most -- the ten
10:45AM	25	most-Republican districts. He finds that in the enacted

	1	plan, they have Republican vote shares using a composite of
	2	elections in this narrow range of 52.9 percent to 61.2
	3	percent. So, that's the product of packing Democrats in the
	4	Democratic districts and then unpacking Republican votes
10:45AM	5	from districts that would be naturally packed Republican
	6	districts to enable these ten safe districts.
	7	And he finds that this is an extreme statistical
	8	outlier. Not a single one of his 1,000 random simulated
	9	plans comes close to creating ten districts in this range of
10:46AM	10	safe but not too packed for the Republicans. And virtually
	11	all of his plans only create two to six such districts. And
	12	that's what makes this gerrymander so extreme.
	13	What those ten districts do is it enables the plan to
	14	stick with ten Republican districts, essentially, regardless
10:46AM	15	of Democratic performance. And so, if you look at the
	16	Governor Cooper election in 2020 where the Democrats had a
	17	4.5 percent margin -- and this is at page 62 of his
	18	report -- the enacted plan still produces ten Republican
	19	districts. And not a single one of his 1,000 simulated
10:46AM	20	plans produces ten. Most produce seven or eight Republican
	21	districts and some produce only six.
	22	And so, again, precisely in the circumstances where it
	23	matters most, in the elections where the Democrats convince
	24	a lot of people to vote for them, the map subverts the will
10:47AM	25	of the people. So, those are the facts. We think it's

	1	clear beyond any reasonable doubt that this is an extreme
	2	partisan gerrymander.
	3	On the law, the Court held in Common Cause, which we
	4	would ask this Court to follow because we think it's correct
10:47AM	5	and persuasive, that extreme partisan gerrymandering
	6	violates the constitution. The U.S. Supreme Court in Rucho
	7	said that state courts can apply state constitutions to
	8	strike down gerrymander congressional plans, and we think
	9	the Court should do that here.
10:47AM	10	JUDGE SHIRLEY: Well, they can use them so long
	11	as the state constitutions allow you to strike it down.
	12	They weren't just saying we're not going to do it, you do
	13	it. You can only do it if your constitution allows you to.
	14	MS. THEODORE: Of course, Your Honor. But what
10:47AM	15	the court -- what Chief Justice Roberts said is that
	16	partisan gerrymandering claims are not, I think he said,
	17	condemned to sound in the void because state constitutions
	18	can protect against them. That's what he said.
	19	And the court in Common Cause held that it's clear that
10:48AM	20	extreme partisan gerrymandering violates the Free Elections
	21	Clause. I don't want to repeat too much what Mr. Schauf
	22	said, but, you know, the court said, and this is clearly the
	23	purpose of the Free Elections Clause, that when partisan
	24	actors are specifically systematically designing,
10:48AM	25	manipulating the contours of election districts for partisan

```
          1    gain to preserve power, that elections aren't free under

          2    that circumstance.  Elections aren't freely ascertaining the

          3    will of the people when, under any natural circumstances,

          4    you could have two or three or four more seats for a

10:48AM   5    particular party than you get as a consequence of the

          6    manipulation by the legislature.

          7         On the Equal Protection Clause, the court held in

          8    Common Cause that the right to vote on equal terms is a

          9    fundamental right under the North Carolina Equal Protection

10:48AM  10    Clause.  The Supreme Court of North Carolina has held the

         11    exact same thing.  Stephenson held that the Equal Protection

         12    Clause requires substantial equal voting power, and it's not

         13    enough to say that everyone gets to cast their vote.  If it

         14    were enough just to say that, Stephenson would not have

10:49AM  15    struck down the districts that had a single member and

         16    multimember districts in the same -- in the same district.

         17         Multiple North Carolina Supreme Court opinions have

         18    held that the Equal Protection Clause is broader in North

         19    Carolina than in the U.S. Constitution, including

10:49AM  20    specifically in the context of voting rights.

         21              JUDGE SHIRLEY:  I do recall in Stephenson,

         22    Justice -- then-Justice Orr said, well, that is the case.

         23    That was -- Stephenson v. Bartlett is one of the few times

         24    that that court had exercised that authority to interpret

10:49AM  25    the North Carolina -- while you can, the North Carolina
```

	1	Equal Protection Clause greater than the U.S. Equal
	2	Protection Clause.
	3	MS. THEODORE: Well, I don't think -- I don't
	4	think it's done it a lot of times, but it's certainly does
10:49AM	5	it several times in important election contexts that are
	6	analogous to this context. So, for example, in the context
	7	of -- like the case that held that judicial elections in
	8	North Carolina have to follow one-person-one-vote even
	9	though the U.S. Constitution doesn't require that. And,
10:50AM	10	again, the Stephenson v. Bartlett holding about finding
	11	combining multimember and single-member districts.
	12	JUDGE SHIRLEY: But most of these were looking at
	13	the effects that the then-existing laws had on the ability
	14	of African-Americans to vote and to ensure that they had
10:50AM	15	equal representation with other citizens in the state; is
	16	that correct?
	17	MS. THEODORE: I don't think that's what
	18	Stephenson said. I think Stephenson said that, you know,
	19	your ability to affect your representative and to have
10:50AM	20	representation, you know, is significantly and unfairly
	21	enhanced compared to your fellow citizens if you have
	22	several members representing you as opposed to one. It
	23	wasn't in the context of racial discrimination.
	24	They held that voting is a fundamental right under the
10:51AM	25	Equal Protection Clause, and it wasn't -- it wasn't in the

1   context of saying that it was discriminating against

2   African-Americans.

3   And so, you know, the court from Common Cause adopted

4   a --

5   THE REPORTER: I'm sorry. You have to repeat

6   that.

7   MS. THEODORE: The court from Common Cause

8   adopted a three-part test for finding a violation of the

9   Equal Protection Clause. They said if the predominant

10   purpose is to entrench the party in power by diluting votes

11   and it has the intended effect of substantially diluting

12   votes, then unless the legislature comes forward with a

13   legitimate justification and compelling justification, it's

14   unconstitutional.

15   And here, for the reasons I've explained, we've

16   satisfied, very clearly satisfied, all of those standards.

17   And equally for the reasons in our brief, we've explained

18   why the law violates the free speech and assembly

19   requirements.

20   I'd like to respond based on the proportional

21   representation question. Common Cause addresses this and

22   explains why precisely the same arguments, using the same

23   experts, that we're making in this case don't require

24   proportional representation. And I think you could just

25   look, for example, at Dr. Chen's chart number B2. So, he's

	1	showing that the natural non-gerrymandered outcome in North
	2	Carolina of an essentially 50/50 election might be eight or
	3	nine Republican seats under certain circumstances. He's not
	4	saying it has to be seven, but that it's never ten. Or it's
10:52AM	5	almost never ten, when it's 50/50. When it's 50/50.
	6	I think the irreparable harm here is clear. The
	7	voters, millions of North Carolina voters, will again be
	8	forced to vote in districts where they have no meaningful
	9	chance to elect a representative. And as Common Cause and
10:52AM	10	as Harper held, that clearly trumps the kinds of interests
	11	that the Legislative Defendants have put forward.
	12	And, you know, I would also say I think with respect
	13	to -- with respect to an injunction, there's clearly time to
	14	do it. In the Harris case, the federal district court
10:53AM	15	enjoined the North Carolina congressional primaries one
	16	month before the scheduled March primary. In Stephenson,
	17	the North Carolina Supreme Court enjoined the state
	18	legislative plans two months before the primary. So, this
	19	Court clearly has the ability to issue an injunction here
10:53AM	20	protecting constitutional rights.
	21	I'd be glad to address some of the Legislative
	22	Defendants' arguments about the elections clause or
	23	justiciability or any other arguments if the Court likes,
	24	or --
10:53AM	25	JUDGE SHIRLEY: You'll have an opportunity after

	1	they argue.
	2	MS. THEODORE: Thank you, Your Honor.
	3	JUDGE SHIRLEY: Why don't we take a ten-minute
	4	recess before we hear from the defendants.
10:54AM	5	THE BAILIFF: Court will stand in recess for ten
	6	minutes.
	7	(A recess was taken from 10:54 a.m. to
	8	11:11 a.m.)
	9	JUDGE SHIRLEY: All right. We will hear from the
11:11AM	10	Legislative Defendants.
	11	MR. STRACH: Your Honor, good morning. Phil
	12	Strach. Your Honor, we believe that Stephenson expressly
	13	allows partisan advantage in redistricting. But what's
	14	remarkable about the redistricting that occurred this time
11:11AM	15	around is that the legislature handcuffed themselves. They
	16	realized that they could pursue partisan advantage, but they
	17	did multiple things to literally handcuff their ability to
	18	pursue partisan advantage. The first thing they did --
	19	JUDGE SHIRLEY: Mr. Strach, one of the real
11:12AM	20	ironies is in Stephenson, they quote a Wall Street Journal
	21	article talking about how bad redistricting is and
	22	gerrymandering is in North Carolina, don't they?
	23	MR. STRACH: They do.
	24	JUDGE SHIRLEY: And on this past Wednesday, the
11:12AM	25	Wall Street Journal once again ran an article talking about

	1	partisanship. And the Wall Street Journal talked about the
	2	non-partisan group out of Princeton that looks at district
	3	maps, and it talked about four states that were given an F,
	4	one of which is North Carolina.
11:12AM	5	And the real irony is the state that the Wall Street
	6	Journal holds up as maybe being the beacon of light as to
	7	how we should go forward, of all states, is California,
	8	saying that California is better -- well, is much better
	9	than North Carolina in this process.
11:12AM	10	MR. STRACH: My response to that, Your Honor, is
	11	thank God we don't let journalists and academics decide the
	12	law in our state.
	13	JUDGE SHIRLEY: Well, how -- if probably the one
	14	news outlet that is most favorable to Republicans on a
11:13AM	15	national basis talks about North Carolina getting an F, how
	16	in the world did that occur when the legislature cuffed
	17	their hands going back in to draw the maps?
	18	MR. STRACH: Your Honor, the Princeton
	19	gerrymandering methodology is like a black hole. I don't
11:13AM	20	think anybody really understands it. We have no idea how
	21	they're measuring that. We have no idea what they're using.
	22	We don't know what their formula is. And so, it's just like
	23	Dr. Chen's materials, these are black box algorithms, and
	24	it's garbage in, garbage out. However you want it to score
11:13AM	25	the map, you can make it score the map that way. So, I

	1	can't speak to that because I have no idea what they do or
	2	how they do it.
	3	JUDGE SHIRLEY: What's -- this shows my
	4	ignorance. What is the congressional breakdown in North
11:13AM	5	Carolina now in terms of Republican versus Democratic? Is
	6	it 8-5?
	7	MR. STRACH: It's currently 8-5. Correct. So,
	8	but, Your Honor, they did handcuff themselves. There are
	9	lots of things they could have done that could have produced
11:14AM	10	a map that was much more partisan than however this maps
	11	turns out to be. We don't really know that until we
	12	actually hold elections under it. Nobody has a crystal ball
	13	and can make accurate predictions about what's going to
	14	happen.
11:14AM	15	Political coalitions change. No one would have
	16	believed that Robeson County would be a deep red county. No
	17	one. If I had stood up and said that eight years ago,
	18	they'd have laughed at me. No one would have thought that
	19	some of counties in the northeastern part of this state
11:14AM	20	would flip from deep blue to deep red in just eight years.
	21	No one would have believed that. So, the political
	22	coalitions change. We have no idea how any of these
	23	districts are going to perform in 2022 or, certainly, not in
	24	2030, down the road.
11:14AM	25	So but what they did to ensure as fair and transparent

	1	a process as possible, they did this completely in the open.
	2	They literally -- and the Court can go to the legislature's
	3	website and see the livestream. They opened up the
	4	committee room and had the cameras on. All the computer
11:15AM	5	screens were on the camera. They had open mics in the room
	6	to pick up conversations.
	7	And let me just tell you this, because I've been
	8	working around redistricting stuff for a long time.
	9	Legislators of both parties in other states would rather be
11:15AM	10	shot than to have to draw maps in the open like that. They
	11	would rather be shot. They would never do it. We may be
	12	the only state in the nation that does it that way.
	13	And, so, literally, if the Senate redistricting
	14	chairman went in there and starting messing around with VTDs
11:15AM	15	and drawing maps, it was all in the public. And you would
	16	know that because if you read Twitter, what would happen is
	17	they'd start moving VTDs around and it would be popping up
	18	on Twitter. People would be commenting on it in real time.
	19	People had the ability literally to influence the districts
11:16AM	20	in real time because it was done in the public that way.
	21	So, we think North Carolina legislators should be
	22	applauded and commended for this, because it was -- it takes
	23	a lot of courage in a process which you could keep secret to
	24	nonetheless do it in the open. The other thing is they
11:16AM	25	didn't use any election data. There was no election data

	1	loaded into the machine.
	2	Now, the legislative leadership did not say to all the
	3	Republicans, okay, before you sit down in front of that
	4	computer terminal, you have to go have a lobotomy and take
11:16AM	5	out all your political knowledge. Nobody expected them to
	6	do that, and that wouldn't be fair. But they didn't have
	7	any election data.
	8	And the reason that's a key difference is because in
	9	the past in redistricting, what would happen is you'd have
11:16AM	10	the election data loaded into the computer, and if you --
	11	and that election data would allow you to score partisanship
	12	down to the VTD level. So as you move VTDs around on the
	13	computer screen, you could see how it shifted the
	14	partisanship of that district in real time and you could
11:17AM	15	score it.
	16	JUDGE SHIRLEY: Well, with respect to the
	17	legislature's -- legislators that would go in and sit down
	18	at the terminal, how many focused solely on the districts
	19	that they knew and how many -- you know, did people from the
11:17AM	20	west go out and look at the east and --
	21	MR. STRACH: The tape would tell the tale on
	22	that, Your Honor. I don't know. I haven't watched all the
	23	video. But I do know that the leaders of the committees
	24	would go in there and draw entire maps. So, you could
11:17AM	25	literally see, say, the House redistricting chairman,

	1	Representative Hall, you could literally see him sit and
	2	draw the map. And I think he drew it in sections. And so,
	3	that was live, that was, you know, real time.
	4	JUDGE LAYTON: Where did the legislators get the
11:17AM	5	base maps they started with in that process?
	6	MR. STRACH: They start off with a clean slate.
	7	It was a clean slate. They went in there with an empty map
	8	and they went in there and they drew it. Now, they
	9	obviously had stuff in their heads, right? They had ideas.
11:18AM	10	They had concepts. Redistricting requires you to kind of go
	11	in with sort of at least an overall plan, kind of how are we
	12	going to do this, because it's very complicated, but they
	13	didn't carry any prior work in there with them. They just
	14	started from scratch. And then the public was able to watch
11:18AM	15	how it developed.
	16	JUDGE SHIRLEY: Well, I think the complaint,
	17	verified complaint, alleges they took -- take notes in.
	18	MR. STRACH: I'm not aware of that. I know some
	19	Democrats did. I'm not aware of Republicans that did. They
11:18AM	20	certainly didn't bring draft maps in there, that I'm aware
	21	of. I'm sure if there was specific video to the contrary,
	22	it would have been pointed out. But I'm not aware of that.
	23	And so, it was a very transparent process.
	24	And so, what they were not able to do is when
11:19AM	25	Chairman Hall was sitting there on the computer moving VTDs

	1	around, unlike in the past when we could have seen, oh, wow,
	2	this makes it more Republican, this makes it more
	3	Democratic, he couldn't see that. He might have a
	4	guesstimate in his mind as what the politics would be, but
11:19AM	5	he couldn't use any data to -- as Plaintiffs have said in
	6	the past, to engineer the districts, to squeeze every bit of
	7	partisanship out of them that you could get. That was not
	8	possible to do this time, and it was not done.
	9	So, the other thing that was done this time, that's
11:19AM	10	much different than prior years, there were detailed
	11	explanations given in public, in committee meetings, on the
	12	floor of the Senate, on the floor of the House on why the
	13	districts were drawn the way they were. In the past, the
	14	leader, the legislative leadership, if they wanted to, they
11:19AM	15	didn't have to explain anything. They just come in there,
	16	drop the map, call the vote. It's done.
	17	JUDGE SHIRLEY: How did the congressional
	18	districts from a Republican versus Democrat standpoint stack
	19	up to what was originally proposed that the Harper v. Lewis
11:20AM	20	court struck down?
	21	MR. STRACH: The composition of the congressional
	22	delegation at the time of the Harper case, I think, was ten
	23	Republicans, three Democrats.
	24	JUDGE SHIRLEY: And now it would be, under these
11:20AM	25	proposed maps? Or these maps, they're not proposed anymore.

	1	MR. STRACH: Well, the plaintiffs claim it's
	2	10-4. I have no idea, but we'll see. We'll see what
	3	happens in 2022.
	4	JUDGE SHIRLEY: Well, you can certainly determine
11:20AM	5	that by running numbers, can't you?
	6	MR. STRACH: You could guess. I have no idea.
	7	JUDGE SHIRLEY: No -- you're telling me no one's
	8	guessed?
	9	MR. STRACH: Yeah, they have. People have
11:20AM	10	guessed 9-5, 10-4, 11-3. The guesstimates are all over the
	11	board.
	12	JUDGE SHIRLEY: Are there any guesstimates in
	13	favor of the Democrats?
	14	MR. STRACH: I haven't seen any. No, that's a
11:21AM	15	fair point, but I haven't seen it.
	16	JUDGE SHIRLEY: I would assume you -- your -- the
	17	legislature's position is they can engage in partisan
	18	gerrymandering?
	19	MR. STRACH: The legislature's position is that
11:21AM	20	Stephenson allows them to redistrict for partisan advantage.
	21	JUDGE SHIRLEY: Can they do it for extreme
	22	partisan advantage?
	23	MR. STRACH: I have no idea what that means,
	24	Your Honor. There is no definition of that. I have no
11:21AM	25	idea. The legislature can't answer that. Nobody can answer

	1	that. Dr. Chen tries to answer that; Ms. McKnight will tell
	2	you why he can't. But no one knows the answer to that
	3	question.
	4	What people do is they take data, Your Honor, and they
11:21AM	5	plug it into these black box algorithms that they can rig on
	6	the front end with the criteria that they use to spit the
	7	results out. It's just rigged. It's garbage in, garbage
	8	out. You feed it the criteria you want it to feed, and it's
	9	going to spit out the results that you want it to give.
11:21AM	10	And when this case goes to trial, the Court will see a
	11	lot of evidence on that and why that's the case here. But
	12	at the end of the day, people are just guessing. They're
	13	just flat-out guessing. And the reason -- and they're not
	14	only guessing, but they're often guessing wrong, because the
11:22AM	15	political coalitions shift so much over the course of a
	16	decade that the map that you pass in 2021 could be a
	17	completely different map in 2030. I would remind you --
	18	JUDGE SHIRLEY: Yeah, but legislators who face
	19	election every two years, when they go sit down at the
11:22AM	20	terminal, they have a greater understanding what the
	21	political realities are in their district at the time they
	22	sit down, and I would almost guarantee you weren't relying
	23	on what made the data in 2000 or 2010.
	24	MR. STRACH: Well, certainly, legislators know
11:22AM	25	their own areas. And the criteria here took that into

	1	account. It didn't bar legislators from using their local
	2	knowledge about the local areas and the local communities,
	3	and not just in a partisan way, but in any way.
	4	In lots of areas of the state, there's communities that
11:23AM	5	have typically been grouped together in redistricting, and
	6	the local people know that, and they know where the
	7	communities are. They know the neighborhoods, and they know
	8	where the churches are, and they've got all that local
	9	knowledge. That was allowed to be used, and I'm sure it was
11:23AM	10	used, but that wasn't a solely partisan thing.
	11	And so, yeah, the local -- the local legislators sit
	12	down at the computer and mess around with it and draw
	13	something.
	14	JUDGE SHIRLEY: So, what were the -- what was the
11:23AM	15	criteria given to the legislators that they were required to
	16	use?
	17	MR. STRACH: So, those are in the record,
	18	Your Honor. They were passed in August. And so, they said
	19	no election data. And as to the legislative maps, they had
11:23AM	20	to follow the Stephenson requirements. They had a threshold
	21	for compactness.
	22	JUDGE SHIRLEY: When you say "follow the
	23	Stephenson requirement," you mean creating the VRA districts
	24	first and then --
11:24AM	25	MR. STRACH: That would be following the whole

	1	county construction rules that Stephenson laid out.
	2	JUDGE SHIRLEY: And the first rule is you create
	3	your VRA districts first?
	4	MR. STRACH: That's -- whether that's a rule or
11:24AM	5	not, I would argue that recognizes the supremacy of federal
	6	law.
	7	JUDGE SHIRLEY: Well, that's what Chief Justice
	8	Lake said, here's the way you're to do it.
	9	MR. STRACH: Right. He laid out a series of
11:24AM	10	construction rules for constructing districts. It wasn't
	11	necessarily a process, it was basically construction.
	12	Because that's what you do with districts, you literally
	13	build them VTD by VTD. And that's what -- the court kind of
	14	provided a roadmap for how you do that. So, they had to do
11:24AM	15	that.
	16	They also had a criteria that strove to keep
	17	municipalities whole. If you look at the congressional map
	18	in this case, out of 500-and-some municipalities, only two
	19	are split. That is remarkable. I can guarantee you that's
11:24AM	20	never been done in the history of North Carolina
	21	redistricting. And, Your Honor, the criteria that we're
	22	talking about in August is Exhibit 8 to our brief, and
	23	they're all laid out there.
	24	So, there was an attempt to keep municipalities whole,
11:25AM	25	there was a threshold, sort of a floor, for compactness, and

	1	they were allowed to consider incumbency and where members
	2	lived. And then they were allowed to use local knowledge.
	3	But even that, Your Honor, was subordinate to all the other
	4	criteria, because it said so long as a plan complied with
11:25AM	5	all the other criteria, you could use local knowledge of the
	6	community.
	7	JUDGE SHIRLEY: Going back to Stephenson, I mean,
	8	it was a mandate, wasn't it, that VRA districts be
	9	required -- created first?
11:25AM	10	MR. STRACH: To the extent, Your Honor, you could
	11	read Stephenson to require VRA districts in priority in
	12	terms of chronologically, like literally drawing them first,
	13	I don't think that's necessarily what Stephenson says.
	14	JUDGE SHIRLEY: Well, it says, "On remand, to
11:26AM	15	ensure full compliance with federal law, legislative
	16	districts required by the VRA shall be formed prior to
	17	creation of non-VRA districts." So, that's temporal. If
	18	there are VRA districts that are required to be created,
	19	you've got to create those before you do the non-VRA.
11:26AM	20	MR. STRACH: Your Honor, that's a reasonable
	21	interpretation. I think it could be interpreted otherwise.
	22	In fact, the Covington court didn't know how to interpret
	23	it, and they dropped a footnote saying they expressed no
	24	opinion about that.
11:26AM	25	I would note, though, it also says that you -- to the

	1	extent it is temporal and chronological, it's only -- you
	2	only have to do it for the districts that are required by
	3	the VRA.
	4	JUDGE SHIRLEY: Right.
11:26AM	5	MR. STRACH: And so, obviously, the legislature
	6	didn't believe there were any required by the VRA.
	7	JUDGE SHIRLEY: Wouldn't you have to look at
	8	racial data before you come to that conclusion?
	9	MR. STRACH: No, Your Honor, I don't believe you
11:26AM	10	would. And I appreciate the opportunity to address this
	11	again. When you look at the racial issue, which I
	12	understand are not really at issue in this case --
	13	JUDGE SHIRLEY: I understand that.
	14	MR. STRACH: -- but it is helpful to understand
11:27AM	15	that, you know, we've briefed the litigation that occurred
	16	over the last decade, and there's a tension between the
	17	Voting Rights Act and the Equal Protection Clause.
	18	JUDGE SHIRLEY: Absolutely.
	19	MR. STRACH: And some would say it's more than a
11:27AM	20	tension, it's an outright conflict. And so, if you look at
	21	racial data, there's a significant chance that just looking
	22	at it -- it's kind of like a discrimination case. Somebody
	23	applies for a job, and they tell you, I've got bipolar
	24	disorder, then they don't get hired. What are they going to
11:27AM	25	say? Well, I didn't get hired because I told you I had

	1	bipolar disorder.
	2	If you look at the racial data, then you're
	3	automatically accused of violating the Equal Protection
	4	Clause. You looked at it, you --
11:27AM	5	JUDGE SHIRLEY: It has to be a predominant
	6	factor.
	7	MR. STRACH: It has to be a predominant factor.
	8	But that's a mushy standard. It's very easy to be accused
	9	of that. So, you don't want to look at it unless you really
11:28AM	10	think you have to. And what we learned in the last decade
	11	was the courts repeatedly told us, no, you don't need it,
	12	because there's not legally significant racially polarized
	13	voting.
	14	JUDGE SHIRLEY: That was in certain districts.
11:28AM	15	That was in districts where there was alleged to be packing,
	16	and they said no, no need to pack, that's using racial data,
	17	and because there's no racially polarized voting, you don't
	18	meet the third prong of the Gingles test.
	19	MR. STRACH: Right.
11:28AM	20	JUDGE SHIRLEY: So that district is not a VRA
	21	district.
	22	MR. STRACH: Right.
	23	JUDGE SHIRLEY: It didn't say there were no VRA
	24	districts in the state, it just said that particular
11:28AM	25	district is not a VRA.

	1	MR. STRACH: Well, they said that, though,
	2	Your Honor, all over the state. They were at least 28 at
	3	issue in the Covington case. And then in the Harper and
	4	Common Cause litigation, the court did an analysis that
11:28AM	5	looked at districts all over the state. Not 100 percent of
	6	the state, to be fair, but all over the state.
	7	So, the message was pretty loud and clear. The Gingles
	8	factors are not going to be satisfied pretty much anywhere
	9	in the state. And so, then we got to this redistricting
11:29AM	10	with the 2020 data, and we had plaintiffs' lawyers, not
	11	these plaintiffs' lawyers, other plaintiffs' lawyers,
	12	sending us letters where they were admitting, hey,
	13	African-Americans are being elected in districts under 50
	14	percent.
11:29AM	15	Well, that on its face shows us that the Gingles
	16	preconditions are going to be met. So, why would we look at
	17	race and run the risk of an equal protection challenge when
	18	everything we're being told all along is, hey, you don't
	19	need to look at race?
11:29AM	20	JUDGE SHIRLEY: I'm sorry I got us off track with
	21	the VRA.
	22	MR. STRACH: Thank you. I appreciate you asking
	23	that, Your Honor, because I actually -- I didn't think I
	24	gave a good enough explanation the other day. So, I
11:29AM	25	appreciate the opportunity to do it today.

	1	But the point being, Your Honor, I think -- I say all
	2	this to say I think we need to maintain some perspective
	3	here. No one does redistricting in North Carolina like we
	4	do it here in terms of the transparency, not using election
11:30AM	5	data, and then giving fulsome explanations in public of why
	6	the districts look the way they do. And all this
	7	information is on the legislature's website. We've cited to
	8	it in our briefing. You can go click the link, and you can
	9	get a full explanation.
11:30AM	10	And so, when the constitutional standard is beyond a
	11	reasonable doubt and you've got the evidence that they did
	12	it in the open, no election data, and they gave all these
	13	explanations, which the plaintiffs have not engaged with
	14	those explanations, they haven't said, oh, those are a
11:30AM	15	lie --
	16	JUDGE SHIRLEY: But they argue that we're at a
	17	preliminary injunction and beyond a reasonable doubt doesn't
	18	apply.
	19	MR. STRACH: I think that's incorrect. I don't
11:30AM	20	think the preliminary injunction standard can overrule the
	21	standard of proof or the burden of proof that the Supreme
	22	Court says applies in these cases.
	23	JUDGE SHIRLEY: All right. Once again, unless
	24	you're a member of the press, please do not take photographs
11:30AM	25	with your phone. Members of the press may. Go ahead.

1   MR. STRACH: Thank you, Your Honor. So, my

2   presentation initially was just really to try to create that

3   I think we should maintain perspective. It really is done

4   uniquely different in a more transparent and fair way in

11:31AM   5   North Carolina than anywhere in the country, even

6   California.

7   JUDGE SHIRLEY: Then how do you explain what

8   the -- the plaintiffs have said if you look at results of

9   this redistricting, they are substantially similar to what

11:31AM 10   the Harper and Common Cause courts called unconstitutional

11   because of partisan gerrymandering.

12   MR. STRACH: Number one, we obviously disagree

13   with those rulings.

14   JUDGE SHIRLEY: And Common Cause v. Lewis was a

11:31AM 15   final judgment. A final judgment was entered; is that

16   correct?

17   MR. STRACH: That's correct.

18   JUDGE SHIRLEY: And no one appealed that?

19   MR. STRACH: No.

11:31AM 20   JUDGE SHIRLEY: And Harper v. Lewis was an

21   interlocutory order, there's no final judgment?

22   MR. STRACH: Right. I'm trying to remember, Your

23   Honor, if they actually enjoined the map. What they did is

24   they entered an injunction. They may have enjoined the

11:32AM 25   filing period or something. I'm trying to remember exact.

	1	But in Harper, it is important to note the legislature
	2	voluntarily redrew the map. The court said, hey, we're
	3	going to have a summary judgment hearing, it's going to be
	4	pretty quick, and so, the legislature decided, for the sake
11:32AM	5	of the voters, for the sake of finality, they said, we'll
	6	just redraw the map. And that's what they did, and the
	7	court approved it.
	8	And so, now, I think it's interesting to note that, for
	9	the Court, on the legislative districts, the legislative
11:32AM	10	redraw was ultimately approved by the Common Cause court.
	11	Okay? We had some litigation over that, and the plaintiffs
	12	in that case challenged the redrawn -- a bunch of the
	13	redrawn districts, and they didn't challenge others. They
	14	challenged some. The Common Cause court approved those.
11:32AM	15	That was not appealed.
	16	So, elections were held under the redrawn districts
	17	under the Common Cause standard. And in the House, the
	18	membership went from 65 Republican to 69 Republican. And in
	19	the Senate, they still elected 28 Republicans, almost a
11:33AM	20	supermajority. So, that should tell the Court that that's
	21	what happens in North Carolina because of the way
	22	Republicans are spread out and Democrats are not. That's
	23	what's happened.
	24	Under a so-called fair standard, under a so-called fair
11:33AM	25	map approved by a court, Republicans increased their

1	majorities. And, so, this notion that you can somehow just
2	kind of predict what these maps are going to look like, I
3	just -- I want to emphasize it is a baseless notion. It is
4	pie in the sky, black box, math, calculus, whatever you want
11:33AM 5	to call it, but at the end of the day, it is not meaningful.
6	It is not meaningful.
7	The people decide elections. The voters decide
8	elections. The issues decide elections. The political
9	dynamics decide elections. That's what decide elections in
11:34AM 10	North Carolina, not these districts, and not some computer
11	algorithm.
12	JUDGE SHIRLEY: Well, the districts decide who
13	the voters get to decide on.
14	MR. STRACH: The districts decide who gets to
11:34AM 15	run. The voters decide who wins.
16	JUDGE SHIRLEY: But the ultimate outcome, in
17	terms of the political makeup of the legislature, begins at
18	the district level and where the district -- and how the
19	districts are located.
11:34AM 20	MR. STRACH: I don't think so. I think,
21	certainly, they are elected from districts. You have to
22	draw the districts in order for somebody to be elected. The
23	people in those districts decide who wins those elections.
24	And you've got -- you've got Republican-leaning districts
11:34AM 25	that elect Democrats. You've got Democrat-leaning districts

	1	that elect Republicans. To say it's a foregone conclusion,
	2	you've got -- the national dynamics often will drive
	3	elections, so who is running for president, or if there's a
	4	presidential election, will often impact what happens.
11:35AM	5	The Sean Trende affidavit that we submitted Wednesday
	6	is a stark example of that. When you have a Mitt Romney on
	7	the Republican side running in 2012 versus a Donald Trump in
	8	'16 and '20, completely scrambles the map. It scrambles
	9	political coalitions. And it's just not fair to lay this
11:35AM	10	all at the feet of a district.
	11	The district, obviously, has some impact, but it's not
	12	fair to lay it all at the feet of the district. And that's
	13	particularly true when the districts are drawn
	14	transparently, openly, without election data, and full
11:35AM	15	explanations are provided to the public of why they were
	16	drawn the way they were drawn.
	17	JUDGE SHIRLEY: And so, the plaintiffs' request
	18	is based upon what was set forth in Common Cause v. Lewis
	19	and Harper v. Lewis. So you're just saying the court was
11:36AM	20	wrong?
	21	MR. STRACH: Correct.
	22	JUDGE SHIRLEY: And is it persuasive authority
	23	for this Court?
	24	MR. STRACH: Okay. So, in the sense of is it
11:36AM	25	authority this Court can consider, sure. In that sense, it

	1	would be. I think a Court would call it persuasive. In my
	2	opinion, it's not actually, in fact, persuasive. I think --
	3	JUDGE SHIRLEY: Well, I assumed that's the case,
	4	because you really --
11:36AM	5	MR. STRACH: The Court can certainly consider it.
	6	We would certainly not say that the Court couldn't consider
	7	it. Certainly not binding on this Court and on this panel,
	8	but the Court can certainly consider it. And, frankly, I
	9	would love for the Court to really read it in depth, and the
11:36AM	10	Court may already have. Because when you read that opinion,
	11	it's clear it is not an opinion. There is no standard.
	12	It's basically, hey, legislature, just go back and redraw,
	13	but we're not going to really tell you how to do it.
	14	And I would point out there is a statute in North
11:37AM	15	Carolina that says anytime a map is enjoined, the
	16	legislature has to get at least two weeks to redraw it,
	17	but --
	18	JUDGE SHIRLEY: Enjoined? Enjoined or voided?
	19	MR. STRACH: Struck down.
11:37AM	20	JUDGE SHIRLEY: Because if we enjoin it, that
	21	map's still there. And while you can redraw congressional
	22	maps mid-decade, because there's no constitutional provision
	23	against it, as long as there is a map that hasn't been
	24	declared unconstitutional, can you, under the mid-decade
11:37AM	25	prohibition in the constitution, redraw maps?

	1	MR. STRACH: Well, if the map is enjoined, i.e.,
	2	can't be used, then the Court has an obligation to let the
	3	legislature try again. And but in doing so, statute's very
	4	clear, the Court has to identify the specific defects in the
11:37AM	5	plan.
	6	And I bring up that statute to say in the Common Cause
	7	opinion, even though that was a final judgment that said
	8	you've got to redo this, it did not identify the specific
	9	defects. It did not go through district by district and
11:38AM	10	say, legislature, this is what you did wrong, and this is
	11	how you fix it. That's what the statute requires. So, for
	12	that reason alone, we think Common Cause is of no use to
	13	this Court, and we believe it got the legal standard
	14	completely wrong.
11:38AM	15	The legal standard is set by Stephenson. It's okay to
	16	district for partisan advantage. And until the Supreme
	17	Court says otherwise --
	18	JUDGE SHIRLEY: Well, I think they said it was
	19	okay to district for political advantage.
11:38AM	20	MR. STRACH: Well, Stephenson said partisan
	21	advantage, specifically. Those are the two words that
	22	Stephenson used. And now, even the Common Cause court, you
	23	know, approving the new districts, recognized there was some
	24	banter that went on in the redraw process where the
11:38AM	25	politicians were bantering back and forth about I want this

	1	area, I'll take this area, and you take this area. And the
	2	plaintiffs complained about that. So, that was the partisan
	3	or whatever.
	4	And even the Common Cause court said, well, that's a
11:39AM	5	political consideration. That's going to happen. That's
	6	okay. And so, even the Common Cause court kind of
	7	distinguished between so-called political considerations
	8	versus just purely partisan considerations.
	9	But Stephenson says partisan advantage is okay. And if
11:39AM	10	the Court remembers from Stephenson, there were allegations
	11	made by Stephenson -- I happen to know this because I
	12	litigated Stephenson, along with my law partners, when I was
	13	a baby lawyer. But there were allegations in that case
	14	about how Democrat majorities in the past had carved up
11:39AM	15	counties for political gain, to maintain their majorities.
	16	So, the Stephenson court had that before it.
	17	And so, I mean, in my opinion, this was the Stephenson
	18	court saying so long as you follow these rules, you have
	19	discretionary decisions that remain once you follow the
11:40AM	20	rules, partisan advantage is okay.
	21	JUDGE SHIRLEY: Well, if we find that Common
	22	Cause v. Lewis and Harper v. Lewis are authoritative and
	23	were correctly decided, what does that do to your argument?
	24	MR. STRACH: I think that puts this -- I think
11:40AM	25	that puts this Court's ruling, as well as those two, in

	1	conflict with Stephenson.
	2	JUDGE SHIRLEY: Well, that's not my question.
	3	If -- if Common Cause and Harper were correctly decided,
	4	what does that do to your argument?
11:40AM	5	MR. STRACH: Correct. Fair point. We have also
	6	argued even if the Court were to follow Common Cause,
	7	Harper, these maps don't violate it. The Court will recall
	8	that the Common Cause court had an intent element. And the
	9	Court -- if the Court reads the Harper opinion where they
11:40AM	10	said, we're inclined to enjoin this map, we'll give you a
	11	chance, we urge you to redraw it, they focused on the intent
	12	aspect. And they used evidence from 2016 where it was
	13	openly said, hey, we're drawing these for partisan
	14	advantage, et cetera.
11:41AM	15	JUDGE SHIRLEY: We give -- we give instructions
	16	every day in criminal court that intent is seldom
	17	determinable by direct evidence and often -- and we tell the
	18	juries that, you know, often it's circumstantial evidence
	19	that you have to rely on.
11:41AM	20	Are you saying there's no circumstantial evidence of
	21	intent that exists?
	22	MR. STRACH: Well, point one that I'm making,
	23	Your Honor, is there was abundant evidence of intent in that
	24	case. So, it was easy for the Court. That evidence is not
11:41AM	25	here at this time. So, I would think you would need

	1	overwhelming circumstantial evidence.
	2	JUDGE SHIRLEY: The law makes no distinction
	3	between the weight to be given to direct evidence or
	4	circumstantial evidence. That's another thing we tell
11:41AM	5	jurors.
	6	MR. STRACH: Right. So, Your Honor, here it's
	7	easy, because, as Ms. McKnight can explain, will explain to
	8	the Court, there is no circumstantial evidence. The
	9	computer, the black box computer algorithms, et cetera, are
11:42AM	10	not worth the paper they're written on, and we can explain
	11	why. But that is not circumstantial evidence of anything
	12	other than that you can rig an algorithm to spit out
	13	whatever you want it to spit out. That's all that proves.
	14	Other than that, there is no evidence of so-called extreme
11:42AM	15	partisan gerrymandering in this case.
	16	JUDGE SHIRLEY: I think, generally, people intend
	17	the natural and probable consequences of their acts. I
	18	think that's a general rule of law I've heard before.
	19	MR. STRACH: Sure. When the legislators sat down
11:42AM	20	there and they were drawing districts without election data,
	21	they drew what they drew. But you have to understand that
	22	because of the way voters -- Republicans are spread out and
	23	Democrats are not, it's not surprising at all that you would
	24	get a Republican majority map as the way people are.
11:42AM	25	Now, if the Republican Party starts trying to speak to

	1	urban voters and get those voters, and if the Democratic
	2	Party starts trying to speak to rural voters, it might
	3	scramble the map.
	4	JUDGE SHIRLEY: That actually might be a good
11:43AM	5	idea.
	6	MR. STRACH: It might be a good idea. It might
	7	actually be a good idea. I can tell you this, from a
	8	redistricting perspective, it would scramble the map. And
	9	it would be much harder, it would be much harder to produce
11:43AM	10	a map that favored anybody if political people would start
	11	talking to the other side and not just themselves. That's
	12	the problem.
	13	JUDGE SHIRLEY: But, unfortunately, that's
	14	something we can't do in court.
11:43AM	15	MR. STRACH: Exactly. The Court can't do that.
	16	I can't fix that. But that doesn't -- because political
	17	people aren't speaking to the other sides doesn't give the
	18	plaintiffs a claim in this court. And so, just because you
	19	can currently sit down and draw a map without election data
11:43AM	20	that may elect Republican majorities, that's a problem this
	21	Court can't fix, and that's not the Legislative Defendants'
	22	fault.
	23	JUDGE SHIRLEY: Well, it's certainly not the
	24	plaintiffs' fault, either.
11:44AM	25	MR. STRACH: Just because it's not their fault

	1	doesn't mean they have a claim. Your Honor, I'd like
	2	Ms. McKnight to address some of the expert testimony so we
	3	make sure we've addressed that in proper fashion.
	4	JUDGE SHIRLEY: Sure.
11:44AM	5	MS. MCKNIGHT: May it please the Court. Kate
	6	McKnight for Legislative Defendants. I would like to start
	7	by discussing a piece that is missing from these cases and
	8	is often misunderstood. And a misunderstanding of this
	9	piece leads very smart people, very well regarded Wall
11:44AM	10	Street Journal newspapers to think that a map, a properly
	11	drawn map, was systematically drawn to entrench one party.
	12	Redistricting in the United States is a geographic
	13	exercise. What does that mean. Right? There are plenty of
	14	systems in the world, plenty of systems of ways to elect
11:45AM	15	representatives. You can look to Europe. There's a list
	16	system in some countries there, which will support more
	17	proportional representation, right, than is here. There are
	18	thousands of articles out there. You can go and see them.
	19	But, obviously, those aren't the systems here. It is a
11:45AM	20	geographical representation system.
	21	So, what does that mean? It means that every ten years
	22	when map-drawers are drawing maps, they must start with a
	23	map. They are drawing a map. They are not selecting
	24	voters. They must divide up their map in a way that breaks
11:45AM	25	down into districts that are of roughly equal size. And by

```
 1    size, that's number of population.
 2         So, what does this mean for North Carolina and North
 3    Carolina politics?  North Carolina is not unlike many of the
 4    states in this country where Democratic voters tend to be
 5    tightly and highly clustered in urban areas or cities.
 6    Republican voters tend to be more spread out, evenly spread
 7    out, cities, rural areas, suburban areas.  I think as an
 8    illustration of this, I'd like to reference the affidavit
 9    that we submitted at Exhibit 9 of our brief.
10         This is the affidavit of Sean Trende.  And, again, it's
11    Exhibit 9 to our brief.  And if you turn to the last two
12    pages, this is Exhibit 2A and 2B.  And this is just to
13    illustrate this point of the dispersion of voters and -- of
14    Republican voters and concentration of Democratic voters.
15              JUDGE POOVEY:  You don't happen to have an extra
16    copy of that, do you?
17              MS. MCKNIGHT:  Yes, we do, Your Honor.
18              JUDGE POOVEY:  I've got about 150 e-mails in this
19    case and I'm trying to find the right one.
20              MS. MCKNIGHT:  Pardon me, Your Honor.  May I
21    approach the bench?
22              JUDGE POOVEY:  Yes, ma'am.
23              MS. MCKNIGHT:  There you go, Your Honor.
24              JUDGE POOVEY:  Thank you.
25              JUDGE SHIRLEY:  This was the affidavit that we
```

Timestamps: 11:45AM (line 5), 11:46AM (line 10), 11:46AM (line 15), 11:47AM (line 20), 11:47AM (line 25)

	1	got earlier this week? Is this the affidavit we got earlier
	2	this week?
	3	MS. MCKNIGHT: Correct, Your Honor. Now we
	4	submitted it twice, to be fair. We served and filed it, I
11:47AM	5	believe, on Wednesday, and then we attached it as Exhibit 9
	6	to our brief that we served yesterday.
	7	JUDGE SHIRLEY: Okay.
	8	MS. MCKNIGHT: Let me just give you an
	9	understanding of what you're seeing here. Exhibit 2A,
11:47AM	10	what's been done here is Mr. Trende plotted out all the
	11	counties. Here you have North Carolina, the map of North
	12	Carolina, divided into its counties. The color-coding in
	13	Exhibit 2A correlates to Republican wins and losses, the
	14	county-level two-party presidential vote in North Carolina.
11:48AM	15	So, there are three maps. Map Number 1 are election
	16	results from the presidential election in 2012, Map Number 2
	17	are election results from the presidential election in 2016,
	18	and Map Number 3 are those results from 2020. What this is
	19	showing you is whether that county voted for the Republican
11:48AM	20	candidate or the Democratic candidate in that election.
	21	Now, as you can see, in North Carolina, most of the
	22	counties outside of the cities are red, indicating that the
	23	Republican candidate won in those counties. Let me show you
	24	slightly different maps so you understand just the
11:48AM	25	difference between 2A and 2B. What's been done at 2B is

	1	Mr. Trende compared these counties to the national average
	2	and determined that there were some counties that, even
	3	though they went -- the county voted for the Democratic
	4	candidate, it was actually leaning more Republican than the
11:49AM	5	national average. That's how we use the term "lean" in this
	6	affidavit and in these counties.
	7	As you'll see, there were no counties in North Carolina
	8	that trended more Democratic, that went blue. Right? It's
	9	not more blue, it stayed red, and, in fact, became more red
11:49AM	10	when you consider nationwide averages.
	11	Now, to put this into numbers for you, if you turn to
	12	the end of the affidavit, there's a table, Table 1. And I'm
	13	sorry to move you around in this affidavit.
	14	JUDGE SHIRLEY: Okay. But that's -- okay.
11:49AM	15	MS. MCKNIGHT: This is page 8 of the affidavit.
	16	Now, this table correlates to those maps so you can pick
	17	what makes more sense to you to look at. But what Table 1
	18	shows you is that in 2012, the number of North Carolina
	19	counties that voted Republican, it was 70 out of 100.
11:50AM	20	Right? 2016, that number rose to 76. 2020, that number
	21	went to 75 out of 100. Right? So, this is showing you out
	22	of 100 counties how many voted Republican, how many voted
	23	Democratic.
	24	Now, this is not related to -- these counties are not
11:50AM	25	gerrymandered. Counties are set political boundaries.

	1	Right? And one of the problems, the primary problem with
	2	many of the analyses done by plaintiffs' experts is they do
	3	not respect the political boundaries that the General
	4	Assembly respected in drawing this map. What do I mean by
11:50AM	5	"respect"? What political boundaries am I talking about?
	6	This includes counties, this includes some VTDs, this
	7	includes municipalities. Right?
	8	And now, you don't need to just listen to me, lawyer
	9	for the Democrats, telling you that this is an issue that
11:51AM	10	Republicans are spread out in the State of North Carolina
	11	and it matters in elections. You can listen to plaintiffs'
	12	own experts. Right? This is a known issue in political
	13	science. And as plaintiffs' own expert Dr. Chen said at a
	14	recent redistricting conference held for plaintiffs' lawyers
11:51AM	15	and plaintiffs' experts -- this was in September, they held
	16	a redistricting conference. And I can pass up a paper
	17	showing this quote, but let me read it for you first.
	18	What Dr. Chen said there is, "Democrats are
	19	concentrated in urban areas, and that's part of the
11:51AM	20	political geography. Any time, any time you produce maps
	21	that are just following county boundaries, following
	22	municipal boundaries, just following geographic compactness,
	23	there is going to be a partisan effect."
	24	His meaning there is when you comply with these
11:52AM	25	political boundaries, when you comply with geographic

1   compactness, you are going to have an effect that appears to

2   be partisan, but it's baked in. It is a natural effect of

3   having Republican voters spread out more across the state

4   than the highly concentrated Democratic votes in cities.

11:52AM 5   Would it help for me to pass up the article that

6   quoted --

7   JUDGE SHIRLEY: That's fine. Are compactness and

8   following boundaries political -- when I say "political,"

9   county boundaries, municipal boundaries, one of the things

11:52AM 10   that you would look at, especially in racial gerrymandering?

11   Well, let me put it this way. Are those traditional

12   principles of redistricting, following those type

13   boundaries?

14   MS. MCKNIGHT: It's a great question. And, you

11:53AM 15   know, the term that's used in these cases is "traditional

16   districting criteria." And following political boundaries,

17   like counties, municipalities, VTDs, that is considered a

18   neutral traditional districting criteria. And let me go one

19   step further, because North Carolina is unique with its

11:53AM 20   county grouping rule.

21   As Your Honor is familiar with from your review of

22   Stephenson, there is a whole county rule in North Carolina

23   for the legislative and Senate districts, which requires

24   that they stay whole. Now, it's a little bit of a complex

11:53AM 25   equation, but I'll just say that the end result is the State

	1	Constitution puts primacy on keeping counties whole as much
	2	as possible. Right? There's a recognition that you may
	3	need to split some counties when they're too large, there
	4	are too many people for one-person-one-vote and Voting
11:54AM	5	Rights Act.
	6	So, I think your question had to do with whether the
	7	whole county provision played into --
	8	JUDGE SHIRLEY: Well, just -- the question was
	9	do -- does compactness and following traditional boundaries
11:54AM	10	say -- not just the counties, but municipalities, are
	11	those -- whatever you call them -- traditional districting
	12	criteria or principles?
	13	MS. MCKNIGHT: So, yes, Your Honor, they are
	14	traditional districting criteria, in general. In North
11:54AM	15	Carolina, not only is the whole county rule codified and
	16	part of a special North Carolina rule, but these were also
	17	put in the criteria that the map-drawers used.
	18	This is Exhibit 8 to our brief. This is the criteria
	19	adopted by the committees. And you'll see there counties,
11:54AM	20	groupings, and traversals. That is in the criteria. You
	21	have VTDs should only be split when necessary, and there's
	22	municipal boundaries here.
	23	JUDGE SHIRLEY: And you've got to pardon my
	24	ignorance. Traversal is when you cross a line; is that
11:55AM	25	correct?

	1	MS. MCKNIGHT: That's correct, when you cross.
	2	Correct.
	3	So, now, understanding this effect, and I think it
	4	bears noting that, you know, I heard from plaintiffs'
11:55AM	5	counsel this notion that a partisan advantage has been baked
	6	in. They use the term "baked in" to this map by the General
	7	Assembly. And I would urge the Court to consider the
	8	political geography and the spread of voters in North
	9	Carolina when they consider whether that is something the
11:55AM	10	General Assembly did or whether those were the ingredients
	11	given to the General Assembly that those were the only
	12	ingredients they had to work with in drawing this map.
	13	So, now I would like to turn to how did plaintiffs'
	14	experts handle this issue in their analyses. And now I must
11:56AM	15	for a moment state that we received these briefs and this
	16	analysis Tuesday afternoon for this Friday morning hearing.
	17	JUDGE SHIRLEY: I understand. But let's be
	18	honest, we are on this compressed scheduled, being required
	19	to make a determination five hours and four minutes before
11:56AM	20	the next business -- five hour and four business minutes
	21	from the date that the filings begin because the legislature
	22	wouldn't move back the filing period or the primaries for
	23	the congressional and legislative districts while they
	24	were -- did that or at least gave that possibility to
11:56AM	25	municipals (sic).

	1	So, you know, I understand that, and most times I would
	2	be sympathetic, I think the Court would be, but here we're
	3	all here because there is apparently a sense of urgency in
	4	part created by the legislature.
11:57AM	5	MS. MCKNIGHT: Well, Your Honor, I appreciate
	6	that point. We're all under pressure because of the census
	7	delay, and I believe that the General Assembly --
	8	JUDGE SHIRLEY: When does the census normally
	9	come out?
11:57AM	10	MS. MCKNIGHT: Usually comes out in the spring.
	11	So, for 2020, it would have come out by February, March.
	12	JUDGE SHIRLEY: And it came out in August?
	13	MS. MCKNIGHT: August. That's correct.
	14	JUDGE SHIRLEY: And yet the legislature made the
11:57AM	15	decision, based off of that, even though it was a half year,
	16	February to August, even though it was a six-month delay,
	17	not to delay at least the statewide races or state races?
	18	MS. MCKNIGHT: Correct, Your Honor. Because the
	19	legislature believed, and it was correct in believing, that
11:57AM	20	it could handle and it could put forth one of the most
	21	transparent processes in map-drawing history in North
	22	Carolina, maybe in this country, and set forth criteria that
	23	protect -- that handcuffed it from so-called extreme
	24	partisan gerrymandering and protected it and was able to
11:57AM	25	prepare a map that could be prepared and ready to be used in

	1	time for the primary.
	2	JUDGE SHIRLEY: Listening to both sides, I feel
	3	like there are two streams from two different courtrooms,
	4	because what they contend and what you contend happen are
11:58AM	5	two diametrically opposed. I mean, wouldn't you agree?
	6	MS. MCKNIGHT: I would agree, Your Honor. Yes.
	7	And I think, for now, I think it is -- it is useful for me
	8	to briefly touch on, and I won't belabor the point, but just
	9	if this case goes forward, we look forward --
11:58AM	10	JUDGE SHIRLEY: We're not disposing of the case
	11	today one way or another. So the case is going forward.
	12	There's no motion to dismiss here.
	13	MS. MCKNIGHT: Pardon me, Your Honor, I didn't
	14	mean to interrupt you. We look forward to a chance to --
11:58AM	15	deposing these experts, cross-examining them, preparing
	16	rebuttal reports. We believe those would be very useful for
	17	the Court in understanding these reports and their extreme
	18	limitations.
	19	I just want to give you some flavor of some of those
11:58AM	20	limitations. Number one, they did not respect those
	21	political boundaries. They each did it in their own
	22	different way. Right? I fully expect plaintiffs' counsel
	23	to stand up and say, well, Dr. Chen did this in this way and
	24	Dr. Pegden did it in this way, but let me tell you, when you
11:59AM	25	look at their reports, you'll see Dr. Chen, after

```
11:59AM
11:59AM
12:00PM
12:00PM
12:00PM
```

 1   acknowledging, right, acknowledging that protecting

 2   municipal boundaries creates a map that is likely to be more

 3   Republican, what did he do here? And understanding -- not

 4   only that, understanding that the General Assembly had that

 5   as a priority, had that at as criteria, here he lowered it

 6   as a priority.

 7   All he writes in his report is that I lowered municipal

 8   boundaries as a criteria. What does that mean? We don't

 9   know. I take him at his word that he did not prioritize it

10   the way the General Assembly did. There are 500 -- around

11   500 municipalities in North Carolina. The General Assembly

12   split two. We don't know how many Chen split or where in

13   his algorithm, we just know that he lowered that priority.

14   Now, Dr. Pegden will say it in a different way, but

15   both -- the problems are in Dr. Pegden's analysis as well.

16   And, here, I think it's important. I heard Your Honor ask a

17   question of how do you define extreme partisan

18   gerrymandering. I'd like to refer to a comment made by

19   plaintiffs' counsel about Dr. Chen's analysis.

20   And you can also look at Dr. Chen's report at page 32,

21   Table 7, to support what plaintiffs' counsel said, which was

22   "Dr. Chen showed that, on average, in his simulations, nine

23   Republican congressional districts could be expected."

24   Okay? That's what Chen is saying, that in a perfectly fair

25   world, and I'm taking his argument -- we respectfully

	1	disagree with what his analysis shows, but even if you take
	2	his analysis in whole, all he's telling you is that nine
	3	congressional districts should be expected to be Republican.
	4	And then in the same brief, they're telling you, well, you
12:01PM	5	know, this is an extreme partisan gerrymander because it
	6	might get Republicans ten.
	7	Your Honors, I submit to you that that one seat is not
	8	the definition of extreme partisan gerrymandering. We may
	9	yet have years to go before we get to a definition of
12:01PM	10	extreme partisan gerrymandering, but I offer that this is
	11	not that case.
	12	JUDGE POOVEY: Is it allowed?
	13	MS. MCKNIGHT: Is what allowed?
	14	JUDGE POOVEY: Extreme partisan gerrymandering.
12:01PM	15	Assuming we don't take the prior panel's ruling, is it
	16	constitutional to have extreme partisan gerrymandering? I
	17	understand the nebulous definition and all that sort of
	18	thing, but assuming without deciding that this is or isn't,
	19	what's your argument?
12:01PM	20	MS. MCKNIGHT: Your Honor, I beg your pardon, I'm
	21	about to give you an answer that is a little longer than I
	22	think you want, if you could bear with me for a moment.
	23	JUDGE SHIRLEY: That's what attorneys do.
	24	MS. MCKNIGHT: As a lawyer who has practiced in
12:02PM	25	these cases and in the area of redistricting and has had

	1	many a Thanksgiving-meal discussion with family members from
	2	all sides of the political divide, I can tell you there is a
	3	fundamental and deep misunderstanding in the public media
	4	and in the public about what is a gerrymander, what does
12:02PM	5	that mean.
	6	I hear people use the terms "pack" and "crack" very
	7	casually, very loosely. Now, that's fine outside of a
	8	courtroom. You can talk however you'd like. But when you
	9	come into a courtroom, all of those terms, "packing" and
12:02PM	10	"cracking," those have legal meaning. There is a way to
	11	define those terms. And that's not what we have here.
	12	Plaintiffs would not be able to support that case here of
	13	packing and cracking.
	14	So, when you talk about extreme partisan
12:02PM	15	gerrymandering, I would say what has happened is here you
	16	have redistricting where partisanship was not considered, it
	17	was not in the criteria. To the extent it was in any of the
	18	minds of the map-drawers when they were drawing the plan,
	19	that is allowed. Stephenson guides us that that is allowed.
12:03PM	20	To the extent there is any consideration or sense of what
	21	the politics are of a case, that's permitted.
	22	Now, do I think -- so, that leads me to the point of
	23	saying, I don't even know what I believe my definition of an
	24	extreme partisan gerrymander is. That might be that I-95
12:03PM	25	district that was drawn by Democrats, and briefed in our

	1	brief, a number of years ago where, you know, you could open
	2	the car doors and hit both sides of the districts.
	3	JUDGE POOVEY: I-85.
	4	MS. MCKNIGHT: I-85. Pardon me, Your Honor. I
12:03PM	5	would say that would probably pass the extreme partisan
	6	gerrymandering test. But when I look at these districts,
	7	where you have compliance with written criteria, you have
	8	compactness, you don't have any of these snaking districts,
	9	you don't have any of these so-called bacon strips out of a
12:04PM	10	city, you have compact districts, you have -- if you look at
	11	the county voting, you have almost exact precision; 70 out
	12	of 100, ten out of 14.
	13	And that's just taking plaintiffs' word for it. I
	14	don't know that Republicans will get ten districts. They
12:04PM	15	may get nine. They may get eight. We don't know. But what
	16	you're seeing here in this case is not it.
	17	JUDGE POOVEY: I understood you to argue that is
	18	not it. My question was a little different, which is,
	19	assuming you have it, is it unconstitutional?
12:04PM	20	MS. MCKNIGHT: Your Honor, I'd argue that the
	21	constitution here is clear, what's allowed and what's not
	22	allowed. And I don't think in -- I don't mean to quibble
	23	with you, Your Honor, but I don't fall on a clear
	24	understanding of what extreme partisan gerrymandering is.
12:05PM	25	JUDGE POOVEY: Okay.

1   MS. MCKNIGHT: I would say there are other flaws

2   with the expert reports. Dr. Pegden uses a 2 percent

3   deviation, for example. That's not appropriate. You need

4   to get down lower, to a lower deviation.

12:05PM   5   Dr. Moon Duchin's report where you have the

6   different -- the optimization plans, the problem with that

7   is there's no requirement that the General Assembly optimize

8   its redistricting plan. Right? And Moon Duchin's analysis

9   is almost even worse than Chen and Pegden where they admit

12:05PM   10   they're not using the criteria. There's a real black box

11   problem with her optimization. So, not only are you

12   optimizing, but we don't understand what's in it. If

13   there's an algorithm being used, we'd like to see it, we'd

14   like to understand how it works.

12:06PM   15   Your Honor, I'd like to try to wind down, answer any

16   questions you'd like, but I'd like to finish by drawing your

17   attention back to the Trende maps, these maps showing the

18   spread of Republican voters. And I'd posit to you that

19   doing what plaintiffs ask you to do in this case, which is

12:06PM   20   to go in and tweak and redraw maps to encourage greater

21   electoral results for Democrats, would violate these neutral

22   provisions of redistricting, because what it would require

23   us to do is exactly what they -- they're blaming us for

24   doing.

12:06PM   25   We would need to go in, consider politics, sort voters

	1	based on their political affiliation, and break rules of
	2	municipal boundaries, county boundaries, VTDs, you name it,
	3	to create more districts just because these voters have
	4	voted Republican or Democratic in another election.
12:07PM	5	As you know, this is an inherently political process.
	6	Democratic candidates should go out to these suburban and
	7	rural areas and campaign and adjust their message. There is
	8	such a thing as a conservative Democrat, and that candidate
	9	could be very successful in some of these districts.
12:07PM	10	Now, our country made a decision a long time ago to
	11	have geographical representation. And what that means is it
	12	decided a long time ago to not let highly concentrated
	13	cities overcome and subsume more spread-out rural areas.
	14	The fact that our country made that decision years ago
12:07PM	15	should not be laid blame on the General Assembly's floor for
	16	drawing a map that responded to these neutral districting
	17	criteria, did not consider political election results, and
	18	shows exactly what plaintiffs' experts tell you it will
	19	show, which is that Republicans are spread out, there is
12:08PM	20	likely and there is an effect on these neutrally drawn maps.
	21	So unless there are any other questions, I'm happy to
	22	defer to the Court.
	23	JUDGE SHIRLEY: Judge Poovey, do you have
	24	anything?
12:08PM	25	JUDGE POOVEY: I don't.

	1	JUDGE SHIRLEY: All right. We'll hear from the
	2	plaintiffs.
	3	JUDGE LAYTON: Sorry, not a question, but the
	4	maps -- and I don't know that they're in Harper, but the
12:08PM	5	maps that you all called the optimized maps, where are they
	6	at in your packets?
	7	MR. SCHAUF: So, they are in the Feldman
	8	affidavit that we filed on the 16th of November. They're
	9	Exhibits D, E, and F.
12:08PM	10	JUDGE LAYTON: D through F?
	11	MR. SCHAUF: That's right.
	12	JUDGE LAYTON: Thank you. I'm sorry.
	13	JUDGE POOVEY: I didn't know if Mr. Steed had
	14	anything to say.
12:09PM	15	JUDGE SHIRLEY: Oh, I'm sorry.
	16	MR. STEED: Thank you, Judge Poovey. I did not
	17	intend to stand up, but I had a minor point of
	18	clarification, Your Honors. The filing period opens at noon
	19	on Monday, so you have four additional business hours. I
12:09PM	20	just wanted to make sure the Court was aware of that.
	21	JUDGE POOVEY: Let me ask you a question. From
	22	the State Board of Elections perspective, the -- what is the
	23	last date that the filing period could be open and the
	24	election still occur, the primary election still occur in
12:09PM	25	March as currently scheduled? Is that the end date now?

	1	You may not know that. I don't know.
	2	MR. STEED: I'm convinced that that's a union
	3	question, and these are complicated, as you can see from the
	4	affidavit we put forward. I believe the safe answer right
12:09PM	5	now would be December 17th. But there's issues with the
	6	geocoding. If it changes, that's a whole new amount of work
	7	for them. It takes a certain amount of time, as explained
	8	in the affidavits. And if there's a specific question
	9	you're looking for, I'd be able to get you that answer as
12:10PM	10	quickly as I could.
	11	JUDGE POOVEY: When do the absentee ballots go
	12	out?
	13	MR. STEED: Fifty --
	14	JUDGE POOVEY: In other words, I forget what day
12:10PM	15	the primary is in March.
	16	MR. STEED: March 8th.
	17	JUDGE POOVEY: March 8th. So how many days
	18	before that do you have to have the ballots go out? And I
	19	know it takes time to get those ballots ready and all that
12:10PM	20	sort of thing.
	21	MR. STEED: The statute requires 50 days.
	22	JUDGE POOVEY: Fifty?
	23	MR. STEED: Fifty days is when they're supposed
	24	to go out. The state board has authority to shorten that,
12:10PM	25	but only to 45 days. So, it's not allowed without a court

	1	intervention to change that.
	2	JUDGE POOVEY: Okay. Thank you.
	3	JUDGE SHIRLEY: I guess it's true that there are
	4	a whole slew of races that will be decided in November that
12:10PM	5	are unaffected by anything we hear -- we do today.
	6	MR. STEED: Absolutely. Yes, Your Honor.
	7	JUDGE SHIRLEY: Judges, district attorneys,
	8	clerks of court, municipal elections --
	9	MR. STEED: Pretty much everything else. Yes,
12:11PM	10	Your Honor.
	11	JUDGE SHIRLEY: -- conservation district
	12	elections, things like that.
	13	JUDGE POOVEY: Let me give you back this
	14	affidavit that you handed up. Thank you. I did find it
12:11PM	15	after that.
	16	MS. MCKNIGHT: After the fact. Thank you,
	17	Your Honor.
	18	JUDGE SHIRLEY: All right. We'll go ahead and
	19	hear from the plaintiffs.
12:11PM	20	MR. SCHAUF: So, thank you, Your Honor. Good to
	21	be back up. I wanted to start just by clarifying something
	22	that I said at the outset. So, we had a colloquy about what
	23	the standard is and whether it was beyond a reasonable
	24	doubt. And I just want to be very clear that we think that
12:11PM	25	if the standard is reasonable doubt, we have met that

	1	standard. We've carried it with the evidence that we've
	2	talked about.
	3	Going to what we've heard from my friends on the other
	4	side, starting on the partisan effects of this map, I think
12:12PM	5	we have heard basically no argument that the standard set
	6	forth in Harper and Common Cause, if that standard --
	7	JUDGE SHIRLEY: What is the standard? Because
	8	I'm trying to decide, okay, it seems that Stephenson clearly
	9	says you can take partisan -- you can consider partisan
12:12PM	10	advantage. So, we've got that. And we've got extreme
	11	partisan gerrymandering.
	12	First of all, it seems like we're going back to the
	13	Supreme Court's old pornography days, we can't define it,
	14	but we know it when we see it, which is not a very good
12:12PM	15	standard for -- for -- to give to a legislature to draft
	16	maps by. We can't tell you how to do it, but we're going
	17	to -- we know it's bad when we see it.
	18	So, what is the standard?
	19	MR. SCHAUF: So, I think the standard that Common
12:13PM	20	Cause holds is sufficient. I would point to the passage
	21	where it says that the maps have been drawn systematically
	22	to prevent one party from obtaining a majority of seats even
	23	when they get a majority of votes. And I think we could add
	24	to that when it's permissible -- or, rather, when it's
12:13PM	25	possible to not do that and still respect traditional

	1	districting criteria and North Carolina's political
	2	geography.
	3	And I want to address the argument that we've heard
	4	from the other side that was all about political geography.
12:13PM	5	But that, I think, is a clear administrable standard that
	6	the Court can apply just like the Common Cause court did.
	7	But, from the other side, aside from these justiciability
	8	arguments, they barely engage with the partisan effects that
	9	we've shown in the map.
12:13PM	10	There's no evidence to -- that's been put in to counter
	11	Dr. Duchin's affidavit, which, by the way, was not served on
	12	Tuesday. We filed it on, I believe, the 16th of November,
	13	which was 12 days after the maps were enacted. My friends
	14	on the other side had, I think, 17 days between that point
12:14PM	15	when we filed and now, and the only thing we received is
	16	this very vague affidavit from Mr. Trende. And so, they
	17	simply haven't engaged with the expert analysis we've put
	18	forward.
	19	JUDGE SHIRLEY: You would agree that we -- our
12:14PM	20	elections are based off of geography?
	21	MR. SCHAUF: That is right. That is right. So,
	22	let's talk about --
	23	JUDGE SHIRLEY: Stephenson talked about the
	24	importance of counties and why we -- why there was a whole
12:14PM	25	county provision of the constitution.

	1	MR. SCHAUF: Right. So, I think the argument
	2	we've heard from the other side is that, you know, this is
	3	basically about the dispersion of Republicans and the
	4	concentration of Democrats, but what we have put in evidence
12:14PM	5	on this very point, as have the Harper plaintiffs, one of
	6	the things that our optimized maps show is that you can draw
	7	maps that do better in terms of compactness, that traverse
	8	fewer boundaries.
	9	JUDGE SHIRLEY: How many city boundaries are
12:15PM	10	traversed in your maps?
	11	MR. SCHAUF: So, this is in -- two points on
	12	that. One, it's clear the people are measuring things in a
	13	different way, but what we've got is we've got Table 2 from
	14	Dr. Duchin's affidavit where she goes through and shows that
12:15PM	15	the enacted maps for Congress break municipalities into 90
	16	different pieces compared with -- and that's a little
	17	different from how many municipalities you break, it's the
	18	number of pieces you get if you put them together. But 90
	19	in their map compared to 58 in ours. In the Senate maps,
12:15PM	20	it's 152 in their map compared to 125 in ours. In the
	21	House, it's 292 compared in 201 in ours.
	22	Now, my friend on the other side has said they split
	23	only two municipalities in the congressional map. And it's
	24	hard to square with what they have put -- "they" meaning the
12:16PM	25	legislature has put in the stat pack that's available on

	1	their website. I don't actually have it to hand around,
	2	because the brief came in yesterday. Not complaining about
	3	that, but just don't have it. It lists splits in the
	4	following cities, at least: Cary, Charlotte, Davidson,
12:16PM	5	Durham, and Greensboro.
	6	You know, the Greensboro one is particularly telling
	7	because that's the one that I put up on the board earlier
	8	today that sort of illustrates this classic gerrymandering
	9	of lopping off the north side of the city in order to
12:16PM	10	combine it with this district that stretches all the way
	11	west to the Tennessee border.
	12	JUDGE POOVEY: Do you have a written copy of the
	13	maps you say are right?
	14	MR. SCHAUF: Well, so --
12:16PM	15	JUDGE POOVEY: You said the Feldman affidavit
	16	Exhibits D, E, and F?
	17	MR. SCHAUF: So, I don't have extra copies of
	18	that one with me. I'm sorry about that. They are -- they
	19	are filed, and if we end up coming back after a break, I
12:17PM	20	can --
	21	JUDGE POOVEY: Feldman, spell that for me.
	22	MR. SCHAUF: F-e-l-d-m-a-n. Did I get that
	23	right?
	24	JUDGE POOVEY: Okay. Thank you. That's what I
12:17PM	25	thought it was.

	1	MR. SCHAUF: Just to be very clear on the
	2	purposes we offered those maps, there's two. One is we
	3	think these are maps that, after the existing maps are
	4	struck down, could and should be adopted, but they really go
12:17PM	5	straight to my colleague's argument that this is compelled
	6	by political geography. They show, again, that you can be
	7	more compact and split fewer municipalities, have fewer
	8	county crossings, and still have maps that don't have this
	9	degree of partisan gerrymandering.
12:17PM	10	And, you know, again, it's sort of telling that they
	11	haven't put in any evidence to address that at all. And on
	12	this general point about this being a geographic exercise, I
	13	mean, it being a geographic exercise doesn't explain why
	14	Mecklenburg and Wake and Guilford and only those three
12:18PM	15	counties in the Senate map are trisected three times. It
	16	doesn't explain why you have parts of Greensboro in the same
	17	district with counties bordering Tennessee.
	18	And, indeed, if you look at that set of congressional
	19	maps or congressional districts around Guilford County, what
12:18PM	20	you'll see is they all have what's called a Polsby-Popper
	21	score -- this is one of the metrics of compactness, like how
	22	funny are the lines, that was relied on in Common Cause --
	23	that are around 0.2, which means very not compact. And the
	24	reason for that is they were drawn to pursue partisan
12:18PM	25	advantage. And it's not just those.

	1	Stephen, would you be able to put up Figure 6 from our
	2	briefs? This is northeastern North Carolina. So, this is
	3	in the enacted Senate plan. It's Districts 1 and 2, and --
	4	JUDGE SHIRLEY: Do we have this?
12:19PM	5	MR. SCHAUF: Yeah. So, this is Figure 6 in our
	6	preliminary injunction brief, just blown up real big. And
	7	what you'll see here is the legislature drew the map this
	8	way in order to just bisect this big population of
	9	Democratic voters into two districts. And so, as a result,
12:19PM	10	even though you have this very large Democratic population,
	11	you end up in this area with two solidly Republican seats.
	12	And it's not just that. These districts are less
	13	compact than a fair amount would be, and we show in our
	14	papers that you can draw a map that is more compact that
12:19PM	15	complies with Stephenson. And by doing it this way, this
	16	map also traverses more county boundaries than our
	17	alternative does, which, again, I think shows that it's just
	18	not right to say, you know, the only thing going on here is
	19	geography and dispersion. And for another example of that,
12:20PM	20	you can look at Wayne County, which is Figure 13 from our
	21	brief. It should be towards the back.
	22	JUDGE SHIRLEY: We're not here arguing about
	23	whole county provision or anything like this, this is
	24	clearly partisan?
12:20PM	25	MR. SCHAUF: I mean, we've got a Stephenson

```
 1    violation.
 2              JUDGE SHIRLEY:  I'm talking about for the
 3    preliminary injunction.
 4              MR. SCHAUF:  Not directly, but I think it's
 5    telling that there are excess county traversals in these
 6    maps in three places that we've identified.
 7              JUDGE SHIRLEY:  But that's not the basis for your
 8    motion for preliminary injunction?
 9              MR. SCHAUF:  But there are also places where
10    doing the maps the way the legislature has done them result
11    in a partisan advantage for the Republican Party.  So,
12    they've subordinated the imperative to minimize traversals.
13    And this is actually not an example of that.  This is a
14    different point.
15        But in northeastern North Carolina, the map that was
16    just up there, you get an extra traversal from the way the
17    legislature has drawn their maps.  Around Buncombe County,
18    the way they arrange the counties there, you end up with, I
19    think, two extra traversals there, as we show in our briefs.
20    And then around Forsyth County and Stokes, you get extra
21    traversals there, again, due to partisan advantage.
22              JUDGE SHIRLEY:  And that's for partisan
23    advantage?
24              MR. SCHAUF:  That's right.  That's right.  So,
25    they traversed more counties specifically in order to pursue
```

	1	partisan advantage. And this is another just illustration
	2	that what we're talking about here isn't geography. This is
	3	Wayne County, and what you see is the city of Goldsboro,
	4	lots of Democratic voters there, is divided from the
12:21PM	5	communities of Brogden and Spring Hill just to the south.
	6	So instead of getting what you would probably expect in an
	7	area like this, one Republican district and one Democratic
	8	district, or maybe two toss-up districts where you could
	9	have competitive elections -- what a thing that would be --
12:21PM	10	instead, you get, just like in the Senate map that was up
	11	there a minute ago, two solidly Republican districts.
	12	JUDGE SHIRLEY: So, when Stephenson said you
	13	could pursue -- use partisan advantage as a criteria, what
	14	did they mean?
12:22PM	15	MR. SCHAUF: So, I don't know. I mean, I don't
	16	think they said -- I think pursuing partisan advantage or
	17	making partisan considerations is a long way off from what
	18	we see in these maps --
	19	JUDGE SHIRLEY: Well, but --
12:22PM	20	MR. SCHAUF: -- which is --
	21	JUDGE SHIRLEY: -- you're asking us for a
	22	standard, so we need to understand what Stephenson was
	23	allowing. So, when Stephenson says you can pursue partisan
	24	advantage -- I'm trying to find the exact quote -- what did
12:22PM	25	they mean, or how should we define that?

	1	MR. SCHAUF: Well, so, I guess the first thing I
	2	would say is I wouldn't read Stephenson to necessarily bless
	3	any degree of what we would call partisan gerrymandering,
	4	because it also says that that is limited by other
12:22PM	5	provisions in the constitution, including the Free Elections
	6	Clause. And so, I just don't think they address this issue.
	7	JUDGE SHIRLEY: But they are saying -- the
	8	Supreme Court's statement in Stephenson that you can -- may
	9	consider partisan advantage and incumbency protection in the
12:23PM	10	application of its discretionary redistricting decisions,
	11	but it must do so in conformity with the state constitution,
	12	that is explicitly recognizing that those are things you can
	13	consider. They're not saying you can't consider those.
	14	So, they're not saying that the state constitution --
12:23PM	15	or they're not leaving it up to say okay that you can do it,
	16	but subject to the state constitution. They may be saying
	17	there are constitutional limitations. So, where is -- where
	18	does that begin? What is permissible under Stephenson and
	19	what's not?
12:23PM	20	MR. SCHAUF: I think what is on the other side of
	21	the line is, you know, the standard that Common Cause found
	22	was sufficient, which is when you have a map that is
	23	systematically drawn to entrench one party in power even
	24	when voters prefer the other party by significant margins,
12:24PM	25	and even when it's clear that that is not dictated by -- I'm

1   sorry.

2   JUDGE SHIRLEY: When we vote -- the elections

3   that they're going on, that a lot of this -- the voters will

4   come from are statewide elections; is that right?

12:24PM 5   MR. SCHAUF: Sorry. Can you repeat the question

6   again?

7   JUDGE SHIRLEY: When we talk about -- we're

8   looking at statewide elections to determine what the voters'

9   will is, the will of the voters; is that right?

12:24PM 10   MR. SCHAUF: So, the method, you know, Dr. Duchin

11   for example, has used to assess the likely effects of these

12   elections is to look at a set of 52 statewide elections and

13   then --

14   JUDGE SHIRLEY: But the elections we're talking

12:24PM 15   about are broken up by geographical boundaries; is that

16   correct?

17   MR. SCHAUF: That's correct.

18   JUDGE SHIRLEY: And, in fact, they're required

19   to -- required to be as a matter of law?

12:24PM 20   MR. SCHAUF: That's right. They are broken up.

21   And Dr. Duchin accounts for that by looking at what effects

22   the boundaries have on -- when they're applied to, you know,

23   those statewide elections, taking a sample of 52.

24   JUDGE SHIRLEY: Well, if in 2016 you had 76

12:25PM 25   percent of the counties voting Republican, and in 2020 you

	1	had 75 percent voting Republican, wouldn't that --
	2	regardless of what the overall state elections are, wouldn't
	3	that influence election outcomes dependent upon geography?
	4	MR. SCHAUF: Well, so, the question sounds like
12:25PM	5	it comes from Mr. Trende's affidavit.
	6	JUDGE SHIRLEY: No, the question comes from me.
	7	MR. SCHAUF: Well, so wherever it comes from, I
	8	think part of the answer is that one thing that ignores is
	9	that North Carolina has cities, has urban areas, that have
12:25PM	10	an effect as well on election results.
	11	JUDGE SHIRLEY: Sure.
	12	MR. SCHAUF: And, you know, that analysis ignores
	13	that fact. And it also ignores again, you know, we've got
	14	evidence in the record that shows you can have all the
12:26PM	15	county integrity that you want, better county integrity than
	16	is in the enacted plans, and not have that degree of skew.
	17	And this sort of goes back to the intent point, that when
	18	you nonetheless get the skew that we see in these maps, it's
	19	because the General Assembly intended to put it there.
12:26PM	20	Now, I think I heard my friend on the other side say
	21	that it was fine for the legislators to use partisan
	22	considerations in drawing these maps so long as they sort of
	23	brought them in in their heads. But, you know, that I think
	24	sort of gives the game away. I mean, that concedes that you
12:26PM	25	can do whatever you want outside the hearing room, and as

	1	long as you can come in the hearing room and reproduce it,
	2	then that's all fine.
	3	And, you know, that, I think -- you know, the sort of
	4	proof is in the pudding. We see the effects of that sort of
12:26PM	5	approach, and I think to -- for the Legislative Defendants
	6	to say that, you know, they never analyzed and apparently
	7	still haven't analyzed the partisan effects of the maps they
	8	passed, I just don't think, you know, would stand scrutiny.
	9	JUDGE SHIRLEY: What percentage of the maps drawn
12:27PM	10	show -- that your experts have drawn show a nine-to-five
	11	advantage?
	12	MR. SCHAUF: Our expert didn't do the same that
	13	sort of undertaking. So, what she did was look at the
	14	advantage that the enacted plans created and then used what
12:27PM	15	we've identified as the optimized maps to address whether
	16	that was something that was compelled by political
	17	geography, as you've heard from the other side, and she
	18	found that it wasn't.
	19	JUDGE POOVEY: You think the only way these maps
12:27PM	20	can be drawn is by computer? I mean, that's what you've
	21	said, basically, right? By using a computer and algorithms
	22	and the technology that we have today, why do we leave this
	23	up to humans, why don't we just do this like we're doing
	24	everything else, automated --
12:28PM	25	MR. SCHAUF: Well --

	1	JUDGE POOVEY: -- and, you know, insert
	2	artificial intelligence into it and let it -- you know, let
	3	it do it for us?
	4	MR. SCHAUF: -- Your Honor, I'm not here to tell
12:28PM	5	you that our maps were drawn without human intervention or
	6	that you should do that. Our position is that the best way
	7	to draw maps is, indeed, to leverage the tremendous power
	8	that computers give us to do all sorts of good things,
	9	including making more compact districts, split fewer
12:28PM	10	municipalities, fewer counties, all of those things. But I
	11	don't think you need to agree with that proposition to
	12	invalidate the maps that we have here, because what shows,
	13	you know, that they are unlawful is the degree of partisan
	14	bias they bake in.
12:28PM	15	And, you know, we can have a separate conversation
	16	about what the remedial maps would be. And in that
	17	conversation, like we intend to vigorously defend the maps
	18	that we've put forward. But that very much is I think a
	19	separate conversation.
12:29PM	20	If there's no further questions, I think that's all
	21	I've got.
	22	JUDGE SHIRLEY: All right. We'll hear from the
	23	Harper plaintiffs.
	24	MS. THEODORE: Thank you, Your Honor. If I could
12:29PM	25	just start by addressing, I think, the question that you

	1	just asked about sort of why we use statewide elections to
	2	address partisanship, as opposed to using the results of
	3	local elections. That's a very standard approach in
	4	political science. And the reason is because if you were to
12:29PM	5	take the votes in a particular district, then the lines of
	6	the district would affect the results; that is, if you're in
	7	a particular congressional district where it's gerrymandered
	8	for one party or another, you might expect that voters of
	9	the party that's going to lose might not come out as much.
12:30PM	10	So, it's not an accurate way of assessing the
	11	underlying partisanship. And that's why, for example, the
	12	Legislative Defendants in 2016 and 2017, when they admitted
	13	that they were gerrymandering, they said also that they were
	14	using a lot of different statewide elections in North
12:30PM	15	Carolina, like governor and president and attorney general,
	16	and those statewide elections were how you assess the
	17	underlying partisanship. So, that's the answer to that
	18	question.
	19	JUDGE SHIRLEY: So, it's a nine-to-five split.
12:30PM	20	Do you consider that extreme partisan gerrymandering?
	21	MS. THEODORE: I think -- it's not a question you
	22	can answer without asking the question of nine-to-five split
	23	under what electoral circumstances. Right? So, if you look
	24	at --
12:30PM	25	JUDGE SHIRLEY: Well, as they exist today. I

```
 1    mean --

 2              MS. THEODORE:  But that's what I'm saying,

 3    Dr. Chen's histograms, the bar charts that he shows, they're

 4    all saying here's what would happen under the enacted map,

 5    as opposed to my simulated maps, if the Democrats won 48

 6    percent or if the Democrats won 53 percent.

 7              JUDGE SHIRLEY:  Statewide.

 8              MS. THEODORE:  Statewide.  And so, you get very

 9    different numbers.  And that's why Ms. McKnight's comment

10    about Dr. Chen's -- I think it was Figure 7 where she says

11    it's nine districts and it's not extreme because, you know,

12    a lot of -- a lot of the simulated maps in Figure 7 show

13    nine districts, that's why that's very misleading, because

14    that's -- that Figure 7 is under a composite where the

15    Republicans win 50.8 percent of the vote.

16              JUDGE SHIRLEY:  The question, again, is nine to

17    five extreme -- a result of extreme partisan gerrymandering

18    with these maps that have been enacted?

19              MS. THEODORE:  It can be.  And what I'm saying --

20    let me -- can I point you to page 62 of Dr. Chen's report?

21    And we have copies if that would be helpful.

22              JUDGE POOVEY:  Probably would be helpful to me.

23              MS. THEODORE:  Okay.

24              JUDGE SHIRLEY:  What page?

25              MS. THEODORE:  If you look at page 62.  And let
```

Timestamps in left margin: 12:31PM (line 5), 12:31PM (line 10), 12:31PM (line 15), 12:31PM (line 20), 12:32PM (line 25)

	1	me just explain what this -- what this is. This is
	2	Figure A7. And so, what he's doing here -- is everyone
	3	there?
	4	JUDGE SHIRLEY: Yes.
12:32PM	5	MS. THEODORE: Okay. So, what Dr. Chen is doing
	6	here is you see at the bottom he's using the 2020 governor
	7	election results. And that's an election where the
	8	Republican -- where the Democrats did pretty well. The
	9	Republicans get 47.7 percent of the vote. And so, the red
12:33PM	10	dots are -- and if you go from left to right across the
	11	horizontal axis, you're showing increasing Republican vote
	12	share. And then that dotted vertical line is that
	13	50-percent mark that shows whether the Republicans win a
	14	district. And then the gray dots -- the gray circles are a
12:33PM	15	thousand computer-simulated plans that respect the
	16	legislature's other districting principles. And I'll get to
	17	that a little bit later.
	18	But, so, what you can see here is that if you had an
	19	election where the Democrats did as well as they did here,
12:33PM	20	where they get, you know, 52 percent, 52.3 percent of the
	21	vote, in the enacted plan, the Republicans still win ten
	22	seats. And you can see that because that
	23	tenth-most-Republican district, which is CU4, it's just
	24	barely to the right, that red dot is just barely to the
12:34PM	25	right of the dotted line. Right? And that's an outcome

	1	that never happens. Not a single one of Dr. Chen's
	2	simulated maps produces ten Republican seats. And, in fact,
	3	not a single one of his maps produces nine Republican seats.
	4	So, you see that in all of Dr. Chen's maps, if you look
12:34PM	5	at the bottom five gray -- the bottom five rows of gray
	6	dots, every single dot on those bottom five rows is to the
	7	left of the vertical dotted line. What that's signaling,
	8	again, is that every single one of his simulated maps in a
	9	scenario where the Democrats get 52 percent of the votes,
12:34PM	10	the Democrats get at least five seats, and the
	11	overwhelmingly majority of the time, they get six seats.
	12	You can see that because that ninth-most-Republican-district
	13	line shows that the overwhelming majority of that gray
	14	conglomeration of dots is to the left of the vertical line.
12:35PM	15	And they often get -- they often get seven seats, and
	16	you can see that because three quarters or so of that gray
	17	conglomerate of dots on the line that says
	18	eighth-most-Republican district is to the left of the line.
	19	And so, that's what shows that this is such an extreme
12:35PM	20	partisan gerrymander, is because it's a gerrymander that
	21	sticks with ten Republican seats regardless of how well the
	22	Democrats do in the election. It entrenches ten Republican
	23	seats, no matter what the popular will says.
	24	And if you sort of look at how the --
12:35PM	25	JUDGE SHIRLEY: Are you saying every -- that

	1	those seats are always going to go Republican, those ten,
	2	and they won't be affected by issues of the day? I mean,
	3	because if you -- what happened in Virginia where we
	4	haven't (sic) had a Democratic governor in years and years,
12:36PM	5	and all of a sudden out of the blue you have a Republican
	6	governor? I mean, issues affect elections just as much as
	7	people do, the candidates, don't they?
	8	MS. THEODORE: I'm not disputing that if there
	9	was a Democratic wave election where the Democrats won 60
12:36PM	10	percent of the statewide vote that this map might not hold
	11	up to ten seats. But, of course, if that were true, a
	12	non-partisan map that wasn't drawn to entrench partisan
	13	advantage would probably give a lot more than six Democratic
	14	seats.
12:36PM	15	JUDGE SHIRLEY: So, you want -- your argument is
	16	that maps should not be drawn for partisan advantage,
	17	period?
	18	MS. THEODORE: Our argument is that maps should
	19	not be drawn to systematically entrench one party in power.
12:36PM	20	And, you know --
	21	JUDGE SHIRLEY: So, they can be drawn for
	22	partisan advantage?
	23	MS. THEODORE: Well, let me address the colloquy
	24	that you had about Stephenson earlier. I think what
12:36PM	25	Stephenson said, as the Court knows, is that you can

	1	consider partisan advantage, and there are many ways of
	2	doing that that are far short of entrenching a systematic
	3	partisan advantage.
	4	And one example might be drawing a district to allow
12:37PM	5	the Speaker of the House to run in that district. That's a
	6	consideration of partisan advantage. And that might have
	7	been one of the things that Stephenson talked about. We
	8	don't know, because it was dicta and none of this was raised
	9	in Stephenson. But there are many ways to consider partisan
12:37PM	10	advantage that don't involve systematically subverting the
	11	will of millions of North Carolinians.
	12	Let me address a few of the points that Mr. Strach and
	13	Ms. McKnight raised. So, with respect to the handcuffs, the
	14	argument that the Legislative Defendants handcuffed
12:37PM	15	themselves, you know, it is very clear that the people who
	16	were drawing maps were allowed to bring whatever they wanted
	17	into the room. People did bring paper into the room.
	18	That's what makes this so different than the remedial
	19	process that the Common Cause court ordered, because the
12:38PM	20	remedial process that the Common Cause court ordered forbade
	21	legislators from drawing maps at the stations based on paper
	22	that they brought in from outside. So, that's the
	23	difference here.
	24	JUDGE SHIRLEY: So, how many Republicans are on
12:38PM	25	video bringing map -- paper in?

	1	MS. THEODORE: The video doesn't allow you to see
	2	with that level of granularity. Like, the video doesn't --
	3	you can see the people have paper, but it doesn't allow you
	4	to look and see, like, is the person at the map station
12:38PM	5	looking at a map.
	6	JUDGE SHIRLEY: That's not what I asked. What --
	7	what does -- how many Republican legislators actually
	8	brought paper in? It could have been the -- you know, their
	9	shopping list. Do we know?
12:38PM	10	MS. THEODORE: I don't know. I don't know. But
	11	I will say that the -- as Your Honor alluded to, the expert
	12	reports that we have overwhelmingly show that there is no
	13	possible way that this map could have been produced without
	14	consideration of partisan advantage.
12:39PM	15	JUDGE LAYTON: Are you saying none of the
	16	Democrats did that? Did they not use any partisan
	17	information?
	18	MS. THEODORE: They may have. I don't know. I'm
	19	not saying anything one way or the other about it. Yeah.
12:39PM	20	So, I want to talk a little bit about some of the
	21	criticisms of our experts. And I want to state that
	22	Mr. Strach, I think, said these experts were a black box.
	23	That's not true. The Legislative Defendants, including my
	24	colleagues, these lawyers right here, had full access to all
12:39PM	25	of the code of Dr. Chen and Dr. Pegden during the Common

	1	Cause case. They had every opportunity to cross-examine
	2	those experts. These are -- Dr. Pegden's theorems and his
	3	analysis has been published in multiple peer-reviewed
	4	journals, such as the Proceedings of the National Academy of
12:39PM	5	Sciences.
	6	Dr. Chen's analysis has also been published in multiple
	7	peer-reviewed journals. So, it's just not true that this is
	8	a black box and that people don't know what they're doing.
	9	JUDGE SHIRLEY: I'm not sure that -- okay. Go
12:40PM	10	ahead.
	11	MS. THEODORE: So, then I think -- so on
	12	natural -- on geography. Our experts very, very clear
	13	accounted for that. The Common Cause court explained why
	14	every single one of our experts base in geography. And I
12:40PM	15	think Ms. McKnight said that Dr. Chen was doing something
	16	different than what the legislators suggested because he
	17	prioritizes municipalities lower than --
	18	THE REPORTER: I'm sorry. Can you repeat that?
	19	MS. THEODORE: Ms. McKnight said that Dr. Chen
12:40PM	20	gave a lower priority to municipalities than to VTD splits
	21	and counties, but that's because that's what the enacted
	22	criteria do, too. They say you shall not split counties
	23	except for a couple reasons, I think, like equal --
	24	population equality and one other, and they say you shall
12:41PM	25	not split VTDs unless it's necessary, and then they say you

may consider municipalities. So, that's why he did it the way he did it. He was just following exactly what they said.

Dr. Pegden also considered municipalities, and he constrained his algorithm so that it was just as good as the enacted map with respect to the number of split VTDs, the number of split counties, and the number of split municipalities. He did a bunch of different runs, but some of his runs constrained with respect to all of those things, and they produced the same results.

And just more generally with respect to political geography, again, that's the whole magic of this method is it takes into account the political geography. And then, of course, you know, taking a step back, the notion that the congressional map here was aimed at preserving counties and the political geography of North Carolina just naturally, it just doesn't pass the smell test.

I didn't hear any explanation here as to why the three largest Democratic counties in the State of North Carolina were split three times even though there was absolutely no population-based reason to do that, and even though the enacted criteria on their face forbade splitting those counties three times when it wasn't necessary. So, again, this isn't about the political geography.

And I should say that the random maps that Dr. Chen

	1	drew split far fewer counties. 100 percent of all of his
	2	random maps are significantly more compact than the actual
	3	enacted map that the legislature drew.
	4	Let me see. All right. Let me just say a few other
12:43PM	5	things. Just a few factual points. In Harper, just to be
	6	clear, because I think Mr. Strach said he didn't remember,
	7	they did issue an injunction prohibiting the Legislative
	8	Defendants from going forward under the 2016 congressional
	9	map.
12:43PM	10	I would say that their notion, their argument that this
	11	is sort of unbounded and that what the Common Cause and
	12	Harper courts did in barring extreme partisan gerrymanders
	13	are unbounded are -- is rebutted by the very remedial
	14	schemes that the Harper and the Common Cause court allowed.
12:43PM	15	As Mr. Strach noted, we objected in Common Cause to the
	16	remedial maps and said they were partisan gerrymanders. And
	17	the Common Cause court rejected it and said it didn't meet
	18	the test for being an extreme partisan gerrymander. So, I
	19	think that itself establishes that the test that the Common
12:44PM	20	Cause court created is not something that will, you know,
	21	bar all partisan considerations all the time.
	22	I would also note that in Stephenson, which, of course,
	23	as you know, enjoined maps, they didn't apply a reasonable
	24	doubt standard. We think we meet the reasonable doubt
12:44PM	25	standard, but Stephenson did not apply that reasonable doubt

1   standard in issuing its injunction. In fact, the defendant

2   criticized it for not applying it, but it didn't apply it.

3   I think, you know, going back to the figure from

4   Dr. Chen that I walked through, I think the thing to keep in

12:44PM 5   mind with respect to knowing whether something is a partisan

6   gerrymander is not necessarily the seat count in any

7   particular situation, but it's the margins of victory. And

8   that's what the -- that's what the Dr. Chen report talks

9   about, like, how all of these ten Republican districts are

12:44PM 10   constrained in this range where they're essentially

11   impervious to the will of the voters.

12   And then, finally, in terms of the remedy, I just want

13   to say that we, the Harper plaintiffs, are not advocating

14   those particular optimized maps that the NCLCV plaintiffs

12:45PM 15   are advocating. Our view is that the Court should issue an

16   injunction, suspend the filing period, give the legislators

17   the opportunity, the 14 days that are required by statute,

18   to issue new maps, and then create a remedial process, you

19   know, either following that or in conjunction with that in

12:45PM 20   case they don't issue constitutional remedial maps, and we

21   would want the opportunity to put in our own proposed

22   remedial map.

23   JUDGE SHIRLEY: Anything else?

24   MS. THEODORE: Unless the Court has questions.

12:45PM 25   JUDGE SHIRLEY: Would you all like one last word?

	1	MR. STRACH: Just to make a brief technical point
	2	on the whole municipal split issue, I wanted to make it
	3	clear. So, the congressional map splits two out of
	4	500-and-some municipalities. That's -- the way the
12:46PM	5	legislature counted that, which was explained by Senator
	6	Hise, is if a municipality is split by a county boundary,
	7	that doesn't count as a municipal split, because it's the
	8	county boundary splitting the municipality, it's not the
	9	legislature.
12:46PM	10	And then there were some municipal splits that had zero
	11	population, so it didn't affect any voters or anybody in
	12	particular, because there was just zero population in that
	13	little block or whatever. They didn't count that as a
	14	split.
12:46PM	15	We don't know how Dr. Duchin counted municipal splits,
	16	because she doesn't say in her report. But that's -- there
	17	could be a difference in how they were -- how she's defining
	18	it versus how the legislature was defining it. So, just
	19	wanted to make that point.
12:46PM	20	JUDGE SHIRLEY: Ms. McKnight, anything?
	21	MS. MCKNIGHT: Your Honor, very briefly just to
	22	pick up on the last point that counsel for the Harper
	23	plaintiffs mentioned. She said that those plaintiffs are
	24	not putting forward the simulation map by Dr. Duchin. I
12:46PM	25	think there's a good reason for that, Your Honor.

	1	Dr. Duchin's optimized map would likely fail Chen's
	2	simulation. I think you see the problem when you start to
	3	suggest simulated maps and algorithms should replace human
	4	map-drawing, you get into this issue with maps going back
12:47PM	5	and forth that have no relation to the criteria at hand.
	6	Thank you.
	7	JUDGE SHIRLEY: All right.
	8	JUDGE LAYTON: The Feldman exhibits, I'm trying
	9	to download, it's going to take quite a while. Do you have
12:48PM	10	those in paper form?
	11	MR. SCHAUF: I think I may have one copy.
	12	JUDGE LAYTON: Okay. That's fine. We can look
	13	at them together.
	14	MR. SCHAUF: Let me just double check.
12:48PM	15	JUDGE SHIRLEY: We're going to be in recess until
	16	2:00 p.m.
	17	THE BAILIFF: Court stands in recess until
	18	2:00 p.m.
	19	(A recess was taken from 12:49 p.m. to
01:14PM	20	2:28 p.m.)
	21	JUDGE SHIRLEY: Good afternoon.
	22	(Pause in proceedings.)
	23	JUDGE POOVEY: I'll just say while he's waiting
	24	on that, I commend you all for the excellent job that you
02:30PM	25	did on behalf of your respective clients. You may -- all of

	1	you made very excellent arguments, and I appreciate your
	2	candor to the Court.
	3	And your respective clients should be proud of the job
	4	that you did for them. Part of the reason it took us a
02:30PM	5	little while is because your arguments were so good, it's
	6	hard to decide. It's a tough case. So, we appreciate you
	7	putting in the effort.
	8	(Pause in proceedings.)
	9	JUDGE SHIRLEY: All right. I'd like to echo
02:33PM	10	Judge Poovey's comments. This is not a decision we take
	11	lightly. It is clear to us that the framers of our state
	12	constitution left the decision on districting, or
	13	redistricting, to a political party. It is, in many
	14	respects, a political question which the Supreme Court of
02:33PM	15	the United States has often recognized. It results in an
	16	ill that has affected this country and state since Colonial
	17	days. The people of this state have had an opportunity on
	18	numerous occasions, both through revision in total of the
	19	constitution or through amendments, to correct this ill, but
02:33PM	20	have chosen not to do so.
	21	Stephenson makes clear that partisan advantage can be
	22	taken into account in redistricting. Given the inherent
	23	political nature of districting, or redistricting, we cannot
	24	read that permission by Stephenson as narrowly as the
02:34PM	25	plaintiffs would have us do so. To the extent the

1   plaintiffs have proven extreme partisan gerrymandering, our

2   ruling should not be construed as condoning such, only that

3   we have a reasonable doubt on these facts as to whether

4   these acts of the General Assembly are unconstitutional,

02:34PM   5   and, therefore, find that the plaintiffs have failed to

6   demonstrate a substantial likelihood of success on the

7   merits. Therefore, the motions for preliminary injunction

8   are denied.

9   We will enter an order as expeditiously as possible,

02:34PM 10   and we will certify the same for immediate appeal should the

11   parties choose to do so.

12   Thank you all for your attention, and we will be at

13   recess sine die. Court is adjourned sine die.

14   (Proceedings concluded at 2:35 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1   CERTIFICATION OF TRANSCRIPT

2

3   This is to certify that the foregoing transcript

4   of proceedings taken the December 3, 2021, Session of Wake

5   County Superior Court is a true and accurate transcript of

6   the proceedings as reported by me and transcribed by me or

7   under my supervision. I further certify that I am not

8   related to any party or attorney, nor do I have any interest

9   whatsoever in the outcome of this action.

10   This, the 4th day of December, 2021.

11

12

13 _____

14 Dawn M. Dantschisch, RMR, CRR, CRC
    Official Court Reporter
15 Tenth Judicial District
    (919) 792-5202
16 Dawn.M.Dantschisch@nccourts.org

17

18

19

20

21

22

23

24

25

STATE OF NORTH CAROLINA

COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 015426

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.;
HENRY M. MICHAUX, JR., et al.,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in
his official capacity as Chair of the House
Standing Committee on Redistricting, et al.,

Defendants.

NOTICE OF APPEAL

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

Plaintiffs hereby give notice of appeal to the North Carolina Court of Appeals from the

Order entered on December 3, 2021 in the North Carolina Superior Court for Wake County

denying Plaintiffs' Motion for Preliminary Injunction.

Dated: December 3, 2021

Respectfully submitted,

JENNER & BLOCK LLP

ROBINSON, BRADSHAW & HINSON, P.A.

[signature]

Stephen D. Feldman
North Carolina Bar No. 34940
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
(919) 239-2600
sfeldman@robinsonbradshaw.com

Sam Hirsch*
Jessica Ring Amunson*
Kali Bracey*
Zachary C. Schauf*
Karthik P. Reddy*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Avenue NW, Suite 900
Washington, D.C. 20001
(202) 639-6000
shirsch@jenner.com
zschauf@jenner.com

Adam K. Doerr
North Carolina Bar No. 37807
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
(704) 377-2536
adoerr@robinsonbradshaw.com

* _Admitted pro hac vice_

Erik R. Zimmerman
North Carolina Bar No. 50247
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
(919) 328-8800
ezimmerman@robinsonbradshaw.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Appeal was served upon each of the parties to this action by electronic mail to counsel at the e-mail addresses indicated below and by First Class U.S. Mail to counsel at the addresses indicated below:

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggins
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
phillip.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Mark E. Braden*
Katherine McKnight*
Richard Raile*
Baker Hostetler LLP
1050 Connecticut Avenue NW, Suite 1100
Washington, DC 20036
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com
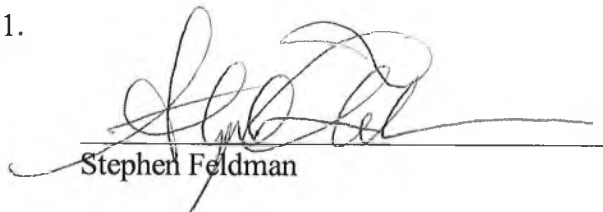
*Counsel for Defendants Representative
Destin Hall, Senator Warren Daniel,
Senator Ralph E. Hise, Jr., Senator Paul
Newton, Representative Timothy K. Moore,
and Senator Phillip E. Berger*

Pro hac vice motion forthcoming

Terence Steed
Stephanie Brennan
Amar Majmundar
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27502-0629
tsteed@ncdoj.gov
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov

*Counsel for Defendants the North
Carolina State Board of Elections,
Damon Circosta, Stella Anderson,
Jeff Carmon III, Stacy Eggers IV,
Tommy Tucker, Karen Brinson Bell;
and the State of North Carolina*

This 3rd day of December, 2021.

Stephen Feldman

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
___ CVS ___

2021 NOV 16 P 4: 19

WAKE CO. C.S.C.

BY _____

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS; KATHERINE NEWHALL; R. JASON PARSLEY; EDNA SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN KING JOHNSON; REVEREND REGINALD WELLS; YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L. JERMAN; VIOLA RYALS FIGUEROA; and COSMOS GEORGE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting; SENATOR WARREN DANIEL, in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; SENATOR RALPH E. HISE, JR., in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; SENATOR PAUL NEWTON, in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; REPRESENTATIVE TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives; SENATOR PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate; THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as Chairman of the North Carolina State Board of Elections; STELLA ANDERSON, in her official capacity as Secretary of the North Carolina State Board of Elections; JEFF CARMON III, in his official capacity as Member of the North Carolina State Board of Elections; STACY EGGERS IV, in his official capacity as Member of the North Carolina State Board of Elections; TOMMY TUCKER, in his official capacity as Member of the North Carolina State Board of Elections; and KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections,

Defendants.

VERIFIED COMPLAINT

(Three-Judge Court
Pursuant to N.C.
Gen. Stat. § 1-267.1)

INTRODUCTION

1.   This suit is about harnessing the power of mathematics and computer science to identify and remedy the severe constitutional flaws in the redistricting maps recently enacted by the North Carolina General Assembly—the maps for the U.S. Congress (the "Enacted Congressional Plan," attached as Ex. A to the Feldman Affidavit),[1] the North Carolina Senate (the "Enacted Senate Plan," attached as Ex. B),[2] and the North Carolina House of Representatives (the "Enacted House Plan," attached as Ex. C)[3] (collectively, the "Enacted Plans").

2.   Plaintiffs include the North Carolina League of Conservation Voters, which has members all over the State who are harmed by these constitutional flaws, as well as numerous individual voters, including former elected officials, civil rights leaders, and educators who care deeply about ensuring fair representation for all North Carolinians. Plaintiffs also include professors in the fields of mathematics, statistics, and computer science, all of whom are U.S. citizens and registered North Carolina voters. Over the past decade, advances in these areas have yielded a new field known as "computational redistricting"—which applies principles of mathematics, high-performance computing, and spatial demography to the redistricting process. Mathematicians and scientists working in this field have created tools that allow scientists both to *identify* maps that unconstitutionally burden the right to vote and to *remedy* those violations—by using algorithmic techniques that fix the constitutional flaws while adhering to traditional, neutral redistricting principles and state law.

---

[1] S.B. 740, S.L. 2021-174, 2021-2022 Sess. (N.C. enacted Nov. 4, 2021). All exhibits referenced in this Complaint refer to the Affidavit of Stephen Feldman, filed with this Complaint.

[2] S.B. 739, S.L. 2021-173, 2021-2022 Sess. (N.C. enacted Nov. 4, 2021).

[3] H.B. 976, S.L. 2021-175, 2021-2022 Sess. (N.C. enacted Nov. 4, 2021).

3.   These tools show, distressingly, that the Enacted Plans create (and intentionally create) a severe partisan gerrymander: Although North Carolina is a highly competitive state, the Enacted Plans entrench one party in power—by "packing" some voters of the disfavored party into a relatively small number of districts and "cracking" other voters so they cannot elect their preferred candidates.   For example, the Enacted Congressional Plan splinters Democratic strongholds in Wake, Mecklenburg, and Guilford Counties into three districts each, precisely in order to dilute Democratic voting strength.   Because of this type of gerrymandering, the favored Republican Party will control North Carolina's congressional delegation, state Senate, and state House for the coming decade under any realistic electoral scenario—even if the state's voters consistently and repeatedly prefer the other party's candidates by substantial margins.   In Congress, for example, models show that a nearly tied election, with each party's candidates receiving about half the statewide vote, will deliver *71%* of North Carolina's delegation to Republicans.   Democratic candidates, by contrast, cannot hope to obtain even a 7-to-7 split unless they win by a statewide margin of more than seven percentage points.

4.   These computational tools also show that the Enacted Plans egregiously (and intentionally) dilute the voting power of North Carolina's black citizens—again, by packing some black voters and cracking others.   For example, even though members of minority groups account for more than 30% of North Carolina's adult citizens, and thus could be expected to win elections in four of the state's 14 districts, the Enacted Congressional Plan deprives them of the ability to win elections in all but two districts.   The Enacted Congressional Plan does so by (among other things) breaking apart cohesive and compact black communities like the one centered in Guilford and Forsyth Counties, which the plan divides into four districts dominated by white Republican voters.   By contrast, compact districts that comply with North Carolina law and traditional, neutral

2

districting principles can protect these communities of interest and preserve black voters' opportunity to nominate and elect the candidates of their choice in four districts across the state.

5.   The Enacted Plans' partisan gerrymandering and racial vote dilution did not happen by accident. When the General Assembly's redistricting committees drafted the Enacted Plans on computer terminals in hearing rooms, they stated that "[d]ata identifying the race of individuals or voters shall not be used in the construction or consideration of districts," and that "[p]artisan considerations and election results data shall not be used." But legislators have vast knowledge of the racial and partisan characteristics of communities across their state—and indeed, the committees expressly allowed legislators to rely on "local knowledge of the character of communities and connections between communities" in mapmaking. Moreover, the committees did not (and could not) prevent legislators from using racial and political data to draw maps outside the hearing rooms and then simply "re-drawing" those maps inside the hearing rooms.

6.   Whether legislators leveraged their own knowledge or relied on racial and partisan data outside the hearing rooms, the conclusion is the same: They drew maps that dilute voting strength by race and that gerrymander by party—and they meant to do exactly that. *Cf. Gaffney v. Cummings*, 412 U.S. 735, 753 (1973) ("[I]t is most unlikely that the political impact of … a [grossly gerrymandered] plan would remain undiscovered by the time it was proposed or adopted, in which event the results would be both known and, if not changed, intended.").

7.   Computational tools will also show that it did not have to be this way. Plaintiffs and their counsel have leveraged the tools of computational redistricting to develop maps that approach being "Pareto optimal," which means that they are so strong on each redistricting criterion that improving the map on any one criterion necessarily worsens it on another. As a practical matter, these ideal, or nearly ideal, maps cannot be devised by hand, even with the best

commercial redistricting software and weeks to draw them. But these maps can be discovered through computational redistricting. This approach simply was not available to courts in prior redistricting cycles. But this approach is available now. And here, Plaintiffs provide the Court with the results that this approach can yield. The maps that Plaintiffs present in this Complaint—which this Complaint identifies as the Optimized Congressional Map, the Optimized Senate Map, and the Optimized House Map (collectively, the "Optimized Maps")—avoid the partisan gerrymandering and racial vote dilution that mark the Enacted Plans, while also improving on the Enacted Plans' compliance with the laws and legitimate policies governing redistricting in North Carolina. Any claim that North Carolina's political geography or state law compels the outcomes created by the Enacted Plans thus cannot withstand the scrutiny of math and science.

8.   By gerrymandering based on party and by diluting and devaluing North Carolinians' right to vote based on race, the Enacted Plans violate the North Carolina State Constitution's Free Elections Clause, Equal Protection Clause, and Free Speech and Free Assembly Clauses. The Enacted Senate and House Plans also violate the North Carolina State Constitution's Whole County Provisions, as interpreted in the *Stephenson*/*Dickson* line of cases from the North Carolina Supreme Court—because these plans, to achieve their partisan and racial ends, traverse more county lines than necessary and contain districts that are less compact than they could be in fairer, more neutral maps.

9.   Plaintiffs ask this Court to set aside the unlawful Enacted Plans and, as interim relief, to enjoin the use of the Enacted Plans in the 2022 primary and general elections. To the extent that the General Assembly does not timely enact redistricting plans that remedy the violations described in this Complaint as fully as the Optimized Maps, the Court should order

Defendants to prepare for, administer, and conduct the 2022 primary and general elections under the Optimized Maps.

10.   Although this suit challenges maps drawn by a legislature controlled by one political party, Plaintiffs do not seek via this suit to favor any political party or incumbent. Rather, Plaintiffs sue to advance the common good by promoting competitive, fair, and free elections for all North Carolina citizens. Plaintiffs support fair maps drawn with advanced science and technology that preserve every North Carolinian's right to vote in free elections on equal terms and that do not discriminate against voters based on race or party.

PARTIES

A.   Plaintiffs

11.   Plaintiff North Carolina League of Conservation Voters, Inc. ("NCLCV") brings this action on its own behalf and on behalf of thousands of its members who are registered to vote in North Carolina and reside in every congressional, state Senate, and state House district in the state, but will have their votes systematically diluted by the Enacted Plans on the basis of party, race, or both.[4] NCLCV is a nonpartisan nonprofit advocacy organization whose mission is to protect the health and quality of life for all North Carolinians, by fighting to build a world with clean air, clean water, clean energy, and a safe climate, all protected by a just and equitable

---

[4] In particular, NCLCV has confirmed that it has members who are registered Democratic voters in all 14 districts under the Enacted Congressional Plan, all 50 districts under the Enacted Senate Plan, and all 120 districts under the Enacted House Plan. NCLCV also has confirmed that it has members who are black registered voters in all 14 districts under the Enacted Congressional Plan, at least 48 of the 50 districts under the Enacted Senate Plan, and at least 107 of the 120 districts under the Enacted House Plan, with the only uncertainty involving Senate Districts 46 and 50, and House Districts 1, 22, 36, 70, 85, 86, 93, 95, 110, 117, 118, 119, and 120. NCLCV also counts among its members voters of all political stripes—Democrats, Republicans, and independents— who care about fair redistricting and about fair and effective representation for all North Carolinians

democracy. NCLCV helps elect legislators and statewide candidates who share its values, to build a pro-environment majority across the state of North Carolina. And NCLCV works to hold elected officials accountable for their votes and actions.

12. The Enacted Plans undermine NCLCV's ability to advance its core mission. By effectively predetermining the results of elections and entrenching one party in power—in individual gerrymandered districts, and in North Carolina's congressional delegation and the General Assembly as a whole—the Enacted Plans impair NCLCV's ability to engage in effective advocacy for candidates who will protect the environment, frustrate NCLCV's efforts to build a pro-environment majority, and undermine NCLCV's ability to hold legislators accountable. NCLCV will have to expend additional funds and other resources to counteract the gerrymandering in the Enacted Plans. The Enacted Plans also dilute the votes of NCLCV members and frustrate their ability to express their preferences for sound environmental policy at the ballot box and before their legislators.

13. NCLCV is especially concerned about the Enacted Plans' effects on North Carolina's black voters. Black citizens are often hurt first and worst by pollution and climate change. And historically, redistricting has been used to exclude communities of color from representation. The Enacted Plans continue that unfortunate legacy, dilute the voting power of black North Carolinians, including voters who are members of NCLCV, and undermine NCLCV's efforts to address environmental harms in systematically excluded communities of color.

14. Plaintiff Henry M. "Mickey" Michaux, Jr. is a black voter and a U.S. citizen who resides in Durham, North Carolina, within Congressional District 6, Senate District 20, and House District 29, as set forth in the Enacted Plans. Senator Michaux is a longstanding civil rights leader and one of the most prominent black political leaders in North Carolina. Before the enactment of

the Voting Rights Act, he and future Congressman John Lewis worked to register black voters in North Carolina. In 1956, when Dr. Martin Luther King, Jr., first came to Durham, he stayed at Senator Michaux's house; Dr. King urged Senator Michaux to go into politics, which he eventually did. In 1972, Senator Michaux became Durham County's first black representative in the General Assembly. He held office in the North Carolina House from 1973 until 1977, when President Carter appointed Representative Michaux as a U.S. Attorney—the South's first black U.S. Attorney since Reconstruction. In 1983, Senator Michaux returned to the North Carolina House. He served on the House Redistricting Committee and was active on redistricting matters; he also served on the House Elections Committee, including as its Chair. He retired from the House in 2019. Senator Michaux remains a registered Democrat and has consistently voted for Democratic candidates for the General Assembly and Congress. He remains active in Democratic politics, including by working to elect Democratic candidates. In 2020, Senator Michaux served briefly in the North Carolina Senate—making him both the longest-serving member of the House and the shortest-serving member of the Senate.

15.   Plaintiff Dandrielle Lewis is a black voter and a U.S. citizen who resides in Greensboro, North Carolina, within Congressional District 11, Senate District 27, and House District 58, as set forth in the Enacted Plans. Dr. Lewis is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Dr. Lewis is the Department Chair of Mathematical Sciences at High Point University. She teaches applied math modeling for business. Her research interests are in finite group theory, interdisciplinary programs, math education, and women and historically underrepresented groups in STEM. Dr. Lewis holds a Ph.D. in mathematics from State University of New York at Binghamton, an M.S.

in mathematics from the University of Iowa, and a B.S. in mathematics and computer science from Winston-Salem State University.

16.   Plaintiff Timothy Chartier is a U.S. citizen who resides in Davidson, North Carolina, within Congressional District 13, Senate District 37, and House District 98, as set forth in the Enacted Plans. Dr. Chartier is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Dr. Chartier is the Joseph R. Morton Professor of Mathematics and Computer Science at Davidson College, where he teaches a course on mathematical modeling that covers topics such as optimization. He has written on elections for the Mathematical Association of America and is the current Chair of Congress for (and former Vice President of) the Mathematical Association of America. Dr. Chartier's professional research interests include data analytics, and he has consulted for organizations including the National Basketball Association and the U.S. Olympic and Paralympic Committee. Dr. Chartier holds a Ph.D. in applied mathematics from the University of Colorado at Boulder and an M.S. in computational mathematics and a B.S., *summa cum laude*, in applied mathematics from Western Michigan University.

17.   Plaintiff Talia Fernós is a U.S. citizen who resides in Greensboro, North Carolina, within Congressional District 11, Senate District 27, and House District 61, as set forth in the Enacted Plans. Dr. Fernós is an Associate Professor of Mathematics at the University of North Carolina at Greensboro and teaches courses that range from introductory undergraduate to advanced graduate topics and researches infinite groups by examining their geometric and analytic properties. Dr. Fernós holds a Ph.D. and an M.S. in Mathematics from the University of Illinois at Chicago, as well as a B.S. in mathematics and physics from The Evergreen State College.

18.   Plaintiff Katherine Newhall is a U.S. citizen who resides in Carrboro, North Carolina, within Congressional District 6, Senate District 23, and House District 56, as set forth in the Enacted Plans. Dr. Newhall is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. She is an Associate Professor of Mathematics at the University of North Carolina at Chapel Hill, where she teaches at the undergraduate and graduate levels, including courses on differential equations and stochastic processes. Dr. Newhall's research interests include stochastic modeling, analysis, and simulation. She holds a Ph.D. in mathematics, an M.S. in aeronautical engineering, and a B.S. in applied physics and applied math, all from Rensselaer Polytechnic University, and she conducted postdoctoral work at New York University.

19.   Plaintiff R. Jason Parsley is a U.S. citizen and registered voter who resides in Winston-Salem, North Carolina, within Congressional District 12, Senate District 32, and House District 72, as set forth in the Enacted Plans. Dr. Parsley is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Dr. Parsley is an Associate Professor of Mathematics at Wake Forest University, where he teaches a variety of courses, including calculus, geometry, multivariable analysis, and complex analysis, as well as a seminar on voting and redistricting. He is also the former North Carolina State Director for the Mathematical Association of America. Dr. Parsley's research interests include knot theory, differential geometry, and geometric analysis. In particular, he studies the geometry of weighted voting, in which different voters, such as stockholders in a corporation, may have different roles or weights. In this work, he has devised a new, geometrically meaningful method for measuring the power of each voter. Dr. Parsley is currently engaged in a project analyzing the results of Arizona's independent redistricting commission for congressional redistricting following the 2010

census. He has completed training as an expert witness in redistricting. In the 2018–2019 academic year, Dr. Parsley taught two courses at Wake Forest University on the mathematics of voting and redistricting. He has also supervised four students conducting mathematics research on redistricting. He holds a Ph.D. and M.A. in mathematics from the University of Pennsylvania as well as a B.S., *summa cum laude*, in mechanical engineering from Duke University.

20. Plaintiff Edna Scott is a black voter and a U.S. citizen who resides in Warrenton, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. Ms. Scott is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Ms. Scott is a retired banker, educator, and curator for an African-American museum.

21. Plaintiff Roberta Scott is a black voter and a U.S. citizen who resides in Norlina, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. Ms. Scott is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Ms. Scott is a retired educator and member of the Warren County Board of Education.

22. Plaintiff Yvette Roberts is a black voter and a U.S. citizen who resides in Warrenton, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. Ms. Roberts is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Ms. Roberts works in personal care service as a home health aide.

23. Plaintiff Dr. Cosmos George is a black voter and a U.S. citizen who resides in Norlina, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. Dr. George is a registered Democrat who has consistently voted

for Democratic candidates for the General Assembly and Congress. Dr. George is a retired obstetrician/gynecologist. After retiring, he worked in a free clinic. He has a long history of working actively in his county for civil rights, justice, and equality.

24. Plaintiff Viola Ryals Figueroa is a black voter and a U.S. citizen who resides in Goldsboro, North Carolina, within Congressional District 2, Senate District 4, and House District 10, as set forth in the Enacted Plans. Ms. Figueroa is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Ms. Figueroa is the founder of a nonprofit organization named the Veterans and Military Families Command Center.

25. Plaintiff Jereann King Johnson is a black voter and U.S. citizen who resides in Warrenton, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. Ms. Johnson is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. Ms. Johnson works at the North Carolina Conference of United Methodist Churches as a project coordinator for Living the Word.

26. Plaintiff Reverend Reginald Wells is a black voter and a U.S. citizen who resides in Spring Lake, North Carolina, within Congressional District 4, Senate District 12, and House District 6, as set forth in the Enacted Plans. Reverend Wells is a registered Democrat who has consistently voted for Democratic candidates for the General Assembly and Congress. He is active in politics and served three terms as a member of the Duplin County Board of Commissioners.

27. Plaintiff Yarbrough Williams, Jr., is a black voter and a U.S. citizen who resides in Warrenton, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the Enacted Plans. A retired educator who taught for 33 years as well as a retired farmer who raised hogs for 35 years, Mr. Williams is active in politics. He is a registered Democrat

who has consistently voted for, and worked to promote the election of, Democratic candidates for the General Assembly and Congress. Mr. Williams currently serves as the Chair of the Warren County Democratic Party.

28.   Plaintiff Reverend Dr. Deloris L. Jerman is a black voter and U.S. citizen who resides in Norlina, North Carolina, within Congressional District 2, Senate District 2, and House District 27, as set forth in the 2021 Plans. Dr. Jerman is a registered Democrat who is active in community affairs and has consistently voted for Democratic Candidates for the General Assembly and Congress. Dr. Jerman is a retired educator and public school and higher education administrator who currently serves as a pastor at Green Chapel Church in Brodnax, Virginia, which is just across the North Carolina border.

29.   This Complaint refers to these individual Plaintiffs—that is, all Plaintiffs except for NCLCV—as the Individual Plaintiffs. The Individual Plaintiffs are harmed by the Enacted Plans' unconstitutional partisan gerrymandering and racial vote dilution. Many Individual Plaintiffs are Democratic and/or black voters who are packed, cracked, and/or deprived of the opportunity to nominate and elect the candidates of their choice in the districts and/or clusters where they reside. Many Individual Plaintiffs are also harmed statewide by the Enacted Plans' dilution of Democratic and black voting power and by the Enacted Plans' burdening of the Individual Plaintiffs' ability to associate with other Democratic voters and to work to elect Democratic candidates. By effectively determining the results of elections for a decade, the Enacted Plans make it more difficult for North Carolinians who are active in politics—including some of the Individual Plaintiffs—to carry out their political activities.

B.   Defendants

30.   Defendant Destin Hall is a member of the North Carolina House of Representatives. In 2021, Representative Hall serves as Chair of the House Committee on Redistricting that oversaw the creation of the Enacted Plans. Defendant Hall is sued in his official capacity only.

31.   Defendant Warren Daniel is a member of the North Carolina Senate. In 2021, Senator Daniel serves as Co-Chair of the Senate Committee on Redistricting and Elections that oversaw the creation of the Enacted Plans. Defendant Daniel is sued in his official capacity only.

32.   Defendant Ralph E. Hise, Jr., is a member of the North Carolina Senate. In 2021, Senator Hise serves as Co-Chair of the Senate Committee on Redistricting and Elections that oversaw the creation of the Enacted Plans. Defendant Hise is sued in his official capacity only.

33.   Defendant Paul Newton is a member of the North Carolina Senate. In 2021, Senator Newton serves as Co-Chair of the Senate Committee on Redistricting and Elections that oversaw the creation of the Enacted Plans. Defendant Newton is sued in his official capacity only.

34.   Defendant Timothy K. Moore is the Speaker of the North Carolina House of Representatives. Defendant Moore is sued in his official capacity only.

35.   Defendant Philip E. Berger is President Pro Tempore of the North Carolina Senate. Defendant Berger is sued in his official capacity only.

36.   Defendant State of North Carolina is one of the 50 States of the United States of America and has its capital in Raleigh, North Carolina.

37.   Defendant North Carolina State Board of Elections is the agency of the State of North Carolina responsible for the regulation and administration of elections in North Carolina.

38.   Defendant Damon Circosta is the Chair of the North Carolina State Board of Elections. Defendant Circosta is sued in his official capacity only.

39.   Defendant Stella Anderson is the Secretary of the North Carolina State Board of Elections. Defendant Anderson is sued in her official capacity only.

40.   Defendant Jeff Carmon III is a Member of the North Carolina State Board of Elections. Defendant Carmon is sued in his official capacity only.

41.   Defendant Stacy Eggers IV is a Member of the North Carolina State Board of Elections. Defendant Eggers is sued in his official capacity only.

42.   Defendant Tommy Tucker is a Member of the North Carolina State Board of Elections. Defendant Tucker is sued in his official capacity only.

43.   Defendant Karen Brinson Bell is the Executive Director of the North Carolina State Board of Elections. Defendant Brinson Bell is sued in her official capacity only.

JURISDICTION AND VENUE

44.   This Court has jurisdiction over this action pursuant to Article 26 and Article 26A of Chapter 1 of the North Carolina General Statutes.

45.   Under North Carolina General Statutes § 1-81.1, exclusive venue for this action lies with the Wake County Superior Court.

46.   Under North Carolina General Statutes § 1-267.1, this action must be heard by a three-judge panel because this action challenges the validity of redistricting plans enacted by the General Assembly.

FACTUAL ALLEGATIONS

I. The Law Governing Redistricting in North Carolina

47.   Under Article II, Sections 3 and 5, of the North Carolina State Constitution, "the General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment

14

of Senators among those districts … [and] the representative districts and the apportionment of Representatives among those districts."

48.   The North Carolina State Constitution identifies four express limits on the General Assembly's decennial redistricting authority:

a. Each Senator and Representative "shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each [legislator] represents being determined for this purpose by dividing the population of the district that he represents by the number of [legislators] apportioned to that district";

b. Each district "shall at all times consist of contiguous territory";

c. "No county shall be divided in the formation of a senate district … [or] a representative district" (the "Whole County Provisions"); and

d. "When established, the senate [and representative] districts and the apportionment of [legislators] shall remain unaltered until the return of another decennial census of population taken by order of Congress."

N.C. Const. art. II, §§ 3, 5.

49.   Several other provisions of the North Carolina State Constitution also apply to legislative and congressional redistricting, including:

a. The Free Elections Clause, which provides that "[a]ll elections shall be free." N.C. Const. art. I, § 10.

b. The Equal Protection Clause, which provides that "[n]o person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin." N.C. Const. art. I, § 19.

c. The Free Assembly Clause, which provides that "[t]he people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." N.C. Const. art. I, § 12.

d. The Free Speech Clause, which provides that "[f]reedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained." N.C. Const. art. I, § 14.

50.   In particular, North Carolina courts have recognized that these clauses prohibit "extreme partisan gerrymandering," and indeed, any measures that unfairly "dilute and devalue votes of some citizens compared to others." *Common Cause v. Lewis*, No. 18-CVS-014001, 2019 WL 4569584, at *110 (N.C. Super. Ct. Sept. 3, 2019); *see id.* at *113–29; *see Harper v. Lewis*, No. 19-CVS-012667, slip op. at 6–14 (N.C. Super. Ct. Oct. 28, 2019).

51.   Redistricting in North Carolina also must comply with federal law, including the one-person, one-vote requirement and the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437, as amended (the "VRA").

52.   In a line of cases beginning with *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002) (*Stephenson I*), the North Carolina Supreme Court set forth a mandatory, nine-step algorithm explaining how to apply certain aspects of North Carolina redistricting law consistent with federal law. *See id.*; *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*); *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*); *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 404 (2015) (*Dickson II*). As the North Carolina Supreme Court summarized:

a. First, "legislative districts required by the VRA shall be formed" before non-VRA districts.

b. Second, "[i]n forming new legislative districts, any deviation from the ideal population for a legislative district shall be at or within plus or minus five percent" to ensure "compliance with federal 'one-person, one-vote' requirements."

c. Third, "in counties having a ... population sufficient to support the formation of one non-VRA legislative district," "the physical boundaries" of the non-VRA district shall "not cross or traverse the exterior geographic line of" the county.

d. Fourth, "[w]hen two or more non-VRA legislative districts may be created within a single county," "single-member non-VRA districts shall be formed within" the county, "shall be compact," and "shall not traverse" the county's exterior geographic line.

e. Fifth, for non-VRA counties that "cannot support at least one legislative district," or counties "having a non-VRA population pool" that, "if divided into" legislative "districts, would not comply with" one-person, one-vote requirements, the General Assembly should combine or group "the minimum number of whole, contiguous counties necessary to comply with the at or within plus or minus five percent 'one-person, one-vote' standard." Moreover, "[w]ithin any such contiguous multi-county grouping, compact districts shall be formed, consistent with the [one-person, one-vote] standard, whose boundary lines do not cross or traverse the 'exterior' line of the multi-county grouping." "[T]he resulting interior county lines created by any such groupings may be crossed or traversed in the creation of districts within said multi-county grouping but only to the extent necessary to comply with the at or within plus or minus five percent 'one-person, one-vote' standard."

f. Sixth, "only the smallest number of counties necessary to comply with the at or within plus or minus five percent 'one-person, one-vote' standard shall be combined."

g. Seventh, "communities of interest should be considered in the formation of compact and contiguous [legislative] districts."

h. Eighth, "multi-member districts shall not be" created "unless it is established that such districts are necessary to advance a compelling governmental interest."

i. Ninth, "any new redistricting plans . . . shall depart from strict compliance with" these criteria "only to the extent necessary to comply with federal law."

Dickson II, 368 N.C. at 530–31, 781 S.E.2d at 490–91 (quoting *Stephenson I*, 355 N.C. at 383–84, 562 S.E.2d at 396–97 (quotation marks omitted) (alterations in original)).

II.   Partisan Gerrymandering and Racial Discrimination in North Carolina

53.   North Carolina has a long history of partisan gerrymandering its congressional and legislative districts. *See generally* J. Michael Bitzer, *Redistricting and Gerrymandering in North Carolina* (2021). In the 2011 redistricting cycle, for example, the General Assembly's controlling party (the Republican Party) expressly instructed its mapmaker to "ensure Republican majorities," based on claims that the majority was "'perfectly free' to engage in constitutional partisan gerrymandering." *Common Cause*, 2019 WL 4569584, at *4. In 2016, federal courts invalidated the 2011 congressional and legislative maps as unconstitutional racial gerrymanders.[5] But when the General Assembly redrew those maps, it again created "extreme partisan gerrymanders." *Id.* at *125, *135; *see Harper v. Lewis*, No. 19-CVS-012667, slip op. at 13–14 (N.C. Super. Ct. Oct.

---

[5] *Harris v. McCrory*, 159 F. Supp. 3d 600 (M.D.N.C. 2016); *Covington v. North Carolina*, 316 F.R.D. 117 (M.D.N.C. 2016).

18

28, 2019). Indeed, one Republican legislative leader "acknowledge[d] freely that" the congressional map "would be a political gerrymander." *Harper*, slip op. at 13. North Carolina courts ultimately enjoined both the congressional and state legislative maps as partisan gerrymanders that violated the North Carolina State Constitution. *Id.*; *Common Cause*, 2019 WL 4569584, at *125, *135.

54. North Carolina, "[j]ust as with other states in the South," also has "'a long history of race discrimination generally and race-based vote suppression in particular.'" *Holmes v. Moore*, 270 N.C. App. 7, 20–21, 840 S.E.2d 244, 257 (2020) (quoting *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 223 (4th Cir. 2016)). After black North Carolinians gained the right to vote following the Civil War and began to ally politically with white Republicans, white Democrats devised what they called the "white supremacy campaign" to break apart the new multiracial coalition by exploiting and inflaming racial tensions and encouraging whites to vote on racial, rather than economic, lines.[6] When Congress enacted the VRA, it looked to "North Carolina's pre-1965 history of pernicious discrimination" and made "[f]orty North Carolina jurisdictions … covered" jurisdictions under Section 5 of the VRA based on their use of "suspect prerequisites to voting, like literacy tests." *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 215, 223 (4th Cir. 2016).

55. "[S]tate officials [have] continued in their efforts to restrict or dilute African American voting strength well after 1980 and up to the present day." *Holmes*, 270 N.C. App. at 23, 840 S.E.2d at 258. On numerous occasions, "the North Carolina legislature has attempted to suppress and dilute the voting rights of African Americans," and "the Department of Justice or federal courts have determined that the North Carolina General Assembly acted with

---

[6] Helen G. Edmonds, *The Negro and Fusion Politics in North Carolina, 1894–1901*, at 136 (1951).

discriminatory intent, reveal[ing] a series of official actions taken for invidious purposes." *McCrory*, 831 F.3d at 223 (quotation marks omitted). In 2013 and 2018, for example, the General Assembly enacted restrictive voter-identification laws that state and federal courts struck down as "targeting voters who, based on race, were unlikely to vote" for the party controlling the General Assembly. *Id.* at 215, 223–33; *see Holmes*, 270 N.C. App. at 23, 34, 36. And in just the last decade, courts have repeatedly invalidated North Carolina's congressional and legislative maps as impermissibly discriminating against voters based on race.[7]

56.   North Carolina's black voters are targeted by race largely due to the persistence of racially polarized voting. Voting in North Carolina, both historically and today, is racially polarized, which means that "the race of voters correlates with the selection of a certain candidate or candidates." *McCrory*, 831 F.3d at 214. Racial polarization in voting in North Carolina "offers a 'political payoff for legislators who seek to dilute or limit the minority vote.'" *Holmes*, 270 N.C. App. at 22, 840 S.E.2d at 258 (quoting *McCrory*, 831 F.3d at 222). The fact that "race and party are inexorably linked in North Carolina," *McCrory*, 831 F.3d at 225, creates an "incentive for intentional discrimination in the regulations of elections," *id.* at 222.

57.   Statistics confirm that racial vote polarization persists in North Carolina. "Ecological inference" tools can measure this racial vote polarization. Ecological inferences

---

[7] *Harris v. McCrory*, 159 F. Supp. 3d 600 (M.D.N.C. 2016) (three-judge court), *aff'd sub nom. Cooper v. Harris*, 137 S. Ct. 1455 (2017) (invalidating two congressional districts based on the impermissible use of race); *Covington v. North Carolina*, 316 F.R.D. 117 (M.D.N.C. 2016) (three-judge court) (invalidating legislative districts based on the impermissible use of race), *summarily aff'd*, 137 S. Ct. 2211 (2017); *Covington v. North Carolina*, 283 F. Supp. 3d 410 (M.D.N.C. 2018) (three-judge court) (invalidating legislative districts based on the impermissible use of race), *aff'd in part, rev'd in part*, 138 S. Ct. 2548 (2018); *North Carolina v. Covington*, 138 S. Ct. 2548 (2018) (per curiam) (affirming district court's conclusion that legislative districts unconstitutionally sorted voters on the basis of race).

enable data scientists to draw conclusions about individual behavior or preferences from aggregate data. Those tools show:

a. During the last two presidential elections, black voters preferred the Democratic candidate by an average margin of 84 percentage points. In the same elections, white voters preferred the Republican candidate by an average margin of 30 percentage points.

b. During the last three U.S. Senate elections, black voters preferred the Democratic candidate by an average margin of 87 percentage points. In the same elections, white voters preferred the Republican candidate by an average margin of 31 percentage points.

c. During the last three gubernatorial elections, black voters preferred the Democratic candidate by an average margin of 87 percentage points. In the same elections, white North Carolinians preferred the Republican candidate by an average margin of 32 percentage points.

d. During the last three elections for Lieutenant Governor, black voters preferred the Democratic candidate by an average margin of 86 percentage points. In the same elections, white North Carolinians preferred the Republican candidate by an average margin of 34 percentage points.

e. Racial vote polarization exists within, as well as between, political parties. For instance, in the 2020 Democratic primary election for U.S. Senate, white primary voters preferred the white candidate over the black candidate by a margin of 49 percentage points. Black primary voters preferred the black candidate over the white candidate by a margin of 27 percentage points.

58. White residents constitute slightly less than 70% of North Carolina's adult citizenry, or "citizen voting-age population" (CVAP), according to the U.S. Census Bureau's American Community Survey, and about 67% of North Carolina's registered voters, according to registration forms completed by the voters themselves. Because white voters form an overwhelming majority of North Carolina's electorate, and because of racially polarized voting, white-preferred candidates usually prevail in North Carolina elections, even when strongly opposed by black voters.

59. Black citizens' ability to attain anything approaching fair representation in the General Assembly and in North Carolina's congressional delegation thus hinges on fair districting—that is, districting that respects the politically cohesive, geographically distinct black communities that exist today in many parts of North Carolina. But at no point in North Carolina's modern history have the state's congressional or legislative districts provided minority voters with fair opportunities to nominate and elect their candidates of choice. Simply put, North Carolina's federal and state legislators have never fully and accurately represented, or resembled, North Carolina's people.

III. Enactment of the Enacted Plans

A. The 2021 Redistricting Process

60. This case concerns the 2021 redistricting cycle. Decennial redistricting depends on data generated by the U.S. Census Bureau. Ordinarily, the census data used for redistricting are released in February or March of the year following the decennial census; in 2021, however, the Census Bureau announced that its release of data would be delayed.[8] The Census Bureau

---

[8] Press Release, U.S. Census Bureau, *Census Bureau Statement on Redistricting Data Timeline* (Feb. 12, 2021), https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html.

eventually released census data to state redistricting officials on August 12, 2021, about five months later than normal.[9]

61.   The General Assembly formed two committees to oversee the redistricting process, the House Committee on Redistricting and the Senate Committee on Redistricting and Elections. Each was tasked with proposing maps for its own chamber and for Congress. This Complaint refers to the two committees collectively as "the Committees."

62.   The Senate Redistricting Committee was co-chaired by Defendants Hise, Daniel, and Newton. The House Redistricting Committee was chaired by Defendant Hall.

63.   On August 9, 2021, the Committee chairs proposed redistricting criteria to govern the 2021 mapmaking process (the "2021 Redistricting Criteria").[10] The Committee chairs' proposed criteria were adopted on August 12, 2021, with minimal amendments.[11]

64.   The 2021 Redistricting Criteria state: "The Committees shall draw legislative districts within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*), and *Dickson*

---

[9] Press Release, U.S. Census Bureau, *2020 Census Statistics Highlight Local Population Changes and Nation's Ethnic and Racial Diversity* (Aug. 12, 2021), https://www.census.gov/newsroom /press-releases/2021/population-changes-nations-diversity.html.

[10] *2021 Joint Redistricting Committee Proposed Criteria*, House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly, https://www.ncleg.gov /documentsites/committees/House2021-182/2021/08-09-21/2021%20Joint%20Redistricting%20 Committee%20Plan%20Proposed%20Criteria.pdf; *see* Travis Fain, *Redistricting Process Starts in N.C.*, WRAL (Aug. 9, 2021) https://www.wral.com/redistricting-process-starts-in-n-c/19818939.

[11] *Criteria Adopted by the Committees*, House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Aug. 12, 2021), https://www.ncleg.gov/ documentsites/committees/Senate2021-154/2021/08-12-2021/Criteria.adopted.8.12.pdf; *see* Rusty Jacobs, *NC Lawmakers Adopt Criteria for Next Round of Redistricting*, WUNC (Aug. 12, 2021), https://www.wunc.org/politics/2021-08-12/nc-lawmakers-adopt-criteria-for-next-round-of-redistricting.

v. Rucho, 368 N.C. 481, 781 S.E.2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*."

65.   The first step of the *Stephenson*/*Dickson* algorithm provides that "'legislative districts required by the VRA shall be formed' before non-VRA districts." *Dickson II*, 368 N.C. at 530, 781 S.E.2d at 438. Given North Carolina's long history of racially discriminatory voting laws and racially polarized voting, *see supra* Part II, the VRA has often been held to require the drawing of districts that protect black voters' opportunities to nominate and elect their candidates of choice. *E.g.*, *Covington v. North Carolina*, 316 F.R.D. 117, 167 (M.D.N.C. 2016) (three-judge court), *aff'd*, 137 S. Ct. 2211 (2017) (per curiam).

66.   The 2021 Redistricting Criteria, however, did not provide for any analysis of whether the VRA required the formation of particular districts. The 2021 Redistricting Criteria stated that the "Committees will draw districts that comply with the Voting Rights Act"—but also stated that "[d]ata identifying the race of individuals or voters *shall not* be used in the construction or consideration of districts in the 2021 Congressional, House, and Senate plans."[12]

67.   The Committees did not explain how they could determine whether maps could comply with the VRA without analyzing racial data. And in fact, it is impossible to determine whether maps comply with the VRA or with North Carolina law without analyzing whether voting is racially polarized and, if so, how that racial vote polarization affects election results.

68.   The Committees knew that their map-drawing process did not follow the *Stephenson*/*Dickson* framework. For example, Senator Dan Blue, a black Democrat, challenged the Committee chairs on how they could draw VRA-compliant districts without considering racial

---

[12] *Criteria Adopted by the Committees*, *supra* note 11 (emphasis in the original).

24

data and observed that there is racially polarized voting in North Carolina. Senator Blue also introduced an amendment that would have prohibited the redistricting of black voters for partisan advantage. That amendment was rejected.[13]

69.   The 2021 Redistricting Criteria also stated that "[p]artisan considerations and election results data *shall not* be used in the drawing of districts in the 2021 Congressional, House, and Senate plans."[14] Again, the Committees did not explain how they could determine whether maps complied with the VRA without analyzing political data. In fact, assessing whether minority voters have an adequate opportunity to nominate and elect their preferred candidates *requires* combining election results and racial data.

70.   Nevertheless, the Committees did not impose any meaningful limits on legislators' ability to rely on partisan or racial considerations. Many legislators have vast knowledge of the racial and partisan characteristics of communities across the state; indeed, the Committees expressly permitted reliance on "local knowledge of the character of communities and connections between communities."[15] And although the mapmaking terminals in the hearing rooms did not contain accessible electoral or racial data, Chair Hall at the October 5 hearing admitted that he could not, and would not, prevent legislators from relying on racial or partisan data outside the hearing rooms and then redrawing maps in the hearing rooms.[16]

---

[13] *Amendment to Proposed Criteria,* House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Aug. 12, 2021), https://www.ncleg.gov/documentsites/committees/Senate2021-154/2021/08-12-2021/Proposed%20Amendments/Voting%20Rights%20Act.Amendment.pdf; *Criteria Adopted by the Committees*, *supra* note 11.

[14] *Criteria Adopted by the Committees*, *supra* note 11 (emphasis in the original).

[15] *Id.*

[16] *See* N.C. General Assembly, *House Redistricting Committee Hearing*, YouTube (Oct. 5, 2021), https://www.youtube.com/watch?v=9UsiS_6rlUA (1:50:45–1:51:25) (exchange between Chair Hall and Representative Harrison), 1:51:44–1:52:39 (same), 1:53:26–1:54:45 (same), 2:05:23–2:08:05 (exchange between Chair Hall and Representative Reives).

71.   The Committees also chose not to rank their redistricting criteria and chose to make many of their enumerated criteria permissive. For example, the criteria provided that the "Committees may consider municipal boundaries when drawing districts." This approach left the Committees free to decide when to consider municipal boundaries, depending on whether doing so furthered their other goals.[17]

72.   The Committees held 13 public hearings over the course of three weeks in September.[18] But the maps had not yet been either drawn or proposed. As a result, these hearings did not provide the public or experts a meaningful opportunity to address the maps that the Committees would ultimately propose, consider, and enact.

73.   On October 5, the Committees began designing proposed maps in the hearing rooms. In designing legislative maps, committee members were instructed to begin by selecting one of the county clusters that had been developed by an academic research group at Duke University. In their report, the Duke researchers explained that the clusters were "largely algorithmically determined through an optimization procedure outlined by the NC Supreme Court in *Stephenson v. Bartlett*" using the 2020 census data.[19] The Duke study yielded 16 county

---

[17] *Criteria Adopted by the Committees*, *supra* note 11.

[18] *Joint Public Hearing Schedule,* House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Sept. 13, 2021), https://www.ncleg.gov/documentsites/committees/Senate2021-154/2021/General%20Redistricting%20Information/Public%20Hearing%20Schedule%20with%20addresses.pdf.

[19] Christopher Cooper, Blake Esselstyn, Gregory Herschlag, Jonathan Mattingly & Rebecca Tippett, *NC General Assembly County Clusterings from the 2020 Census* (Aug. 17, 2021), https://sites.duke.edu/quantifyinggerrymandering/files/2021/08/countyClusters2020.pdf.

clustering options for the Senate map,[20] and eight county clustering options for the House map.[21] The Duke researchers cautioned that the "one part of *Stephenson v. Bartlett* which this analysis does not reflect is compliance with the Voting Rights Act."[22]

74.   Nevertheless, the Committees did not account for this limitation in the Duke study. At the October 5 hearings, the Committee chairs directed staff to present county cluster options for the Senate and House maps based on the Duke study. The Committee chairs were once again warned that failing to consider racial data and analyze compliance with the VRA would render their maps unlawful, and that the Duke study did not take into account the first step of the *Stephenson*/*Dickson* algorithm. Senator Blue, for instance, questioned how the Committees could determine the proper county clusters without first determining what the VRA requires. The Committee chairs, however, continued to refuse to consider racial data—or, at least, to *publicly* consider racial data—or conduct any study of racially polarized voting in the State.

75.   Starting October 6, Committee members were permitted to draw congressional and legislative maps in the hearing rooms. Although the mapmaking terminals in the hearing rooms did not contain electoral or racial data, legislators were free to bring materials into and out of the hearing rooms. Upon information and belief, many of the maps drawn in the hearing rooms had likely been analyzed outside the hearing rooms.

---

[20] *Duke Senate Groupings*, Senate Redistricting and Elections Committee, N.C. General Assembly, https://ncleg.gov/documentsites/committees/Senate2021-154/2021/10-05-2021/Duke%20Senate%20Groupings%20Maps%2011x17.pdf.

[21] *Duke House Groupings*, House Redistricting Committee, N.C. General Assembly, https://ncleg.gov/documentsites/committees/House2021-182/2021/10-05-21/Duke%20House%20Groupings%20Maps%2011x17.pdf.

[22] Cooper et al., *supra*, note 19.

76.   Midway through the process, on October 21, with almost no advance notice, the Committees announced that public hearings would be held on October 25 and 26 for the public to comment on proposed maps.[23]   The Committees did not specify which, if any, of the maps that had been posted online at that point were final contenders, leaving the public unable to identify the maps that were the Committees' focus.

77.   On October 28, the Committees announced committee hearings on November 1 and 2 to consider proposed congressional and legislative maps.

B.   Enactment of the Final Maps

78.   The General Assembly moved quickly to enact the final maps, holding the first Committee hearings on the proposed maps on November 1 and enacting those maps just three days later, on November 4, each on a party-line vote.[24]

79.   On November 1, the Senate Redistricting Committee held its first and only hearing to consider proposed congressional maps.   The Committee considered one map proposed by Senator Ben Clark, a black Democrat, and one map proposed by Chairs Hise, Daniel, and Newton. The Chairs' map was favorably reported out of the Committee; Senator Clark's map was not.   The next day, the full Senate approved the map, as did the House Redistricting Committee and full House in the following two days, without amendment.   On November 4, the General Assembly enacted the map as the Enacted Congressional Plan.

---

[23] Gary D. Robertson, *NC Redistricting Hearing Speakers Criticize GOP Proposals*, Associated Press (Oct. 25, 2021), https://www.usnews.com/news/best-states/north-carolina/articles/2021-10-25/public-hearings-offer-input-on-nc-redistricting-proposals; Charles Duncan, *First Maps Posted in N.C. Redistricting, Public Hearings Scheduled*, Spectrum News 1 (Oct. 21, 2021), https://spectrumlocalnews.com/nc/charlotte/politics/2021/10/21/first-maps-posted-in-n-c--redistricting--public-hearings-scheduled.

[24] Will Doran, *Take a Closer Look at North Carolina's Approved Political Maps for Congress, Legislature*, Raleigh News & Observer (Nov. 4, 2021), https://www.newsobserver.com/news/politics-government/article255552826.html.

80.   Also on November 1, the House Redistricting Committee held a hearing to consider a House map proposed by Chair Hall. The Committee considered no other maps, and the Chair's map passed the House Redistricting Committee, the full House, the Senate Redistricting Committee, and the full Senate in three days, with few amendments. On November 4, the General Assembly enacted the map as the Enacted House Plan.

81.   On November 2, the Senate Redistricting Committee held a hearing to consider a Senate map proposed by Chairs Hise, Daniel, and Newton. The Committee considered no other maps, and the Chairs' map passed both redistricting committees and both chambers in three days, with few amendments. On November 4, the General Assembly enacted the map as the Enacted Senate Plan.

IV.   Partisan Gerrymandering and Racial Vote Dilution in the Enacted Plans

82.   North Carolina elections are highly competitive. Republican candidates win many statewide races; Democratic candidates win many others—and nearly all statewide races are closely divided. For example, in 2016, Republican candidates won the most votes for President (51.9% to 48.1%), U.S. Senator (53.0% to 47.0%), and Lieutenant Governor (53.3% to 46.7%); Democratic candidates won the most votes for Governor (50.1% to 49.9%) and Attorney General (50.3% to 49.7%). In 2020, Republican candidates won the most votes for President (50.7% to 49.3%) and Lieutenant Governor (51.6% to 48.4%); Democratic candidates won the most votes for Governor (52.3% to 47.7%) and Attorney General (50.1% to 49.9%).[25]

83.   North Carolina is also a growing state—and one that is growing more and more diverse. Between the 2010 and 2020 Censuses, North Carolina's population increased by 9.5%,

---

[25] Figures are taken from North Carolina State Board of Elections, *Elections Results Dashboard*, https://er.ncsbe.gov. Figures describe the major-party vote and thus exclude votes cast for third-party, independent, and write-in candidates.

from approximately 9.5 million residents to approximately 10.4 million. As a result, North Carolina has been allocated an additional, fourteenth seat in the U.S. House of Representatives. Nearly two-thirds of all of North Carolina's population growth (63%) has come in Durham, Guilford, Forsyth, Mecklenburg, and Wake Counties. Black, Hispanic, Asian, and multiracial individuals account for nearly all of North Carolina's population growth (87%).[26]

84.   Fair districting maps would allow North Carolina's voters—Democratic and Republican, black and white—to translate their voting strength into representation. Where, for example, black voters are geographically concentrated, those voters would be able to elect their preferred candidates. And when one party succeeds in persuading more voters, that party would receive more seats—and a party that received a majority of votes would, more often than not, win at least half the seats. These features are the hallmarks of truly fair, evenhanded districting maps.

85.   The Enacted Plans, however, are not fair districting maps. First, these plans are extreme partisan gerrymanders that entrench the political party that currently controls the General Assembly, the Republican Party, in power. Under any plausible electoral scenario, the Republican Party will retain large majorities of seats in Congress, the state Senate, and the state House, even when Democratic candidates receive a significant majority of statewide votes. And second, the Enacted Plans dilute the voting strength of North Carolina's black voters—by depriving black voters of the opportunity to nominate and elect their preferred candidates in many geographic areas where, under fair maps, they would be able to do so. To accomplish these partisan and racial goals, moreover, the maps unnecessarily traverse county boundaries and create noncompact districts.

---

[26] Figures are taken from U.S. Census, *North Carolina: 2020 Census*, https://www.census.gov/library/stories/state-by-state/north-carolina-population-change-between-census-decade.html.

86.   The Enacted Plans' extreme partisan and racial effects do not reflect any inevitable feature of North Carolina's political geography or state law. As detailed in Part V, alternative maps avoid partisan gerrymandering and racial vote dilution while improving on traditional, neutral districting principles set forth in North Carolina law. The partisan gerrymandering and racial vote dilution in the Enacted Plans instead reflect the intentional choices of those who drew those maps.

87.   Below, Plaintiffs detail the racial vote dilution and partisan gerrymandering that the Enacted Plans effectuate. Part A addresses partisan gerrymandering in the Enacted Congressional Plan, Enacted Senate Plan, and Enacted House Plan. Part B addresses racial vote dilution in the Enacted Congressional Plan, Enacted Senate Plan, and Enacted House Plan.

A. Extreme Partisan Gerrymandering in the Enacted Plans

88.   Statistics-driven analysis shows that the Enacted Plans gerrymander congressional and legislative districts to entrench Republican political power and that the Enacted Plans will not fairly translate the preferences of North Carolina voters into representation in Congress or the General Assembly. The Enacted Plans crack and pack Democratic voters to dilute Democratic voting strength and guarantee that Republicans will control the North Carolina congressional delegation and General Assembly. As a result, the outcomes of congressional and legislative elections are foreordained, and voters lack the power to hold their leaders accountable.

89.   The General Assembly intended the extreme partisan gerrymander that the Enacted Plans yield. Not only do legislative map-drawers typically have exhaustive knowledge of the partisan characteristics of areas across the state, but here the Committees and the General Assembly were told about the partisan implications of the Enacted Plans. The Committees and the General Assembly were informed—as publicly available sources disclosed—that the specific

maps they proposed constituted partisan gerrymanders that would not fairly translate voters' preferences into representation.[27] Yet the General Assembly adopted the Enacted Plans anyway, after a rushed process whose putative prohibition on considering "[p]artisan … election results" served only to avoid publicizing the partisan data that would shine a light on the severe gerrymandering in the proposed maps and to avert more searching scrutiny of those maps by the public and experts.

i.   The Enacted Congressional Plan

90.   Like the 2016 congressional plan that was enjoined as an unlawful partisan gerrymander, the Enacted Congressional Plan effects a partisan gerrymander that dilutes Democrats' voting power and effectively precludes Democrats from winning a majority—or even a tie—in North Carolina's congressional delegation, even if Democrats win a solid majority of votes statewide.

91.   One way to illustrate the extent of the gerrymander is to examine the results the Enacted Congressional Plan would have yielded had it applied to recent statewide elections. This analysis shows that the Enacted Congressional Plan would have translated competitive elections,

---

[27] *E.g.*, Gary D. Robertson, *NC Congressional Map That Helps GOP Gets Senate Panel's OK*, Associated Press (Nov. 1, 2021), https://apnews.com/article/north-carolina-legislature-voting-rights-redistricting-congress-f11be13a63b159abaa926928c96413a2 ("'It's not coincident that it's only in the urban areas that you subject these counties to that kind of treatment,' Senate Minority Leader Dan Blue of Wake County told Republican colleagues."); *accord* Will Doran & Brian Murphy, *North Carolina Could Have New Political Maps This Week. Here's Where Things Stand*, Raleigh News & Observer (Nov. 3, 2021), https://www.newsobserver.com/news/politics -government/article255506961.html; Gary D. Robertson, *North Carolina GOP Nears Completion of Redistricting Maps*, Associated Press (Nov. 4, 2021), https://www.newsobserver. com/news/state/north-carolina/article255525166.html; Charles Duncan, *Redistricting in N.C.: New Maps Approved, Favoring GOP*, Spectrum News 1 (Nov. 4, 2021), https://spectrumlocalnews.com /nc/charlotte/politics/2021/11/04/redistricting-in-n-c---new-maps-approved--favoring-gop;   Will Doran, *NC Lawmakers File Their Official Redistricting Plans, Giving GOP a Solid Edge*, Raleigh News & Observer (Oct. 29, 2021), https://www.newsobserver.com/news/politics-government/ article255390786.html.

including elections with statewide Democratic victories, into Republican candidates winning at least 10 of 14 seats in North Carolina's congressional delegation (or 71% of the total). That signals an extreme partisan gerrymander.

a. The 2020 race for Chief Justice of the Supreme Court resulted in a near-tie statewide, with the Republican candidate winning by only 401 votes. But if the votes for the Republican candidate in that election had been cast for Republican congressional candidates under the Enacted Congressional Plan, the Republican candidates would have carried 10 of 14 congressional districts. Republican candidates would thus have won six more districts (10 to 4) than their Democratic opponents despite the effective tie in the statewide vote.

b. In the 2020 race for Attorney General, the Democratic candidate won the major-party vote by 0.3 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican congressional candidates under the Enacted Congressional Plan, the Republican candidates would still have carried 10 of 14 congressional districts.

c. In the 2020 race for President, the Republican candidate won the major-party vote by 1.4 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican congressional candidates under the Enacted Congressional Plan, the Republican candidates would still have carried 10 of 14 congressional districts.

d. In the 2016 election for Governor, the Democratic candidate prevailed by 0.2 percentage points, and in the 2016 election for Insurance Commissioner, the Republican candidate prevailed among major-party voters by 0.8 percentage points.

But if the votes for the Republican candidate in those elections had been cast for Republican congressional candidates under the Enacted Congressional Plan, the Republican candidates would still have carried 10 of 14 congressional districts.[28]

92.   The Enacted Congressional Plan effects this extreme partisan gerrymander by "packing" Democratic voters into Congressional Districts 6 and 9 and "cracking" other Democratic voters among 10 districts where they cannot meaningfully impact elections (Congressional Districts 1, 3, 4, 7, 8, 10, 11, 12, 13, and 14). Several examples follow.

93.   The Enacted Congressional Plan fractures Mecklenburg County, home to North Carolina's largest concentration of Democratic voters, across three districts. The Enacted Congressional Plan packs Democrats into one Mecklenburg County district (Congressional District 9) and then splits Mecklenburg County's remaining Democratic voters into two districts (Congressional Districts 8 and 13) where they cannot affect election results due to those districts' large Republican majorities. Had the Enacted Congressional Plan *not* cracked Mecklenburg County in this way, the remainder of the county could have been part of a Democratic-leaning district. *Infra* ¶ 158 (Congressional District 10 of the Optimized Congressional Map).

94.   The Enacted Congressional Plan also fragments Wake County, home to North Carolina's second-largest concentration of Democratic voters, across three districts to carve out an extra safe Republican seat. One district (Congressional District 5) is housed entirely within Wake County and is majority Democrat. The Enacted Congressional Plan then splits Wake County's remaining voters into two districts. Democrats in Cary are packed into Congressional District 6 with heavily Democratic Durham and Orange Counties, resulting in a second heavily Democratic

---

[28] These figures are taken from North Carolina State Board of Elections, *Elections Results Dashboard*, https://er.ncsbe.gov. These figures describe the major-party vote and thus exclude votes cast for third-party, independent, and write-in candidates.

district with an expected Democratic vote share of more than 70% (thus "wasting" Democratic votes). The deliberate packing of Congressional District 6 ensures that Wake County's remaining Democratic voters, who are apportioned into the heavily Republican Congressional District 7, cannot affect election results. The overall effect is to dilute Democratic votes: If Wake County were *not* split into three districts in this way, Congressional Districts 5 and 6 would be Democratic, and Congressional District 7 would be highly competitive instead of safely Republican. *Infra* ¶ 158 (Congressional Districts 5, 6, and 7 of the Optimized Congressional Map).

95.   The Enacted Congressional Plan cracks Democratic voters in the heavily populated Piedmont Triad, comprising Greensboro, High Point, and Winston-Salem. Voters in the Piedmont Triad—which formed one Democratic congressional district under the prior districting plan—are split into four separate congressional districts:

a. First, Democrats west of downtown Greensboro are cracked into Congressional District 7, which is heavily Republican due to the partisan gerrymandering in Durham, Orange, and Wake Counties to the east. As a result of packing in Congressional District 6, and cracking in Guilford County, Congressional District 7 is far less compact than necessary under a fair map. It has a Polsby-Popper compactness score of only 0.20 (on a scale of 0 to 1, where 1 is the most compact).

b. Second, Democrats in downtown Greensboro and to the north are cracked into a heavily Republican District 11. District 11 is designed to aggregate enough Republican votes to overcome Greensboro's Democratic voters by bending to avoid Forsyth County and stretching far west through Republican-majority counties all the way to the Tennessee border. The result is a Polsby-Popper score of just 0.21.

c. Third, Democratic voters from the High Point area are cracked into a third heavily Republican district, District 10. To overcome the voting strength of these Democratic voters, District 10 cuts west to avoid Democratic populations in central Davidson County and then turns 90 degrees to the south, bringing within its bounds Republican voters as distant as the suburbs of Charlotte. District 10 has a Polsby-Popper score of just 0.20.

a. Fourth, Democratic voters in Winston-Salem are cracked into District 12, which stretches west into the Republican-dominated areas of Yadkin County and veers southwest until it reaches the northern border of Gaston County, which sits on the South Carolina line. The result, again, is a Republican-dominated district that is less compact than necessary under a fair map: Congressional District 12 has a Polsby-Popper score of just 0.24.

96. The three counties with the largest Democratic populations—Mecklenburg, Wake, and Guilford—are the only counties trisected in the Enacted Congressional Plan. Nothing in North Carolina law or federal law, and no traditional redistricting principle, required that result. Guilford County could have been placed entirely into one district. *Infra* ¶ 158 (Congressional District 11 of the Optimized Congressional Map). Mecklenburg and Wake Counties each have only enough population to fill one-and-a-half districts and thus could have been placed in two districts each. *Infra* ¶ 158 (Congressional Districts 5, 7, 9, and 10 of the Optimized Congressional Map).

97. The Enacted Congressional Plan also dilutes Democratic voting strength elsewhere. Congressional District 4 is drawn in a way that splits a large concentration of Democratic voters in southeastern North Carolina by separating Democrats in Cumberland County from Democrats in Hoke and Scotland Counties. This cracking of Democratic votes ensures that District 4 and

District 8 will elect Republican candidates. Under a fair map, these voters would all reside in one district where they could elect their preferred candidates. *Infra* ¶ 158 (Congressional District 4 of Plaintiffs' Optimized Congressional Map).

98.   At the November 1 Senate Redistricting Committee hearing, Senator Nickel of Wake County warned that the congressional map's severe partisan tilt and lack of competitive districts constituted an extreme partisan gerrymander.[29] In the November 3 House Redistricting Committee hearing, Representative Pricey Harrison of Guilford County likewise cautioned that the congressional map was an extreme partisan gerrymander.[30] The General Assembly, however, proceeded to enact the Enacted Congressional Plan.

99.   Nothing in North Carolina's political geography or state law required the General Assembly to enact a congressional map that effected such a severe partisan gerrymander. Under any plausible electoral scenario, Republican candidates will always win the general election in a majority or supermajority of districts. By contrast, Plaintiffs' Optimized Congressional Map (detailed in Part V.A) shows that it is possible to create a fairer and far less partisan districting plan that complies with state-law requirements and policies, advances traditional and neutral districting principles, and contains more competitive districts. Under the Optimized Congressional

---

[29] *See* N.C. General Assembly, *Senate Redistricting Committee Hearing*, YouTube (Nov. 1, 2021) https://www.youtube.com/watch?v=KgSkfFY7r7g (51:39-54:27) ("[T]his map speaks louder than words. You can't argue with the map. And it's right there in front of us: We've heard the public comments. We've heard the outside experts, and you can see in my diagram exactly what's going on. This is a map that robs 10.7 [million] North Carolinians of any real choice at the ballot box. It's a map that guarantees that 10 or 11 Republicans will be elected in our 50-50 state. It doesn't pass the eye test. It doesn't pass the smell test. I wish I could make this committee understand why this is so wrong. Why this is so wrong for every single voter in our state. … [Y]ou can't have a competition at the ballot box for the best ideas when you decide the outcome in advance. This is not a fair fight. We could do 50-50 districts in every part of the state…") (Sen. Nickel).

[30] *See* N.C. General Assembly, *House Redistricting Committee Hearing*, YouTube (Nov. 3, 2021) https://www.youtube.com/watch?v=M53S7TbN6ew (50:50-51:00) ("The partisan analysis shows us it's a possible 11-3 [map] in a 50-50 state and that's just flat wrong.") (Rep. Harrison).

Map, the party that receives more congressional votes statewide will generally receive at least half the state's congressional seats—allowing voters to meaningfully express their preferences at the ballot box and to hold their representatives in Congress to account.

ii. The Enacted Senate Plan

100. Like the 2016 Senate plan that was enjoined as an unlawful partisan gerrymander, the Enacted Senate Plan effects a partisan gerrymander that dilutes Democratic voting power and effectively precludes Democrats from winning a majority—or even a tie—in the Senate, even if Democrats win a solid majority of votes statewide.

101. One way to illustrate the extent of the gerrymander is to examine the results the Enacted Senate Plan would have yielded had it applied to recent statewide elections. This analysis shows that the Enacted Senate Plan would have translated competitive elections, including elections with statewide Democratic victories, into substantial Republican Senate majorities.

   a. The 2020 race for Chief Justice of the Supreme Court resulted in a near-tie statewide. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted Senate Plan, the Republican candidates would have carried 28 out of 50 districts, or six more than the Democratic candidates.

   b. In the 2020 race for Attorney General, the Democratic candidate won the major-party vote by 0.3 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted Senate Plan, the Republican candidates would have carried 29 of 50 Senate districts, or eight more than the Democratic candidates.

c. In the 2020 race for President, the Republican candidate won the major-party vote by 1.4 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted Senate Plan, the Republican candidates would have carried a veto-proof majority of 30 of 50 Senate districts, or 10 more than the Democratic candidates.

d. In the 2016 election for Governor, the Democratic candidate prevailed by 0.2 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted Senate Plan, the Republican candidates would have carried a veto-proof majority of 30 of 50 Senate districts, or 10 more than the Democratic candidates.

e. In the 2016 election for Insurance Commissioner, the Republican candidate prevailed among major-party voters by 0.8 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted Senate Plan, the Republican candidates would have carried 28 of 50 Senate districts, or six more than the Democratic candidates.

102. The Enacted Senate Plan achieves its extreme partisan gerrymander by packing Democratic voters into a small number of Senate districts and then cracking the remaining Democratic voters by splitting them across other districts, where they will be outvoted by larger populations of Republican voters.

103. Sometimes, the Enacted Senate Plan packs and cracks Democratic voters based on its selection of county clusters from the possibilities identified in the Duke study.

104. For example, the Enacted Senate Plan configures the 18 counties in Senate Districts 1 and 2 to crack northeastern North Carolina's Democratic votes.

a. The 18 counties that comprise Senate Districts 1 and 2 can be configured to group in one district Carteret, Chowan, Dare, Hyde, Pamlico, Pasquotank, Perquimans, and Washington Counties; and to group in another district Bertie, Camden, Currituck, Gates, Halifax, Hertford, Martin, Northampton, Tyrrell, and Warren Counties. *Infra* ¶ 165 (Senate Districts 1 and 2 of the Optimized Senate Map). The first district would still favor Republican candidates; the second district would be more competitive and would give Democratic voters an opportunity to elect candidates of their choice.

b. This configuration is preferable under state law for other reasons as well: It minimizes the number of county traversals among the 18 counties (at 23 traversals), consistent with the Whole County Provisions. It also yields more compact districts. The lowest Polsby-Popper compactness score for either district is 0.17.

c. The General Assembly rejected this configuration. Instead, under the Enacted Senate Plan, it grouped Bertie, Camden, Currituck, Dare, Gates, Hertford, Northampton, Pasquotank, Perquimans, and Tyrrell Counties into District 1; and Carteret, Chowan, Halifax, Hyde, Martin, Pamlico, Warren, and Washington Counties into District 2. This configuration increases the number of county traversals to 24. It also lowers District 2's Polsby-Popper compactness score to just 0.10. That score indicates a substantially non-compact district. This configuration dilutes Democratic voting power: With Democratic voters divided between districts, both districts will reliably vote for Republican candidates.

105.   The Enacted Senate Plan also clusters counties to crack Democratic votes in and around Buncombe County.

a. Buncombe County is home to a substantial Democratic population. The Enacted Senate Plan combines Buncombe County with heavily Republican McDowell and Burke Counties into one cluster that is divided into two districts, a lopsidedly Democratic district (District 49) and a heavily Republican district (District 46).

b. Instead, Buncombe County could be combined into a two-district cluster with Polk and Henderson Counties. Polk and Henderson Counties have larger Democratic vote shares than McDowell and Burke Counties, and clustering them with Buncombe County allows for fairer districts; one district nested in Buncombe County would favor Democrats, but not as lopsidedly as District 49. The other district—spanning Polk, Henderson, and the remainder of Buncombe County— would be competitive, giving both Democratic and Republican voters an opportunity to elect candidates of their choice. *Infra* ¶ 165 (Senate Districts 48 and 49 of the Optimized Senate Map).

c. In its pursuit of Republican partisan advantage, the Enacted Senate Plan unnecessarily traverses county boundaries. Had Buncombe County been grouped with Henderson and Polk Counties to create more competitive districts, Burke, Gaston, and Lincoln Counties would have been grouped in a two-district cluster, and Cleveland, McDowell, and Rutherford Counties would have been grouped in a one-district cluster. This configuration would have resulted in just six traversals.

d. Instead, grouping Buncombe County with Burke and McDowell Counties required grouping Henderson, Polk, and Rutherford together into a one-district cluster and grouping Cleveland, Gaston, and Lincoln Counties into a two-district cluster. This arrangement—which the General Assembly adopted to enhance Republican

41

partisan advantage—requires at least seven traversals. In fact, the Enacted Senate Plan adds an unnecessary county traversal in the cluster with, Cleveland, Gaston, and Lincoln Counties. That yields eight traversals in the nine-county region, instead of six under the fairer configuration.

106.   The Enacted Senate Plan also packs and cracks Democratic voters via how it draws lines within the county clusters identified in the Duke study. Several examples follow.

107.   The Republican advantage in Senate District 26 results from unconstitutional packing.

a.   Pursuant to the Duke study's implementation of the *Stephenson*/*Dickson* algorithm, Guilford County must be grouped into a three-district Democratic-leaning county cluster with Rockingham County.

b.   The Enacted Senate Plan packs most of the cluster's Democratic voters into two districts—Senate District 27 and Senate District 28, where they generate large Democratic vote margins. In the 2020 elections for Chief Justice, Attorney General, and President, for instance, Senate Districts 27 and 28 had average Democratic vote margins of roughly 23% and 53%, respectively. By wasting these surplus votes, the Enacted Senate Plan ensures that Senate District 26 will reliably vote for Republican candidates: In the same three races, Senate District 26 voted for Republican candidates by an average margin of roughly 24%.

c.   This gerrymandering departs from traditional redistricting principles and reduces the compactness of these districts: Senate District 26 has a Polsby-Popper score of 0.30, and Senate District 28 has a Polsby-Popper score of 0.25. Without this degree of packing, these districts can be designed to be more compact and fairer, such that

Senate District 27 and Senate District 28, while still Democratic, are more competitive, and Senate District 26 is a Democratic-leaning swing district. *Infra* ¶ 165 (Senate Districts 26, 27, and 28 of the Optimized Senate Map).

108.   The Republican advantage in Senate District 13 also results from unconstitutional packing. Based on the Duke study's implementation of the *Stephenson*/*Dickson* algorithm, the cluster comprising Wake and Granville Counties must contain six Senate districts. Under the Enacted Senate Plan, Wake County's large Democratic population is artificially "packed" into four overwhelmingly Democratic districts—Senate Districts 14, 15, 16, and 18. As a result, a Democratic-leaning swing district in northern Wake County is replaced with Republican-favored Senate District 13 in the Enacted Senate Plan. *Infra* ¶ 165 (Senate District 13 of the Optimized Senate Map).

109.   The Enacted Senate Plan also unnecessarily packs Democratic voters in Mecklenburg County into Senate Districts 38, 39, 40, and 42. At the same time, the plan carves out a district (Senate District 41) that carefully joins Republican-leaning areas in and around Clear Creek and Lakeland Hills with Republican-leaning voting districts around the Carmel Country Club, in pursuit of statewide Republican advantage.

110.   The Enacted Senate Plan also unnecessarily packs Democratic voters in Forsyth County. Forsyth County, which is home to a large number of Democratic voters, is grouped into a two-district cluster with Stokes County. The Enacted Senate Plan concentrates Forsyth County's Democratic voters into one district—Senate District 32—where Democratic candidates would regularly win by more than 30 percentage points. This district's design ensures that Forsyth County's Democratic voters cannot impact electoral outcomes in Senate District 31, which is safely Republican. Instead, Senate District 32 and Senate District 31 could have been configured

such that Senate District 32 would be more competitive (while still favorable to Democrats), and Senate District 31 would be a swing district. *Infra* ¶ 165 (Senate Districts 31 and 32 of the Optimized Senate Map). The General Assembly rejected this alternative in order to dilute the voting power of Forsyth County's Democratic voters.

111. Moreover, in drawing Districts 31 and 32, the General Assembly created unnecessary county traversals. Based on the clusters identified in the Duke study, Forsyth County could have been grouped with Stokes County or Yadkin County. Grouping Forsyth County with Stokes County requires creating a one-district cluster of Alexander, Surry, Wilkes, and Yadkin Counties. There is a minimum of one traversal in the Forsyth-Stokes cluster, and a minimum of four traversals in the Alexander-Surry-Wilkes-Yadkin cluster, for a total of five. By contrast, grouping Forsyth and Yadkin Counties together reduces the minimum of traversals in the six-county area to four: one in the Forsyth-Yadkin cluster and only three in the Alexander-Stokes-Surry-Wilkes cluster.

112. The General Assembly's effort to maximize partisan (and racial) advantage came at the cost of excess county traversals. The configuration of Senate Districts 1 and 2 creates excess traversals directly attributable to partisan gerrymandering and racial vote dilution (as discussed below), and the configuration of Senate Districts 43, 44, 46, 48, and 49 creates extra traversals directly attributable to partisan gerrymandering. In addition, Senate Districts 47 and 50 are configured to create four extra traversals; it is possible to draw these districts to cross county boundaries only 19 times, instead of 23.

113. Nothing in North Carolina's political geography or state law required the General Assembly to enact a Senate map that effected such a severe partisan gerrymander. Under any plausible electoral scenario, Republican candidates will always win a majority in the Senate—yet

the Enacted Senate Plan effects this result by creating more county traversals than necessary and by creating districts that are less compact than necessary. By contrast, Plaintiffs' Optimized Senate Map is fairer and less partisan, while also complying with state redistricting requirements and policies, advancing traditional and neutral districting principles, and creating more competitive districts. *See infra* ¶¶ 165–72.

iii. The Enacted House Plan

114.   Like the 2016 House plan that was enjoined as an unlawful partisan gerrymander, the Enacted House Plan effects a partisan gerrymander that dilutes Democrats' voting power and effectively precludes Democrats from winning a majority—or even a tie—in the House, even if Democrats win a majority of statewide votes.

115.   One way to illustrate the extent of the gerrymander is to examine the results the Enacted House Plan would have yielded had it applied to recent statewide elections. This analysis shows that the Enacted House Plan would have translated competitive elections, including elections with statewide Democratic victories, into substantial Republican House majorities.

      a. The 2020 race for Chief Justice of the Supreme Court resulted in a near-tie statewide. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted House Plan, the Republican candidates would have carried 68 out of 120 House districts, or 16 more than Democratic candidates.

      b. In the 2020 race for Attorney General, the Democratic candidate won the major-party vote by 0.3 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted House

Plan, the Republican candidates would have carried 69 of 120 House districts, or 18 more than the Democratic candidates.

c. In the 2020 race for President, the Republican candidate won the major-party vote by 1.4 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted House Plan, the Republican candidates would have carried 70 of 120 House districts, or 20 more than Democratic candidates.

d. In the 2016 election for Governor, the Democratic candidate prevailed by 0.2 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted House Plan, the Republican candidates would have carried 70 of 120 House districts, or 20 more than Democratic candidates.

e. In the 2016 election for Insurance Commissioner, the Republican candidate prevailed among major-party voters by 0.8 percentage points. But if the votes for the Republican candidate in that election had been cast for Republican candidates under the Enacted House Plan, the Republican candidates would have carried 70 of 120 House districts, or 20 more than Democratic candidates.

116. The Enacted House Plan achieves its extreme partisan gerrymander by packing Democratic voters into a small number of House Districts and then cracking the remaining Democratic voters by splitting them across other districts, where they will be outvoted by larger populations of Republican voters.

117. The Enacted House Plan packs Democratic voters throughout the state.

118.   As one example, the four-district county cluster containing New Hanover and Brunswick Counties contains a sizable number of Democratic voters. The General Assembly, however, drew the House district boundaries within the cluster to create three safe Republican districts: House Districts 17, 19, and 20. The Enacted House Plan accomplishes this result by aggregating Wilmington's most Democratic voting districts in one district—House District 18. A fairer map would distribute these voters into two districts, which would have created an additional district in New Hanover and Brunswick Counties where Democratic voters would have a fighting chance to win elections. *Infra* ¶ 173 (House Districts 17 and 18 of the Optimized House Map).

119.   In Buncombe County, the House Plan packs Democrats into Districts 114 and 115 to carve out a Republican seat in District 116. District 116 is the least compact district in the Enacted House Plan. It is possible to draw the district in a more compact way that does not entrench Republican partisan advantage. *Infra* ¶ 173 (House District 116 of the Optimized House Map).

120.   The General Assembly systematically drew districts to artificially pack Democratic voters into certain districts (thus "wasting" Democratic votes) and thereby create more districts favorable to Republicans elsewhere. In addition to Buncombe, Brunswick, and New Hanover Counties, the Enacted House Plan also "packs" Democrats in Cumberland County (to create House Districts 43 and 45); Guilford County (to create House Districts 59 and 62); Mecklenburg County (to create House Districts 98 and 103); Pitt County (to create House District 9); and Wake County (to create House Districts 35 and 37), all to ensure that Republicans retain a substantial statewide majority of seats even if Democratic candidates receive a substantial statewide majority of votes.

121.   The General Assembly also systematically pursued Republican advantage by cracking Democratic voters elsewhere in the state. For example, the Enacted House Plan groups

Duplin and Wayne Counties into a two-district cluster. Wayne County contains a large population of Democratic voters in the city of Goldsboro and southern Wayne County. The General Assembly could have drawn one House district to keep these communities of Democratic voters together, which would have given Democratic voters the opportunity to elect candidates of their choice in one of the cluster's two House seats. *Infra* ¶ 173 (House District 10 of the Optimized House Map). Instead, the Enacted House Plan cracks Wayne County's Democratic voters between House Districts 4 and 10, creating two reliably Republican districts.

122.   Onslow County is in a three-district cluster with Pender County. One of the two districts in this cluster could have been based around Jacksonville, such that the district would be competitive and would give the region's Democratic voters an opportunity to elect candidates of their choice. *Infra* ¶ 173 (House District 15 of the Optimized House Map). The General Assembly, however, instead split the Jacksonville area's Democratic voters between two districts—House Districts 14 and 15—in order to create three heavily Republican districts that prevent Onslow County's Democratic voters from electing their candidates of choice.

123.   In Alamance County, the General Assembly altered the boundaries of House District 63, which under the prior map had elected a Democrat to the House. The changes make the district more favorable to Republicans, without endangering the Republican majority in surrounding House District 64. Drawing House Districts 63 and 64 such that they are more compact creates districts that more accurately reflect the preferences of Alamance County's voters—by yielding one Democratic House representative and one Republican House representative—and that increases the fairness of the House map as a whole. *Infra* ¶ 173 (House Districts 63 and 64 of the Optimized House Map).

124.   The Enacted House Plan creates this Republican advantage by increasing the number of county traversals beyond what is necessary. In particular, House Districts 1 and 79 could have been reconfigured so that the cluster would have three fewer county traversals. *See infra* ¶ 173.

125.   Nothing in North Carolina's political geography or state law required the General Assembly to enact a House map that effected such a severe partisan gerrymander. Under any plausible electoral scenario, Republican candidates will always win a majority in the House. The Enacted House Plan effects this result by traversing more county boundaries than necessary and by creating districts that are less compact than necessary. By contrast, Plaintiffs' Optimized House Map is fairer and less partisan, while also complying with state redistricting requirements and policies, advancing traditional districting principles, and creating more competitive districts.

iv.   Entrenchment of Partisan Advantage in the Enacted Plans.

126.   The Enacted Plans are highly effective in entrenching Republican partisan advantage. The Enacted Plans virtually guarantee Republicans a majority, or even a supermajority, in North Carolina's congressional delegation and state Senate and House even when voters prefer Democratic candidates statewide.

127.   In every statewide general election in the last decade where the Democratic candidate won by less than seven percentage points, the Republicans carried an outright majority of the Enacted Plans' congressional, state Senate, and state House districts. That is a remarkably consistent and durable partisan skew.

128.   Figures 1, 2, and 3 illustrate the unfair partisan advantage that the Enacted Plans entrench. The x-axes depict the Republican share of the major-party vote in every partisan statewide general election conducted in 2020, 2018, 2016, 2014, and 2012. The y-axes depict the

share of seats that the vote share would be expected to generate under the Enacted Congressional

Plan (Figure 1), the Enacted Senate Plan (Figure 2), and the Enacted House Plan (Figure 3).

Figure 1: Vote & Seat Share in Enacted Congressional Plan
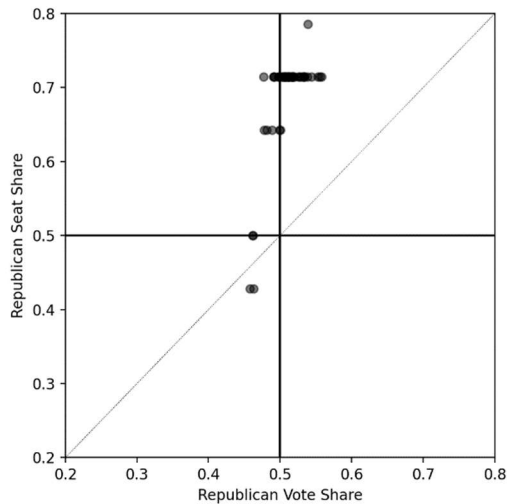
Figure 2: Vote & Seat Share in Enacted Senate Plan
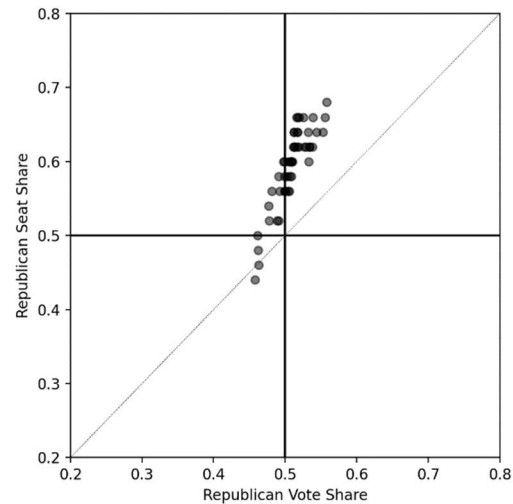
Figure 3: Vote & Seat Share in Enacted House Plan
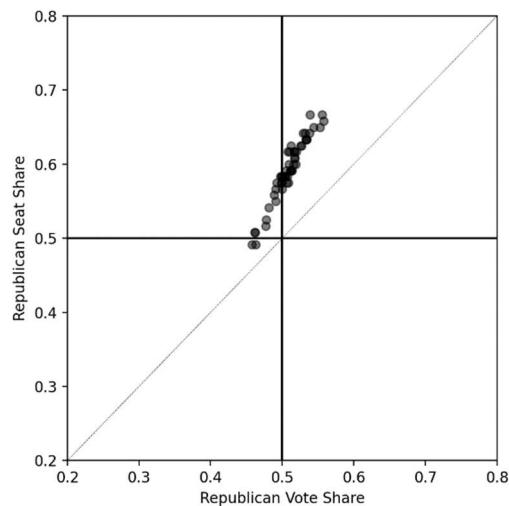
129.　　　As Figure 1 shows, if the major-party vote is almost evenly divided, 50% to 50%,

the Enacted Congressional Plan will likely result in Republicans winning either 64% (9 of 14) or

71% (10 of 14) of North Carolina's congressional seats. And this remains true even if the statewide

vote shifts significantly in favor of Democratic candidates. When Democrats carry the statewide

vote by less than about seven percentage points (53.5% to 46.5%), they routinely continue to carry only four or five districts out of 14. The data suggest that Democrats would carry half or more of the congressional districts only if they were to prevail in the statewide vote by a margin of at least seven or eight percentage points.

130. As Figure 2 shows, if the major-party vote is almost evenly divided, 50% to 50%, the Enacted Senate Plan will likely result in Republicans winning between 56% and 60% of North Carolina's Senate seats (28 to 30, out of 50). And this remains true even if the statewide vote shifts significantly in favor of Democratic candidates. When Democrats carry the statewide vote by less than about seven percentage points (53.5% to 46.5%), they routinely continue to carry less than half the Senate seats. The data suggests that Democrats would carry half or more of the Senate districts only if they were to prevail in the statewide vote by a margin of at least seven or eight percentage points.

131. As Figure 3 shows, if the major-party vote is almost evenly divided, 50% to 50%, the Enacted House Plan will likely result in Republicans winning between 57% and 58% of North Carolina's House seats (68 to 70 seats, out of 120). And this remains true even if the statewide vote shifts significantly in favor of Democratic candidates. When Democrats carry the statewide vote by less than about seven percentage points (53.5% to 46.5%), they routinely continue to carry less than half the House seats. The data suggest that Democrats would carry half or more of the House districts only if they were to prevail in the statewide vote by a margin of at least seven or eight percentage points.

B. Racial Vote Dilution in the Enacted Plans

132. The General Assembly in the past has often enacted voting laws that target voters by race. *Supra* Part II. Statistics-driven analysis shows that the Enacted Plans similarly dilute

black voting strength. The Enacted Plans pack black voters in some districts while cracking them across others. And the Enacted Plans deny many black voters the opportunity to nominate and elect their candidates of their choice when, under fair maps that comply with state-law requirements and policies, black voters would have that opportunity.

133.   The General Assembly, moreover, intended to target voters by race and engage in racial vote dilution. Not only do legislative map-drawers typically have exhaustive knowledge of the racial and partisan characteristics of areas across the state, but here, the Committees and the General Assembly were told about the racial problems in the Enacted Plans. In particular, they were told that the criteria and methods they adopted would unlawfully dilute the voting strength of black voters.[31] They were also told—as publicly available sources disclosed—that the specific maps they proposed would unlawfully dilute the voting strength of black voters.[32] Yet the General Assembly enacted the Enacted Plans anyway, after a rushed process whose putative prohibition on considering "[d]ata identifying the race of … voters" or "[p]artisan … election results" served only to avoid publicizing the racial and partisan data that would shine a light on just how severely the

---

[31] Lucille Sherman, *NC Lawmakers Move to Bar the Use of Racial, Election Data in Drawing Election Districts*, Raleigh News & Observer (Aug. 11, 2021), https://www.newsobserver.com /news/politics-government/article253397675.html; Lucille Sherman, *NC Lawmakers Will Not Use Racial and Election Data from the Census to Draw District Maps*, Raleigh News & Observer (Aug. 13, 2021), https://www.newsobserver.com/news/politics-government/article253434564. html; Yanqi Xu*, Republican Legislators Reject Democrats' Proposal to Include Racial Data in Redistricting*, NC Policy Watch (Aug. 13, 2021), https://www.ncpolicywatch.com/2021/08/13 /republican-legislators-reject-democrats-proposal-to-include-racial-data-in-redistricting.

[32] Will Doran & Brian Murphy, *North Carolina Could Have New Political Maps This Week. Here's Where Things Stand*, Raleigh News & Observer, https://www.newsobserver.com/news /politics-government/article255506961.html (Nov. 3, 2021); Gary D. Robertson, *North Carolina GOP Nears Completion of Redistricting Maps*, Associated Press (Nov. 4, 2021), https://www. newsobserver.com/news/state/north-carolina/article255525166.html; Rusty Jacobs, *The General Assembly Has Passed GOP-Drawn Maps, Setting Stage for Likely Legal Challenges*, WFAE (Nov. 4, 2021), https://www.wfae.org/politics/2021-11-04/the-general-assembly-has-passed-gop-drawn- maps-setting-stage-for-likely-legal-challenges.

proposed maps diluted black voting power and to avert more searching scrutiny of the proposed maps by the public and experts. Indeed, the General Assembly refused to even consider amendments "trying to address illegal racial or partisan gerrymanders in certain regions, including Mecklenburg, Wake, and several northeastern counties."[33]

i. The Enacted Congressional Plan

134. The Enacted Congressional Plan dilutes black voting power by dispersing, or "cracking," black voters among districts so that they cannot impact election outcomes.

135. For example, under the districting plan used for the 2020 congressional elections, one district (old Congressional District 6) preserved the cohesive black populations in Greensboro, High Point, and Winston-Salem in Guilford and Forsyth Counties and protected the ability of these voters to nominate and elect candidates of their choice. The Enacted Congressional Plan, by contrast, deprives these voters of that opportunity by splitting Guilford and Forsyth Counties' black communities into a separate district dominated by white, Republican voters.

    b. First, black voters who live west of downtown Greensboro are cracked into District 7. The Enacted Congressional Plan draws District 7 to create a substantial Republican advantage. As a result, Congressional District 7 is far less compact than necessary under a fair map: It has a Polsby-Popper compactness score of only 0.20.

    c. Second, black voters in downtown Greensboro and to the north are cracked into a heavily Republican District 11. To overcome the voting strength of these black voters, District 11 curves around Democratic-leaning Forsyth County before

---

[33] Gary D. Robertson, *North Carolina GOP Nears Completion of Redistricting Maps*, Associated Press (Nov. 4, 2021), https://www.newsobserver.com/news/state/north-carolina/article255525166 .html.

stretching far west, bringing within its borders Republican-majority regions all the way to the Tennessee border. Again, District 11 is far less compact than necessary under a fair map: It has a Polsby-Popper score of just 0.21.

    d.   Third, black voters from the High Point area are cracked into a third heavily Republican district, District 10. To overcome the voting strength of these black voters, District 10 cuts west to skirt Democratic populations in Davidson County, then turns 90 degrees to the south to collect white Republican voters all the way to the Charlotte suburbs. Again, District 10 is less compact than necessary under a fair map: It has a Polsby-Popper score of just 0.20.

    e.   Fourth, black voters in Winston-Salem are cracked into District 12, which stretches west into Republican-dominated areas of Yadkin County and then heads southwest until it reaches the Gaston County border. The result, again, is that District 12 is less compact than necessary under a fair map: It has a Polsby-Popper score of 0.24.

136.   The Committee chairs were warned of the Enacted Congressional Plan's racial impact. In the November 3 House Redistricting Committee hearing, Representative Pricey Harrison of Guilford County stated that the map divided the Triad region "very significantly in ways that are splitting up the large African-American populations and communities of interest," in part by extending Congressional District 11 from "downtown Greensboro all the way to the Tennessee border." The General Assembly, however, proceeded to enact a map carving up the Triad's black communities into different districts.[34]

---

[34] *See also* N.C. General Assembly, *House Redistricting Committee Hearing*, YouTube (Nov. 3, 2021) https://www.youtube.com/watch?v=M53S7TbN6ew ((50:30–50:50) (Representative Harrison observing, "I think that it was a problem for us not to consider, as I said, on the Senate maps and the House maps, the Voting Rights Act implications for this because I think you have a

137. The Enacted Congressional Plan also dilutes black voting strength in Durham County through cracking. The Plan combines Durham County's black population into one heavily Democratic district—Congressional District 6—that is dominated by white Democratic voters. Although Congressional District 6 is likely to vote for a Democratic candidate in the general election, black voters in Durham will not have the opportunity to nominate and elect candidates of their choice because of racially polarized voting in the Democratic primary. This result could have been avoided by combining Durham's black communities with black communities in northeastern North Carolina in Congressional District 2. *Infra* ¶ 158 (Congressional District 2 of the Optimized Congressional Map). The Enacted Congressional Plan, however, places Durham County's black voters in Congressional District 6 to limit their electoral power.

138. The Enacted Congressional Plan splits most of the black population in southeastern North Carolina across three separate districts. The black communities in Bladen, Cumberland, Duplin, Hoke, Richmond, Robeson, Sampson, and Scotland Counties are divided among Congressional Districts 3, 4, and 8. All three districts are likely to elect white-preferred Republican candidates. And because the General Assembly drew these districts to dilute black voting strength, these districts are less compact than they would be under a fair map. These districts could have been drawn to preserve black voters' opportunity to nominate and elect candidates of their choice while improving compactness. *Infra* ¶ 158 (Congressional District 4 of the Optimized Congressional Map).

139. By cracking black North Carolinians and diluting their voting power across the state, the Enacted Congressional Plan provides black voters an opportunity to nominate and elect

---

serious violation here with the African American populations in Greensboro that are all divided up. I just don't understand it. I think it's a terrible congressional map.")).

their preferred candidates in only *two* of the state's 14 congressional districts—or about 14% of the districts. That is far less than black citizens' share of North Carolina's voting-age population.

140.   Nothing in North Carolina's political geography or state law required the General Assembly to enact a congressional map that dilutes black voting strength. As shown in Plaintiffs' Optimized Congressional Map, it is possible to draw four, rather than two, highly compact congressional districts where black voters can nominate their preferred candidates in Democratic primaries and then elect them in the general elections. *Infra* ¶ 158.

ii.   **The Enacted Senate Plan**

141.   The Enacted Senate Plan dilutes black voting power by packing black voters into a small number of districts to reduce their voting power in other districts, and by cracking other black voters across different districts. As explained, the Committees skipped the very first requirement of the *Stephenson/Dickson* algorithm, which provides that "'legislative districts required by the VRA shall be formed' before non-VRA districts" and before identifying county clusters. *Dickson II*, 368 N.C. at 490, 781 S.E.2d at 413 (quoting *Stephenson I*, 355 N.C. at 383, 562 S.E.2d at 396-97); *see supra* ¶ 52. But even taking the county clusters that the Duke study identified as a given (without regard to the first step of the *Stephenson/Dickson* algorithm), the Enacted Senate Plan unlawfully dilutes black voting strength.

142.   Northeastern North Carolina is home to a significant, historically cohesive community of black voters. The community was one of the earliest targets of racial gerrymandering in North Carolina: After the Civil War, it was packed into the "Black Second" congressional district in order to dilute black voting strength.[35]

---

[35] Eric Anderson, *Race and Politics in North Carolina 1872–1901: The Black Second* 3–4, 141 (1981).

143.   The Enacted Senate Plan dilutes the black community's voting strength by cracking the community across Senate Districts 1 and 2.

144.   Pursuant to the Duke study's implementation of the *Stephenson/Dickson* algorithm, the 18 counties within Senate Districts 1 and 2 can be clustered into two possible one-district groupings.

  a. First, the 18 counties can be configured such that Carteret, Chowan, Dare, Hyde, Pamlico, Pasquotank, Perquimans, and Washington Counties are grouped into one district; and Bertie, Camden, Currituck, Gates, Halifax, Hertford, Martin, Northampton, Tyrrell, and Warren Counties are grouped into a second district. Pursuant to this configuration, the first district would still favor white-preferred Republican candidates, but the second district would maintain much of northeastern North Carolina's black community in one district and preserve these voters' opportunity to nominate and elect candidates of their choice. *Infra* ¶ 165 (Senate Districts 1 and 2 of the Optimized Senate Map).

  b. This configuration is preferable under state law for other reasons as well: It minimizes the number of county traversals among the 18 counties to 23 county-border crossings, consistent with the Whole County Provisions. It also yields more compact districts. The lowest Polsby-Popper compactness score for either district is 0.17.

  c. The General Assembly, however, rejected this configuration. Instead, the General Assembly split northeastern North Carolina's black community into two districts in which they cannot elect candidates of their choice. And in doing so, the General Assembly unnecessarily increased county traversals and reduced compactness.

d. Under the Enacted Senate Plan, Bertie, Camden, Currituck, Dare, Gates, Hertford, Northampton, Pasquotank, Perquimans, and Tyrrell Counties are grouped into District 1; and Carteret, Chowan, Halifax, Hyde, Martin, Pamlico, Warren, and Washington Counties are grouped into District 2. This configuration increases the number of county traversals to 24. It also lowers District 2's Polsby-Popper compactness score to just 0.10. That score indicates a substantially non-compact district.

e. This configuration dilutes black voting power: With black voters divided between districts, both districts will reliably elect the white-preferred Republican candidates.

f. The General Assembly knew that adopting the Enacted Senate Plan's configuration would dilute black voting power. Senator Blue warned, both in committee and on the floor, that adopting this configuration would dilute the voting power of black voters by cracking them between two side-by-side districts, and he offered an amendment to avoid this result by using the first configuration.[36] The amendment was rejected, and the Committees and General Assembly enacted their plan to divide northeastern North Carolina's black community into two districts and deny black voters the opportunity to elect their candidates of choice.

145. The Enacted Senate Plan draws Senate District 14 to pack the large black community in Raleigh, in Wake County, while cracking black voters elsewhere.

a. Drawing compact Senate districts in Wake County would create two districts in which Wake County's black voters have the opportunity to nominate and elect

candidates of their choice, both in the Democratic primary election and in the general election. The Enacted Senate Plan eliminates one of these districts. It does so through a combination of packing and cracking.

b. Under the previous map, the old Senate District 14 provided black voters in Raleigh and eastern Wake County the opportunity to nominate and elect their candidates of choice. The Enacted Senate Plan, however, increases the proportion of Senate District 14's voters who are black by nearly ten percentage points. This packing of black voters helps push the district's Democratic vote share to more than 70%. The Enacted Senate Plan thus "wastes" these additional black votes in District 14 and then splits other black voters into Senate District 18, where black candidates will often be unable to elect candidates of their choice due to racially polarized voting in primary elections. This creates an additional district where the white-preferred candidate will prevail. Nothing in North Carolina's political geography or state law required the packing of black voters into District 14 or the cracking of voters into District 18. To the contrary, a more compact configuration would have yielded two, more compact Senate districts where Wake County's large black population could nominate and elect their candidates of choice. *Infra* ¶ 165 (Senate Districts 14 and 18 of the Optimized Senate Map).

146. The Enacted Senate Plan packs and cracks black voters in Guilford County.

a. In Guilford County, the Enacted Senate Plan again adds thousands of black voters to a district where black voters already had the opportunity to nominate and elect the candidate of their choice, to weaken black voting power in an adjoining district.

b. Under the previous map, old Senate District 28 already allowed black voters to nominate and elect their candidates of choice. The Enacted Senate Plan, however, increases the proportion of the district's voting population that is black by nearly six percentage points. This packing, in turn, cracks the rest of Guilford County's black community into Senate District 27. Although Senate District 27 is heavily Democratic, it is unlikely to nominate a black-preferred candidate due to racially polarized voting in the Democratic primary.

c. Senate District 27 could have been drawn, consistent with North Carolina law, to form a second district where Guilford County's black community would have the opportunity to nominate and elect its candidates of choice. Instead, the General Assembly drew the district to add more white voters and to deprive the black community of the opportunity to elect the candidates of its choice. *Infra* ¶ 165 (Senate Districts 27 and 28 of the Optimized Senate Map).

147. Nothing in North Carolina's political geography or state law required the General Assembly to enact a Senate map that dilutes black voting strength. As shown in Plaintiffs' Optimized Senate Map, it is possible to draw at least three additional Senate districts that comply with North Carolina law, adhere to traditional and neutral districting principles, and preserve the opportunity of North Carolina's black communities to nominate and elect their candidates of choice.

iii.   The Enacted House Plan.

148. The Enacted House Plan dilutes black voting power by packing black voters into a small number of districts to reduce their voting power in other districts and by cracking other black voters across districts so that they cannot affect election outcomes. As with the Enacted Senate

Plan, the Committees skipped the first requirement of the *Stephenson/Dickson* algorithm. *Supra* ¶¶ 65–69. But even taking as a given the county clusters that the Duke study identified (without regard to the first step of the *Stephenson/Dickson* algorithm), the Enacted House Plan unlawfully dilutes black voting strength.

149. Wayne County is home to well-established black communities in Brogden and Goldsboro. Wayne County's two House districts can be drawn to preserve these communities within one district where black voters have an opportunity to nominate and elect candidates of their choice. *Infra* ¶ 173 (House District 10 of the Optimized House Map). Instead, the Enacted House Plan cracks Wayne County's black population into two districts (House Districts 4 and 10) where they have no opportunity to elect their candidates of choice due to opposition from white voters. The line between the two districts severs Goldsboro from Brogden just a few miles to the south.

150. Pitt County must accommodate two House districts. The Enacted House Plan draws the line between these districts to pack Greenville's largest black neighborhoods into House District 8. The Enacted House Plan also carves several largely white neighborhoods southeast of downtown Greenville out of House District 8 and places them in House District 9. This enables white voters to vote as a bloc to defeat black-preferred candidates in House District 9.

151. Cumberland County is also affected by racial vote dilution in the Enacted House Plan. The county's four districts are configured to pack black voters into House District 44. By doing so, the Enacted House Plan deprives black residents in several other parts of the county—including in downtown Fayetteville—the opportunity to nominate and elect candidates of their choice.

152.   The Enacted House Plan does the same in Wake County. Wake County can yield five districts where black voters have the opportunity to nominate and elect the candidates of their choice. *Infra* ¶ 173. The Enacted House Plan concentrates black voters into House Districts 38 and then cracks other black voters by splitting them into House Districts 11, 34, and 35 in order to carve out one additional district where white voters can vote as a bloc to defeat the black-preferred candidate.

153.   Nothing in North Carolina's political geography or state law required the General Assembly to enact a House map that dilutes black voting strength. As shown in Plaintiffs' Optimized House Map, it is possible to draw at least four additional House districts in Wayne, Wake, Cumberland, and Pitt Counties that comply with North Carolina law, adhere to traditional districting principles, and preserve black voters' opportunity to nominate and elect candidates of their choice. *Infra* ¶ 173.

V.   Plaintiffs' Optimized Maps

154.   Plaintiffs have harnessed the power of high-performance computers, and employed cutting-edge computational methods and resources, to draw alternative maps that comply with state-law requirements and policies, advance traditional and neutral districting principles, and yield more competitive districts. Indeed, using these cutting-edge tools, Plaintiffs have created maps that approach being "Pareto optimal," which means that the maps are so strong on each redistricting criterion that improving the map on any one criterion necessarily worsens it on another. This Complaint refers to these maps as the "Optimized Maps." Part A describes the Optimized Congressional Map; Part B describes the Optimized Senate Map; and Part C describes the Optimized House Map.

155.   Plaintiffs offer their Optimized Maps for two purposes.

156.   First, these maps show that if the General Assembly had wanted to create fair maps—ones that avoid partisan gerrymandering and racial vote dilution—it could have done so while adhering to North Carolina law and traditional and neutral districting principles. Indeed, as detailed below, Plaintiffs' Optimized Maps better implement these traditional and neutral districting principles than do the Enacted Plans. Hence, the General Assembly cannot claim that North Carolina's political geography or state law compelled the skewed results the Enacted Plans yield. In fact, in every Senate and House cluster (except the one-district clusters mandated by the *Stephenson/Dickson* algorithm), the Optimized Maps increase partisan fairness, increase black voters' electoral opportunities, reduce the number of county traversals, reduce the number of split municipalities, and/or increase compactness scores—showing that the Enacted Plans' partisan gerrymandering and racial vote dilution affected every Senate and House district (as well as every congressional district) and confirming that relief from those constitutional violations must extend statewide to every district and cluster (except, again, for the one-district clusters mandated by the *Stephenson/Dickson* algorithm).

157.   Second, Plaintiffs offer their Optimized Maps as remedial maps for the Court's consideration. Although North Carolina law presumptively allows the General Assembly two weeks to enact its own remedial maps, N.C. Gen. Stat. § 120-2.4(a), it is quite possible that the General Assembly will not timely enact remedial maps that fully remedy the Enacted Plans' constitutional violations. Plaintiffs respectfully submit that their Optimized Maps—by showing what is possible, consistent with state law and traditional and neutral districting principles— provide the benchmark against which other remedial plans should be measured. Most tellingly, under each of the three Optimized Maps, both political parties have a realistic opportunity to capture half or more of the districts if their candidates can garner half or more of the votes

statewide—which is precisely the key feature that all of the General Assembly's Enacted Plans lack. To the extent the General Assembly does not timely adopt remedial maps that remedy the constitutional violations in the Enacted Plans as well as the Optimized Maps would, the Court should order that the 2022 elections proceed under the Optimized Maps.

A. Plaintiffs' Optimized Congressional Map.

158.   Figure 4 depicts the Optimized Congressional Map. Exhibit D provides a larger version of the Optimized Congressional Map; Exhibit G provides the detailed locational data that the Optimized Congressional Map reflects. *See* Feldman Aff., Exs. D, G.

Figure 4: Optimized Congressional Map
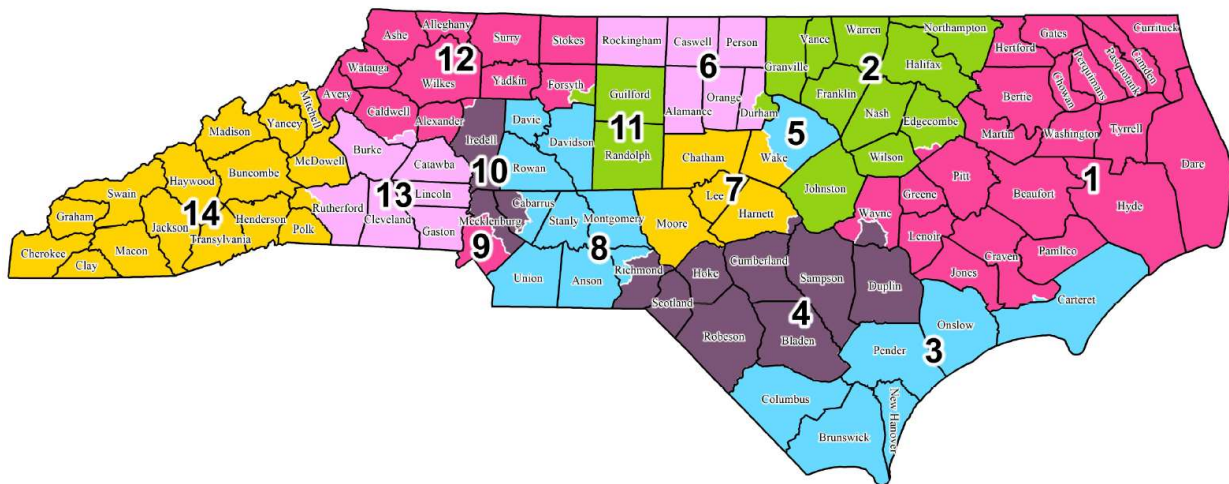
159.   In the Optimized Congressional Map, neither party has an entrenched advantage. Instead, the party whose candidates earn the most votes statewide has a fair chance to win the most congressional seats. For example, as Table 1 shows, had the votes in the five close elections described above, *supra* ¶ 91, gone to congressional candidates of the same party, the outcomes under the Optimized Congressional Map would have far better reflected each party's strength in the electorate.

Table 1: Outcomes in 5 Elections in Enacted & Optimized Congressional Maps

Election (margin)	Enacted Congressional Plan	Optimized Congressional Map
2016 Governor (0.2% D win)	10 R, 4 D	7 R, 7 D
2016 Ins. Comm'r (0.8% R win)	10 R, 4 D	8 R, 6 D
2020 President (1.4% R win)	10 R, 4 D	6 R, 8 D
2020 Chief Justice (0.0% R win)	10 R, 4 D	6 R, 8 D
2020 Atty General (0.3% D win)	10 R, 4 D	6 R, 8 D

160.   Figure 5 illustrates how the Optimized Congressional Map preserves equal opportunities for both political parties. The x-axis depicts the Republican share of the major-party vote in every partisan statewide general election conducted in 2020, 2018, 2016, 2014, and 2012. The y-axis depicts the share of seats that the vote share would be expected to generate under the Optimized Congressional Map.

Figure 5: Vote Share & Seat Share in Optimized Congressional Map
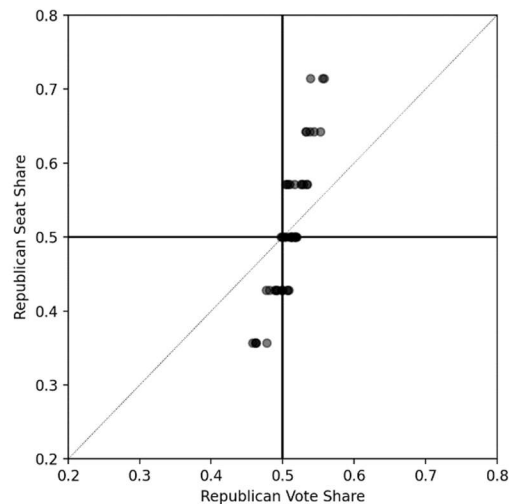
161.   As Figure 5 shows, if the major-party vote is almost evenly divided, 50% to 50%, the Optimized Congressional Map will likely result in a 7-to-7 split of North Carolina's congressional seats, or in one major party winning 43% (6 seats) and the other 57% (8 seats) of North Carolina's congressional seats. If the statewide vote shifts significantly in favor of

Democratic candidates, so that Democratic candidates win by five to seven points, Democrats are likely to win eight or nine (57% or 64%) of North Carolina's congressional seats. If the statewide vote shifts significantly in favor of Republican candidates, so that Republican candidates win by five to seven points, Republicans are likely to win eight or nine (57% or 64%) of North Carolina's congressional seats.

162.   The Optimized Congressional Map also creates districts that are more compact than the Enacted Congressional Plan. Compactness is commonly measured in two ways. The Polsby-Popper score—which this Complaint has discussed above—measures a district's jaggedness by comparing its area to the length of its perimeter. A circle gets a perfect Polsby-Popper score of 1.0. The Reock score measures a district's elongation by comparing its area to the area of the smallest circle that could circumscribe the district. Again, a circle gets a perfect Reock score. The average Polsby-Popper score of the 14 districts in the Optimized Congressional Map is 0.38. The same figure for the Enacted Congressional Plan is 0.30. The average Reock score of the 14 districts in the Optimized Congressional Map is 0.47. The same figure for the Enacted Congressional Plan is 0.42.

163.   The Optimized Congressional Map avoids unnecessary municipal splits. The Optimized Congressional Map splits 27 municipalities into 58 parts. The Enacted Congressional Plan splits 42 municipalities into 90 parts.

164.   The Optimized Congressional Map also avoids unlawfully packing and cracking black voters—and thereby depriving black voters an equal opportunity to nominate and elect their preferred candidates. In the Optimized Congressional Map, black voters would have that opportunity in four districts, compared with only two districts in the Enacted Congressional Plan.

B. Plaintiffs' Optimized Senate Map.

165. Figure 6 depicts the Optimized Senate Map. Exhibit E provides a larger version of the Optimized Senate Map; Exhibit H provides the detailed locational data that the Optimized Senate Map reflects. *See* Feldman Aff., Exs. E, H.

Figure 6: Optimized Senate Map
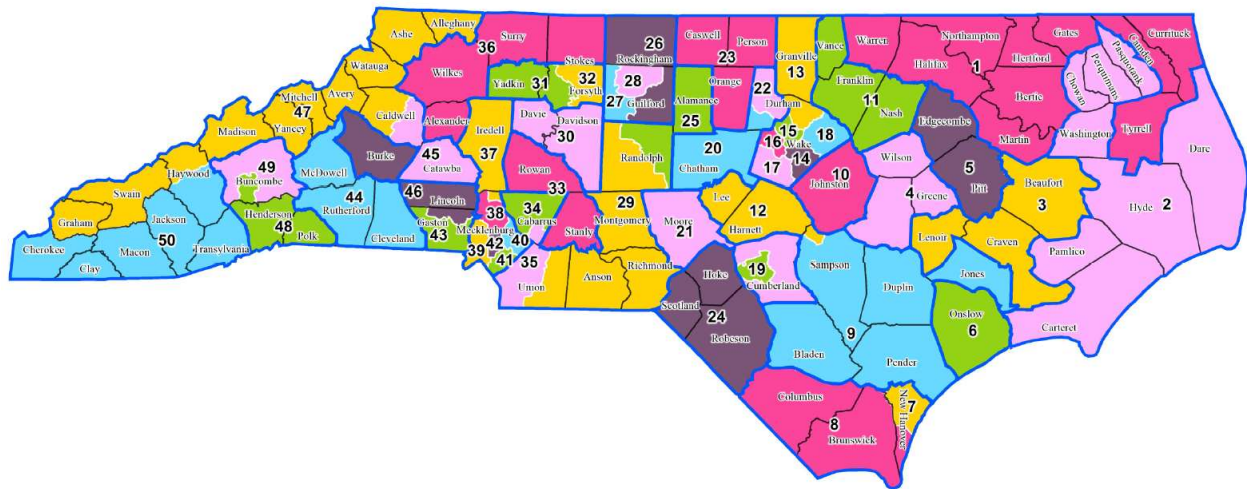
166. In the Optimized Senate Map, neither party has an entrenched advantage. Instead, the party whose candidates earn the most votes statewide has a fair chance to win the most Senate seats. For example, as Table 2 shows, had the votes in the five close elections described above, *supra* ¶ 91, gone to Senate candidates of the same party, the outcomes under the Optimized Senate map would have far better reflected each party's strength in the electorate.

Table 2: Outcomes in 5 Elections in Enacted & Optimized Senate Maps

Election (margin)	Enacted Senate Plan	Optimized Senate Map
2016 Governor (0.2% D win)	30 R, 20 D	23 R, 27 D
2016 Ins. Comm'r (0.8% R win)	28 R, 22 D	28 R, 22 D
2020 President (1.4% R win)	30 R, 20 D	25 R, 25 D
2020 Chief Justice (0.0% R win)	28 R, 22 D	23 R, 27 D
2020 Atty General (0.3% D win)	29 R, 21 D	25 R, 25 D

67

167.   Figure 7 illustrates how the Optimized Senate Map preserves equal opportunity for both political parties. The x-axis depicts the Republican share of the major-party vote in every partisan statewide general election conducted in 2020, 2018, 2016, 2014, and 2012. The y-axis depicts the share of seats that the vote share would be expected to generate under the Optimized Senate Map.

Figure 7: Vote Share & Seat Share in Optimized Senate Map
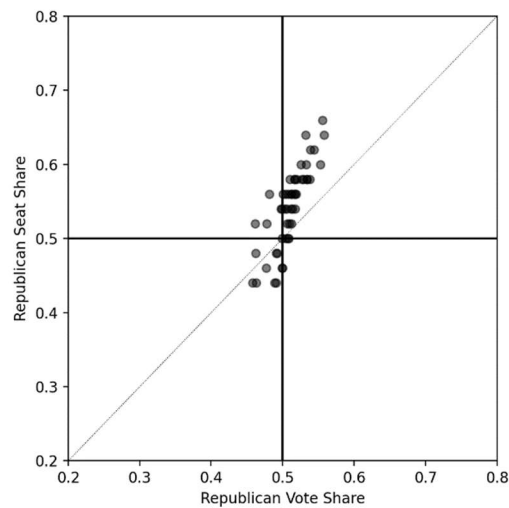
168.   As Figure 7 shows, if the major-party vote is almost evenly divided, 50% to 50%, the Optimized Senate Map will likely result in Democrats winning between 44% (22 seats) and 54% (27 seats) of North Carolina's Senate seats. If the statewide vote shifts significantly in favor of Democratic candidates, so that Democratic candidates win by five to seven points, Democrats are likely to win between 44% (22 seats) and 56% (28 seats) of North Carolina's Senate seats. If the statewide vote shifts significantly in favor of Republican candidates, so that Republican candidates win by five to seven points, Republicans are likely to win between 58% (29 seats) and 64% (32 seats) of North Carolina's Senate seats.

169.   The Optimized Senate Map also creates districts that are more compact than the Enacted Senate Plan. The average Polsby-Popper score of the 50 districts in the Optimized Senate Map is 0.37. The same figure for the districts in the Enacted Senate Plan is 0.34. The average Reock score of the 50 districts in the Optimized Senate Map is 0.43. The same figure for the Enacted Senate Plan is 0.42.

170.   Similarly, the Optimized Senate Map avoids unnecessary county traversals. The Optimized Senate Map traverses county boundaries only 89 times. The Enacted Senate Plan traverses county boundaries 97 times, creating eight unnecessary county traversals.

171.   The Optimized Senate Map avoids unnecessary municipal splits. The Optimized Senate Map splits 51 municipalities into 125 parts. The Enacted Senate Plan splits 65 municipalities into 152 parts.

172.   The Optimized Senate Map also avoids unlawfully packing and cracking black voters. In the Optimized Senate Map, black voters retain the opportunity to nominate and elect their candidates of choice in 13 districts, compared with just 10 in the Enacted Senate Plan.

C. Plaintiffs' Optimized House Map.

173.   Figure 8 depicts the Optimized House Map. Exhibit F provides a larger version of the Optimized House Map; Exhibit I provides the detailed locational data that the Optimized House Map reflects. *See* Feldman Aff., Exs. F, I.

Figure 8: Optimized House Map
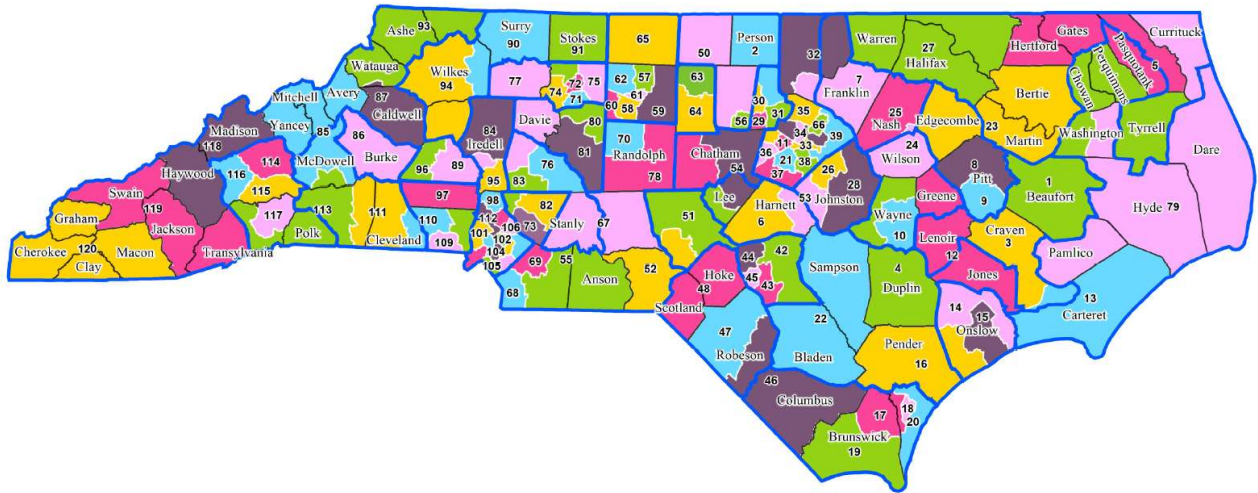
174.   In the Optimized House Map, neither party has an entrenched advantage. Instead, the party whose candidates earn the most votes statewide has a fair chance to win the most House seats. For example, as Table 3 shows, had the votes in the five close elections described above, *supra* ¶ 91, gone to House candidates of the same party, the outcomes under the Optimized House Map would have far better reflected each party's strength in the electorate.

Table 3: Outcomes in 5 Elections in Enacted & Optimized House Maps

Election (margin)	Enacted House Plan	Optimized House Map
2016 Governor (0.2% D win)	70 R, 50 D	62 R, 58 D
2016 Ins. Comm'r (0.8% R win)	70 R, 50 D	63 R, 57 D
2020 President (1.4% R win)	70 R, 50 D	60 R, 60 D
2020 Chief Justice (0.0% R win)	68 R, 52 D	60 R, 60 D
2020 Atty General (0.3% D win)	69 R, 51 D	62 R, 58 D

175.   Figure 9 illustrates how the Optimized House Map preserves equal opportunity for both political parties. The x-axis depicts the Republican share of the major-party vote in every partisan statewide general election conducted in 2020, 2018, 2016, 2014, and 2012. The y-axis

70

depicts the share of seats that the vote share would be expected to generate under the Optimized

House Plan.

Figure 9: Vote Share & Seat Share in Optimized House Map
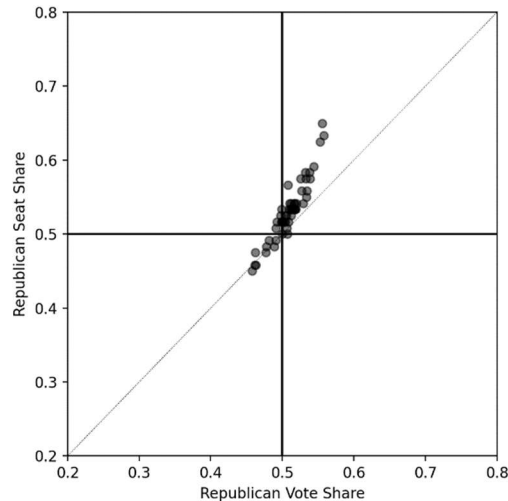
176.　　　　As Figure 9 shows, if the major-party vote is almost evenly divided, 50% to 50%,

the Optimized House Map will likely result in Democrats winning between 47% (56 seats) and

50% (60 seats) of North Carolina's House seats. If the statewide vote shifts significantly in favor

of Democratic candidates, so that Democratic candidates win by five to seven points, Democrats

are likely to win between 52% (62 seats) and 54% (65 seats) of North Carolina's House seats. If

the statewide vote shifts significantly in favor of Republican candidates, so that Republican

candidates win by five to seven points, Republicans are likely to win between 54% (65 seats) and

58% (70 seats) of North Carolina's House seats.

177.　　　　The Optimized House Map also creates districts that are more compact than the

Enacted House Plan. The average Polsby-Popper score of the 120 districts in the Optimized House

Map is 0.41. The same figure for the districts in the Enacted House Plan is 0.35. The average

Reock score of the 120 districts in the Optimized House Map is 0.47. The same figure for the

Enacted House Plan is 0.44.

178.   Similarly, the Optimized House Map avoids unnecessary county traversals. The Optimized House Plan traverses county boundaries only 66 times. The Enacted House Plan traverses county boundaries 69 times—creating three unnecessary county boundary traversals.

179.   The Optimized House Map avoids unnecessary municipal splits. The Optimized House Map splits 71 municipalities into 201 parts. The Enacted House Plan splits 112 municipalities into 292 parts.

180.   The Optimized House Map also avoids unlawfully "packing" and "cracking" black voters. In the Optimized House Map, black voters retain the opportunity to nominate and elect their candidates of choice in 36 districts (compared with 31 in the Enacted House Plan).

VI.   The Court Can and Should Enter Preliminary Relief Necessary to Preserve the Rights of Millions of North Carolinian Voters.

181.   North Carolina's primary election for congressional and legislative offices is currently scheduled for March 8, 2022, with second primaries set for April 26 (for North Carolina offices) or May 17, 2022 (for federal offices).[37]   Any candidate seeking nomination for a congressional or legislative office currently must file a notice of candidacy between December 6 and December 17, 2021.[38]

182.   The North Carolina State Board of Elections administers these elections, and its officials are among the Defendants here.

183.   North Carolina is an outlier on the 2022 election calendar. Forty-eight of the 50 States have 2022 primaries scheduled in May or later. Nineteen States have scheduled 2022

---

[37] *Running for Office*, N.C. State Board of Elections, https://www.ncsbe.gov/candidates/running-office.

[38] *See id.*; *see also* N.C. Gen. Stat. § 163-106.2.

primaries for August or later. Only North Carolina and Texas are contemplating a March primary, and Texas's may well be postponed.

184. The General Assembly's choice to retain a March 2022 primary is particularly striking given how the COVID-19 pandemic delayed the release of the census data required for redistricting. As early as February 24, 2021, North Carolina State Board of Elections Executive Director Karen Brinson Bell advised the General Assembly that it needed to delay the congressional and legislative primaries from March 8 to May 3 and the second primaries to July 12, given that the COVID-19 pandemic was likely to delay the release of census data.[39]

185. The General Assembly, however, declined to reschedule the primaries for congressional and legislative offices despite the census delay—even as it did permit municipalities to delay municipal elections.[40]

186. Ultimately, the census data were not released until August 12, 2021. Nevertheless, the General Assembly declined to delay the congressional and legislative primaries.[41]

187. Given the General Assembly's choice to retain an outlier primary schedule, even while enacting redistricting plans that gerrymander by party and dilute voting strength by race,

---

[39] *A Look Back at North Carolina's Historic 2020 Election & Looking Ahead at 2021*, N.C. State Board of Elections (Feb. 24, 2021) https://www.ncleg.gov/documentsites/committees/House2021 -21/02-24-21/House%20Elections%20Committee%20Presentation%202-24-2021%20FINALv2. pdf.

[40] S.B. 722, S.L. 2021-56, 2021-2022 Sess. (N.C. 2021); Bryan Anderson, *N Carolina Elections Head: Delay '21 City Races, '22 Primary*, Associated Press (Feb. 23, 2021), https://apnews.com/article /redistricting-municipal-elections-north-carolina-elections-fdc23aca0ba9981944a944923937f46c.

[41] The General Assembly's refusal to delay the primaries persisted into the fall. Representative Zack Hawkins asked Chair Hall at an October 5 hearing whether there was any consideration begin given to moving the March 2022 primary to May 2022 to allow the Committees time to consider public comment and develop the maps; Chair Hall, however, responded that the General Assembly would not consider moving the primaries. *See* N.C. General Assembly, *House Redistricting Committee Hearing*, YouTube (Oct. 5, 2021), https://www.youtube.com/watch?v=9UsiS_6rlUA (1:49:03–1:50:30) (exchange between Representative Hawkins and Chair Hall)).

prompt preliminary relief is necessary to safeguard the voting rights of the millions of North Carolinians harmed by the Enacted Plans. North Carolinians' constitutional rights should not be held hostage to an aberrational election calendar. This Court has the authority to, and should, order the necessary relief.

188.   The Court should begin by enjoining Defendants, and anyone associated with them, from preparing for, administering, or conducting any elections (including the 2022 primary and general elections) under the Enacted Congressional Plan, the Enacted Senate Plan, the Enacted House Plan, or any other congressional or legislative redistricting plan that violates the North Carolina State Constitution. *E.g.*, *Stephenson I*, 355 N.C. at 359–60, 562 S.E.2d at 382; *see* N.C. Gen. Stat. § 120-2.3. If the North Carolina State Board of Elections proceeds with the March 2022 primary election as scheduled based on the Enacted Plans, Plaintiffs will be forced to vote under maps that constitute unconstitutional partisan gerrymanders and that dilute their votes based on race.

189.   The Court should further order that, to the extent that the General Assembly does not, within two weeks from the date of an order granting such relief, enact redistricting plans that remedy the violations found herein as fully as Plaintiffs' Optimized Maps, then Defendants shall prepare for, administer, and conduct the 2022 primary and general elections under the Optimized Maps. Although North Carolina law presumptively allows the General Assembly two weeks to enact its own remedial maps, N.C. Gen. Stat. § 120-2.4(a), North Carolina courts can—indeed, must—select their own maps to the extent the General Assembly fails to fully remedy constitutional violations that the courts have identified. *E.g.*, *Stephenson I*, 355 N.C. at 385, 562 S.E.2d at 398; *Stephenson II*, 357 N.C. at 304, 582 S.E.2d at 249.

190.   The Court should also, to the extent it deems necessary, delay the 2022 primary

elections.   While Plaintiffs believe that the Court can expeditiously hold proceedings on the

unlawfulness of the Enacted Plans and on the Optimized Maps, the Court may determine that a

modest delay in the primaries is appropriate.   One option would be to delay the primaries until

May 3, 2022, as the North Carolina State Board of Elections originally recommended.   That would

still leave North Carolina with the Nation's second-earliest primaries (after only Texas).   Because

the statewide general election does not occur until November 8, 2022, that delay will not interfere

with the administration of the general election.   The Court should also delay and/or shorten the

candidate filing period for the 2022 congressional and legislative elections for a reasonable time

after the adoption of remedial maps.

191.   North Carolina courts have previously granted similar relief: When necessary to

avoid elections proceeding under unlawful maps, North Carolina courts have both delayed primary

elections and deferred candidate filing periods.[42]

192.   Particularly given the General Assembly's failure to take reasonable steps to

accommodate the 2022 primary schedule to the COVID-19 pandemic, the Court should not

---

[42] *Harper v. Lewis*, No. 19-CVS-012667, slip op. at 18 (N.C. Super. Ct. Oct. 28, 2019) (preliminarily enjoining legislative defendants and State Board of Elections "from preparing for or administering the 2020 primary and general elections" and retaining jurisdiction "to move the primary date for the congressional elections, or all of the State's 2020 primaries, including for offices other than Congressional Representatives, should doing so become necessary to provide effective relief"); *Harper*, No. 19-CVS-012667, slip op. at 2 (N.C. Super. Ct. Nov. 20, 2019) (enjoining filing period for the 2020 congressional primary elections "until further order" in order to "allow the Court sufficient opportunity" to review the remedial maps recently enacted by the General Assembly); *see also Harper*, No. 19-CVS-012667, slip op. at 1 (N.C. Super. Ct. Dec. 2, 2019) (setting aside the injunction delaying the filing period for the congressional elections and ordering that period to begin by directing the State Board to "immediately accept for filing any notices of candidacy" from congressional candidates).

hesitate to delay the 2022 primary election and/or shorten the candidate filing period to the extent the Court deems doing so necessary.

193. Further, given the General Assembly's failure to take reasonable steps to ensure that the 2022 elections take place under lawful and fair maps, the Court should order that, if any citizen has established his or her residence in a Senate or House district modified by any remedial redistricting plan approved by this Court, then that citizen shall be qualified to serve if elected to that office, notwithstanding the requirements of Sections 6 and 7 of Article II of the North Carolina State Constitution providing that each Senator and Representative, at the time of their election, shall have resided "in the district for which he is chosen for one year immediately preceding his election." *See, e.g.*, *Covington v. North Carolina*, 267 F. Supp. 3d 664, 668 (M.D.N.C. 2017) (entering similar order). Such relief is necessary to ensure that candidates from both parties are not unfairly disadvantaged by the need to implement remedial maps to remedy the constitutional defects in the Enacted Plans.

<div align="center">

COUNT I[43]
Unlawful Partisan Gerrymandering in Violation of
the North Carolina State Constitution's Free Elections Clause,
Article I, Section 5

</div>

194. Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

195. Article I, Section 10, of the North Carolina State Constitution provides that "[a]ll elections shall be free." This clause is known as the Free Elections Clause.

196. The North Carolina Supreme Court gives the North Carolina State Constitution "a liberal interpretation in favor of its citizens with respect to those provisions which were designed

---

[43] As to each Count, Plaintiffs pursue claims exclusively under the North Carolina State Constitution and state law, irrespective of protections that federal law might independently provide.

to safeguard the liberty and security of the citizens." *Corum v. Univ. of N.C. ex rel. Bd. of Governors*, 330 N.C. 761, 783, 413 S.E.2d 276, 290 (1992). Thus, the North Carolina Supreme Court has "recognized a direct action under the State Constitution against state officials for violations of rights guaranteed by the Declaration of Rights." *Id.*

197.   In particular, the Free Elections Clause "guarantees that all elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the People and that this is a fundamental right of North Carolina citizens, a compelling governmental interest, and a cornerstone of our democratic form of government." *Common Cause*, 2019 WL 4569584, at *2.

198.   The Free Elections Clause dates to the North Carolina Declaration of Rights of 1776 and is "one of the clauses that makes the North Carolina State Constitution more detailed and specific than the federal Constitution in the protection of the rights of its citizens." *Common Cause*, 2019 WL 4569584, at *109 (citing *Corum*, 330 N.C. at 783, 413 S.E.2d at 290). "The federal Constitution contains no similar counterpart to this declaration, although several other states' constitutions do." *Id.* In other states, parallel constitutional provisions modeled on the English Bill of Rights have been broadly construed to protect the right to "an equally effective power to select the [candidate] of [one's] choice." *League of Women Voters v. Commonwealth*, 178 A.3d 737, 793, 814 (Pa. 2018).

199.   Fair districting maps implement the Free Elections Clause's guarantee by allowing each major political party—Republican and Democratic—to fairly translate its voting strength into representation. By contrast, "extreme partisan gerrymandering … is contrary to the fundamental right of North Carolina citizens to have elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people." *Common Cause*, 2019 WL 4569584, at *110. That is because such gerrymanders do "not fairly and truthfully ascertain the will of the people": "Voters

are not freely choosing their representatives. Rather, representatives are choosing their voters"—

and "it is the will of the map drawers," not the voters, "that prevails." *Id.*

200. A redistricting plan violates the Free Elections Clause when it "specifically and systematically design[s] the contours of the election districts" in a way that makes it "nearly impossible for the will of the people … to be expressed through their votes." *Common Cause*, 2019 WL 4569584, at *112. When a law implicates the Free Elections Clause, "it is the effect of the act, and not the intention of the Legislature, which renders it void." *People ex rel. Van Bokkelen v. Canaday*, 73 N.C. 198, 225–26 (1875); *see Common Cause*, 2019 WL 4569584, at *112–13. Here, moreover, the General Assembly knew about and intended the partisan gerrymandering that the Enacted Plans yield.

201. The Enacted Plans constitute an extreme partisan gerrymander and thereby violate the Free Elections Clause. The Enacted Plans crack some groups of Democratic voters, while packing others. And even when the Democratic Party's candidates earn more votes, those votes will not reliably translate into more seats. Under any likely election scenario, even if Democratic candidates win a substantial majority of statewide votes, they will not win more than 4 Congressional seats (of 14), more than 23 state Senate seats (of 50), or more than 58 state House seats (of 120). Meanwhile, few seats are competitive; most seats are "safe" Republican seats, while a smaller number are "safe" Democratic seats. Map-drawers, not voters, have determined the results of elections in North Carolina for the next decade.

202. No compelling or legitimate state interest justifies the extreme partisan gerrymandering reflected in the Enacted Plans.

203. These violations of the Free Elections Clause harm NCLCV and its members in the manner described above. *Supra* ¶¶ 11–13. These violations also harm many Individual Plaintiffs,

as well as NCLCV members, in the districts and/or clusters where they reside (by packing or cracking Democratic voters and/or preventing them from electing their candidates of choice) and statewide (by unfairly preventing Democratic voters across North Carolina from translating their votes into representation in Congress and the General Assembly).

COUNT II
Unlawful Partisan Gerrymandering in Violation of the
North Carolina State Constitution's Equal Protection Clause,
Article I, Section 19

204.   Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

205.   Article I, Section 19, of the North Carolina State Constitution provides in relevant part that "[n]o person shall be denied the equal protection of the laws" and that no person "shall … be subjected to discrimination by the State because of race, color, religion, or national origin." This clause is known as the Equal Protection Clause.

206.   North Carolina's Equal Protection Clause affords broader protections for voting rights than the U.S. Constitution's equal protection provision. *See Common Cause*, 2019 WL 4569584, at *113 (citing *Stephenson I*, 355 N.C. at 377–81 & n.6, 562 S.E.2d at 393–96 & n.6; *Blankenship v. Bartlett*, 363 N.C. 518, 522–28, 681 S.E.2d 759, 762–66 (2009)); *Evans v. Cowan*, 122 N.C. App. 181, 184, 468 S.E.2d 575, 557–78, *aff'd*, 345 N.C. 177, 477 S.E.2d 926 (1996).

207.   "The right to vote is one of the most cherished rights in our system of government." *Blankenship v. Bartlett*, 363 N.C. 518, 522, 681 S.E.2d 759, 762 (2009). Hence, North Carolina's Equal Protection Clause protects "[t]he right to vote on equal terms in representative elections," *id.*, as well as the right to "substantially equal voting power." *Stephenson I*, 355 N.C. at 379, 562 S.E.2d at 394.

208.   "Generally, partisan gerrymandering runs afoul of the State's obligation to provide all persons with equal protection of the law," because "a partisan gerrymander treats individuals

79

who support candidates of one political party less favorably than individuals who support candidates of another party." *Common Cause*, 2019 WL 4569584, at *113.

209.   A plaintiff may prevail on a partisan-gerrymandering claim under North Carolina's Equal Protection Clause by showing that a predominant purpose of state officials in drawing district maps was to entrench their party in power and that resulting plans in fact substantially dilute the votes of voters favoring rival parties. *Common Cause*, 2019 WL 4569584, at *114. If plaintiffs make such a showing, the State must provide a "legitimate, non-partisan justification" for its map. *Id.* A "discriminatory purpose may often be inferred from the totality of the relevant facts," even when no discriminatory purpose is "express or appear[s] on the face of the statute." *Common Cause*, 2019 WL 4569584, at *114 (quotation marks omitted).

210.   The Enacted Plans violate the Equal Protection Clause by intentionally entrenching in power the political party favored by the map-drawers (the Republican Party) while diluting the votes of voters favoring the rival party (the Democratic Party) and preventing voters of the rival party from translating their votes into representation in Congress and the General Assembly.

211.   No compelling or legitimate nonpartisan interest justifies the extreme partisan gerrymandering in the Enacted Plans.

212.   These violations of the Equal Protection Clause harm NCLCV and its members in the manner described above. *Supra* ¶¶ 11–13. These violations also harm many Individual Plaintiffs, as well as NCLCV members, in the districts and/or clusters where they reside (by packing or cracking Democratic voters and/or preventing them from electing their candidates of choice) and statewide (by unfairly preventing Democratic voters across North Carolina from translating their votes into representation in Congress and the General Assembly).

COUNT III
Unlawful Partisan Gerrymandering in Violation of the
North Carolina State Constitution's Free Speech and Free Assembly Clauses,
Article I, Sections 12 and 14

213.   Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

214.   Article I, Section 12, of the North Carolina State Constitution provides in relevant part: "The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." This clause is known as the Free Assembly Clause.

215.   Article I, Section 14, of the North Carolina State Constitution provides in relevant part: "Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained." This clause is known as the Free Speech Clause.

216.   North Carolina's Free Assembly and Free Speech Clauses afford broader protections than the federal First Amendment. *Evans*, 122 N.C. App. at 184, 468 S.E.2d at 577; *Common Cause*, 2019 WL 4569584, at *118.

217.   The Free Assembly and Free Speech Clauses protect the right of voters to participate in the political process in order to further the common good, to express political views, to affiliate with or support a political party, and to cast a vote. Voting for a candidate of one's choice is core political speech protected by the Free Assembly and Free Speech Clauses. *Common Cause*, 2019 WL 4569584, at *119.

218.   "The government unconstitutionally burdens speech where it renders disfavored speech *less effective*, even if it does not ban such speech outright. The government may not restrict citizens' 'ability to effectively exercise' their free speech rights." *Common Cause*, 2019 WL 4569584, at *121 (quoting *Heritage Vill. Church & Missionary Fellowship, Inc. v. State*, 40 N.C. App. 429, 451, 253 S.E.2d 473 (1979), *aff'd*, 299 N.C. 399, 263 S.E.2d 726 (1980)).

81

219.   A law that discriminates between individuals' speech based on its content or viewpoint without adequate justification impermissibly burdens protected expression. *State v. Bishop*, 368 N.C. 869, 875, 787 S.E.2d 814, 818–19 (2016). Discrimination may be evident from "the plain text of a statute, or the animating impulse behind it, or the lack of any plausible explanation besides distaste for the subject matter or message." *Common Cause*, 2019 WL 4569584, at *121 (quotation marks omitted). A districting plan "need not explicitly mention any particular viewpoint to be impermissibly discriminatory." *Id.*

220.   "Just as voting is a form of protected expression, banding together with likeminded citizens" to participate in politics "is a form of protected association." *Id.* "[F]or elections to express the popular will, the right to assemble and consult for the common good must be guaranteed." *Id.* (quoting John V. Orth, *The North Carolina State Constitution* 48 (1995)).

221.   The Enacted Plans violate the Free Assembly and Free Speech Clauses by diluting the voting power of voters who seek to vote for and associate with the disfavored political party and by impairing the effectiveness of political speech and expression because of the partisan content of that speech. Moreover, voters who seek to speak in favor of and associate with the disfavored political party—by working to elect that party's candidates—cannot effectively do so because of the extreme partisan gerrymanders reflected in the Enacted Plans. And voters' engagement with, and interest in, North Carolina's elections will decline—because mapmakers have effectively determined the results.

222.   No compelling or legitimate state interest justifies the extreme partisan gerrymandering reflected in the Enacted Plans.

223.   These violations of the Free Assembly and Free Speech Clauses harm NCLCV and its members in the manner described above. *Supra* ¶¶ 11–13. These violations also harm many

Individual Plaintiffs, as well as NCLCV members, by diluting their voting power in the districts and/or clusters where they reside (by packing or cracking Democratic voters and/or preventing them from electing their candidates of choice) and statewide (by diluting the voting power of Democratic voters with whom many Individual Plaintiffs seek to associate, by burdening many Individual Plaintiffs' ability to associate with other Democratic voters and to work to elect Democratic candidates, and by undermining many Individual Plaintiffs' efforts to engage other voters on matters of public concern in order to further the common good).

<div align="center">

COUNT IV
Unlawful Racial Vote Dilution in Violation of the
North Carolina State Constitution's Free Elections Clause,
Article I, Section 5

</div>

224.   Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

225.   The Free Elections Clause "guarantees that all elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the People and that this is a fundamental right of North Carolina citizens, a compelling governmental interest, and a cornerstone of our democratic form of government." *Common Cause*, 2019 WL 4569584, at *2.

226.   A redistricting plan violates the Free Elections Clause when it "specifically and systematically design[s] the contours of the election districts" in a way that makes it "nearly impossible for the will of the people … to be expressed through their votes." *Common Cause*, 2019 WL 4569584, at *112.

227.   In particular, a redistricting plan violates the Free Elections Clause when it unnecessarily dilutes the voting power of North Carolina citizens on account of race—that is, when the plan provides voters from one racial group with less opportunity than other members of the electorate to nominate and elect representatives of their choice. *See Common Cause*, 2019 WL 4569584, at *115 ("A state may not dilute the strength of a person's vote to give weight to other

interests." (quoting *Texfi Indus., Inc. v. City of Fayetteville*, 301 N.C. 1, 13, 269 S.E.2d 142, 150 (1980)).

228.   When a law implicates the Free Elections Clause, "it is the effect of the act, and not the intention of the Legislature, which renders it void." *Van Bokkelen*, 73 N.C. at 225–26; *see Common Cause*, 2019 WL 4569584, at *112–13. Here, moreover, the General Assembly knew about and intended the racial vote dilution that the Enacted Plans yield.

229.   The Enacted Plans violate the Free Elections Clause by establishing district boundaries that pack and crack black voters into certain districts and make it more difficult for black voters to nominate and elect the candidates of their choice.

230.   Alternative redistricting plans exist that would have avoided the racial vote dilution that the Enacted Plans yield while also complying with the other redistricting requirements set forth in the North Carolina State Constitution.

231.   No compelling or legitimate state interest justifies the racial vote dilution reflected in the Enacted Plans.

232.   These violations of the Free Elections Clause harm NCLCV and its members in the manner described above. *Supra* ¶¶ 11–13. These violations also harm many Individual Plaintiffs, as well as NCLCV members, in the districts and/or clusters where they reside (by packing or cracking black voters and/or preventing them from nominating and electing their candidates of choice) and statewide (by diluting the voting power of black voters across North Carolina).

COUNT V
Unlawful Racial Vote Dilution in Violation of the
North Carolina State Constitution's Equal Protection Clause,
Article I, Section 19

233.   Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

234.   North Carolina's Equal Protection Clause provides that "[n]o person shall be denied the equal protection of the laws" and that no person "shall … be subjected to discrimination by the State because of race, color, religion, or national origin."

235.   "The right to vote is one of the most cherished rights in our system of government," and North Carolina's Equal Protection Clause protects "[t]he right to vote on equal terms in representative elections." *Blankenship*, 363 N.C. at 522, 681 S.E.2d at 762. "The right to vote on equal terms in representative elections—a one-person, one-vote standard—is a fundamental right." *Id.*

236.   A "discriminatory purpose may often be inferred from the totality of the relevant facts," even when no discriminatory purpose is "express or appear[s] on the face of the statute." *Common Cause*, 2019 WL 4569584, at *114 (quotation marks omitted). "[I]ntentionally targeting a particular race's access to the franchise because its members vote for a particular party, in a predictable manner, constitutes discriminatory purpose," even absent "any evidence of race-based hatred." *McCrory*, 831 F.3d at 222–23. It is not necessary to show that "any member of the General Assembly harbored racial hatred or animosity toward any minority group." *Id.* at 233.

237.   The Enacted Plans violate the Equal Protection Clause because they were designed to dilute the voting power of North Carolina citizens on account of race—that is, they pack and crack voters from one racial group and provide voters from one racial group with less opportunity than other members of the electorate to nominate and elect candidates of their choice.

238.   Alternative redistricting plans exist that would have avoided the racial vote dilution that the Enacted Plans yield while also complying with the other redistricting requirements set forth in the North Carolina State Constitution.

239.   The General Assembly acted intentionally in diluting the voting power of black voters by race.

240.   No compelling or legitimate state interest justifies the racial vote dilution reflected in the Enacted Plans.

241.   These violations of the Equal Protection Clause harm NCLCV and its members in the manner described above. *Supra* ¶¶ 11–13. These violations also harm many Individual Plaintiffs, as well as NCLCV members, in the districts and/or clusters where they reside (by packing or cracking black voters and/or preventing them from nominating and electing their candidates of choice) and statewide (by diluting the voting power of black voters across North Carolina).

COUNT VI
Violation of the North Carolina State Constitution's Whole County Provisions, Article II, Sections 3(3) and 5(3), *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*

242.   Plaintiffs incorporate paragraphs 1–193 as if fully set forth herein.

243.   Article II, Section 3(3), of the North Carolina State Constitution provides: "No county shall be divided in the formation of a senate district." Article II, Section 5(3), of the North Carolina State Constitution provides: "No county shall be divided in the formation of a representative district." These clauses are known as the Whole County Provisions.

244.   In *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*, the North Carolina Supreme Court interpreted the Whole County Provisions to harmonize them with other provisions of federal and state law and required adherence to a specific nine-step algorithm for drawing boundaries for state Senate and House districts. *Stephenson I*, 355 N.C. at 383–84, 562 S.E.2d at 397–98; *see Dickson II*, 368 N.C. at 489–91, 781 S.E.2d at 412–13. Adherence to this algorithm

is mandatory. *See Pender County v. Bartlett*, 361 N.C. 491, 510, 649 S.E.2d 364, 376 (2007), *aff'd sub nom. Bartlett v. Strickland*, 556 U.S. 1 (2009).

245. The Enacted Senate Plan and Enacted House Plan violate the mandatory *Stephenson/Dickson* algorithm and thereby violate the Whole County Provisions of the North Carolina State Constitution.

246. The *Stephenson/Dickson* algorithm requires the General Assembly to "'combin[e] or group[] the minimum number of whole, contiguous counties necessary to comply with the at or within plus or minus five percent 'one-person, one-vote' standard.'" *Dickson II*, 368 N.C. at 490, 781 S.E.2d at 413 (quoting *Stephenson*, 355 N.C. at 383). "'[W]ithin any such contiguous multi-county grouping, compact districts shall be formed, consistent with the [one-person, one-vote] standard, whose boundary lines do not cross or traverse the "exterior" line of the multi-county grouping.'" *Id.* (quoting *Stephenson I*, 355 N.C. at 383–84, 562 S.E.2d at 397 (alteration in original)). "'[T]he resulting interior county lines created by any such groupings may be crossed or traversed in the creation of districts within said multi-county grouping but only to the extent necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard.'" *Id.* (quoting *Stephenson I*, 355 N.C. at 384, 562 S.E.2d at 397). The *Stephenson/Dickson* algorithm also requires that districts be compact. Indeed, steps four, five, seven, and nine of the nine-step algorithm consider whether districts are compact. *Id.* at 490–91, 781 S.E.2d at 413.

247. In order to dilute the voting strength of black voters, and to gerrymander in favor of the incumbent Republican Party, the Enacted Plans violate the *Stephenson/Dickson* algorithm, and the Whole County Provisions, by unnecessarily traversing county boundaries and by forming

districts that, because they are drawn to favor Republican interests, are less compact than they could be under a fair map.

248.   These violations of the Whole County Provisions and the *Stephenson/Dickson* algorithm harm Plaintiffs by contributing to the unconstitutional partisan gerrymandering and racial vote dilution described above, which harms Plaintiffs in the manner described in Counts I–V.

PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, and:

a. Declare that the Enacted Congressional Plan is unconstitutional and invalid because it violates the rights of Plaintiffs and other North Carolina voters under North Carolina's Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause and that all of its districts are affected by unconstitutional partisan gerrymandering, racial vote dilution, or both.

b. Declare that the Enacted Senate Plan is unconstitutional and invalid because it violates the rights of Plaintiffs and other North Carolina voters under North Carolina's Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause and that all of its districts are affected by unconstitutional partisan gerrymandering, racial vote dilution, or both.

c. Declare that the Enacted House Plan is unconstitutional and invalid because it violates the rights of Plaintiffs and other North Carolina voters under North Carolina's Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause and that

all of its districts are affected by unconstitutional partisan gerrymandering, racial vote dilution, or both.

d. Declare that the Enacted Senate Plan and Enacted House Plan are unconstitutional and invalid because they violate the Whole County Provisions of the North Carolina State Constitution (Article II, Sections 3(3) & 5(3)), as interpreted in the *Stephenson*/*Dickson* cases, by unnecessarily traversing county lines and by forming districts that are less compact than they could be under a fair map.

e. Enjoin Defendants, their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them, from preparing for, administering, or conducting any election (including the 2022 primary and general elections) under the Enacted Congressional Plan, the Enacted Senate Plan, or the Enacted House Plan, or any other congressional or legislative redistricting plan that violates the North Carolina State Constitution.

f. Order that, to the extent that the General Assembly does not, within two weeks after the date of an order from this Court, enact redistricting plans that remedy the constitutional violations found in any of the Enacted Plans as fully as would Plaintiffs' Optimized Maps, then Defendants, their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them shall prepare for, administer, and conduct the 2022 primary and general elections under Plaintiffs' Optimized Maps.

g. Order that, to the extent that the Court determines that it would otherwise be infeasible to conduct the 2022 primary election as scheduled on March 8, 2022, the Court retains jurisdiction to—in its discretion—delay the 2022 primary election, shorten or eliminate the

89

two-week period described in Subparagraph (f) above, or order such other relief as the Court deems just and equitable.

h. Order Defendants, their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them to delay or shorten the candidate-filing period for the 2022 congressional and legislative elections for such time as this Court, by further order, shall direct, and to make such other adjustments to the 2022 election calendar as the Court deems just and equitable.

i. Declare that any citizen having established his or her residence in a Senate or House district modified by any remedial redistricting plan approved by this Court, as of the closing day of the candidate filing period for the 2022 election in that district, shall be qualified to serve as Senator or Representative if elected to that office, notwithstanding the requirements of Sections 6 or 7 of Article II of the North Carolina State Constitution, which provide that each Senator and Representative, at the time of his or her election, shall have resided "in the district for which he is chosen for one year immediately preceding his election."

j. Grant Plaintiffs such other and further relief, including attorney fees and costs, as the Court deems just and equitable.

Dated: November 16, 2021

Respectfully submitted,

JENNER & BLOCK LLP

ROBINSON, BRADSHAW & HINSON, P.A.

David J. Bradford*
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 923-2975
dbradford@jenner.com

Stephen D. Feldman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
(919) 239-2600
sfeldman@robinsonbradshaw.com

Sam Hirsch*
Jessica Ring Amunson*
Kali Bracey*
Zachary C. Schauf*
Karthik P. Reddy*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
(202) 639-6000
shirsch@jenner.com
zschauf@jenner.com

Adam K. Doerr
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
(704) 377-2536
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
(919) 328-8800
ezimmerman@robinsonbradshaw.com

Counsel for Plaintiffs

* *Pro hac vice motion forthcoming*

VERIFICATION

I, Elizabeth Redenbaugh, serve as President of the North Carolina League of Conservation Voters Inc. (NCLCV) and hereby state that my organization, NCLCV, is a Plaintiff in the above-titled action, that I have read the contents of the foregoing Verified Complaint, and that the contents therein are true and accurate as they pertain to the NCLCV and the other Plaintiffs (whose party registration, racial, and district information I have reviewed), except to those matters stated on information and belief, which I believe to be true.

Elizabeth S. Redenbaugh
Elizabeth Redenbaugh

Sworn and subscribed before me
this the 16ᵗʰ of November, 2021

Christina M. Carter
Notary Public

```
CHRISTINA M CARTER
NOTARY PUBLIC
NEW HANOVER COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 04-12-2023
```

Name: Christina M. Carter

My commission expires: April 12, 2023

1

21 CV 015426

FILED

STATE OF NORTH CAROLINA

2021 NOV 16 P 4:52

COUNTY OF WAKE

WAKE CO. C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
___ CVS ___

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE
LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS;
KATHERINE NEWHALL; JASON PARSLEY; EDNA
SCOTT; ROBERTA SCOTT; YVETTE ROBERTS;
JEREANN KING JOHNSON; REVEREND REGINALD
WELLS; YARBROUGH WILLIAMS, JR.; REVEREND
DELORIS L. JERMAN; VIOLA RYALS FIGUEROA; and
COSMOS GEORGE,

        Plaintiffs,

      v.

REPRESENTATIVE DESTIN HALL, in his official capacity
as Chair of the House Standing Committee on Redistricting;
SENATOR WARREN DANIEL, in his official capacity as Co-
Chair of the Senate Standing Committee on Redistricting and
Elections; SENATOR RALPH E. HISE, JR., in his official
capacity as Co-Chair of the Senate Standing Committee on
Redistricting and Elections; SENATOR PAUL NEWTON, in
his official capacity as Co-Chair of the Senate Standing
Committee on Redistricting and Elections;
REPRESENTATIVE TIMOTHY K. MOORE, in his official
capacity as Speaker of the North Carolina House of
Representatives; SENATOR PHILIP E. BERGER, in his
official capacity as President Pro Tempore of the North
Carolina Senate; THE STATE OF NORTH CAROLINA; THE
NORTH CAROLINA STATE BOARD OF ELECTIONS;
DAMON CIRCOSTA, in his official capacity as Chairman of
the North Carolina State Board of Elections; STELLA
ANDERSON, in her official capacity as Secretary of the North
Carolina State Board of Elections; JEFF CARMON III, in his
official capacity as Member of the North Carolina State Board
of Elections; STACY EGGERS IV, in his official capacity as
Member of the North Carolina State Board of Elections;
TOMMY TUCKER, in his official capacity as Member of the
North Carolina State Board of Elections; and KAREN
BRINSON BELL, in her official capacity as Executive Director
of the North Carolina State Board of Elections,

        Defendants.

**AFFIDAVIT OF
DR. MOON DUCHIN**

I, Dr. Moon, Duchin, having been duly sworn by an officer authorized to administer oaths, depose and state as follows:

1. I am over 18 years of age, legally competent to give this Affidavit, and have personal knowledge of the facts set forth in this Affidavit.

2. All of the quantitative work described in this Affidavit was performed by myself with the support of research assistants working under my direct supervision.

Background and qualifications

3. I hold a Ph.D. and an M.S in Mathematics from the University of Chicago as well as an A.B. in Mathematics and Women's Studies from Harvard University.

4. I am a Professor of Mathematics and a Senior Fellow in the Jonathan M. Tisch College of Civic Life at Tufts University.

5. My general research areas are geometry, topology, dynamics, and applications of mathematics and computing to the study of elections and voting. My redistricting-related work has been published in venues such as the Election Law Journal, Political Analysis, Foundations of Data Science, the Notices of the American Mathematical Society, Statistics and Public Policy, the Virginia Policy Review, the Harvard Data Science Review, Foundations of Responsible Computing, and the Yale Law Journal Forum.

6. My research has had continuous grant support from the National Science Foundation since 2009, including a CAREER grant from 2013–2018. I am currently on the editorial board of the journals Advances in Mathematics and the Harvard Data Science Review. I was elected a Fellow of the American Mathematical Society in 2017 and was named a Radcliffe Fellow and a Guggenheim Fellow in 2018.

7. A current copy of my full CV is attached to this report.

8. I am compensated at the rate of $400 per hour.

Analysis of 2021 enacted redistricting plans in North Carolina

Moon Duchin
Professor of Mathematics, Tufts University
Senior Fellow, Tisch College of Civic Life

November 16, 2021

1   Introduction

On November 4, 2021, the North Carolina General Assembly enacted three districting plans: maps of 14 U.S. Congressional districts, 50 state Senate districts, and 120 state House districts. This affidavit contains a brief summary of my evaluation of the properties of these plans. My focus will be on the egregious partisan imbalance in the enacted plans, following a brief review of the traditional districting principles.

Because redistricting inevitably involves complex interactions of rules, which can create intricate tradeoffs, it will be useful to employ a direct comparison to an alternative set of plans. These demonstrative plans illustrate that it is possible to *simultaneously maintain or improve* metrics for all of the most important redistricting principles that are operative in North Carolina's constitution and state and federal law. Crucially, this shows that nothing about the state's political geography compels us to draw a plan with a massive and entrenched partisan skew.

To this end, I will be comparing the following plans: the enacted plans SL-174, SL-173, and SL-175 and a corresponding set of alternative plans labeled NCLCV-Cong, NCLCV-Sen, and NCLCV-House (proposed by plaintiffs who include the North Carolina League of Conservation Voters).
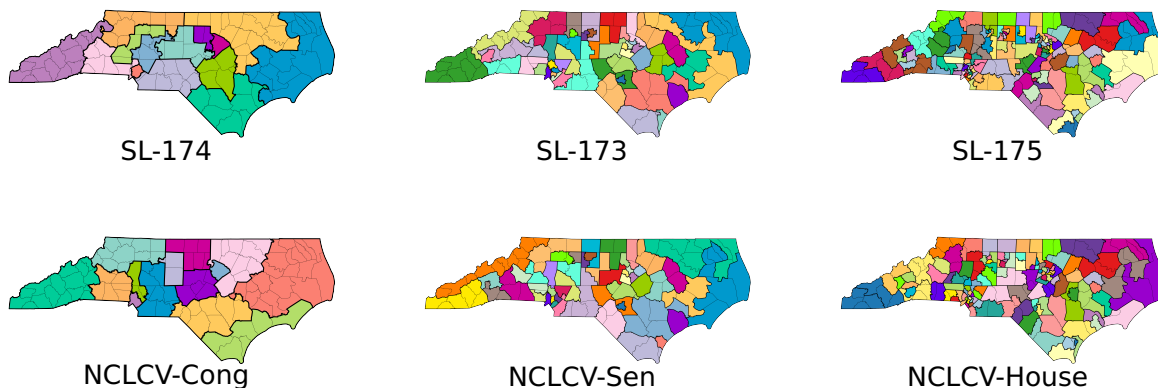

Figure 1: The six plans under discussion in this affidavit.

2 Traditional districting principles

Principles that are relevant to North Carolina redistricting include the following.

- **Population balance.** The standard interpretation of *One Person, One Vote* for Congressional districts is that districts should be fine-tuned so that their total Census population deviates by no more than one person from any district to any other.

  There is more latitude with legislative districts; they typically vary top-to-bottom by no more than 10% of ideal district size. In North Carolina, the Whole County Provisions make it very explicit that 5% deviation must be tolerated if it means preserving more counties intact.

  All six plans have acceptable population balance.

Population deviation

	Max Positive Deviation	District	Max Negative Deviation	District
SL-174	0	(eight districts)	−1	(six districts)
NCLCV-Cong	0	(eight districts)	−1	(six districts)
SL-173	10,355 (4.960%)	5	−10,434 (4.997%)	13,18
NCLCV-Sen	10,355 (4.960%)	5	−10,427 (4.994%)	15
SL-175	4250 (4.885%)	18	−4189 (4.815%)	112
NCLCV-House	4341 (4.990%)	82	−4323 (4.969%)	87

Table 1: Deviations are calculated with respect to the rounded ideal district populations of 745,671 for Congress, 208,788 for Senate, and 86,995 for House.

- **Minority electoral opportunity.** Minority groups' opportunity to elect candidates of choice is protected by both state and federal law. A detailed assessment of opportunity must hinge not on the demographics of the districts but on electoral history and an assessment of polarization patterns. That is not the focus of the current affidavit. Instead we make the brief note that it is important to avoid the conflation of *majority-minority districts* with *effective districts* for a minority group. An involved analysis of voting patterns—necessarily incorporating both primary and general elections to ensure that candidates of choice can be successfully nominated and elected—will frequently reveal that districts can be effective at demographic levels well below 50% of voting-age population or citizen voting-age population (VAP and CVAP, respectively). For instance, in [3], my co-authors and I drew an illustrative plan for Texas congressional districting in which some parts of the state had districts that were shown to reliably elect Black candidates of choice with BCVAP as low as 28.6%; by contrast, there are other parts of Texas where a 40% BCVAP district is less consistently effective. In a Louisiana case study, we found somewhat different patterns of human and political geography, producing numerous examples of Congressional-sized districts with 55% BCVAP in some parts of the state that are nonetheless marginal in terms of opportunity for Black voters to elect candidates of choice.

  In North Carolina, taking the crossover voting patterns of White, Latino, and Asian voters into account, I note that a district with BCVAP in the low to mid 30s can often be effective for Black voters—but there is no demographic shortcut to a full examination of primary and general election history.

- **Contiguity.** All six plans are contiguous; for each district, it is possible to transit from any part of the district to any other part through a sequence of census blocks that share boundary segments of positive length. As is traditional in North Carolina, contiguity through water is accepted.

4

- **Compactness.** The two compactness metrics most commonly appearing in litigation are the *Polsby-Popper score* and the *Reock score*. Polsby-Popper is the name given in redistricting to a metric from ancient mathematics: the isoperimetric ratio comparing a region's area to its perimeter via the formula $4\pi A/P^2$. Higher scores are considered more compact, with circles uniquely achieving the optimum score of 1. Reock is a different measurement of how much a shape differs from a circle: it is computed as the ratio of a region's area to that of its circumcircle, defined as the smallest circle in which the region can be circumscribed. From this definition, it is clear that it too is optimized at a value of 1, which is achieved only by circles.

  These scores depend on the contours of a district and have been criticized as being too dependent on map projections or on cartographic resolution [1, 2]. Recently, some mathematicians have argued for using discrete compactness scores, taking into account the units of Census geography from which the district is built. The most commonly cited discrete score for districts is the *cut edges score*, which counts how many adjacent pairs of geographical units receive different district assignments. In other words, cut edges measures the "scissors complexity" of the districting plan: how much work would have to be done to separate the districts from each other? Plans with a very intricate boundary would require many separations. This score improves on the contour-based scores by better controlling for factors like coastline and other natural boundaries, and by focusing on the units actually available to redistricters rather than treating districts like free-form Rorschach blots.

  The alternative plans are significantly more compact than the enacted plans in all three compactness metrics.

Compactness

	block cut edges (lower is better)	average Polsby-Popper (higher is better)	average Reock (higher is better)
SL-174	5194	0.303	0.381
NCLCV-Cong	4124	0.383	0.444
SL-173	9702	0.342	0.402
NCLCV-Sen	9249	0.369	0.423
SL-175	16,182	0.351	0.419
NCLCV-House	13,963	0.414	0.456

Table 2: Comparing compactness scores via one discrete and two contour-based metrics.

- **Respect for political subdivisions.** For legislative redistricting, North Carolina has one of the strongest requirements for county consideration of any state in the nation. In my understanding, courts have interpreted the Whole County Provisions as follows.

  – First, if any county is divisible into a whole number of districts that will be within ±5% of ideal population, then it must be subdivided accordingly without districts crossing into other counties.

  – Next, seek any contiguous grouping of two counties that is similarly divisible into a whole number of districts.

  – Repeat for groupings of three, and so on, until all counties are accounted for.

  A complete set of solutions is described in detail in the white paper of Mattingly et al.— though with the important caveat that the work "does not reflect... compliance with the Voting Rights Act" [4]. Absent a VRA conflict, the 2020 Decennial Census population data dictates that the North Carolina Senate plan must be decomposed into ten single-district fixed clusters and seven multi-district fixed clusters (comprising 2, 2, 3, 3, 4, 6, and 6

districts, respectively). It has four more areas in which there is a choice of groupings. In all, there are sixteen different possible clusterings for Senate, each comprising 26 county clusters. The House likewise has 11 single-district fixed clusters and 22 multi-district fixed clusters (with two to thirteen districts per cluster), together with three more areas with a choice of groupings. In all, the House has only eight acceptable clusterings, each comprising 40 county clusters. Again, it is important to note that VRA compliance may present a compelling reason to select some clusterings and reject others.

Once clusters have been formed, there are more rules about respecting county lines within clusters. The legal language is again explicit: "[T]he resulting interior county lines created by any such groupings may be crossed or traversed in the creation of districts within said multi-county grouping but only to the extent necessary" to meet the ±5% population standard for districts. To address this, I have counted the *county traversals* in each plan, i.e., the number of times a district crosses between adjacent counties within a grouping.

Table 3 reflects the county integrity metric that is most relevant at each level: the enacted congressional plan splits 11 counties into 25 pieces while the alternative plan splits 13, but splits no county three ways. (The enacted plans unnecessarily split three counties into three pieces.) In the legislative plans, the law specifies traversals as the fundamental integrity statistic.

The alternative plans are comparable to the enacted plans, or sometimes far superior, in each of these key metrics regarding preservation of political boundaries.

County and municipality preservation

	# county pieces		# traversals
SL-174	25	SL-173	97
NCLCV-Cong	26	NCLCV-Sen	89
		SL-175	69
		NCLCV-House	66

	# municipal pieces
SL-174	90
NCLCV-Cong	58
SL-173	152
NCLCV-Sen	125
SL-175	292
NCLCV-House	201

Table 3: Comparing the plans' conformance to political boundaries.

I will briefly mention several additional redistricting principles.

- **Communities of interest.** In North Carolina, there was no sustained effort by the state or by community groups to formally collect community of interest (COI) maps, to my knowledge. Without this, it is difficult to produce a suitable metric.

- **Cores of prior districts.** In some states, there is statutory guidance to seek districting plans that preserve the cores of prior districts. In North Carolina, this is not a factor in the constitution, in statute, or in case law. In addition, attention to core preservation would be prohibitively difficult in the Senate and House because of the primacy of the Whole County Provisions, which forces major changes to the districts simply as a consequence of fresh population numbers.

- **Incumbent pairing.** In 2017, the North Carolina legislative redistricting committee listed "incumbency protection" as a goal in their itemization of principles. In 2021, this was softened to the statement that "Member residence may be considered" in the drawing of districts. I have counted the districts in each plan that contain more than one incumbent address; these are sometimes colorfully called "double-bunked" districts. For this statistic, it is not entirely clear whether a high or low number is preferable. When a plan remediates a gerrymandered predecessor, we should not be surprised if it ends up pairing numerous incumbents.

Double-bunking

	# districts pairing incumbents
SL-174	3
NCLCV-Cong	1
SL-173	6
NCLCV-Sen	9
SL-175	7
NCLCV-House	15

Table 4: For Congress and Senate, the enacted and alternative plans are comparable; at the House level, the alternative plan has more double-bunking. *Note: These numbers were calculated using the most accurate incumbent addresses that have been provided to me.*

3 Partisan fairness

3.1 Abstract partisan fairness

There are many notions of partisan fairness that can be found in the scholarly literature and in redistricting practitioner guides and software. Most of them are numerical, in the sense that they address *how a certain share of the vote should be translated to a share of the seats* in a state legislature or Congressional delegation.

The numerical notions of partisan fairness all tend to agree on one central point: an electoral climate with a 50-50 split in partisan preference should produce a roughly 50-50 representational split. North Carolina voting has displayed a partisan split staying consistently close to even between the two major parties over the last ten years, but the plans released by the General Assembly after the 2010 census were very far from realizing the ideal of converting even voting to even representation. This time, with a 14th seat added to North Carolina's apportionment, an exactly even seat outcome is possible. But the new enacted plans, like the plans from ten years ago, are not conducive to even representation.

3.2 Geography and fairness

However, some scholars have argued that this ideal (that even vote preferences should translate to even representation) ignores the crucial *political geography*—the location of votes for each party, and not just the aggregate preferences, has a major impact on redistricting outcomes. In [5], my co-authors and I gave a vivid demonstration of the impacts of political geography in Massachusetts: we showed that for a ten-year span of observed voting patterns, even though Republicans tended to get over one-third of the statewide vote, it was impossible to draw a single Congressional district with a Republican majority. That is, the geography of Massachusetts Republicans locked them out of Congressional representation. It is therefore not reasonable to charge the Massachusetts legislature with gerrymandering for having produced maps which yielded all-Democratic delegations; they could not have done otherwise.

7

In North Carolina, this is not the case. The alternative plans demonstrate that it is possible to produce maps that give the two major parties a roughly equal opportunity to elect their candidates. These plans are just examples among many thousands of plausible maps that convert voter preferences to far more even representation by party. In Congressional redistricting, the geography is easily conducive to a seat share squarely in line with the vote share. In Senate and House plans, even following the strict detail of the Whole County Provisions, there are likewise many alternatives giving a seat share for each party that falls, in aggregate, within a few percentage points of the vote share across a large set of elections.

The clear conclusion is that the political geography of North Carolina today does not obstruct the selection of a map that treats the parties equally and fairly.

3.3 Translating votes to seats

The enacted plans behave as though they are built to resiliently safeguard electoral advantage for Republican candidates. We can examine this effect without invoking assumptions like "uniform partisan swing" that impose counterfactual voting conditions; instead, we will use the rich observed dataset of 52 statewide party-ID general elections in North Carolina in the last ten years. 29 of these are elections for Council of State (ten offices elected three times, with the Attorney General race uncontested in 2012), three presidential races, three for U.S. Senate, and 17 judicial races since mid-decade, when those became partisan contests. See Table 6 for more detail on the election dataset.

I will sometimes focus on the smaller set of better-known "up-ballot" races: in order, the first five to appear on the ballot are the contests for President, U.S. Senator, Governor, Lieutenant Governor, and Attorney General. Together these occurred 14 times in the last Census cycle.

	Up-ballot generals (14)		All generals (52)	
	D vote share	D seat share	D vote share	D seat share
SL-174 NCLCV-Cong	.4883	.2908 .4796	.4911	.3118 .4931
SL-173 NCLCV-Sen	.4883	.3957 .4557	.4911	.4065 .4592
SL-175 NCLCV-House	.4883	.3994 .4649	.4911	.4080 .4684

Table 5: Comparing overall fidelity of representation to the voting preferences of the electorate. Vote shares are reported with respect to the major-party vote total.

To understand how the enacted plans create major shortfalls for Democratic representation, we will overlay the plans with voting patterns from individual elections in the past Census cycle. As we will see, the enacted Congressional plan (SL-174) shows a remarkable lack of responsiveness, giving 10–4 partisan outcomes across a wide range of recent electoral conditions, meaning that 10 Republicans and only 4 Democrats would represent North Carolina in Congress. The alternative plan (NCLCV-Cong) is far more faithful to the vote share, far more responsive, and tends to award more seats to the party with more votes.

The top of Figure 2 shows this dynamic in the three Presidential contests in the last Census cycle, with a Democratic vote share (pink box) between 48% and 50% of the major-party total each time. For a contest that is so evenly divided, we would expect a fair map to have 6, 7, or 8 out of 14 districts favoring each party. The alternative Congressional map NCLCV-Cong does just that, while the enacted plan SL-174 has just 4 out of 14 Democratic-majority districts each time (green and maroon circles). The alternative plan is far more successful at reflecting the even split of voter preferences. Below the initial explainer, simplified versions of the same type of graphic are presented for all five up-ballot races. Figure 3 compares legislative maps in the same fashion. Next, Figure 4 returns to the full 52-election dataset to give the big picture of entrenched partisan advantage in the enacted plans.

8

Congressional plan comparison in Presidential elections

Does even voting translate to even representation?

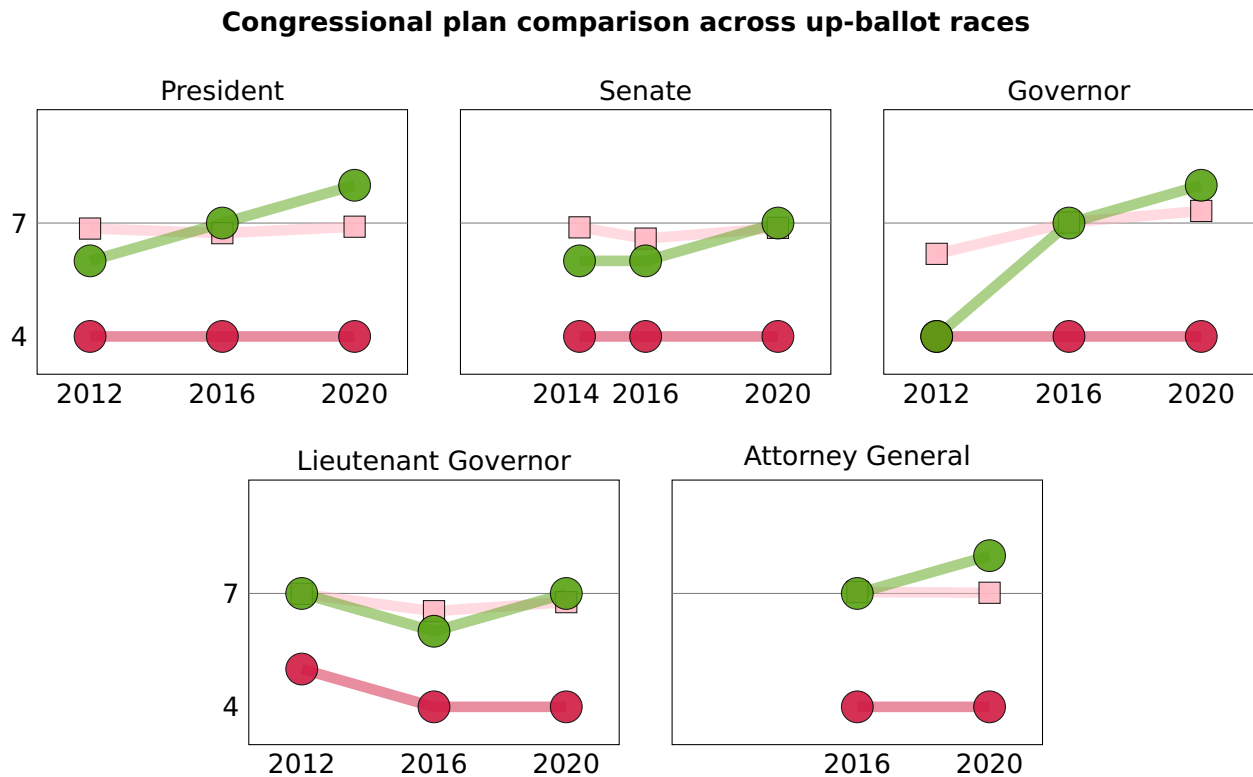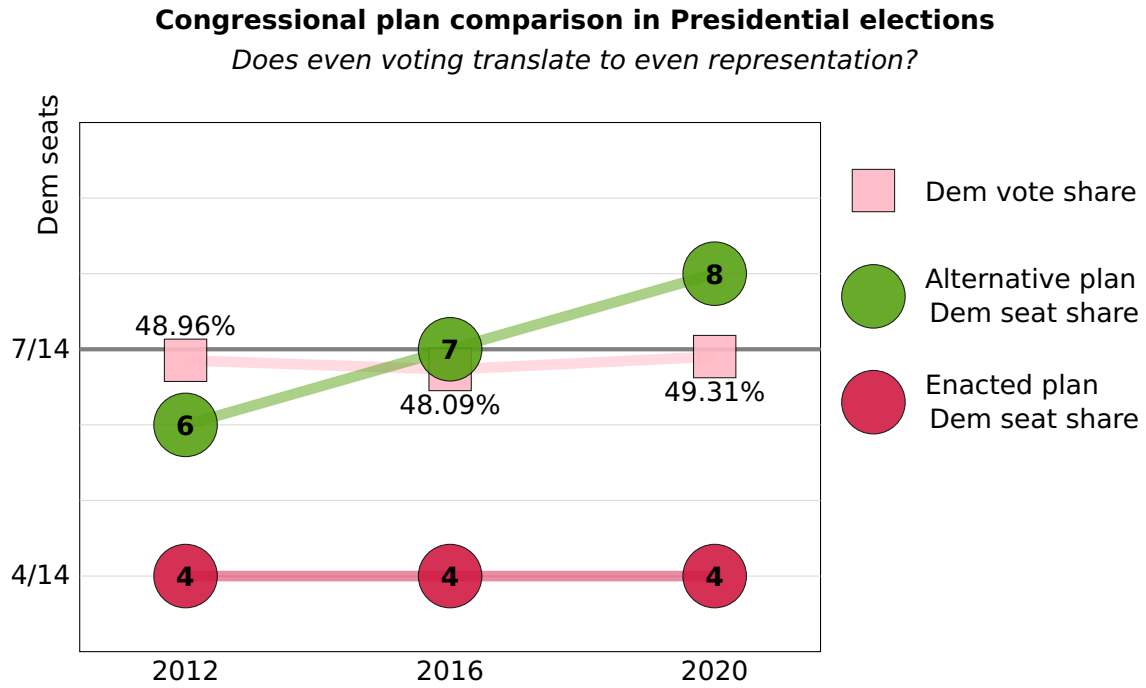**Congressional plan comparison across up-ballot races**

Figure 2: For up-ballot general election contests across the previous Census cycle, we can compare the seat share under the enacted Congressional plan SL-174 (maroon) and the seat share under the alternative Congressional plan NCLCV-Cong (green) to the vote share (pink) for Democratic candidates. At top is a detailed look at the presidential contests; this is repeated below, alongside the other four up-ballot offices. The 50% line is marked each time.

9

State Senate plan comparison across up-ballot races

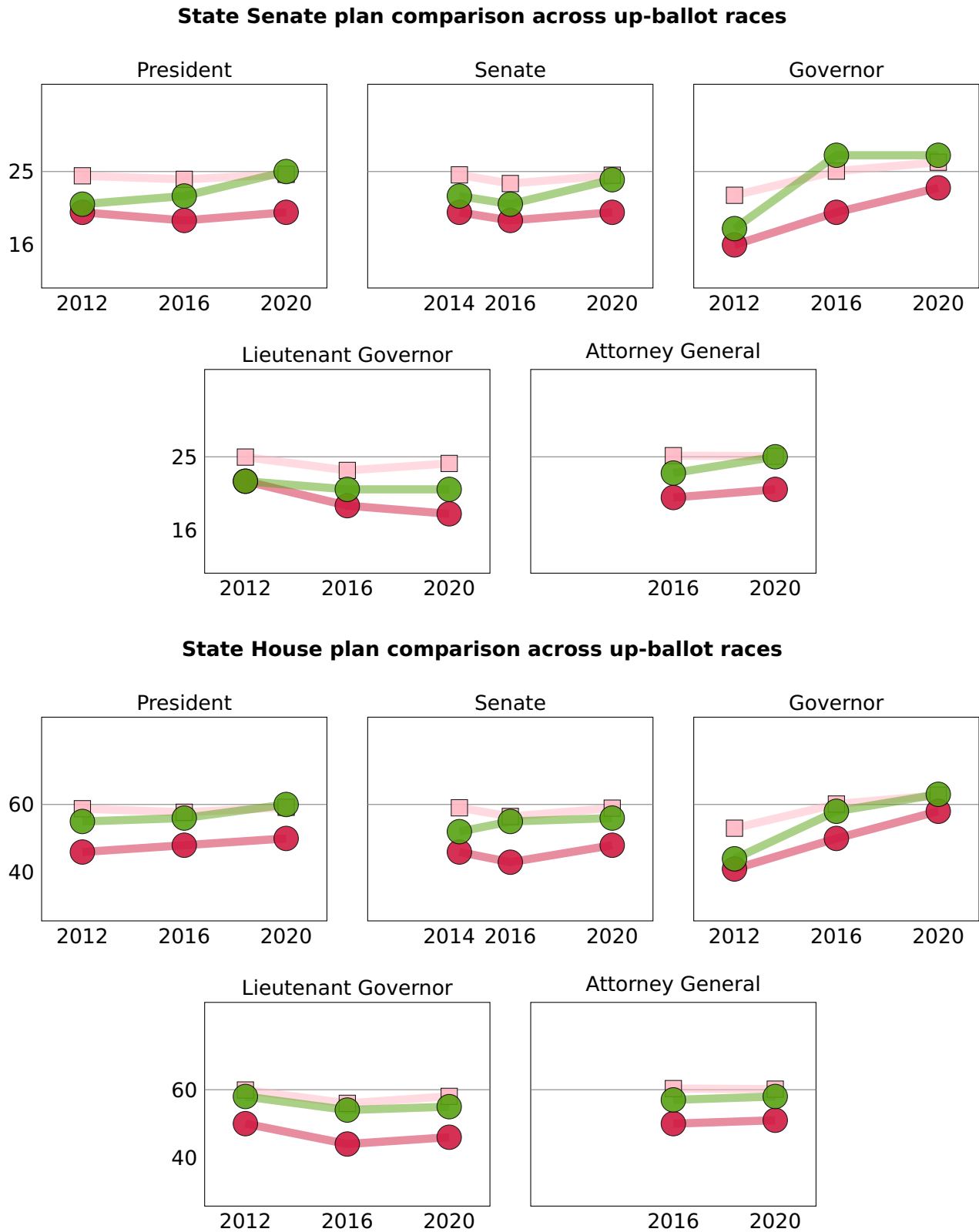**State House plan comparison across up-ballot races**

Figure 3: Legislative plans tested against voting patterns from up-ballot elections. The enacted plans SL-173 and SL-175 are shown in maroon. The alternative plans NCLCV-Sen and NCLCV-House, in green, have seat shares tracking much closer to the nearly even voting preferences.
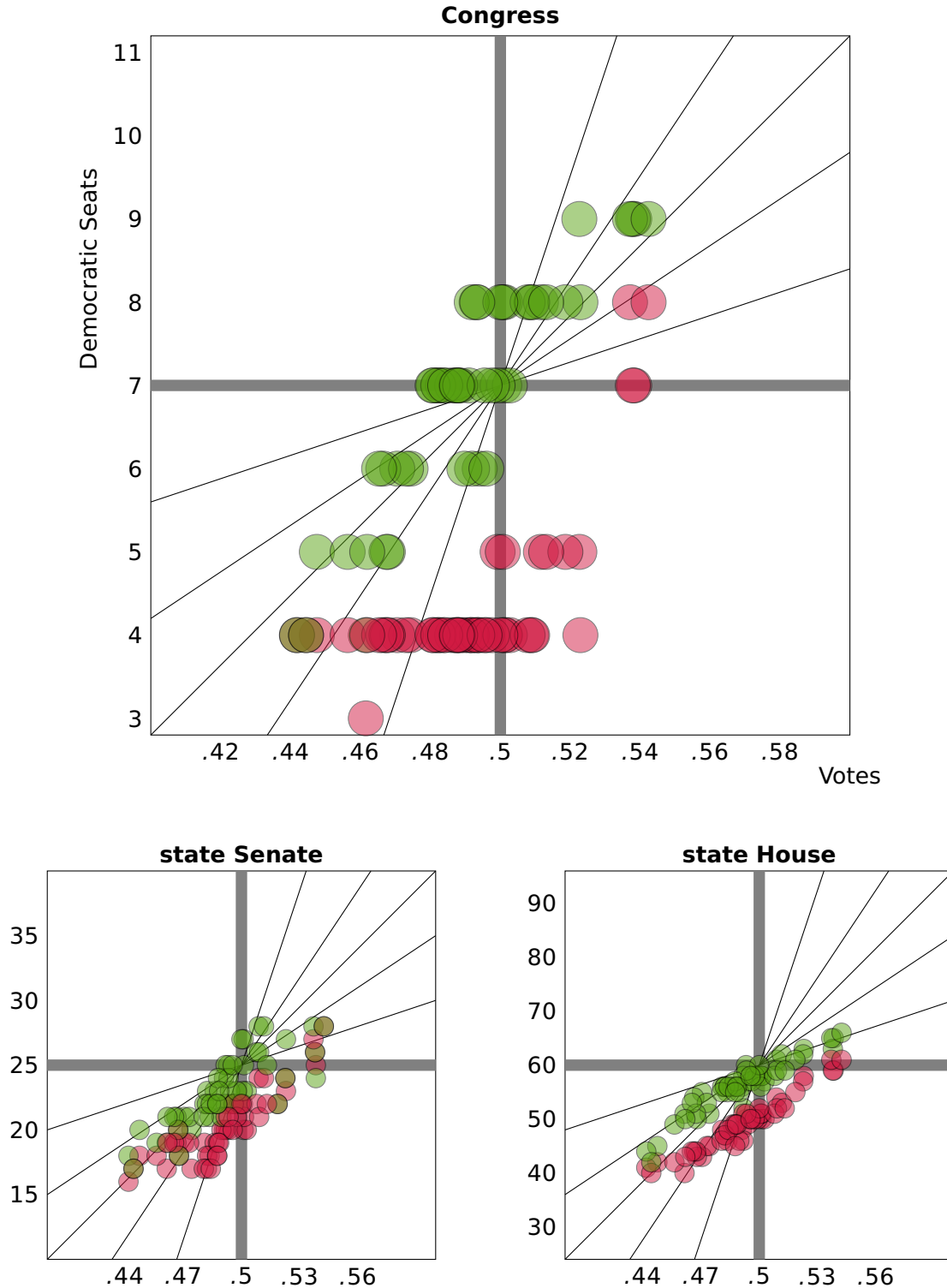
Figure 4: On a seats-vs.-votes plot, the election results for the six maps are shown for 52 general election contests in the last decade; each colored dot is plotted as the coordinate pair (vote share, seat share). The diagonals show various lines of *responsiveness* that pivot around the central point of fairness: half of the votes securing half of the seats. The Congressional comparison is at top, followed by Senate and House. The enacted plans are shown in maroon and the alternative plans in green.

3.4 Swing districts and competitive contests

Another way to understand the electoral properties of districting plans is to investigate how many districts always give the same partisan result over a suite of observed electoral conditions, and how many districts can "swing" between the parties. Figure 5 compares the six plans across the up-ballot elections. The enacted plans lock in large numbers of always-Republican seats. In the Senate and House, nearly half the seats are locked down for Republicans. In the Congressional plan, it's well *over* half. This provides another view from which the NCLCV plans provide attractive alternatives.
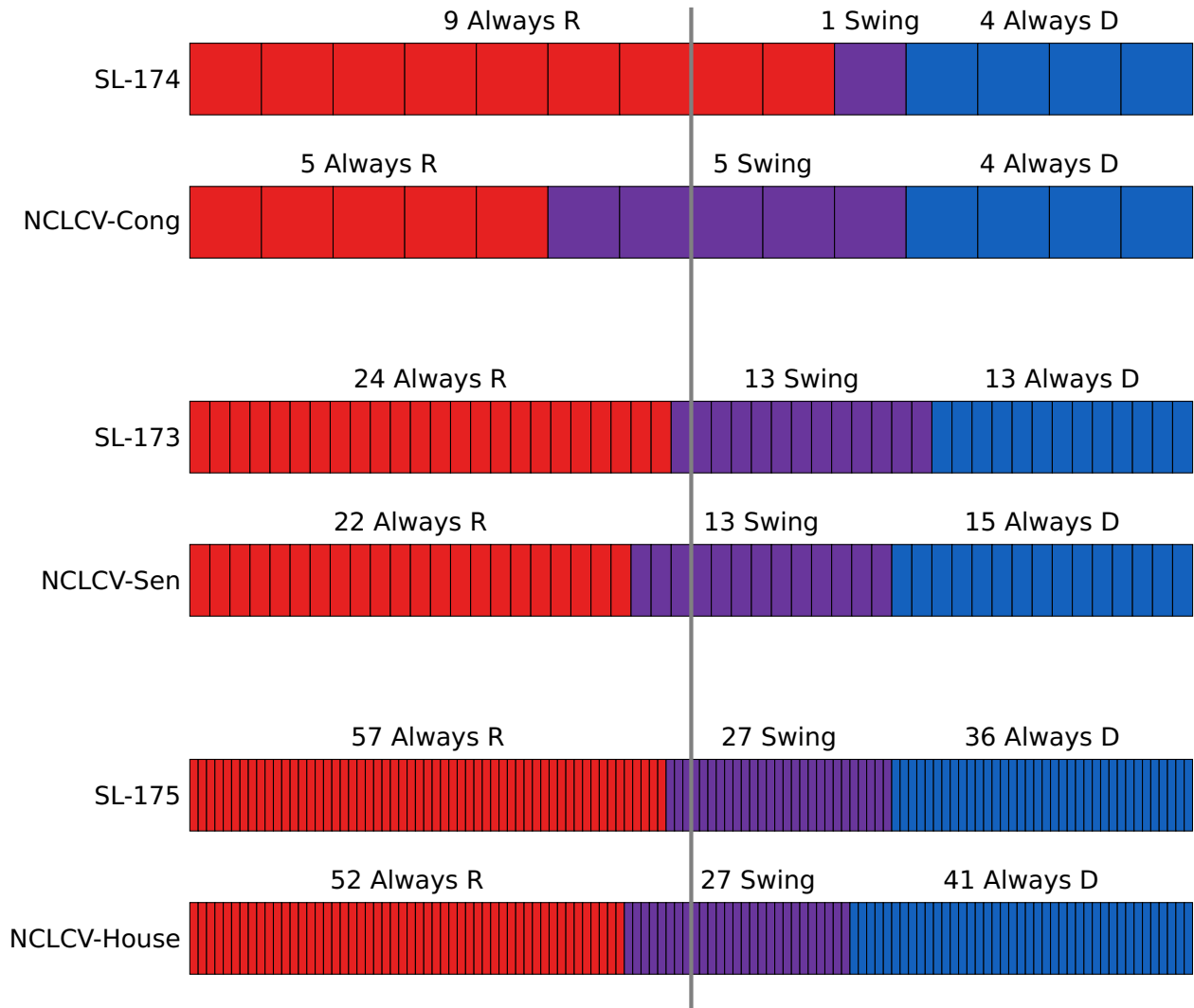

Figure 5: These visuals show the breakdown of seats that always have a Republican winner, always have a Democratic winner, or are sometimes led by each party across the 14 up-ballot elections over the previous Census cycle. The 50-50 split is marked.

One more measure of partisan fairness, frequently referenced in the public discourse, is the tendency of a districting plan to promote close or competitive contests. We close with a comparison of the enacted and alternative plans that displays the number of times across the full dataset of 52 elections that a contest had a partisan margin of closer than 10 points, 6 points, or 2 points, respectively. This can occur up to $14 \cdot 52 = 728$ times in Congressional maps, $50 \cdot 52 = 2600$ times in state Senate maps, and $120 \cdot 52 = 6240$ times in state House

12

maps. The figures below show horizontal rules at every 10% interval of the total number of possible competitive contests; we can see, for instance, that the alternative Congressional plan has contests within a 10-point margin more than 40% of the time.

Competitive contests in the Congressional plans

Senate plans

House plans
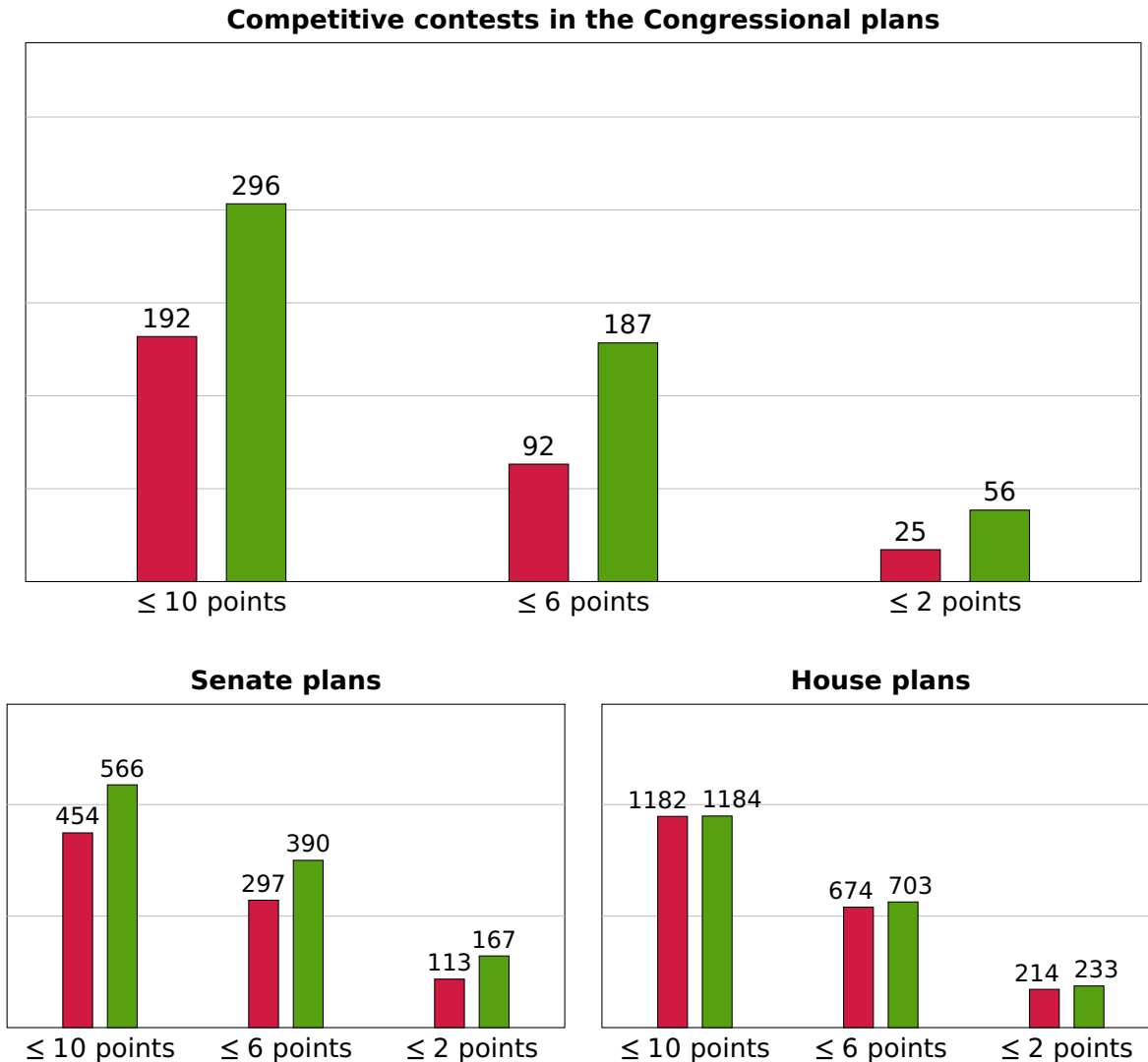
Figure 6: These bar graphs show the number of competitive contests for the enacted plans (maroon) and the alternative plans (green). In each plot, we consider increasingly restrictive definitions of "competitive" from left to right, counting districts in which the major-party vote split is closer than 45-55, 47-53, and 49-51, respectively.

4   Conclusion

North Carolina is a very "purple" state. In 38 out of the 52 contests in our dataset, the statewide partisan outcome is within a 6-point margin: 47-53 or closer. We can make a striking observation by laying our six plans over the vote patterns.

	D Vote Share	SL-174	NCLCV-Cong	SL-173	NCLCV-Sen	SL-175	NCLCV-House
GOV12	0.4418	4	4	16	18	41	44
AGC16	0.4444	4	4	17	17	40	42
LAC16	0.4475	4	5	18	20	42	45
JHU16	0.4563	4	5	18	19	42	49
AGC20	0.4615	3	4	17	19	40	51
JZA16	0.4619	4	5	19	21	43	50
JDI16	0.4653	4	6	19	21	44	53
LTG16	0.4665	4	6	19	21	44	54
LAC12	0.4674	4	5	20	20	44	51
AGC12	0.4678	4	5	18	18	43	50
SEN16	0.4705	4	6	19	21	43	55
TRS16	0.4730	4	6	19	21	45	53
TRS20	0.4743	4	6	17	20	45	51
JA620	0.4806	4	7	17	21	46	55
PRS16	0.4809	4	7	19	22	48	56
JA420	0.4822	4	7	17	22	47	56
INC20	0.4823	4	7	18	23	47	56
LTG20	0.4836	4	7	18	21	46	55
JA720	0.4842	4	7	17	22	48	56
SUP20	0.4862	4	7	19	23	49	56
JA520	0.4874	4	7	18	22	49	57
JA218	0.4876	4	7	18	22	45	55
JS420	0.4879	4	7	19	24	49	56
J1320	0.4885	4	7	19	23	49	56
PRS12	0.4897	4	6	20	21	46	55
SEN20	0.4910	4	7	20	24	48	56
LAC20	0.4918	4	8	21	25	51	58
SEN14	0.4919	4	6	20	22	46	52
PRS20	0.4932	4	8	20	25	50	60
JS220	0.4934	4	8	21	24	51	59
SUP16	0.4941	4	6	22	23	49	57
JS118	0.4955	4	7	20	25	50	58
INC16	0.4960	4	6	22	22	50	57
JST16	0.4976	4	7	21	23	50	58
LTG12	0.4992	5	7	22	22	50	58
JS120	0.5000	4	8	22	27	52	60
AUD16	0.5007	5	8	22	23	51	56
GOV16	0.5011	4	7	20	27	50	58
ATG20	0.5013	4	8	21	25	51	58
ATG16	0.5027	4	7	20	23	50	57
JA118	0.5078	4	8	22	26	51	58
AUD20	0.5088	4	8	24	28	54	61
JA318	0.5091	4	8	21	26	52	59
SOS20	0.5116	5	8	24	28	53	62
JGE16	0.5131	5	8	22	25	52	59
INC12	0.5186	5	8	22	22	55	61
SOS16	0.5226	5	9	24	24	57	62
GOV20	0.5229	4	8	23	27	58	63
AUD12	0.5371	8	9	27	28	61	65
SOS12	0.5379	7	9	26	26	59	63
TRS12	0.5383	7	9	25	24	59	65
SUP12	0.5424	8	9	28	28	61	66

Table 6: 52 general elections, sorted from lowest to highest Democratic share. Election codes have a three-character prefix and a two-digit suffix designating the office and the election year, respectively. AGC = Agriculture Commissioner; ATG = Attorney General; AUD = Auditor; GOV = Governor; INC = Insurance Commissioner; LAC = Labor Commissioner; PRS = President; SEN = Senator; SOS = Secretary of State; SUP = Superintendent of Schools; TRS -=Treasurer. The prefix JA* refers to judicial elections to the Court of Appeals (so that, for instance, JA118 is the election to the Seat 1 on the Court of Appeals in 2018), those beginning with JS* refer to elections to the state Supreme Court. All other J* prefixes refer to an election to replace a specific judge on the Court of Appeals.

The three enacted plans combine with those 38 relatively even vote patterns to produce 114 outcomes. Every single pairing of an enacted plan with a close statewide contest—a complete sweep of 114 opportunities—gives an *outright Republican majority* of seats. All three enacted plans will lock in an extreme, resilient, and unnecessary advantage for one party.

By every measure considered above that corresponds to a clear legal or good-government redistricting goal or value, the alternative plans meet or exceed the performance of the enacted plans. It is therefore demonstrated to be possible, without any cost to the redistricting principles in play, to select maps that are far fairer to the voters of North Carolina.

References

[1] Assaf Bar-Natan, Lorenzo Najt, and Zachary Schutzmann, *The gerrymandering jumble: map projections permute districts' compactness scores*. Cartography and Geographic Information Science, Volume 47, Issue 4, 2020, 321–335.

[2] Richard Barnes and Justin Solomon, *Gerrymandering and Compactness: Implementation Flexibility and Abuse.* Political Analysis, Volume 29, Issue 4, October 2021, 448–466.

[3] Amariah Becker, Moon Duchin, Dara Gold, and Sam Hirsch, *Computational redistricting and the Voting Rights Act.* Election Law Journal.
Available at https://www.liebertpub.com/doi/epdf/10.1089/elj.2020.0704

[4] Christopher Cooper, Blake Esselstyn, Gregory Herschlag, Jonathan Mattingly, and Rebecca Tippett, *NC General Assembly County Clusterings from the 2020 Census.*
https://sites.duke.edu/quantifyinggerrymandering/files/2021/08/countyClusters2020.pdf

[5] Moon Duchin, Taissa Gladkova, Eugene Henninger-Voss, Heather Newman, and Hannah Wheelen, *Locating the Representational Baseline: Republicans in Massachusetts.* Election Law Journal, Volume 18, Number 4, 2019, 388–401.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of November, 2021.

_____
                                                    Moon Duchin

Sworn and subscribed before me

this the _16_ of November, 2021.

_____
Notary Public

Name: _____

GREGORY J. AGNEW
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
June 28, 2024

My Commission Expires: _____

16
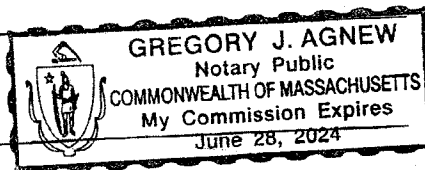
Moon Duchin

moon.duchin@tufts.edu · mduchin.math.tufts.edu
Mathematics · STS · Tisch College of Civic Life | Tufts University

Education

University of Chicago   MS 1999, PhD 2005
Mathematics
Advisor: Alex Eskin   Dissertation: *Geodesics track random walks in Teichmüller space*

Harvard University   BA 1998
Mathematics and Women's Studies

Appointments

Tufts University
Professor of Mathematics   2021—
Assistant Professor, Associate Professor   2011–2021

Director | Program in Science, Technology, & Society   2015–2021
(on leave 2018–2019)

Principal Investigator | MGGG Redistricting Lab   2017—

Senior Fellow | Tisch College of Civic Life   2017—

University of Michigan
Assistant Professor (postdoctoral)   2008–2011

University of California, Davis
NSF VIGRE Postdoctoral Fellow   2005–2008

Research Interests

Data science for civil rights, computation and governance, elections, geometry and redistricting.
Science, technology, and society, science policy, technology and law.
Random walks and Markov chains, random groups, random constructions in geometry.
Large-scale geometry, metric geometry, isoperimetric inequalities.
Geometric group theory, growth of groups, nilpotent groups, dynamics of group actions.
Geometric topology, hyperbolicity, Teichmüller theory.

Awards & Distinctions

Research Professor - MSRI Program in Analysis and Geometry of Random Spaces   Spring 2022
Guggenheim Fellow   2018
Radcliffe Fellow - Evelyn Green Davis Fellowship   2018–2019
Fellow of the American Mathematical Society   elected 2017
NSF C-ACCEL (PI) - Harnessing the Data Revolution: Network science of Census data   2019–2020
NSF grants (PI) - CAREER grant and three standard Topology grants   2009–2022
Professor of the Year, Tufts Math Society   2012–2013
AAUW Dissertation Fellowship   2004–2005
NSF Graduate Fellowship   1998–2002
Lawrence and Josephine Graves Prize for Excellence in Teaching (U Chicago)   2002
Robert Fletcher Rogers Prize (Harvard Mathematics)   1995–1996

Mathematics Publications & Preprints

The (homological) persistence of gerrymandering
Foundations of Data Science, online first. (with Thomas Needham and Thomas Weighill)

You can hear the shape of a billiard table: Symbolic dynamics and rigidity for flat surfaces
Commentarii Mathematici Helvetici, to appear. arXiv:1804.05690
(with Viveka Erlandsson, Christopher Leininger, and Chandrika Sadanand)

Conjugation curvature for Cayley graphs
Journal of Topology and Analysis, online first. (with Assaf Bar-Natan and Robert Kropholler)

A reversible recombination chain for graph partitions
Preprint. (with Sarah Cannon, Dana Randall, and Parker Rule)

Recombination: A family of Markov chains for redistricting
Harvard Data Science Review. Issue 3.1, Winter 2021. online. (with Daryl DeFord and Justin Solomon)

Census TopDown: The impact of differential privacy on redistricting
2nd Symposium on Foundations of Responsible Computing (FORC 2021), 5:1–5:22. online.
(with Aloni Cohen, JN Matthews, and Bhushan Suwal)

Stars at infinity in Teichmüller space
Geometriae Dedicata, Volume 213, 531–545 (2021). (with Nate Fisher)   arXiv:2004.04321

Random walks and redistricting: New applications of Markov chain Monte Carlo
(with Daryl DeFord) For edited volume, Political Geometry. Under contract with Birkhäuser.

Mathematics of nested districts: The case of Alaska
Statistics and Public Policy. Vol 7, No 1 (2020), 39–51. (w/ Sophia Caldera, Daryl DeFord, Sam Gutekunst, & Cara Nix)

A computational approach to measuring vote elasticity and competitiveness
Statistics and Public Policy. Vol 7, No 1 (2020), 69–86. (with Daryl DeFord and Justin Solomon)

The Heisenberg group is pan-rational
Advances in Mathematics **346** (2019), 219–263. (with Michael Shapiro)

Random nilpotent groups I
IMRN, Vol 2018, Issue 7 (2018), 1921–1953. (with Matthew Cordes, Yen Duong, Meng-Che Ho, and Ayla Sánchez)

Hyperbolic groups
chapter in *Office Hours with a Geometric Group Theorist*, eds. M.Clay,D.Margalit, Princeton U Press (2017), 177–203.

Counting in groups: Fine asymptotic geometry
Notices of the American Mathematical Society **63**, No. 8 (2016), 871–874.

A sharper threshold for random groups at density one-half
Groups, Geometry, and Dynamics **10**, No. 3 (2016), 985–1005.
(with Katarzyna Jankiewicz, Shelby Kilmer, Samuel Lelièvre, John M. Mackay, and Ayla Sánchez)

Equations in nilpotent groups
Proceedings of the American Mathematical Society **143** (2015), 4723–4731. (with Hao Liang and Michael Shapiro)

Statistical hyperbolicity in Teichmüller space
Geometric and Functional Analysis, Volume 24, Issue 3 (2014), 748–795. (with Howard Masur and Spencer Dowdall)

Fine asymptotic geometry of the Heisenberg group
Indiana University Mathematics Journal 63 No. 3 (2014), 885–916. (with Christopher Mooney)

Pushing fillings in right-angled Artin groups
Journal of the LMS, Vol 87, Issue 3 (2013), 663–688. (with Aaron Abrams, Noel Brady, Pallavi Dani, and Robert Young)

Spheres in the curve complex
In the Tradition of Ahlfors and Bers VI, Contemp. Math. **590** (2013), 1–8. (with Howard Masur and Spencer Dowdall)

The sprawl conjecture for convex bodies
Experimental Mathematics, Volume 22, Issue 2 (2013), 113–122. (with Samuel Lelièvre and Christopher Mooney)

Filling loops at infinity in the mapping class group
Michigan Math. J., Vol 61, Issue 4 (2012), 867–874. (with Aaron Abrams, Noel Brady, Pallavi Dani, and Robert Young)

The geometry of spheres in free abelian groups
Geometriae Dedicata, Volume 161, Issue 1 (2012), 169–187. (with Samuel Lelièvre and Christopher Mooney)

Statistical hyperbolicity in groups
Algebraic and Geometric Topology **12** (2012) 1–18. (with Samuel Lelièvre and Christopher Mooney)

Length spectra and degeneration of flat metrics
Inventiones Mathematicae, Volume 182, Issue 2 (2010), 231–277. (with Christopher Leininger and Kasra Rafi)

Divergence of geodesics in Teichmüller space and the mapping class group
Geometric and Functional Analysis, Volume 19, Issue 3 (2009), 722–742. (with Kasra Rafi)

Curvature, stretchiness, and dynamics
In the Tradition of Ahlfors and Bers IV, Contemp. Math. **432** (2007), 19–30.

Geodesics track random walks in Teichmüller space
PhD Dissertation, University of Chicago 2005.

Science, Technology, Law, and Policy Publications & Preprints

Models, Race, and the Law
Yale Law Journal Forum, Vol. 130 (March 2021). Available online. (with Doug Spencer)

Computational Redistricting and the Voting Rights Act
Election Law Journal, Available online. (with Amariah Becker, Dara Gold, and Sam Hirsch)

Discrete geometry for electoral geography
Preprint. (with Bridget Eileen Tenner)   arXiv:1808.05860

Implementing partisan symmetry: Problems and paradoxes
Political Analysis, to appear. (with Daryl DeFord, Natasha Dhamankar, Mackenzie McPike, Gabe Schoenbach, and Ki-Wan Sim)   arXiv:2008:06930

Clustering propensity: A mathematical framework for measuring segregation
Preprint. (with Emilia Alvarez, Everett Meike, and Marshall Mueller; appendix by Tyler Piazza)

Locating the representational baseline: Republicans in Massachusetts
Election Law Journal, Volume 18, Number 4, 2019, 388–401.
(with Taissa Gladkova, Eugene Henninger-Voss, Ben Klingensmith, Heather Newman, and Hannah Wheelen)

Redistricting reform in Virginia: Districting criteria in context
Virginia Policy Review, Volume XII, Issue II, Spring 2019, 120–146. (with Daryl DeFord)

Geometry v. Gerrymandering
The Best Writing on Mathematics 2019, ed. Mircea Pitici. Princeton University Press.
reprinted from Scientific American, November 2018, 48–53.

Gerrymandering metrics: How to measure? What's the baseline?
Bulletin of the American Academy for Arts and Sciences, Vol. LXII, No. 2 (Winter 2018), 54–58.

Rebooting the mathematics of gerrymandering: How can geometry track with our political values?
The Conversation (online magazine), October 2017. (with Peter Levine)

A formula goes to court: Partisan gerrymandering and the efficiency gap
Notices of the American Mathematical Society **64** No. 9 (2017), 1020–1024. (with Mira Bernstein)

International mobility and U.S. mathematics
Notices of the American Mathematical Society **64**, No. 7 (2017), 682–683.

Graduate Advising in Mathematics
_____

Nate Fisher (PhD 2021),   Sunrose Shrestha (PhD 2020),   Ayla Sánchez (PhD 2017),
Kevin Buckles (PhD 2015),   Mai Mansouri (MS 2014)

Outside committee member for Chris Coscia (PhD 2020), Dartmouth College

Postdoctoral Advising in Mathematics
_____

Principal supervisor Thomas Weighill (2019–2020)

Co-supervisor Daryl DeFord (MIT 2018–2020), Rob Kropholler (2017–2020), Hao Liang (2013–2016)

Teaching
_____

Courses Developed or Customized

Mathematics of Social Choice | sites.tufts.edu/socialchoice
Voting theory, impossibility theorems, redistricting, theory of representative democracy, metrics of fairness.

History of Mathematics | sites.tufts.edu/histmath
Social history of mathematics, organized around episodes from antiquity to present. Themes include materials and technologies of creation and dissemination, axioms, authority, credibility, and professionalization. In-depth treatment of mathematical content from numeration to cardinal arithmetic to Galois theory.

Reading Lab: Mathematical Models in Social Context | sites.tufts.edu/models
One hr/wk discussion seminar of short but close reading on topics in mathematical modeling, including history of psychometrics; algorithmic bias; philosophy of statistics; problems of model explanation and interpretation.

Geometric Literacy
Module-based graduate topics course. Modules have included: p-adic numbers, hyperbolic geometry, nilpotent geometry, Lie groups, convex geometry and analysis, the complex of curves, ergodic theory, the Gauss circle problem.

Markov Chains (graduate topics course)
Teichmüller Theory (graduate topics course)
Fuchsian Groups (graduate topics course)
Continued Fractions and Geometric Coding (undergraduate topics course)
Mathematics for Elementary School Teachers

Standard Courses

Discrete Mathematics, Calculus I-II-III, Intro to Proofs, Linear Algebra, Complex Analysis, Differential Geometry, Abstract Algebra, Graduate Real Analysis, Mathematical Modeling and Computation

Weekly Seminars Organized

- Geometric Group Theory and Topology
- Science, Technology, and Society Lunch Seminar

Selected Talks and Lectures

Distinguished Plenary Lecture
75th Anniversary Meeting of Canadian Mathematical Society, Ottawa, Ontario

June 2021
online (COVID)

BMC/BAMC Public Lecture
Joint British Mathematics/Applied Mathematics Colloquium, Glasgow, Scotland

April 2021
online (COVID)

AMS Einstein Public Lecture in Mathematics
Southeastern Sectional Meeting of the AMS, Charlottesville, VA

[March 2020]
postponed

Gerald and Judith Porter Public Lecture
AMS-MAA-SIAM, Joint Mathematics Meetings, San Diego, CA

January 2018

Mathematical Association of America Distinguished Lecture
MAA Carriage House, Washington, DC

October 2016

American Mathematical Society Invited Address
 AMS Eastern Sectional Meeting, Brunswick, ME

September 2016

Named University Lectures

- Parsons Lecture | UNC Asheville — October 2020
- Loeb Lectures in Mathematics | Washington University in St. Louis — [March 2020]
- Math, Stats, CS, and Society | Macalester College — October 2019
- MRC Public Lecture | Stanford University — May 2019
- Freedman Memorial Colloquium | Boston University — March 2019
- Julian Clancy Frazier Colloquium Lecture | U.S. Naval Academy — January 2019
- Barnett Lecture | University of Cincinnati — October 2018
- School of Science Colloquium Series | The College of New Jersey — March 2018
- Kieval Lecture | Cornell University — February 2018
- G. Milton Wing Lectures | University of Rochester — October 2017
- Norman Johnson Lecture | Wheaton College — September 2017
- Dan E. Christie Lecture | Bowdoin College — September 2017

Math/Computer Science Department Colloquia

- Reed College	Dec 2020		- Université de Neuchâtel	Jun 2016
- Georgetown (CS)	Sept 2020		- Brandeis University	Mar 2016
- Santa Fe Institute	July 2020		- Swarthmore College	Oct 2015
- UC Berkeley	Sept 2018		- Bowling Green	May 2015
- Brandeis-Harvard-MIT-NEU	Mar 2018		- City College of New York	Feb 2015
- Northwestern University	Oct 2017		- Indiana University	Nov 2014
- University of Illinois	Sept 2017		- the Technion	Oct 2014
- University of Utah	Aug 2017		- Wisconsin–Madison	Sept 2014
- Wesleyan	Dec 2016		- Stony Brook	March 2013
- Worcester Polytechnic Inst.	Dec 2016			

Minicourses

- Integer programming and combinatorial optimization (two talks) | Georgia Tech — May 2021
- Workshop in geometric topology (main speaker, three talks) | Provo, UT — June 2017
- Growth in groups (two talks) | MSRI, Berkeley, CA — August 2016
- Hyperbolicity in Teichmüller space (three talks) | Université de Grenoble — May 2016
- Counting and growth (four talks) | IAS Women's Program, Princeton — May 2016
- Nilpotent groups (three talks) | Seoul National University — October 2014
- Sub-Finsler geometry of nilpotent groups (five talks) | Galatasaray Univ., Istanbul — April 2014

Science, Technology, and Society

- The Mathematics of Accountability | Sawyer Seminar, Anthropology, Johns Hopkins — February 2020
- STS Circle | Harvard Kennedy School of Government — September 2019
- Data, Classification, and Everyday Life Symposium | Rutgers Center for Cultural Analysis — January 2019
- Science Studies Colloquium | UC San Diego — January 2019
- Arthur Miller Lecture on Science and Ethics | MIT Program in Science, Tech, and Society — November 2018

Data Science, Computer Science, Quantitative Social Science

- Data Science for Social Good Workshop (DS4SG) | Georgia Tech (virtual) — November 2020
- Privacy Tools Project Retreat | Harvard (virtual) — May 2020
- Women in Data Science Conference | Microsoft Research New England — March 2020
- Quantitative Research Methods Workshop | Yale Center for the Study of American Politics — February 2020
- Societal Concerns in Algorithms and Data Analysis | Weizmann Institute — December 2018
- Quantitative Collaborative | University of Virginia — March 2018
- Quantitative Social Science | Dartmouth College — September 2017
- Data for Black Lives Conference | MIT — November 2017

Political Science, Geography, Law, Democracy, Fairness

- The Long 19th Amendment: Women, Voting, and American Democracy | Radcliffe Institute — Nov–Dec 2020
- "The New Math" for Civil Rights | Social Justice Speaker Series, Davidson College — November 2020
- Math, Law, and Racial Fairness | Justice Speaker Series, University of South Carolina — November 2020
- Voting Rights Conference | Northeastern Public Interest Law Program — September 2020
- Political Analysis Workshop | Indiana University — November 2019
- Program in Public Law Panel | Duke Law School — October 2019
- Redistricting 2021 Seminar | University of Chicago Institute of Politics — May 2019
- Geography of Redistricting Conference Keynote | Harvard Center for Geographic Analysis — May 2019
- Political Analytics Conference | Harvard University — November 2018
- Cyber Security, Law, and Society Alliance | Boston University — September 2018
- Clough Center for the Study of Constitutional Democracy | Boston College — November 2017
- Tech/Law Colloquium Series | Cornell Tech — November 2017
- Constitution Day Lecture | Rockefeller Center for Public Policy, Dartmouth College — September 2017

Editorial Boards

Harvard Data Science Review
Associate Editor — since 2019

Advances in Mathematics
Member, Editorial Board — since 2018

Selected Professional and Public Service

Amicus Brief of Mathematicians, Law Professors, and Students   2019
principal co-authors: Guy-Uriel Charles and Moon Duchin

Supreme Court of the United States, in Rucho v. Common Cause - cited in dissent

Committee on Science Policy   2020–2023
American Mathematical Society

Program Committee   2020–2021
Symposium on Foundations of Responsible Computing

Presenter on Public Mapping, Statistical Modeling   2019, 2020
National Conference of State Legislatures

Committee on the Human Rights of Mathematicians   2016–2019
American Mathematical Society

Committee on The Future of Voting: Accessible, Reliable, Verifiable Technology   2017–2018
National Academies of Science, Engineering, and Medicine

Visiting Positions and Residential Fellowships

Visiting Professor Department of Mathematics   Fall 2021
Boston College | Chestnut Hill, MA

Fellow Radcliffe Institute for Advanced Study   2018–19
Harvard University | Cambridge, MA

Member Center of Mathematical Sciences and Applications   2018–19
Harvard University | Cambridge, MA

Visitor Microsoft Research Lab   2018–19
MSR New England | Cambridge, MA

Research Member Geometric Group Theory program   Fall 2016
Mathematical Sciences Research Institute | Berkeley, CA

Research Member Random Walks and Asymptotic Geometry of Groups program   Spring 2014
Institut Henri Poincaré | Paris, France

Research Member Low-dimensional Topology, Geometry, and Dynamics program   Fall 2013
Institute for Computational and Experimental Research in Mathematics | Providence, RI

Research Member Geometric and Analytic Aspects of Group Theory program   May 2012
Institut Mittag-Leffler | Stockholm, Sweden

Research Member Quantitative Geometry program   Fall 2011
Mathematical Sciences Research Institute | Berkeley, CA

Postdoctoral Fellow Teichmüller "project blanc"   Spring 2009
Agence Nationale de la Recherche (Collège de France) | Paris, France

21 CV 015426

STATE OF NORTH CAROLINA   FILED   IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF WAKE   2021 NOV 16 P 4: 29   __ CVS __

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS; KATHERINE NEWHALL; R. JASON PARSLEY; EDNA SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN KING JOHNSON; REVEREND REGINALD WELLS; YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L. JERMAN; VIOLA RYALS FIGUEROA; and COSMOS GEORGE, Plaintiffs, v. REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting; SENATOR WARREN DANIEL, in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; SENATOR RALPH E. HISE, JR., in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; SENATOR PAUL NEWTON, in his official capacity as Co-Chair of the Senate Standing Committee on Redistricting and Elections; REPRESENTATIVE TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives; SENATOR PHILIP E. BERGER, in his official capacity as President Pro Tempore of the North Carolina Senate; THE STATE OF NORTH CAROLINA; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official capacity as Chairman of the North Carolina State Board of Elections; STELLA ANDERSON, in her official capacity as Secretary of the North Carolina State Board of Elections; JEFF CARMON III, in his official capacity as Member of the North Carolina State Board of Elections; STACY EGGERS IV, in his official capacity as Member of the North Carolina State Board of Elections; TOMMY TUCKER, in his official capacity as Member of the North Carolina State Board of Elections; and KAREN BRINSON BELL, in her official capacity as Executive Director of the North Carolina State Board of Elections, Defendants.	**AFFIDAVIT OF GRACE LIBERMAN**

I, Grace Liberman, having been duly sworn by an officer authorized to administer oaths, depose and state as follows:

1. I am a Paralegal at Jenner & Block LLP, counsel for Plaintiffs in this matter. On November 15 and 16, 2021, I watched the recordings of the public hearings conducted in the North Carolina General Assembly during the 2021 redistricting process. I submit this affidavit to attest to the legitimacy of the quotes from those hearings, referenced herein and in Plaintiffs' Verified Complaint, in support of Plaintiffs' Verified Complaint and Motion for Preliminary Injunction.

2. On October 5, 2021, the House Redistricting Committee held a hearing. A recording of that meeting was posted by the North Carolina General Assembly (NCGA) Redistricting account and can be found at https://www.youtube.com/watch?v=9UsiS_6rlUA. In the recording, Representative Hawkins and Chair Hall had the following exchange from 1:49:03 to 1:50:31.

   > Rep. Hawkins: "My birthday's in May, so I was always used to having a May primary. And I understood you know why we moved it to March to play in the presidential, but this is a midterm. And so is there any appetite, potentially, to move the primary back to May in the midterm versus the way we do it in presidential years—to give us the ample amount of time to work on these maps and have the potential public comment and have the fun that we did last go round on this project?"

   > Chair Hall: "You know, I'll answer that question by saying, you know, I haven't seen that appetite from the body, you know, I chair Redistricting and Rules, and I will, I will leave it at that, that I, you know, I don't anticipate us moving that deadline back. I think for a number of reasons, but one of the best reasons, I think, is you know folks who folks have planned for that for some time now, and I certainly understand the gentleman's argument that perhaps it gives us more time to get it done but at the same, on the same token, you have got folks who have been running for may be statewide offices, and you've got folks who have planned to run at given times, and so at this point in the game, I anticipate keeping our filing deadlines as is."

Rep. Hawkins: "Sure, well, I would just argue, Mr. Chairman, that it gives those people—North Carolina has 10.5 million people, and it's a pretty big state—so that would give the statewide folks a lot of time to get to know people of North Carolina."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:50:45 to 1:51:24:

Rep. Harrison: "When you were talking about us being bound by the criteria of not using race or partisan data, so any individual can any member of the House can draw a district—will they be bound by the same criteria?"

Chair Hall: "Yes, so to be clear, only a map that's drawn in this room is going to be considered by this Committee. And on these computers in this room, you essentially are bound by that criteria because there is no racial data or election data that's loaded into these computers."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:51:44 to 1:52:39:

Rep. Harrison: "But it seems like if you come in and you might have the material with you, it might not be actually loaded in the software, but you might actually have—I just didn't know if there was some way to enforce that, or how do you plan to do that?"

Chair Hall: "Well, you know, I don't plan to search every member who comes into this committee room, nor do I want to do that. I don't want to know what some of y'all have in there, but you know, it's one of those things, where at the end of the day, the members of this committee are elected representatives. You're elected by your constituents to come up here and do a job, and you know, I'm not going to, I always try not to question people's motives when they do something, and I think this falls in that same vein, so you know, members can, are free to handle those issues as they see fit, but they will follow the criteria in the sense that that data is not in these computers, but I'm not going to, I'm not going to search their bags when they walk in."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:53:24 to 1:54:44:

Rep. Harrison: "I don't want to belabor the point, but in the last meeting we had, on August 18th, I, several of us had had gotten together, and advocates had

proposed a public participation process and a transparency process. We also all received a letter from Caroline Frye (sp) on Friday that came from a large group of advocates asking for procedures to be followed by this committee. One of those is transparency related to third party participation, disclosure of that. Is there any plan to, to the extent that folks are consulting with counsel or data people, or is there any plan for disclosure of that sort of issue?"

Chair Hall: "You know in the same vein of as Chair of this Committee, I'm not going to make it a practice to search people's folders or their bags when they come into this room, I'm also not going to inquire into everybody that they're talking to one way or the other. Again, we're all elected here, you've got a duty to your constituents, and you've got a decision to make as to how you want to carry out that duty. But I as the Chair of this Committee, I'm not going to police who folks are talking to."

In the same hearing, as recorded in the NCGA video linked above, Representative Reives

and Chair Hall had the following exchange from 2:05:22 to 2:08:05:

Rep. Reives: "My concern is similar to Representative Harrison's concern, because here here seems to be the problem that you run into—so let's say somebody, I mean, and I'll use somebody who would never do this, I'll use Representative Bell – So, let's say Representative Bell comes in and he's gone and he's talked to you know non-member Billy Richardson and Billy has said oh man this would be a great map for you John Bell, because you know, you put all the Democrats over here, you put all the Republicans here, and then you got all the black people here and white people here and all that stuff—obviously using racial and partisan data that we're not using. And so, then he says here's my map, so you don't have to worry about drawing it. Well, if Representative Bell, under what I'm hearing, brings that map in, sits it down in front of him at the terminal and just draws it on the computer, then he at that time has been allowed to draw a map that's been drawn on a computer, so it can be used, but it's still using racial and partisan data, and and I'm just like Representative Harrison, I'm definitely not asking anybody police anyone. But do we have anything in place that would kind of help prevent that, because to me that seems an easy get around in a legal sense, around the criteria that we've set up."

Chair Hall: "Well, you know, I would initially say, that the problem that you face at the end of the day, as the gentleman already knows, and as I've said, I don't think I have the ability to police members of this committee, nor do I want to try to do that. I don't think it can effectively be done. The committees of this, the members of this committee have an elective duty to do things, I think in the right way. And we have a set of criteria that we have used in here. I know I'm not going to bring in a map and sit down and draw it. But the reality is we're elected officials and people talk to us and they call us all the time and throughout this process many members of the committee and the body are going to be told by

folks, whether in their district or in the halls out here, what they think they should do and in fact, as many of the questions today have shown us the members of this committee really want the public's comment, and you know those members of the public may say, Representative Reives, I want you to draw the district this way and I want you to do this precinct and that's up for you, that's up to you to determine how you want to handle doing that but at the end of the day, I think we've done all that we can in the sense of we're only putting the data that's allowed to be used in the computers in this room and we've got a live audio feed and a live video feed. I'm not sure that we can do a whole lot else humanly to prevent any sort of noise, so to speak, from coming in other than doing those things."

3. On November 1, 2021, the Senate Redistricting Committee held a hearing. A recording that meeting was uploaded by the NCGA Redistricting account and can be found at https://www.youtube.com/watch?v=KgSkfFY7r7g. In the recording, Senator Nickel made the following statement from 51:39 to 54:27.

> Sen. Nickel: "This is what this map is—it's a 10-11, or, sorry, a 10-4 or an 11-3 depending on that one area where G.K. [Butterfield] is. And we've been through decades of litigation on this.
>
> Ten years ago, David Lewis was the lead Republican author when we drew maps. He's now a convicted felon. At the time he said, I think electing Republicans is better than electing Democrats, so I drew this map to help foster what I think is better for the country. He then said, I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats, because I don't believe it would be possible to draw an 11-2 map.
>
> Now, Mr. Chairman, I know you are too smart to say something like that. And I'm not going to try to play gotcha here, because I know you're briefed and you're not going to say something as as as bad as that. But I do recall on the floor the last go-around when Senator Tillman was talking, I thought you were going to have a heart attack, when he started talking about how Republicans were going to draw Republican maps and he made his position very clear about that. And you know, it'd be great if we could have an honest debate about this, but this is what we see here.
>
> And you don't need to say anything, because this map speaks louder than words. You can't argue with the math. And it's right there in front of us: We've heard the public comments. We've heard the outside experts, and you can see in my diagram exactly what's going on. This is a map that robs 10.7 North Carolinians of any real choice at the ballot box. It's a map that guarantees that 10 or 11 Republicans will be elected in our 50-50 state. It doesn't pass the eye

test. It doesn't pass the smell test. I wish I cou- I wish I could make this committee understand why this is so wrong. Why this is so wrong for every single voter in our state.

And I wish we could sit down and have a private conversation about this with folks who would truly listen and truly find a compromise on this. And I wish we could have a competition at the ballot box for for the best ideas. But you can't have a competition at the ballot box for the best ideas when you decide the outcome in advance. This is not a fair fight. You know we could do 50-50 districts in every part of the state. And I think the most important question is very simple. With this whole process, you know in this committee and on the floor of the senate is how greedy are you going to be with these maps. If you pass an 11-3 or a 10-4 map, I think you can guarantee action by the state Supreme Court on state constitutional grounds. We have heard what they said the last go-around and we fixed our maps. We came back and drew an 8-5 map. Now you're taking seats to make an 11-3 map or a 10-4. Control of the next Congress will be decided by just a few seats and just by drawing the lines we can decide who is going to be in control of the next Congress. So, this is a big deal for my constituents, for all of our folks."

4. On November 3, 2021, the House Redistricting Committee held a hearing. A recording of

    that meeting was uploaded by the NCGA Redistricting account and can be found here:

    https://www.youtube.com/watch?v=M53S7TbN6ew. In the recording, Representative

    Harrison made the following comment from 50:30 to 50:59:

    Rep. Harrison: "I think that it was a problem for us not to consider, as I said, on the Senate maps and the House maps, the Voting Rights Act implications for this because I think you have a serious violation here with the African American populations in Greensboro that are all divided up. I - I just don't understand it. I think it's a terrible congressional map. The the partisan analysis shows this as a possible 11-3 in a 50-50 state, and that's just flat wrong."

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Signed this the 16th day of November.

Grace Liberman (signature)

Grace Liberman

District of Columbia

Signed and sworn to (or affirmed) before me on

Nov 16, 2021 by Grace Liberman

Cheryl L. Olson (signature)

Cheryl L. Olson, Notary Public   Seal

My commission expires October 31, 2024.

21 CV 015826

STATE OF NORTH CAROLINA

COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2021 NOV 16 P 4: 30

CVS

WAKE CO., C.S.C.

BY

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE
LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS;
KATHERINE NEWHALL; R. JASON PARSLEY; EDNA
SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN
KING JOHNSON; REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L.
JERMAN; VIOLA RYALS FIGUEROA; and COSMOS
GEORGE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official capacity as
Chair of the House Standing Committee on Redistricting;
SENATOR WARREN DANIEL, in his official capacity as Co-
Chair of the Senate Standing Committee on Redistricting and
Elections; SENATOR RALPH E. HISE, JR., in his official
capacity as Co-Chair of the Senate Standing Committee on
Redistricting and Elections; SENATOR PAUL NEWTON, in
his official capacity as Co-Chair of the Senate Standing
Committee on Redistricting and Elections; REPRESENTATIVE
TIMOTHY K. MOORE, in his official capacity as Speaker of
the North Carolina House of Representatives; SENATOR
PHILIP E. BERGER, in his official capacity as President Pro
Tempore of the North Carolina Senate; THE STATE OF
NORTH CAROLINA; THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official
capacity as Chairman of the North Carolina State Board of
Elections; STELLA ANDERSON, in her official capacity as
Secretary of the North Carolina State Board of Elections; JEFF
CARMON III, in his official capacity as Member of the North
Carolina State Board of Elections; STACY EGGERS IV, in his
official capacity as Member of the North Carolina State Board of
Elections; TOMMY TUCKER, in his official capacity as
Member of the North Carolina State Board of Elections; and
KAREN BRINSON BELL, in her official capacity as Executive
Director of the North Carolina State Board of Elections,

Defendants.

**AFFIDAVIT OF
STEPHEN D.
FELDMAN**

1.   I, Stephen D. Feldman, am an attorney at Robinson, Bradshaw & Hinson, P.A., counsel for Plaintiffs in this matter. I submit this affidavit to attest to the authenticity of the exhibits, attached hereto, in support of Plaintiffs' Verified Complaint and Motion for a Preliminary Injunction.

2.   Exhibit A consists of the congressional map enacted by the General Assembly on November 4, 2021, as S.B. 740, S.L. 2021-174.

3.   Exhibit B consists of the North Carolina Senate map enacted by the General Assembly on November 4, 2021, as S.B. 739, S.L. 2021-173.

4.   Exhibit C consists of the North Carolina House of Representatives map enacted by the General Assembly on November 4, 2021, as H.B. 976, S.L. 2021-175.

5.   Exhibit D consists of the map identified in Plaintiffs' Verified Complaint as the Optimized Congressional Map.

6.   Exhibit E consists of the map identified in Plaintiffs' Verified Complaint as the Optimized Senate Map.

7.   Exhibit F consists of the map identified in Plaintiffs' Verified Complaint as the Optimized House Map.

8.   Exhibit G consists of the locational data for the Optimized Congressional Map.

9.   Exhibit H consists of the locational data for the Optimized Senate Map.

10.   Exhibit I consists of the locational data for the Optimized House Map.

11.   Exhibit J consists of Press Release, U.S. Census Bureau, *Census Bureau Statement on Redistricting Data Timeline* (Feb. 12, 2021), https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html.

12.   Exhibit K consists of Press Release, U.S. Census Bureau, *2020 Census Statistics Highlight Local Population Changes and Nation's Ethnic and Racial Diversity* (Aug. 12, 2021), https://www.census.gov/newsroom/press-releases/2021/population-changes-nations-diversity.html.

13.   Exhibit L consists of *A Look Back at North Carolina's Historic 2020 Election & Looking Ahead at 2021*, N.C. State Board of Elections (Feb. 24, 2021) https://www.ncleg.gov/documentsites/committees/House2021-21/02-24-21/House%20Elections%20Committee%20Presentation%202-24-2021%20FINALv2.pdf.

14.   Exhibit M consists of *Amendment to Proposed Criteria,* House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Aug. 12, 2021), https://www.ncleg.gov/documentsites/committees/Senate2021-154/2021/08-12-2021/Proposed%20Amendments/Voting%20Rights%20Act.Amendment.pdf.

15.   Exhibit N consists of *Criteria Adopted by the Committees*, House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Aug. 12, 2021), https://www.ncleg.gov/documentsites/committees/Senate2021-154/2021/08-12-2021/Criteria.adopted.8.12.pdf.

16.   Exhibit O consists of Christopher Cooper et al., *NC General Assembly County Clusterings from the 2020 Census,* Quantifying Gerrymandering (Aug. 17, 2021), https://sites.duke.edu/quantifyinggerrymandering/files/2021/08/countyClusters2020.pdf.

17.   Exhibit P consists of *Joint Public Hearing Schedule,* House Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General Assembly (Sept. 13, 2021), https://www.ncleg.gov/documentsites/committees/Senate2021-

154/2021/General%20Redistricting%20Information/Public%20Hearing%20Schedule%20with%2

0addresses.pdf.

18.   Exhibit Q consists of *2021 Joint Redistricting Committee Proposed Criteria*, House

Committee on Redistricting & Senate Committee on Redistricting and Elections, N.C. General

Assembly,   https://www.ncleg.gov/documentsites/committees/Senate2021-154/2021/08-09-

2021/2021%20Joint%20Redistricting%20Committee%20Plan%20Proposed%20Criteria.pdf.

19.   Exhibit R consists of *Duke Senate Groupings*, Senate Redistricting and Elections

Committee, N.C. General Assembly, https://ncleg.gov/documentsites/committees/Senate2021-

154/2021/10-05-2021/Duke%20Senate%20Groupings%20Maps%2011x17.pdf.

20.   Exhibit S consists of *Duke House Groupings*, House Redistricting Committee, N.C.

General Assembly, https://ncleg.gov/documentsites/committees/House2021-182/2021/10-05-

21/Duke%20House%20Groupings%20Maps%2011x17.pdf.

21.   Exhibit T consists of *Running for Office*, N.C. State Board of Elections,

https://www.ncsbe.gov/candidates/running-office.

22.   Exhibit U consists of Bryan Anderson, *N Carolina Elections Head: Delay '21 City

Races, '22 Primary*, Associated Press (Feb. 23, 2021), https://apnews.com/article

/redistricting-municipal-elections-north-carolina-elections-fdc23aca0ba9981944a944923937f46c.

23.   Exhibit V consists of Lucille Sherman, *NC Lawmakers Move to Bar the Use of

Racial, Election Data in Drawing Election Districts*, Raleigh News & Observer (Aug. 11, 2021),

https://www.newsobserver.com/news/politics-government/article253397675.html.

24.   Exhibit W consists of Rusty Jacobs, *NC Lawmakers Adopt Criteria for Next Round

of Redistricting*, WUNC (Aug. 12, 2021), https://www.wunc.org/politics/2021-08-12/nc-

lawmakers-adopt-criteria-for-next-round-of-redistricting.

25.   Exhibit X consists of Lucille Sherman, *NC Lawmakers Will Not Use Racial and Election Data from the Census to Draw District Maps*, Raleigh News & Observer (Aug. 13, 2021), https://www.newsobserver.com/news/politics-government/article253434564.html.

26.   Exhibit Y consists of Yanqi Xu, *Republican Legislators Reject Democrats' Proposal to Include Racial Data in Redistricting*, NC Policy Watch (Aug. 13, 2021), https://www.ncpolicywatch.com/2021/08/13/republican-legislators-reject-democrats-proposal-to-include-racial-data-in-redistricting.

27.   Exhibit Z consists of Charles Duncan, *First Maps Posted in N.C. Redistricting, Public Hearings Scheduled*, Spectrum News 1 (Oct. 21, 2021), https://spectrumlocalnews.com/nc/charlotte/politics/2021/10/21/first-maps-posted-in-n-c--redistricting--public-hearings-scheduled.

28.   Exhibit AA consists of Gary D. Robertson, *NC Redistricting Hearing Speakers Criticize GOP Proposals*, Associated Press (Oct. 25, 2021), https://www.usnews.com/news/best-states/north-carolina/articles/2021-10-25/public-hearings-offer-input-on-nc-redistricting-proposals.

29.   Exhibit AB consists of Will Doran, *NC Lawmakers File Their Official Redistricting Plans, Giving GOP a Solid Edge*, Raleigh News & Observer (Oct. 29, 2021), https://www.newsobserver.com/news/politics-government/article255390786.html.

30.   Exhibit AC consists of Gary D. Robertson, *NC Congressional Map That Helps GOP Gets Senate Panel's OK*, Associated Press (Nov. 1, 2021), https://apnews.com/article/north-carolina-legislature-voting-rights-redistricting-congress-f11be13a63b159abaa926928c96413a2.

4

31.   Exhibit AD consists of Will Doran & Brian Murphy, *North Carolina Could Have New Political Maps This Week. Here's Where Things Stand*, Raleigh News & Observer (Nov. 3, 2021), https://www.newsobserver.com/news/politics-government/article255506961.html.

32.   Exhibit AE consists of Will Doran, *Take a Closer Look at North Carolina's Approved Political Maps for Congress, Legislature*, Raleigh News & Observer (Nov. 4, 2021), https://www.newsobserver.com/news/politics-government/article255552826.html.
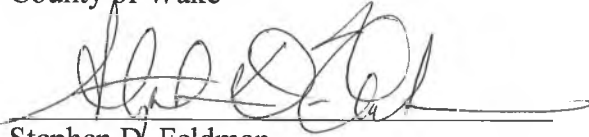
33.   Exhibit AF consists of Gary D. Robertson, *North Carolina GOP Nears Completion of Redistricting Maps*, Associated Press (Nov. 4, 2021), https://www.newsobserver.com/news/state/north-carolina/article255525166.html.

34.   Exhibit AG consists of Charles Duncan, *Redistricting in N.C.: New Maps Approved, Favoring GOP*, Spectrum News 1 (Nov. 4, 2021), https://spectrumlocalnews.com/nc/charlotte/politics/2021/11/04/redistricting-in-n-c---new-maps-approved--favoring-gop.

35.   Exhibit AH consists of Rusty Jacobs, *The General Assembly Has Passed GOP-Drawn Maps, Setting Stage for Likely Legal Challenges*, WFAE (Nov. 4, 2021), https://www.wfae.org/politics/2021-11-04/the-general-assembly-has-passed-gop-drawn-maps-setting-stage-for-likely-legal-challenges.

North Carolina

County of Wake

Stephen D. Feldman

Sworn to (or affirmed) and subscribed before me this the 16th day of November, 2021.

(Official Seal)

Official Signature of Notary

| KEVIN RICHESON |
| NOTARY PUBLIC |
| Wake County |
| North Carolina |
| My Commission Expires 01/28/2026 |
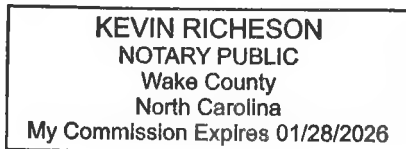
Kevin Richeson, Notary Public

My commission expires: 01/28/2026

EXHIBIT A

S.L. 2021-174 Congress

Legend

☐ District
☐ County

SL 2021-174 Congress

Printed by the NC General Assembly, November 4, 2021
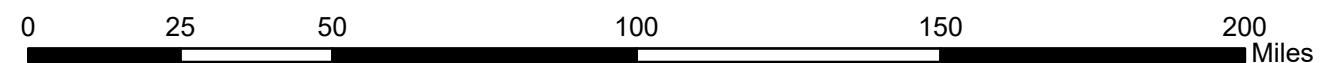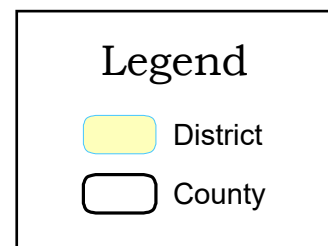
EXHIBIT B

S.L. 2021-173 Senate

Legend
- District
- County
- Groupings

Source: SL 2021-173 Senate

Printed by the NC General Assembly, November 4, 2021
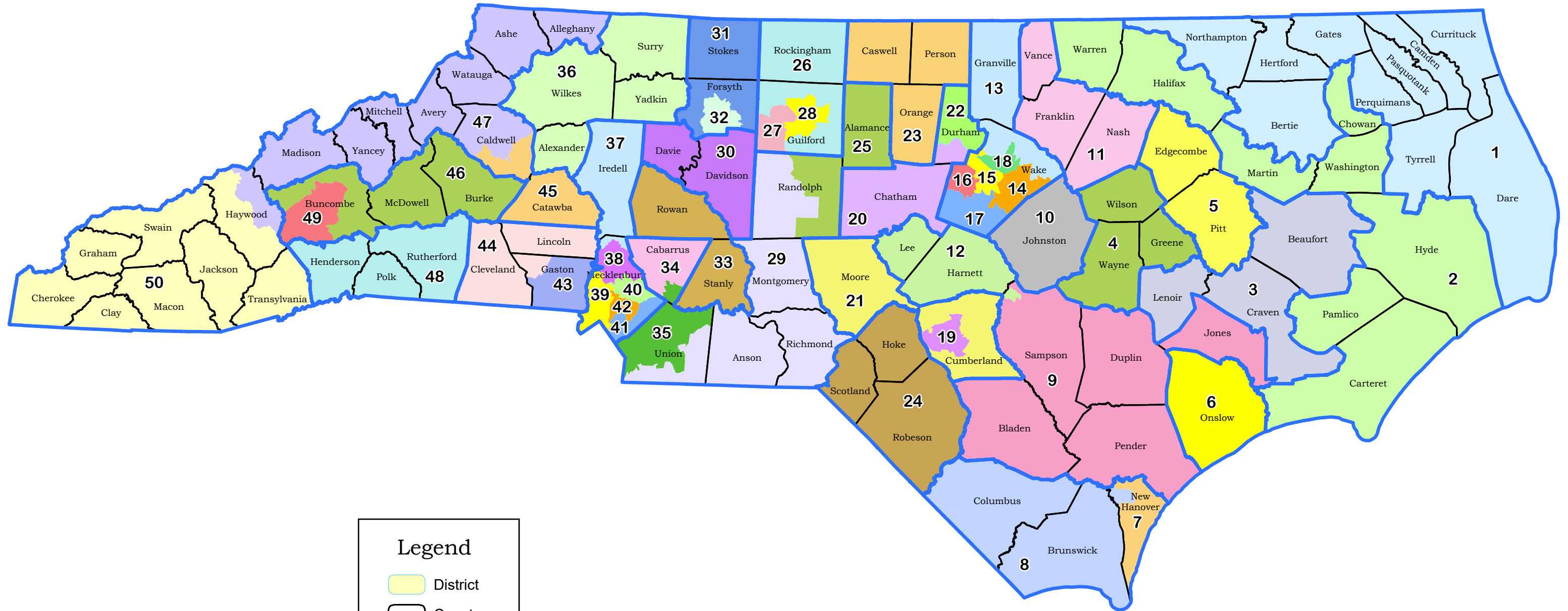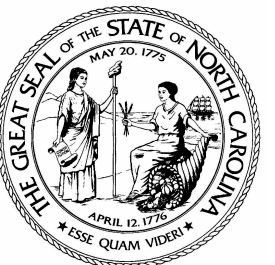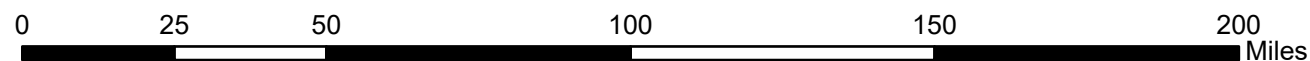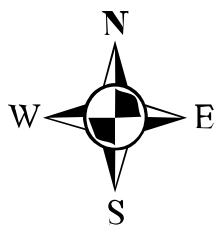
EXHIBIT C

S.L. 2021-175 House

Legend
- District
- County
- Groupings

N
W E
S

0 25 50 100 150 200 Miles

Source: SL 2021-175 House

Printed by the NC General Assembly, November 4, 2021
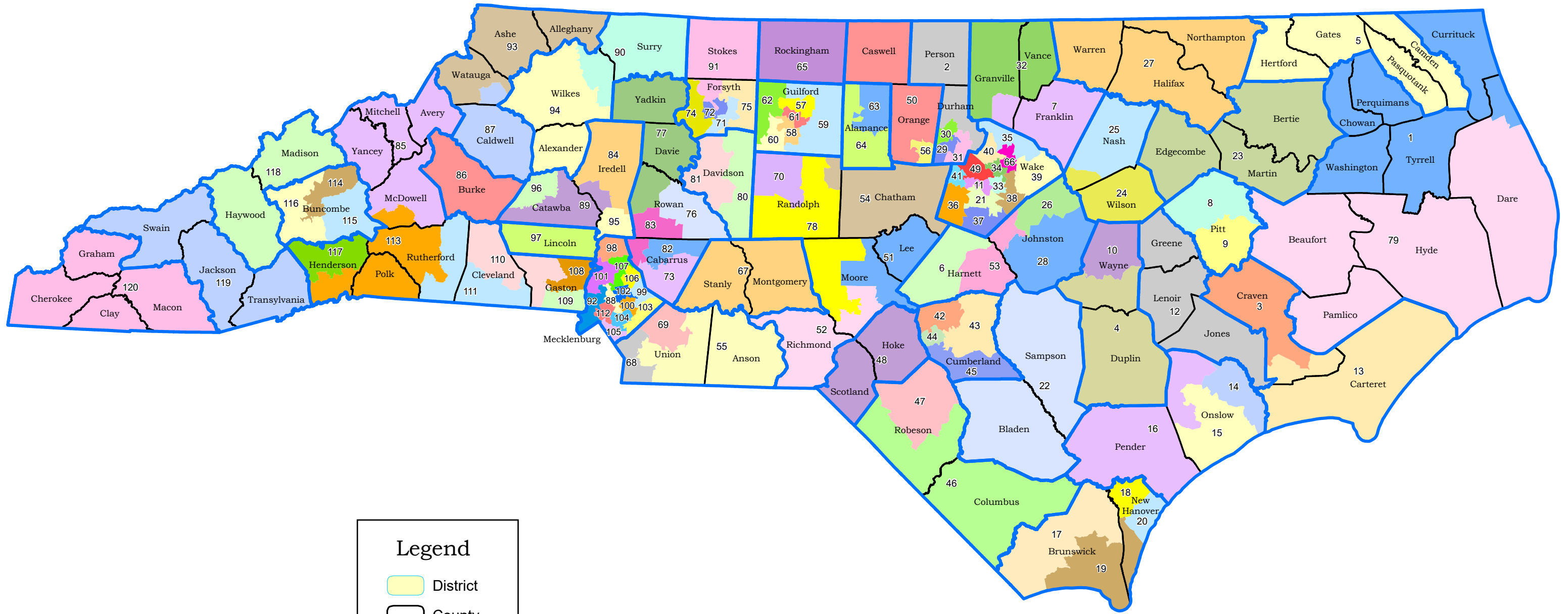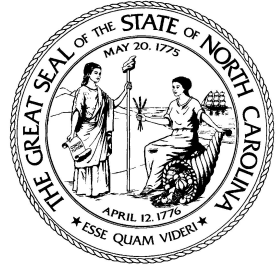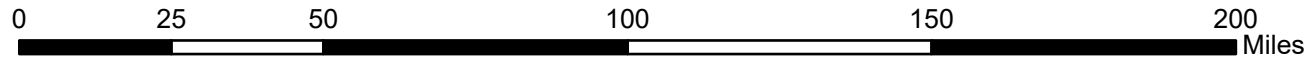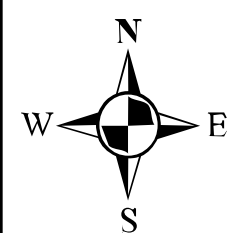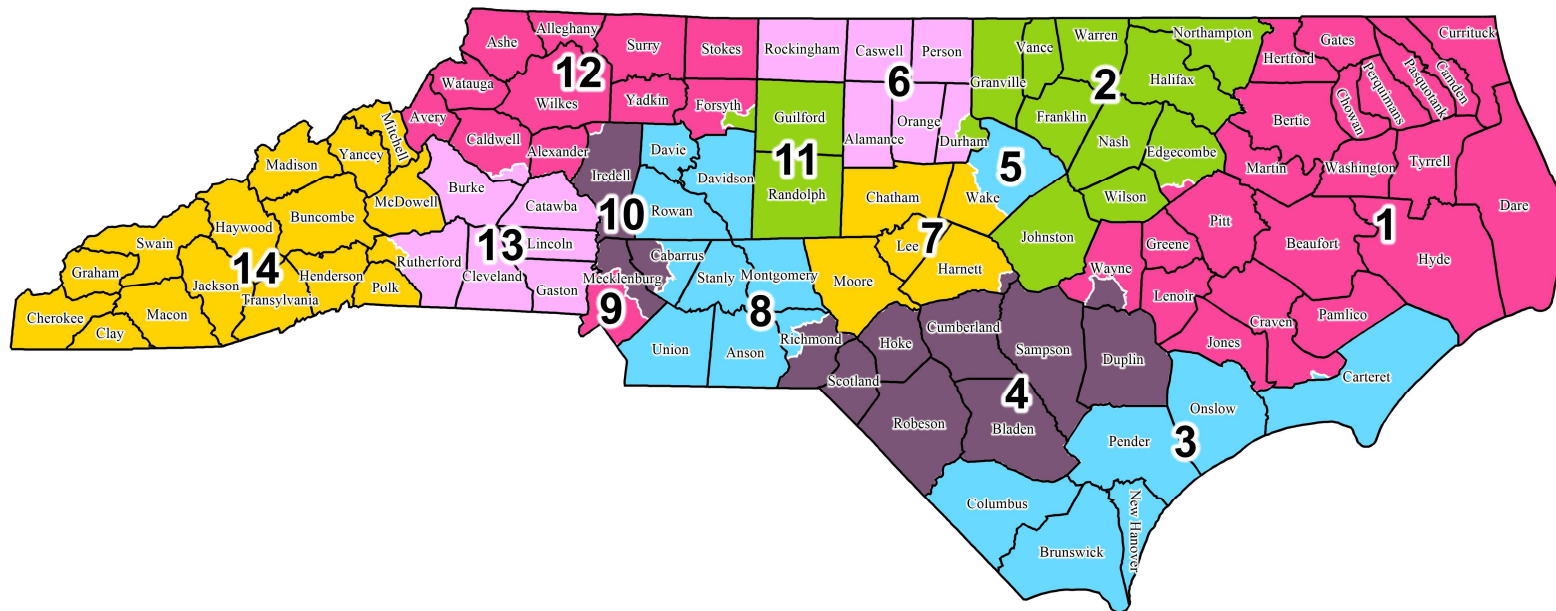
EXHIBIT D

©2021 CALIPER

Legend
Districts
County

EXHIBIT E

©2021 CALIPER

Legend
District
County
Grouping

Caswell

Surry

26

Rockingham

Stokes

32

31

28

Yadkin

73

840

27

Forsyth

Orange

785

Alamance

85

40

Davie

Guilford

Davidson

285

30

25

85

20

74

Chatham

Randolph

©2021 CALIPER; ©2020 HERE

Legend
District
County
Grouping
Interstate

Lincoln

33

Gaston

34

Cabarrus

Stanly

43

38

Mecklenburg

40

44

39

42

41

35

Anson

©2021 CALIPER; ©2020 HERE

Legend

District

County

Grouping

Interstate

Granville

22

Durham

11

Franklin

13

Nash

15

18

440

540

Wake

20

16

87

Chatham

4

Wilson

14

17

10

Johnston

12

Lee

Harnett

95

40

©2021 CALIPER; ©2020 HERE

Legend
District
County
Grouping
Interstate

EXHIBIT F

©2021 CALIPER

Map layers
Districts
County
Grouping

Surry

90

Stokes

91

Rockingham
65

Caswell

50

62

57

63

Yadkin

74

72

75

Forsyth

71

Guilford

61

60

58

Alamance

59

64

77

Davie

80

84

70

Randolph

78

54

Chatham

Davidson

81

76

©2021 CALIPER; ©2020 HERE

Map layers

Districts
County
Grouping
Interstate
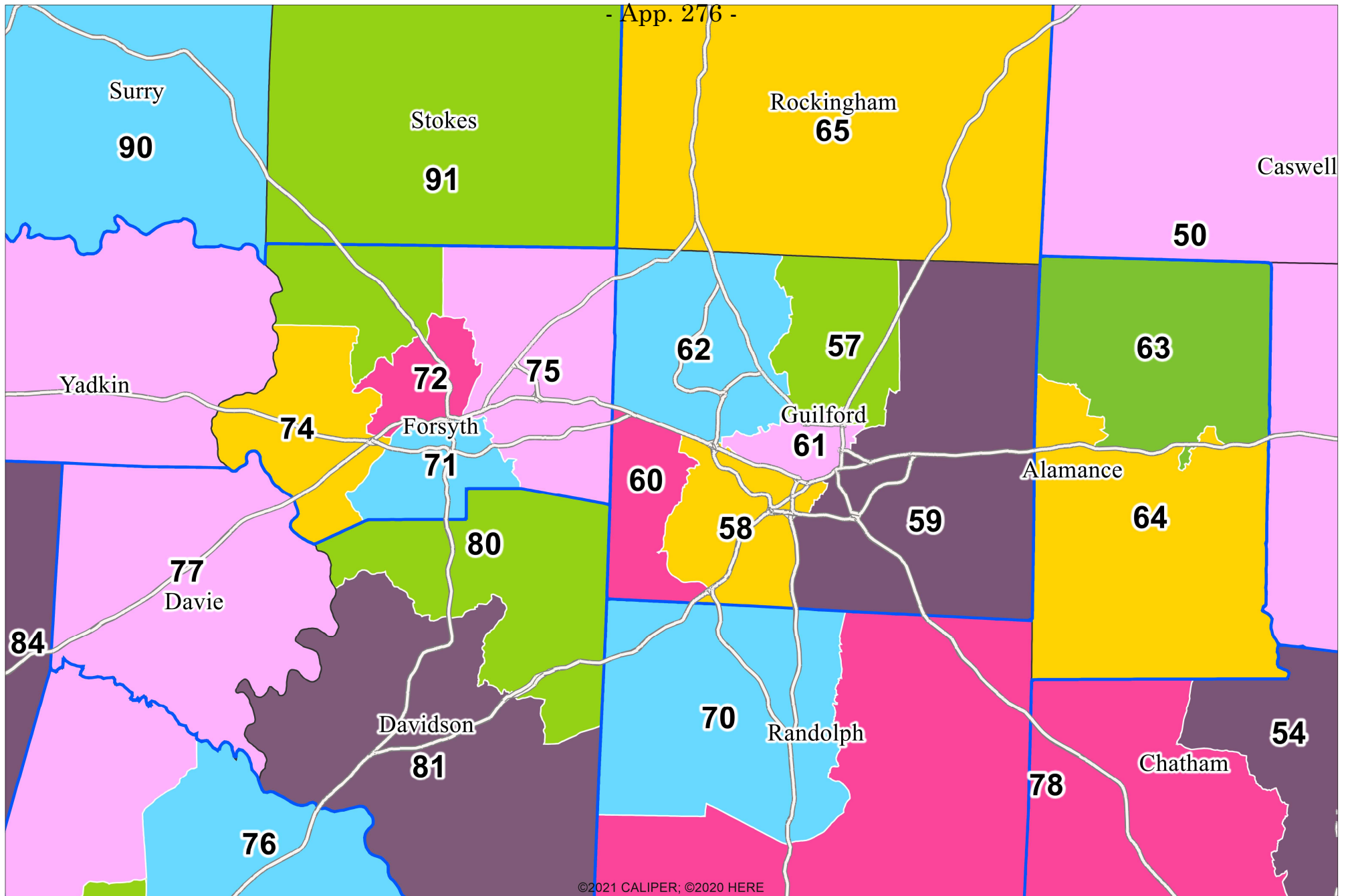
Map layers

- Districts
- County
- Grouping
- Interstate

©2021 CALIPER; ©2020 HERE
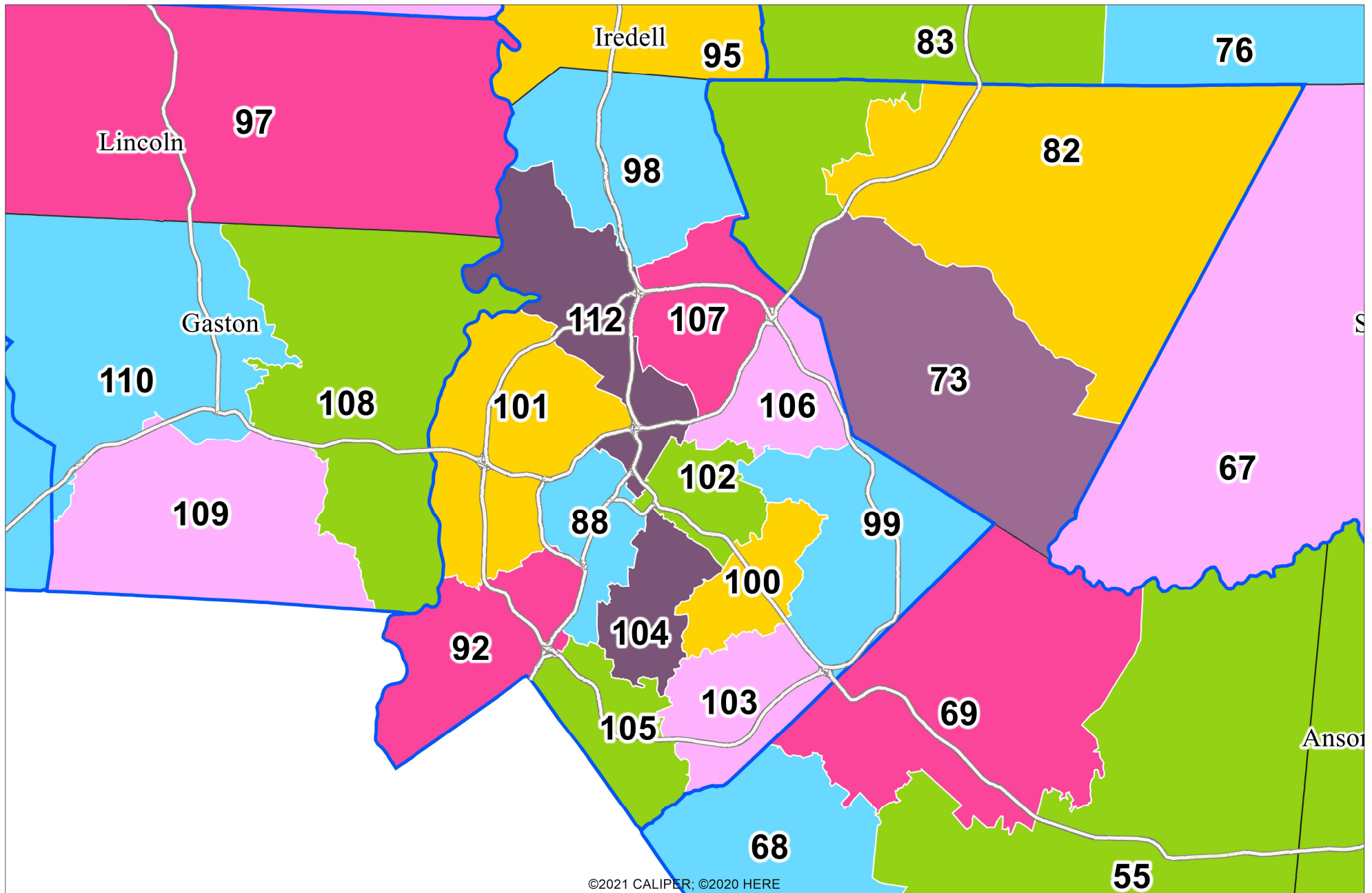
©2021 CALIPER; ©2020 HERE

Map layers
Districts
County
Grouping
Interstate
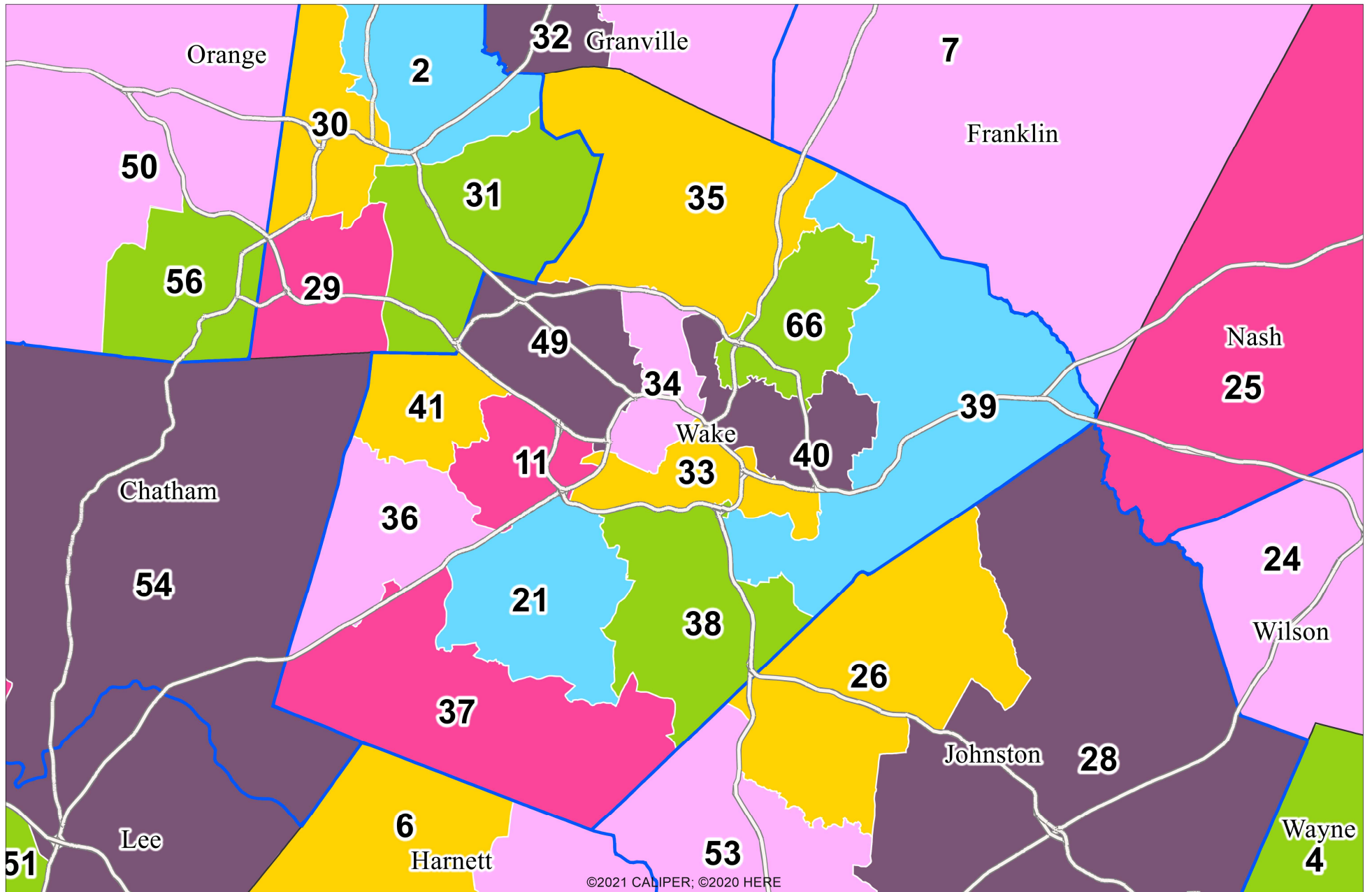
EXHIBIT G

User:

Plan Name: **Optimized Congressional Map**

Plan Type:

<div style="background:#1a1a8c;color:white;">

Plan Components (Short)

</div>

Monday, November 15, 2021   4:13 PM

District   1

County Beaufort NC

County Bertie NC

County Camden NC

County Chowan NC

County Craven NC

    VTD BRICES CREEK

    VTD BRIDGETON

    VTD Clarks-Rhems

    VTD COVE-FORT BARNWELL

    VTD CROATAN

    VTD DOVER-FORT BARNWELL

    VTD FAIRFIELD HARBOUR

    VTD FORT TOTTEN

    VTD GEORGE STREET

    VTD Glenburnie-Grover C

    VTD GRANTHAM 1A

    VTD GRANTHAM 2B

    VTD H.J. MACDONALD

    VTD HARLOWE

      Block 961202:

1096	1097	1098

      Block 961303:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1039	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2021	2022	2023	2024	2025	2026	2027	2028	2029	2031	2032	2033
2034	2035	2040	2042	2043	2047	2048	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3013	3014	3015	3016	3017	3018
3019	3021	3022	3023	3024	3025	3027					

    VTD HAVELOCK

    VTD JASPER

    VTD RIVER BEND

    VTD TRENT WOODS

    VTD Truitt-Ernul

    VTD Van-Ep

    VTD WEST NEW BERN

County Currituck NC

County Dare NC

County Edgecombe NC

    VTD MACCLESFIELD

    VTD OLD SPARTA

Plan Components (Short)

District 1

County Edgecombe NC

  VTD OLD SPARTA

   Block 021600:

1001	1004	1008	1018	1019	1020	1021	1022	1023	1024	1025	1026
1027	1028										

County Gates NC

County Greene NC

County Hertford NC

County Hyde NC

County Jones NC

County Lenoir NC

County Martin NC

County Pamlico NC

County Pasquotank NC

County Perquimans NC

County Pitt NC

County Tyrrell NC

County Washington NC

County Wayne NC

  VTD 01

  VTD 02

  VTD 03

  VTD 04

  VTD 05

  VTD 06

  VTD 07

  VTD 08

  VTD 09

  VTD 10

  VTD 11

  VTD 12

  VTD 13

  VTD 14

  VTD 15

  VTD 16

   Block 000901:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1045	2002	2005
2006	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022
3023	3024	3025	3026	3027	3028						

   Block 000902:

2008	2009	2010	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3014	3017	3018	3041				

  VTD 17

  VTD 18

  VTD 1920

Plan Components (Short) Optimized Congressional Ma

District 1

County Wayne NC

VTD 21

VTD 22

VTD 23

VTD 24

VTD 27

  Block 000601:

1000	1001	1002	1003	1008	1011	1013

  Block 000603:

1005	1006	1013

VTD 28

  Block 000402:

3016	3019	3020	3021	3022	3023	3025	3026	3027	3028

  Block 000603:

1000	1001	1002	1003	1004	1007	1008	1009	1010	1011	1024	2000
2001											

VTD 29

District 2

County Durham NC

VTD AMERICAN LEGION POST 7

VTD BURTON ELEMENTARY

VTD EVANGEL ASSEMBLY OF GOD

VTD FIRST UNITED ANTIOCH

VTD GLENN ELEMENTARY

VTD MT CALVARY CHURCH

VTD NEAL MIDDLE SCHOOL

VTD OAK GROVE ELEMENTARY

  Block 001808:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3011	3016
3017	3019	3021	3026								

VTD SOUTHERN HIGH SCHOOL

VTD Y E SMITH SCHOOL

County Edgecombe NC

VTD BATTLEBORO

VTD CONETOE

VTD LAWRENCE

VTD LEGGETT

VTD LEWIS

VTD OLD SPARTA

  Block 021300:

3004	3005	3012	3013	3014	3015	3020	3021	3022	3023	3024	3025
3026	3027	3028	3029	3030	3031	3032					

  Block 021600:

1000	1002	1003	1005	1006	1007	1009	1010	1011	1012	1013	1014
1015	1016	1017									

VTD PINETOPS

VTD ROCKY MOUNT 1

Plan Components (Short)

District   2

County Edgecombe NC
    VTD ROCKY MOUNT 2
    VTD ROCKY MOUNT 4
    VTD ROCKY MOUNT 5
    VTD SHARPSBURG
    VTD SPEED
    VTD TARBORO 1
    VTD TARBORO 2
    VTD TARBORO 3
    VTD TARBORO 4
    VTD TEMPERANCE HALL
    VTD WEST EDGECOMBE
    VTD WHITAKERS
County Franklin NC
County Granville NC
County Halifax NC
County Johnston NC
County Nash NC
County Northampton NC
County Vance NC
County Warren NC
County Wilson NC

District   3

County Brunswick NC
County Carteret NC
County Columbus NC
County Craven NC
    VTD HARLOWE
      Block 961302:

1000	1001	1002	1003	1018						

      Block 961303:

1038	1040	1041	1042	1043	1044	2030	2036	2037	2038	2039	2041
3011	3012	3020	3026	3028	3029						

County New Hanover NC
County Onslow NC
County Pender NC

District   4

County Bladen NC
County Cumberland NC
County Duplin NC
County Harnett NC
    VTD EAST AVERASBORO
    VTD ERWIN/DUKE
      Block 070300:
      4038
      Block 070500:

2012	2013	2015	3000	3043

District 4

County Harnett NC

VTD WEST AVERASBORO

Block 070100:

1022	1023	1024	1025	1026	1027	1030	1031	1032	1062	3000	3001
3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013
3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025
3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3041	3042
3043	3044	3045	3046	3047	3048	3049	3050	3051	3052	3053	3054
3055	3056	3057	3058	3059	3060	3061	3062	3063	3064	3072	3073
3074	3075	3076	3077	3078	3079	3080	3081	3082	3083	3084	3085
3086											

Block 070300:

1005	1008	1009	1013	1014	1015	1016	1017	1018	1019	1020	1021
1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033
1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045
1046	1047	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024
3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	4001
4002	4003	4004	4005	4009	4010	4011	4012	4013	4014	4015	4016
4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028
4029	4030	4031	4032	4033	4034	4035	4036	4037	4039	4040	

County Hoke NC

County Richmond NC

VTD BEAVER DAM 1

VTD BEAVER DAM 2

VTD MARKS CREEK 1

VTD MARKS CREEK 2

VTD MINERAL SPRINGS 1

VTD ROCKINGHAM 1

VTD ROCKINGHAM 2

Block 970300:

1011	1020	1021	1022	1023	1024	1025	1031	1040	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	3004	3008	3009	3010	3011	3013	3014	3015	3016
3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028
3030	3031	3032	3033	3034	3035	3036	3037	3038	3042	4007	4008

Block 970400:

1007	1008	1009	1010	1011	1012	1018	1024	1025	1026	1027	1028
1029	2000	2001	2002	2003	2004	2005	2006	2007	2008	3000	3001
3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013
3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	4009
4010	4013	4014	4015	4016	4017	4018	4019	4020	4031		

Block 970500:

District 4

County Richmond NC

  VTD ROCKINGHAM 2

    Block 970500:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2020	2021	2022
2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2037

  VTD ROCKINGHAM 3

  VTD WOLF PIT 1

  VTD WOLF PIT 2

  VTD WOLF PIT 3

  VTD WOLF PIT 4

County Robeson NC

County Sampson NC

County Scotland NC

County Wayne NC

  VTD 16

    Block 000901:

2000	2001	2003	2004	2007

    Block 000902:

1005	1006	1007	1008	2011	3029	3030	3031	3032	3033	3034	3039

  VTD 2530

  VTD 26

  VTD 27

    Block 000601:

1004	1005	1006	1007	1009	1010	1012	1014	1015	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	3000	3001	3002
3003	3004	3005	3006	3007	3008	3015	3016				

    Block 000902:

2000	2001	2002	2003	2004	2005	2006	2007	2017	2018	2034	2035

  VTD 28

    Block 000601:

1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028											

    Block 000603:

1012	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	2002
2003	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	4008	4014	4015	4016	4017	4018	4023		

    Block 000604:

1024	1025	1026	1027	1028	2003	2004	2005	2006	2007	2010

    Block 000700:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3011	3023
3033	3039	3042									

District 5

County Wake NC

  VTD 01-01

District 5

County Wake NC

VTD 01-02
VTD 01-03
VTD 01-04
VTD 01-05
VTD 01-06
VTD 01-07
VTD 01-09
VTD 01-10
VTD 01-11
VTD 01-12
VTD 01-13
VTD 01-14
VTD 01-15
VTD 01-16
VTD 01-17
VTD 01-18
VTD 01-19
VTD 01-20
VTD 01-21
VTD 01-22
VTD 01-23
VTD 01-25
VTD 01-26
VTD 01-27
VTD 01-28
VTD 01-29
VTD 01-30
VTD 01-31
VTD 01-32
VTD 01-33
VTD 01-34
VTD 01-35
VTD 01-36
VTD 01-37
VTD 01-38
VTD 01-39
VTD 01-40
VTD 01-41
VTD 01-42
VTD 01-43
VTD 01-44
VTD 01-45
VTD 01-46
VTD 01-47
VTD 01-48
VTD 01-49

Plan Components (Short)

District 5

County Wake NC

    VTD 01-50
    VTD 01-51
    VTD 02-01
    VTD 02-02
    VTD 02-03
    VTD 02-04
    VTD 02-05
    VTD 02-06
    VTD 04-02
    VTD 04-03
    VTD 04-05
    VTD 04-11
    VTD 04-12
    VTD 04-17
    VTD 04-21
    VTD 05-05
    VTD 07-01
    VTD 07-02
    VTD 07-03
    VTD 07-04
    VTD 07-05
    VTD 07-06
    VTD 07-07
    VTD 07-09
    VTD 07-10
    VTD 07-11
    VTD 07-12
    VTD 07-13
    VTD 08-02
    VTD 08-03
    VTD 08-04
    VTD 08-05
    VTD 08-06
    VTD 08-07
    VTD 08-08
    VTD 08-09
    VTD 08-10
    VTD 08-11
    VTD 09-01
    VTD 09-02
    VTD 09-03
    VTD 10-01
    VTD 10-02
    VTD 10-03
    VTD 10-04
    VTD 11-01

District 5

County Wake NC

VTD 11-02
VTD 13-01
VTD 13-02
VTD 13-05
VTD 13-06
VTD 13-07
VTD 13-08
VTD 13-09
VTD 13-10
VTD 13-11
VTD 14-01
VTD 14-02
VTD 15-01
   Block 052902:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1016	1017	2000	2001					

VTD 15-04
VTD 16-01
VTD 16-02
VTD 16-03
VTD 16-04
VTD 16-05
VTD 16-06
VTD 16-07
VTD 16-09
VTD 16-10
VTD 16-11
VTD 17-01
VTD 17-02
VTD 17-03
VTD 17-04
VTD 17-05
VTD 17-06
VTD 17-07
VTD 17-09
VTD 17-10
VTD 17-11
VTD 17-12
VTD 17-13
VTD 18-01
VTD 18-04
VTD 18-06
VTD 18-08
VTD 19-03
VTD 19-05
VTD 19-07

Plan Components (Short) Optimized Congressional Ma

District 5

County Wake NC

 VTD 19-09
 VTD 19-11
 VTD 19-12
 VTD 19-13
 VTD 19-14
 VTD 19-15
 VTD 19-16
 VTD 19-17
 VTD 19-18
 VTD 19-19
 VTD 19-20
 VTD 19-21

District 6

County Alamance NC
County Caswell NC
County Durham NC

 VTD 0035.3
 VTD 055-11
 VTD 055-49
 VTD BAHAMA RURITAN CLUB
 VTD BAHAMA VFD - ROUGEMONT STATION
 VTD BETHESDA RURITAN CLUB
 VTD BROGDEN MIDDLE SCHOOL
 VTD C C SPAULDING SCHOOL
 VTD CHRIST THE KING MORAVIAN
 VTD CLUB BOULEVARD SCHOOL
 VTD COLE MILL CHURCH
 VTD COUNTY AGRICULTURAL BUILDING
 VTD COUNTY MAIN LIBRARY
 VTD CREEKSIDE ELEMENTARY
 VTD DPS STAFF DEVELOPMENT CENTER
 VTD E K POWE ELEMENTARY
 VTD EDISON JOHNSON CENTER
 VTD FOREST HILLS CLUB HOUSE
 VTD FOREST VIEW ELEMENTARY
 VTD GEORGE WATTS ELEMENTARY
 VTD HOLMES RECREATION CENTER
 VTD HOLY INFANT CATHOLIC
 VTD HOPE VALLEY BAPTIST
 VTD IVY COMMUNITY CENTER
 VTD LAKEWOOD SCHOOL
 VTD LOWES GROVE BAPTIST
 VTD MCMANNEN UNITED METHODIST
 VTD MONUMENT OF FAITH CHURCH
 VTD MOREHEAD MONTESSORI
 VTD NORTH REGIONAL LIBRARY

District 6

County Durham NC
    VTD NORTHERN HIGH SCHOOL
    VTD OAK GROVE ELEMENTARY
   Block 001808:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
2023	2024	2025	2026	2027	2028	3010	3012	3013	3014	3015	3018
3020	3022	3023	3024	3025	4000	4001	4002	4003	4004	4005	4006
4007	4008	4009	4010	4011	4012	4013	4014	4015	4016	4017	4018
4019	4020	4021	4022	4023	4024	4025	4026	4027	4028	4029	4030
4031	4032	4033	4034	4035	4036	4037	4038	4039	4041	4042	4043
4044	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055

   Block 001810:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	3000	3001	3002	3005	

   Block 001900:
   4032
    VTD PATTERSON REC CENTER
    VTD PEARSONTOWN ELEMENTARY
    VTD ROGERS-HERR MIDDLE SCHOOL
    VTD SCHOOL OF SCIENCE AND MATH
    VTD SCHOOL OF THE ARTS
    VTD SHEPHARD MAGNET SCHOOL
    VTD SOUTHWEST ELEMENTARY
    VTD ST. STEPHENS EPISCOPAL
    VTD TEMPLE BAPTIST CHURCH
    VTD THE RIVER CHURCH
    VTD TRIANGLE CHURCH
    VTD TRIANGLE PRESBYTERIAN
    VTD VFW POST 2740
    VTD WATERFORD VILLAGE APTS
    VTD WHITE ROCK BAPTIST CHURCH
    VTD YATES BAPTIST CHURCH

County Orange NC

County Person NC

County Rockingham NC

District 7

County Chatham NC

County Harnett NC
    VTD ANDERSON CREEK
    VTD BARBECUE
    VTD BLACK RIVER
    VTD BOONE TRAIL

District 7

County Harnett NC
   VTD CENTRAL HARNETT LILLINGTON
   VTD CENTRAL HARNETT NEILLS CREEK
   VTD COATS/GROVE
   VTD ERWIN/DUKE
     Block 070401:

1026	1027	1028	1056	1057	1058	1063	1067	1068			

     Block 070500:

1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051
1052	1053	1054	1055	1056	1057	1058	1059	1060	2004	2005	2006
2007	2008	2009	2010	2014	2016	2017	2018	2019	2020	2021	2022
2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058
2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070
2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082
2083	2084	2085	2086	2087	3001	3002	3003	3004	3005	3006	3007
3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031
3032	3033	3034	3035	3036	3037	3038	3039	3040	3041	3042	3044
3045	3046	3047	3048	3049	3050	3051	3052	3053	4000	4001	4002
4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
4015	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026
4027	4028	4029	4030	4031	4032						

   VTD JOHNSONVILLE
   VTD NORTHWEST HARNETT
   VTD STEWARTS CREEK
   VTD WEST AVERASBORO
     Block 070300:

1001	1002	1003	1004	1006	1007	1010	1011	1048	4000

     Block 070402:

2013	2014	2015	2016	2018	2023	2024	2025	2026	2027

     Block 070500:

2002	2003

County Lee NC
County Moore NC
County Wake NC
   VTD 03-00
   VTD 04-01
   VTD 04-04
   VTD 04-06
   VTD 04-07
   VTD 04-08
   VTD 04-09

Plan Components (Short)

District 7

County Wake NC

    VTD 04-10

    VTD 04-13

    VTD 04-14

    VTD 04-15

    VTD 04-16

    VTD 04-18

    VTD 04-19

    VTD 04-20

    VTD 05-01

    VTD 05-03

    VTD 05-06

    VTD 05-07

    VTD 05-08

    VTD 06-04

    VTD 06-05

    VTD 06-06

    VTD 06-07

    VTD 06-08

    VTD 06-09

    VTD 06-10

    VTD 12-01

    VTD 12-02

    VTD 12-04

    VTD 12-05

    VTD 12-06

    VTD 12-07

    VTD 12-08

    VTD 12-09

    VTD 15-01

      Block 052901:

1000	1001	1002	1003	1004	1005

      Block 052902:

1015	1018	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	3000	3001	3002	3003
3004											

    VTD 15-02

    VTD 15-03

    VTD 18-02

    VTD 18-03

    VTD 18-05

    VTD 18-07

    VTD 20-01

    VTD 20-03

    VTD 20-04

    VTD 20-05

    VTD 20-06A

District 7

County Wake NC

  VTD 20-06B
  VTD 20-08
  VTD 20-09
  VTD 20-10
  VTD 20-11
  VTD 20-12
  VTD 20-14
  VTD 20-15
  VTD 20-16
  VTD 20-17

District 8

County Anson NC

County Cabarrus NC

  VTD 01-02

    Block 041503:
    1087
    Block 041507:
    1024
    Block 041603:

2010	2011	2013	2014	2015	2049	2055	2056	2057	2058	2059	2062
2063	2064	2074	2075	2076							

  VTD 04-03
  VTD 05-00
  VTD 06-00
  VTD 07-00
  VTD 08-00
  VTD 09-00
  VTD 10-00
  VTD 11-02

County Davidson NC

County Davie NC

County Montgomery NC

County Richmond NC

  VTD BLACK JACK 1
  VTD MINERAL SPRINGS 2
  VTD ROCKINGHAM 2

    Block 970300:

3000	3001	3002	3003	3005	3006	3007	3012	4000	4001	4002	4003
4004	4005	4006	4009	4010	4011	4012	4013	4014	4015	4016	4017
4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028	4029
4030	4031	4032	4033	4034	4035	4036	4037				

  VTD STEELES 1
  VTD STEELES 2

County Rowan NC

County Stanly NC

County Union NC

Plan Components (Short)

District 9

County Mecklenburg NC

    VTD 001
    VTD 002
    VTD 005
    VTD 006
    VTD 007
    VTD 008
    VTD 009
    VTD 010
    VTD 011
    VTD 012
    VTD 013
    VTD 014
    VTD 015
    VTD 016
    VTD 017
    VTD 018
    VTD 019
    VTD 020
    VTD 021
    VTD 022
    VTD 023
    VTD 024
    VTD 025
    VTD 026
    VTD 027
    VTD 028

      Block 001300:

| 1011 | 1012 | 1013 | 1014 | 1015 | 1016 | 2000 | 2002 | 2003 | 2004 | 2005 | 2006 |
| 2011 | 2012 | | | | | | | | | | |

    VTD 029
    VTD 030
    VTD 031
    VTD 032
    VTD 033
    VTD 034
    VTD 035
    VTD 036
    VTD 037
    VTD 038
    VTD 039
    VTD 040
    VTD 041
    VTD 042
    VTD 044
    VTD 045
    VTD 046

District 9

County Mecklenburg NC

    VTD 047

    VTD 048

    VTD 049

    VTD 050

    VTD 051

    VTD 052

    VTD 053

    VTD 054

    VTD 055

    VTD 056

    VTD 057

    VTD 058

    VTD 059

    VTD 062

    VTD 063

    VTD 064

    VTD 065

    VTD 066

    VTD 067

    VTD 068

    VTD 069

    VTD 070

    VTD 071

    VTD 072

    VTD 073

    VTD 074

    VTD 075

    VTD 076

    VTD 077

    VTD 078.1

    VTD 079

    VTD 080

    VTD 081

    VTD 084

    VTD 085

    VTD 086

    VTD 087

    VTD 088

    VTD 089

    VTD 090

    VTD 091

    VTD 092

    VTD 093

    VTD 094

    VTD 096

    VTD 097

Plan Components (Short)

District 9

County Mecklenburg NC

VTD 098
VTD 099
VTD 100
VTD 101
VTD 102
VTD 103
VTD 106
VTD 108
VTD 109
VTD 110
VTD 111
VTD 112
VTD 113
VTD 114
VTD 117
VTD 118
VTD 119
VTD 120
VTD 121
VTD 122
VTD 125
VTD 129
VTD 130
VTD 131
VTD 135
VTD 136
VTD 137
VTD 138
VTD 139.1
VTD 140
VTD 144
VTD 147
VTD 148
VTD 150
VTD 200
VTD 210
VTD 211
VTD 213
VTD 215
VTD 216
VTD 217
VTD 218
VTD 222
VTD 223.1
VTD 224
VTD 225

Plan Components (Short) Optimized Congressional Ma

District 9

County Mecklenburg NC

    VTD 226
    VTD 227
    VTD 228
    VTD 229
    VTD 230
    VTD 231
    VTD 232
    VTD 233
    VTD 243

District 10

County Cabarrus NC

    VTD 01-02

      Block 041503:

1058	1059	1072	1086	1088

      Block 041507:

1015	1016	1017	1018	1019	1020	1021	1022	1023	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014

      Block 041603:

      2012

    VTD 01-04
    VTD 01-07
    VTD 01-08
    VTD 01-10
    VTD 01-11
    VTD 02-01
    VTD 02-02
    VTD 02-03
    VTD 02-05
    VTD 02-06
    VTD 02-07
    VTD 02-08
    VTD 02-09
    VTD 03-00
    VTD 04-01
    VTD 04-08
    VTD 04-09
    VTD 04-11
    VTD 04-12
    VTD 04-13
    VTD 11-01
    VTD 12-03
    VTD 12-04
    VTD 12-05
    VTD 12-06
    VTD 12-08
    VTD 12-09

Plan Components (Short)

District 10

County Cabarrus NC
> VTD 12-10
> VTD 12-11
> VTD 12-12
> VTD 12-13

County Iredell NC
> VTD BARRINGER
> VTD BETHANY
> VTD CHAMBERSBURG-A
> VTD CHAMBERSBURG-B
> VTD CODDLE CREEK 1
> VTD CODDLE CREEK 2
> VTD CODDLE CREEK 3
> VTD CODDLE CREEK 4
> VTD CONCORD
> VTD COOL SPRINGS
> VTD DAVIDSON 1-A
> VTD DAVIDSON 1-B
> VTD DAVIDSON 2-A
> VTD DAVIDSON 2-B
> VTD EAGLE MILLS
> VTD FALLSTOWN
> VTD NEW HOPE

Block 060901:

1027	1031	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066
1067	1068	1069	1073	2014	2015	2016	2030	2051	4002	4003	4004
4012	4013	4017	4018	4019	4029	4030	4031	4033	4034	4035	4036
4037	4046	4047	4048	4049	4050	4051	4052	4053			

Block 060902:

1000	1004	2000	2001

> VTD OLIN
> VTD SHARPESBURG
> VTD SHILOH-A
> VTD SHILOH-B
> VTD STATESVILLE 1
> VTD STATESVILLE 2
> VTD STATESVILLE 3
> VTD STATESVILLE 4
> VTD STATESVILLE 5
> VTD STATESVILLE 6
> VTD TURNERSBURG
> VTD UNION GROVE

County Mecklenburg NC
> VTD 003
> VTD 004

Plan Components (Short)

District 10

County Mecklenburg NC

    VTD 028

      Block 001300:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1017
1018	1019	1020	1028	1029	1030	1031	1032	2001	2013		

      Block 001400:

1000	1001	1013	1014	1015	1016

      Block 005306:

2010	2014	2015	2016	2017	2018	2021	2022	2023

    VTD 043
    VTD 060
    VTD 061
    VTD 082
    VTD 083
    VTD 095
    VTD 104
    VTD 105
    VTD 107.1
    VTD 115
    VTD 116
    VTD 123
    VTD 124
    VTD 126
    VTD 127
    VTD 128
    VTD 132
    VTD 133
    VTD 134
    VTD 141
    VTD 142
    VTD 143
    VTD 145
    VTD 146
    VTD 149
    VTD 151
    VTD 201
    VTD 202
    VTD 203
    VTD 204.1
    VTD 205
    VTD 206
    VTD 207
    VTD 208
    VTD 209
    VTD 212
    VTD 214
    VTD 219

Plan Components (Short)   Optimized Congressional Ma

District 10

County Mecklenburg NC

   VTD 220
   VTD 221
   VTD 234
   VTD 235
   VTD 236
   VTD 237
   VTD 238.1
   VTD 239
   VTD 240
   VTD 241
   VTD 242

District 11

County Forsyth NC

   VTD BEESONS CROSSROADS FIRE
   VTD EASTON ELEMENTARY SCHOOL
   VTD FOREST PARK ELEMENTARY
   VTD FOURTEENTH STREET REC
   VTD FRIEDLAND MORAVIAN
   VTD GLENN HIGH SCHOOL
   VTD HILL MIDDLE SCHOOL
   VTD KERNERSVILLE LIBRARY
   VTD KERNERSVILLE RECREATION
   VTD SEDGE GARDEN REC CTR
   VTD SOUTHEAST MIDDLE SCHOOL
   VTD ST ANDREWS METHODIST
   VTD TRINITY MORAVIAN CHURCH
     Block 000802:
     2041
     Block 001901:

1002	1006	1007	1008	1025	1026	1027	1028	1031	1032	1033	1034
1035	1044										

     Block 002001:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2016	2017	2018	2019	2023	2024	2025	2026			

   VTD UNION CROSS ELEMENTARY SCHOOL
   VTD WINSTON LAKE FAMILY YMCA

County Guilford NC

County Randolph NC

District 12

County Alexander NC

County Alleghany NC

County Ashe NC

County Avery NC

County Caldwell NC

   VTD GAMEWELL #1
   VTD GAMEWELL #2

Plan Components (Short)

District 12

County Caldwell NC

VTD GLOBE/JOHNS RIVER/MULBERRY/WILSON CREEK

VTD HUDSON #33

VTD KINGS CREEK

VTD LENOIR #29

VTD LENOIR #30

VTD LITTLE RIVER

VTD LOWER CREEK #1

VTD LOWER CREEK #2

VTD LOWER CREEK #3

VTD LOWER CREEK #31

VTD NORTH CATAWBA

Block 030700:

1013	1014	1015	1023	1025	1027	1028	1029	1030	1031	5000	5001
5002	5003	5004	5005	5008	5009	5010	5012				

Block 030801:

1000	1001	1002	1003	1004	1005	1012	2006	2009	2012	2020	2021
2022	2023	2024	2025	2026	2027	2028	2029				

VTD NORTH CATAWBA #2

VTD PATTERSON

County Forsyth NC

VTD ARDMORE BAPTIST CHURCH

VTD ARTS COUNCIL THEATER

VTD ASHLEY ELEMENTARY SCHOOL

VTD BELEWS CREEK FIRE

VTD BETHABARA MORAVIAN CH

VTD BETHANIA MORAVIAN CHURCH

VTD BROWN-DOUGLAS REC CTR

VTD BRUNSON ELEMENTARY

VTD CALVARY BAPTIST CHURCH - BOY SCOUT HUT

VTD CARVER HIGH SCHOOL

VTD CASH ELEMENTARY SCHOOL

VTD CLEMMONS CIVIC CENTER

VTD CLEMMONS ELEMENTARY

VTD CLEMMONS PRESBYTERIAN

VTD COVENANT PRESBYTERIAN

VTD EAST FORSYTH HIGH SCHOOL

VTD EAST WINSTON HERITAGE CENTER

VTD FELLOWSHIP BAPTIST

VTD FIRST ALLIANCE CHURCH

VTD FIRST CHRISTIAN CHURCH

VTD FORSYTH FRIENDS MEETING

VTD FORSYTH TECH CC MAZIE WOODRUFF CTR

VTD FORSYTH TECH WEST CAMPUS

VTD GOOD SHEPHERD MORAVIAN

VTD GREEK ORTHODOX CHURCH

VTD GRIFFITH FIRE STATION

Plan Components (Short)   Optimized Congressional Ma

District   12

County Forsyth NC

VTD HANES-LOWRANCE MIDDLE SCHOOL
VTD HOLY FAMILY CATHOLIC CHURCH
VTD HOME AND GARDEN BUILDING (FAIRGROUNDS)
VTD IBRAHAM ELEMENTARY
VTD JEFFERSON MIDDLE
VTD JOHN WESLEY AME ZION CHURCH
VTD KERNERSVILLE 7TH DAY ADVENTIST CHURCH
VTD KERNERSVILLE ELEMENTARY
VTD KINGSWOOD UNITED METHODIST CHURCH
VTD LATHAM ELEMENTARY
VTD LEAP ACADEMY AT KENNEDY
VTD LEWISVILLE ELEMENTARY SCHOOL
VTD LITTLE CREEK RECREATION
VTD MACEDONIA BAPTIST CHURCH
VTD MARTIN LUTHER KING REC
VTD MEADOWLARK MIDDLE SCHOOL
VTD MESSIAH MORAVIAN CHURCH
VTD MILLER PARK RECREATION
VTD MINERAL SPRINGS ELEM SCHOOL
VTD MISSION HISPANA
VTD MT TABOR HIGH SCHOOL
VTD NEW HOPE AME ZION CHURCH
VTD NEW HOPE UNITED METHODIST CHURCH
VTD NORTH HILLS ELEMENTARY SCHOOL
VTD NORTHWEST MIDDLE SCHOOL
VTD OAK SUMMIT UNITED METHODIST CHURCH
VTD OLD TOWN BAPTIST CHURCH
VTD OLD TOWN RECREATION CTR
VTD PAISLEY MIDDLE SCHOOL
VTD PARKLAND HIGH SCHOOL
VTD PARKWAY UNITED CHURCH OF CHRIST
VTD PFAFFTOWN CHRISTIAN CHURCH
VTD PHILO MIDDLE SCHOOL
VTD PIEDMONT BAPTIST COLLEGE
VTD PINEY GROVE ELEMENTARY
VTD PINEY GROVE FIRE STATION
VTD POLO PARK RECREATION CTR
VTD PROVIDENCE MORAVIAN CHURCH
VTD REYNOLDS HIGH GIRLS GYM
VTD RURAL HALL ELEMENTARY
VTD SEDGE GARDEN ELEMENTARY
VTD SHEPHERDS CENTER
VTD SHERWOOD FOREST ELEM SCHOOL
VTD SHILOH LUTHERAN CHURCH
VTD SIMS RECREATION CENTER
VTD SOUTH FORK ELEMENTARY

Plan Components (Short)

District	12

County Forsyth NC
    VTD SOUTHWEST ELEMENTARY
    VTD ST ANDREWS PRESBYTERIAN
    VTD ST ANNES EPISCOPAL
    VTD SUMMIT SCHOOL
    VTD TOBACCOVILLE COMMUNITY CENTER
    VTD TRINITY MORAVIAN CHURCH
      Block 000802:

2008	2011	2012	2013	2014	2015	2016	2017	2018	2019	2022	2023
2024	2025	2026	2027	2028	2029	2030	2036	2037	2039	2040	2045

      Block 001901:

1003	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1045						

      Block 001902:

1000	1001	1002	1003	1017	1018	1019	1020	1021	1022	1023	1024
1032											

    VTD TRINITY UNITED METHODIST CHURCH
    VTD UNITY MORAVIAN CHURCH
    VTD VFW POST 9010
    VTD VIENNA ELEMENTARY SCHOOL
    VTD WALKERTOWN LIBRARY
    VTD WARD ELEMENTARY SCHOOL
    VTD WHITAKER ELEMENTARY
    VTD W-S FIRST SEVENTH DAY ADVENTIST CHURCH
    VTD WSFC SCHOOLS ADMINISTRATION BLDG

County Iredell NC
    VTD NEW HOPE
      Block 060901:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1028	1029	1030	1032	1076	2017	2018	2019	2020
2021	2022	2023	2024	2025	2026	2027	2028	2029	4005	4006	4007
4014	4015	4016	4032								

County Stokes NC
County Surry NC
County Watauga NC
County Wilkes NC
County Yadkin NC

District	13

County Burke NC
County Caldwell NC
    VTD LOVELADY-ONE
    VTD LOVELADY-RHODHISS
    VTD LOVELADY-TWO
    VTD NORTH CATAWBA
      Block 030700:

5007	5011	5013

District 13

County Caldwell NC

VTD NORTH CATAWBA

Block 030801:

1006	1007	1008	1009	1010	1011	1013	1014	1015	1016	1017	1018
1019	1020	1021	1022								

Block 030802:

3009	3010	3011	3012

Block 031401:

1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1038	1039	1040									

VTD SAWMILLS #1

VTD SAWMILLS #2

County Catawba NC

County Cleveland NC

County Gaston NC

County Lincoln NC

County Rutherford NC

VTD BOSTIC-SUNSHINE

VTD CAMP CREEK-MT VERNON

VTD CAROLEEN-CLIFFSIDE

VTD DANIELTOWN-SULPHUR SPRINGS

VTD DUNCAN CREEK-GOLDEN VALLEY

VTD ELLENBORO

VTD FOREST CITY 1

VTD FOREST CITY 2

VTD GILKEY-MORGAN

VTD GREEN HILL

Block 960201:

1046	1047	1048	1049	1051	1052	1053	1054

Block 960202:

2008	2009	2010	2013	2014	2015	2017	2018	2019	2023	2024	2025
2026	2027										

Block 960203:

1000	1001	1002	1003	1004	1022	1023	1024	1025	1026	1027	1028
1029	1030	1031	1032	1033	1034	1035	1036	1037	1038		

Block 960400:

1009	1022	1023	2026

Block 960501:

1007	1008	1009	1010	1012	1020	1021	1022	1023	1024	1028	1029
1037											

VTD HAYNES

VTD RUTHERFORDTON 1

VTD RUTHERFORDTON 2

VTD SANDY MUSH

VTD SPINDALE

VTD UNION

District 14

Plan Components (Short) Optimized Congressional Ma

District 14

County Buncombe NC
County Cherokee NC
County Clay NC
County Graham NC
County Haywood NC
County Henderson NC
County Jackson NC
County Macon NC
County Madison NC
County McDowell NC
County Mitchell NC
County Polk NC
County Rutherford NC
    VTD CHIMNEY ROCK
    VTD GREEN HILL
      Block 960201:
      3022
      Block 960202:

1000	1001	1002	1003	1004	1005	1006	1007	1008	2020	2021	2022

      Block 960203:

1005	1006	1007	1010	1011	1012	1013	1014	1015	1016	1017	1018
1019	1020	1021	1039	1040							

      Block 960302:

1050	1051

County Swain NC
County Transylvania NC
County Yancey NC

EXHIBIT H

User:
Plan Name: **Optimized Senate Map**
Plan Type:

Plan Components (Short)

Monday, November 15, 2021   4:23 PM

District   1
County Bertie NC
County Camden NC
County Currituck NC
County Gates NC
County Halifax NC
County Hertford NC
County Martin NC
County Northampton NC
County Tyrrell NC
County Warren NC
District   2
County Carteret NC
County Chowan NC
County Dare NC
County Hyde NC
County Pamlico NC
County Pasquotank NC
County Perquimans NC
County Washington NC
District   3
County Beaufort NC
County Craven NC
County Lenoir NC
District   4
County Greene NC
County Wayne NC
County Wilson NC
District   5
County Edgecombe NC
County Pitt NC
District   6
County Onslow NC
District   7
County New Hanover NC
    VTD CF01
    VTD CF02
    VTD CF05
    VTD CF06
    VTD FP04
      Block 012109:
      1000   1001   1002   1004   1005   1006   1007   1008   1009   1010   1011   1012
      1013   1014   1015   1017   1018   1019   1022   1023   1024   1025   1026   1045
      1046

Plan Components (Short)

District 7

County New Hanover NC

    VTD H01
    VTD H02
    VTD H03
    VTD H04
    VTD H05
    VTD H06
    VTD H08
    VTD H10
    VTD H11
    VTD H12
    VTD H13
    VTD M02
    VTD M03
    VTD M04
    VTD M06
    VTD M07
    VTD W03
    VTD W08
    VTD W12
    VTD W13
    VTD W15
    VTD W16
    VTD W17
    VTD W18
    VTD W21
    VTD W24
    VTD W25
    VTD W26
    VTD W27
    VTD W28
    VTD W29
    VTD W30
    VTD W31
    VTD WB

District 8

County Brunswick NC
County Columbus NC
County New Hanover NC

    VTD FP03
    VTD FP04
      Block 011800:

1033	1034	1036	1037	1038	1039

      Block 012108:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022

Plan Components (Short)

District 8

County New Hanover NC

  VTD FP04

    Block 012108:

     2023   2024   2025   2026

    Block 012109:

| 1003 | 1016 | 1027 | 1028 | 1029 | 1030 | 1031 | 1032 | 1033 | 1034 | 1035 | 1036 |
| 1037 | 1038 | 1039 | 1040 | 1041 | 1042 | 1043 | 1044 | | | | |

    Block 012201:

     1000   1001   1002   1003   1004   1005

    Block 990100:

     0010

  VTD FP06

  VTD FP07

  VTD FP08

District 9

County Bladen NC

County Duplin NC

County Jones NC

County Pender NC

County Sampson NC

  VTD AUTRYVILLE

  VTD CLEMENT

  VTD CLINTON, CENTRAL

  VTD CLINTON, EAST

  VTD CLINTON, NORTHEAST

  VTD CLINTON, SOUTHWEST

  VTD CLINTON, WEST

  VTD GARLAND

  VTD GIDDENSVILLE

  VTD HARRELLS

  VTD HERRING

  VTD INGOLD

  VTD KEENER

  VTD KITTY FORK

  VTD LAKEWOOD

  VTD MINGO

  VTD NEWTON GROVE

  VTD ROSEBORO

  VTD ROWAN

  VTD SALEMBURG

  VTD TURKEY

  VTD WESTBROOK

District 10

County Johnston NC

District 11

County Franklin NC

County Nash NC

Plan Components (Short)

District 11

County Vance NC

District 12

County Harnett NC

County Lee NC

County Sampson NC

    VTD PLAINVIEW

District 13

County Granville NC

County Wake NC

    VTD 01-42

    VTD 01-45

    VTD 01-47

    VTD 02-01

    VTD 02-02

    VTD 02-03

    VTD 02-04

    VTD 02-05

    VTD 02-06

    VTD 07-05

    VTD 07-06

    VTD 07-07

      Block 053722:

1003	1004	1005	1006	1007	1008

    VTD 07-11

    VTD 07-13

    VTD 13-02

    VTD 13-05

      Block 054017:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1015	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034
1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046
1047	1048	1049									

      Block 054018:

1007	1008

    VTD 13-06

    VTD 13-10

    VTD 13-11

    VTD 14-01

    VTD 14-02

    VTD 19-03

    VTD 19-05

    VTD 19-07

    VTD 19-11

    VTD 19-12

    VTD 19-13

    VTD 19-14

    VTD 19-15

Plan Components (Short)

District   13

County Wake NC

VTD 19-18

Block 054221:

1013	1022	1027	2008	2009	2010	2011	2012	2013	2014	2015	2016
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3019	3021	3022								

Block 054222:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	4002	4003

VTD 19-19

Block 054216:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	3000
3001	3004	3005	3006	3007							

Block 054217:

3002

Block 054222:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	3018	3019	3020	3021	3022	3023	3024	3025	3026
3027	3028	3029	3030	3033	3034	3035	3046	4001	4004	4005	4006

VTD 19-20

Block 054217:

2000	2001	2002	2003	3000	3001	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	3017			

District   14

County Wake NC

VTD 01-01

VTD 01-02

Block 051400:

2001	2002	2003	2006	2007	2010	2011	3008	3009	3010	3011	3012
3013	4000	4001	4002	4003	4004	4014					

VTD 01-06

VTD 01-07

VTD 01-13

VTD 01-14

VTD 01-19

VTD 01-20

VTD 01-21

VTD 01-22

VTD 01-23

VTD 01-25

VTD 01-26

VTD 01-27

VTD 01-28

Block 050500:

2000	2001	3020

Block 051900:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011

Plan Components (Short)

District   14

County Wake NC

VTD 01-28

  Block 051900:

1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3010	3012	3013	3014	3015

  Block 052706:

| 1024 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |

  Block 054106:

  4023

VTD 01-34

VTD 01-35

VTD 01-40

VTD 01-50

VTD 15-01

VTD 15-02

VTD 15-03

  Block 052901:

| 1006 | 1007 | 1008 | 1009 | 1010 | 2009 | 2010 |

  Block 052905:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1009 | 2000 | 2001 | 2002 |
| 2003 | 2004 | 2005 | 2006 | 2007 |

  Block 052906:

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |

VTD 15-04

VTD 16-01

VTD 16-02

VTD 16-03

VTD 16-04

VTD 16-05

VTD 16-06

VTD 16-07

VTD 16-09

VTD 16-10

VTD 16-11

VTD 17-09

VTD 18-01

  Block 052303:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020

  Block 052304:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 |
| 1012 | 2000 | 2001 | 2002 | 2003 |

  Block 052305:

District   14

County Wake NC

    VTD 18-01
      Block 052305:

2032	2033	2034	2035	2036	2037	2047	2048	2050

      Block 052306:

1000	1017	1018	1019	1020	1021	1022

      Block 052307:

4003	4004	4005	4006	4007	5000	5001	5002	5003	5004	5005	5006
5007											

      Block 053010:

1000	1001	1002	1003

    VTD 18-04
      Block 053007:

2000	2001	2002	2003	3000	3001	3002

      Block 053009:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	3000	3001	3002	3003	3012					

      Block 053010:

1012	1013	2000	2001	2002	2003	2004	2005	2006

      Block 054501:

1023

    VTD 18-06
    VTD 18-07
      Block 053009:

3010	3011	3013

District   15

County Wake NC

    VTD 01-02
      Block 051400:

1006	1007	1014	1015	3000	3001	3002	3003	3004	3005	3006	3007
3014	3015	4005	4006								

      Block 051502:

2022	2023	2024	2025

      Block 052401:

2000	2001	2002	2005

    VTD 01-03
    VTD 01-04
    VTD 01-05
    VTD 01-09
    VTD 01-10
    VTD 01-11
    VTD 01-12
    VTD 01-15
    VTD 01-16
    VTD 01-17

District 15

County Wake NC

  VTD 01-18
  VTD 01-29
  VTD 01-30
  VTD 01-31
  VTD 01-32
  VTD 01-33
  VTD 01-36
  VTD 01-37
  VTD 01-39
  VTD 01-41
  VTD 01-43
  VTD 01-44
  VTD 01-46
    Block 052701:

2000	2001	2012	2013	2016	2018	2019	2020

    Block 052704:

1002	1003	1004

  VTD 01-48
  VTD 01-49
  VTD 01-51
  VTD 04-05
    Block 052401:

1000	1001	1002	1003	1004	1026	1028	1029	1030	1031	1078	1094
1111											

    Block 052509:

2005	2006	3001	3002	3003	3005

    Block 053512:

2000	2012

    Block 053521:

1000	1001	1002	1003	1004	1005	1007	1008	1009	1010	1011	1012
1019	1020	1021	1023	1029	1063	1064	1070	2001	2002		

    Block 980200:

1012	1013	1016	1017	1018

  VTD 05-05
    Block 053512:

2001	2002

    Block 053613:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2034	3000	3001	3002	3003	3004	3005	3006	3007	

    Block 053614:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014									

District 15

County Wake NC

VTD 05-05

Block 053615:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2025	2026	2027	2028	2029
2030	2031	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
2044	2045	2046	2047	2048	2049	2050	2051	2063	2064	2067	2068
2069	2071										

Block 980100:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1013
1014	1015	1016	1017	1018	1019	1020	1021	1024	1026	1027	1032
1033	1034										

Block 980200:

1003	1004	1010	1014	1015

VTD 07-01

VTD 07-02

VTD 07-03

VTD 07-04

VTD 07-07

Block 053714:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013											

Block 053722:

1009	2003	2004	2005	2006	2007	2008	2009	2010	2011

Block 053729:

1005	1006	1007	1008	1009	1010	1011	1012

VTD 07-09

VTD 07-10

VTD 07-12

VTD 08-02

VTD 08-03

VTD 08-04

VTD 08-05

VTD 08-06

VTD 08-07

VTD 08-08

VTD 08-09

VTD 08-10

VTD 08-11

VTD 11-01

VTD 11-02

VTD 18-01

Plan Components (Short)

District 15

County Wake NC

VTD 18-01

　Block 052305:

　2051

　Block 052307:

　4002

District 16

County Wake NC

VTD 04-01

VTD 04-02

VTD 04-03

VTD 04-04

VTD 04-05

　Block 053520:

2000	2001	2002	2003	2004	2005	3009	3010	3011	3012	3013	

　Block 053521:

1006	1013	1014	1015	1016	1017	1018	1022	1024	1025	1026	1027
1028	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1052	1053
1054	1055	1056	1057	1058	1059	1060	1061	1062	1065	1066	1069
1071	1076	2000	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
2036	2037	2038	2039	2040							

VTD 04-06

VTD 04-07

　Block 053509:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2007	2008	2009
2010	2011	2012	2013	2014							

VTD 04-08

VTD 04-09

VTD 04-10

　Block 053423:

1001	1002	1003	1004	1005	1006	1007	1008	1009	2000	2001	2002
2003	2004										

　Block 053424:

2007	2030	2031	2035	2037

　Block 053509:

3000	3001	3002	3003	3004	3005	3006	3010	3011	3012	3013	3014
3015											

VTD 04-11

VTD 04-12

VTD 04-13

　Block 053424:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1012
1013	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010	2011

Plan Components (Short)

District 16

County Wake NC

VTD 04-13

  Block 053424:

2012	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2029	2032										

  Block 053425:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011

VTD 04-14

VTD 04-15

VTD 04-16

VTD 04-17

VTD 04-18

VTD 04-19

VTD 04-20

VTD 04-21

VTD 05-01

VTD 05-03

VTD 05-05

  Block 053609:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1083	1086	1112
1115	1116	1117	1118								

  Block 053615:

2024	2032	2033	2052	2053	2054	2055	2056	2057	2058	2059	2060
2061	2062	2065	2066	2070							

  Block 980100:

1022	1023	1025	1028	1029	1030	1031

VTD 05-06

VTD 05-07

VTD 05-08

VTD 18-03

VTD 18-04

  Block 053007:

1000	1001	1002	1011	1012	1013

VTD 18-05

  Block 053005:

1000	1001	1002	1003	1004	1005	1006	1007	2000	2001	2002	2003
2004	2005	2006	2007	2008	2012	3000	3001	3002	3003	3004	3005
3006	3007	3008	3009	3010	3014	3015	3016	3017	3018	3019	4000
4001	4002	4003	4004	4005	4006	4007	4008	4010	4011	4012	4013
4014											

VTD 18-08

VTD 20-04

  Block 053408:

1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016
1017	1018	1019	1020	1021	1022	1023	1024				

  Block 053409:

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	3000

Plan Components (Short)

District 16

County Wake NC

VTD 20-04

Block 053409:

3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017	3019	3022	3023	3024	3029	3030	

Block 053424:

1011

VTD 20-05

Block 053405:

1000	1001	1003	1004	1005	1006	2000	2001	2002	2003	2004	2005
2006	2007	2008	2011	2012	2013	2014	2015	2016	2017	2018	2019
2021	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3014	3015	3016	3017	3018	3019			

VTD 20-09

Block 053419:

1000	1001	1002	1003	1004	1005	1008	1009	1012	1013	1014	1015
1016	1017	1018	1019	1020	1024	1025	1026	1027			

VTD 20-10

VTD 20-14

Block 053410:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2021	2022	2023	2024	2025	2026						

Block 053411:

1063	1064	1065	1068	1069	1070	1071	1072	1073	1074	1075	1076
1077	1079	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094
1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106
1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1118	1119
1134	1135	1136	2019	2027	2028	2030	2031	2032	2033	2034	2035
2036	2037	2038	2039	2040	3016						

Block 053426:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1030	1042
1043	1044	1045	1046								

VTD 20-15

VTD 20-16

VTD 20-17

District 17

County Wake NC

VTD 03-00

VTD 04-07

Block 053509:

2005	2006

Plan Components (Short)

District   17

County Wake NC

  VTD 04-10

    Block 053424:

    2038

    Block 053509:

3007	3008	3009

  VTD 04-13

    Block 053424:

2013	2025	2026	2027	2028	2033	2034	2036	2039

  VTD 06-04

  VTD 06-05

  VTD 06-06

  VTD 06-07

  VTD 06-08

  VTD 06-09

  VTD 06-10

  VTD 12-01

  VTD 12-02

  VTD 12-04

  VTD 12-05

  VTD 12-06

  VTD 12-07

  VTD 12-08

  VTD 12-09

  VTD 15-03

    Block 052901:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2011	2012	2013
2014										

    Block 052905:

    1008

  VTD 18-02

  VTD 18-05

    Block 053005:

2009	2010	2011	3011	3012	3013	4009

    Block 053421:

1000	1001	1002	1003	1004	1005	1015	1016	1017	1018	1019	1020
1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1035	1036
1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	

  VTD 18-07

    Block 053006:

1000	1001	1002	1003	1004	1005	1006	3002	3003

    Block 053009:

3004	3005	3006	3007	3008	3009

    Block 053010:

3000	3001	3002	3003	3004	3005	3006	3007	3008

    Block 053111:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011

Plan Components (Short)

District   17

County Wake NC

VTD 18-07

  Block 053111:

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026									

VTD 20-01

VTD 20-03

VTD 20-04

  Block 053409:

3018	3020	3021	3025	3026	3027	3028	3031	3032

  Block 053429:

2014

VTD 20-05

  Block 053405:

1002	2009	2010	2020

VTD 20-06A

VTD 20-06B

VTD 20-08

VTD 20-09

  Block 053419:

1006	1007	1010	1011	1021	1022	1023	1028	1029	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014

  Block 053436:

2011	2012	2013	2014	2015	2016	2018	2019	2020	2021	2022

VTD 20-11

VTD 20-12

VTD 20-14

  Block 053426:

1047	1048

District   18

County Wake NC

VTD 01-28

  Block 052705:

3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028
3029											

  Block 052706:

1021	1022	1023	2012

VTD 01-38

VTD 01-46

  Block 052704:

1000	1001	1005	1006	1007	1008	2000	2001	2002	2003	2004	2005
2006	2007	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3014	3015	3016						

  Block 052705:

1000	1001

  Block 054018:

1028	1029	1030	1031	1032	1034	1035

Plan Components (Short)

District 18

County Wake NC

VTD 09-01
VTD 09-02
VTD 09-03
VTD 10-01
VTD 10-02
VTD 10-03
VTD 10-04
VTD 13-01
VTD 13-05

Block 054017:

1013	1014										

Block 054018:

1000	1001	1002	1003	1004	1005	1006	1020	1021	1022	1023	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026										

VTD 13-07
VTD 13-08
VTD 13-09
VTD 17-01
VTD 17-02
VTD 17-03
VTD 17-04
VTD 17-05
VTD 17-06
VTD 17-07
VTD 17-10
VTD 17-11
VTD 17-12
VTD 17-13
VTD 19-09
VTD 19-16
VTD 19-17
VTD 19-18

Block 054221:

3000	3001	3002	3003	3004	3018	3020	3023	3024	3025	3026

Block 054222:

2010	2011	2012	2013	2014	2015

VTD 19-19

Block 054216:

3002	3003	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017
3018	3019	3020	3021	3022	3023	3024	3025				

Block 054222:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3031	3032	3036	3037	3038	3039
3040	3041	3042	3043	3044	3045	3047					

District 18

County Wake NC

VTD 19-20

Block 054217:

1000	1001	1002	1003	1004	1010	1011	1012	1013	2004	2005	2006
2007	2008	2009	2010								

Block 054218:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016							

Block 054220:

2028

VTD 19-21

District 19

County Cumberland NC

VTD ARRAN HILLS

VTD AUMAN-G5A-1

VTD AUMAN-G5A-2

VTD BRENTWOOD-G5

VTD CLIFFDALE_WEST- 1-CL57

VTD CLIFFDALE_WEST- 2-CL57

VTD CROSS CREEK 01

VTD CROSS CREEK 02-G1

VTD CROSS CREEK 03

VTD CROSS CREEK 04

VTD CROSS CREEK 05

VTD CROSS CREEK 06

VTD CROSS CREEK 07

VTD CROSS CREEK 08

VTD CROSS CREEK 09-G2

VTD CROSS CREEK 10

VTD CROSS CREEK 11-G3

VTD CROSS CREEK 12

VTD CROSS CREEK 13

VTD CROSS CREEK 14

VTD CROSS CREEK 15

VTD CROSS CREEK 16

VTD CROSS CREEK 17

VTD CROSS CREEK 18

VTD CROSS CREEK 19

VTD CROSS CREEK 20-G4

VTD CROSS CREEK 21

VTD CROSS CREEK 22-G2

VTD CROSS CREEK 23-G2C-1

VTD CROSS CREEK 24

VTD CROSS CREEK 25

VTD CROSS CREEK 26

VTD CROSS CREEK 27

VTD CROSS CREEK 28-G5B-1

Plan Components (Short)   Optimized Senate Map

District   19

County Cumberland NC
>   VTD CROSS CREEK 28-G5B-2
>   VTD CROSS CREEK 29
>   VTD CROSS CREEK 30-G4
>   VTD CROSS CREEK 31
>   VTD CROSS CREEK 32
>   VTD CROSS CREEK 33
>   VTD CROSS CREEK 34
>   VTD CUMBERLAND 1A-G8
>   VTD CUMBERLAND 2
>   VTD CUMBERLAND 3-G8
>   VTD CUMBERLAND 4-G8
>   VTD LAKE RIM
>   VTD MONTIBELLO
>   VTD MORGANTON RD 2
>   VTD PEARCES MILL 2-G3A-1
>   VTD PEARCES MILL 2-G3A-2
>   VTD PEARCES MILL 3-G3
>   VTD PEARCES MILL 4-G4
>   VTD STONEY POINT 2-G10
>   VTD WESTAREA-G2E-1
>   VTD WESTAREA-G2E-2

District   20

County Chatham NC

County Durham NC
>   VTD 0035.3
>   VTD BETHESDA RURITAN CLUB
>   VTD CHRIST THE KING MORAVIAN
>   VTD CREEKSIDE ELEMENTARY
>   VTD FOREST HILLS CLUB HOUSE
>   Block 002007:

4002	4003	4004	4005	4008	4009	4010	4011	4012	4013	4014	4015
4016	4017	4018									

>   Block 002009:

3001	3004

>   VTD FOREST VIEW ELEMENTARY
>   VTD HOLMES RECREATION CENTER
>   VTD HOLY INFANT CATHOLIC
>   VTD HOPE VALLEY BAPTIST
>   VTD IVY COMMUNITY CENTER
>   VTD LOWES GROVE BAPTIST
>   VTD PEARSONTOWN ELEMENTARY
>   VTD SHEPHARD MAGNET SCHOOL
>   VTD SOUTHWEST ELEMENTARY
>   VTD ST. STEPHENS EPISCOPAL
>   VTD TRIANGLE CHURCH
>   VTD TRIANGLE PRESBYTERIAN

Plan Components (Short) Optimized Senate Map

District 20

County Durham NC
> VTD WATERFORD VILLAGE APTS
> VTD WHITE ROCK BAPTIST CHURCH
> VTD YATES BAPTIST CHURCH

District 21

County Cumberland NC
> VTD ALDERMAN
> VTD BEAVER DAM-G6
> VTD BLACK RIVER-G7
> VTD CEDAR CREEK-G6
> VTD EASTOVER 1
> VTD EASTOVER 2
> VTD HOPE MILLS 1A-G8
> VTD HOPE MILLS 2-G9B-1
> VTD HOPE MILLS 2-G9B-2
> VTD HOPE MILLS 3-G9
> VTD HOPE MILLS 4-G10
> VTD JUDSON-VANDER-G1
> VTD LINDEN
> VTD LONGHILL-G2
> VTD MANCHESTER-G11
> VTD SHERWOOD
> VTD Spring Lake 3
> VTD STEDMAN-G6
> VTD STONEY POINT 1-G10
> VTD WADE-G7

County Moore NC

District 22

County Durham NC
> VTD 055-11
> VTD 055-49
> VTD AMERICAN LEGION POST 7
> VTD BAHAMA RURITAN CLUB
> VTD BAHAMA VFD - ROUGEMONT STATION
> VTD BROGDEN MIDDLE SCHOOL
> VTD BURTON ELEMENTARY
> VTD C C SPAULDING SCHOOL
> VTD CLUB BOULEVARD SCHOOL
> VTD COLE MILL CHURCH
> VTD COUNTY AGRICULTURAL BUILDING
> VTD COUNTY MAIN LIBRARY
> VTD DPS STAFF DEVELOPMENT CENTER
> VTD E K POWE ELEMENTARY
> VTD EDISON JOHNSON CENTER
> VTD EVANGEL ASSEMBLY OF GOD
> VTD FIRST UNITED ANTIOCH
> VTD FOREST HILLS CLUB HOUSE

Plan Components (Short)

District   22

County Durham NC

    VTD FOREST HILLS CLUB HOUSE

      Block 000700:

2010	2011	2012	2013	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	2032	2033	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3016											

      Block 001304:

       1007

      Block 002007:

       4000   4001   4006   4007

      Block 002009:

       3000

    VTD GEORGE WATTS ELEMENTARY

    VTD GLENN ELEMENTARY

    VTD LAKEWOOD SCHOOL

    VTD MCMANNEN UNITED METHODIST

    VTD MONUMENT OF FAITH CHURCH

    VTD MOREHEAD MONTESSORI

    VTD MT CALVARY CHURCH

    VTD NEAL MIDDLE SCHOOL

    VTD NORTH REGIONAL LIBRARY

    VTD NORTHERN HIGH SCHOOL

    VTD OAK GROVE ELEMENTARY

    VTD PATTERSON REC CENTER

    VTD ROGERS-HERR MIDDLE SCHOOL

    VTD SCHOOL OF SCIENCE AND MATH

    VTD SCHOOL OF THE ARTS

    VTD SOUTHERN HIGH SCHOOL

    VTD TEMPLE BAPTIST CHURCH

    VTD THE RIVER CHURCH

    VTD VFW POST 2740

    VTD Y E SMITH SCHOOL

District   23

County Caswell NC

County Orange NC

County Person NC

District   24

County Hoke NC

County Robeson NC

County Scotland NC

District   25

County Alamance NC

County Randolph NC

    VTD DEEP RIVER

      Block 030301:

       1002   1004   1006   1007   1017

Plan Components (Short)

District 25

County Randolph NC

VTD DEEP RIVER

Block 030805:

1000	1001	1002	1003	1004	1005	1006	1010	3000	3001	3002	3003
3004											

Block 030806:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011

Block 031001:

2010	2011	2012	2037

Block 031002:

2023	2024	2025	2026	2027	2028	2029	2030	2040	2041	2042	2043
2044	2045	2046	2047	2048	2067						

Block 031101:

1008	1009	1010	1011	1014	1015	1017	1018	1019	1020	1022	1023
1024	1025	1026	1043	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	3000	3001	3002	3003	3004	3005	3006	3007	3012	3013
3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025
3026	3027	3028	3029	3030	3031	3032	3033	3034	3035		

Block 031102:

1001	1002	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017
1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055
1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067
1068	1069	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2026	2027	2028								

Block 031307:

1032	1033	1034

VTD LEVEL CROSS

VTD LIBERTY

VTD NEW MARKET

Block 030503:

1000	1001	1002	1003	1013	1014	1015	1016	1017	1018	1019	1023
1024	1030	2000	2001	2002	2003	2004	2007	2008	2010	2016	2017
2032	2034	2035	2062								

Block 031303:

1003	1004	1018	1019	1020	1021	1022	1023	1024	1025	1026	1028
1029	1030	1031	1032	1047	1049	1050	1051	1052	1053	1054	1055
1056	1057	1058	1059	2000	2001	2002	2003	2004	2005	2016	2017
2024											

Block 031304:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1022	1023	1024
1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1038	1046
1047	1048	1052	1053	1054	1055	1059	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016

Plan Components (Short)   Optimized Senate Map

District 25

County Randolph NC

VTD NEW MARKET

Block 031304:

2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
2029	2030	2031	2032	2033	2034	2035	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3019										

VTD PROVIDENCE

VTD RAMSEUR

VTD RANDLEMAN

Block 030503:

1020	2005	2006	2009	2011	2012	2013	2014	2015	2018	2019	2020
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2033
2037	2050	2051	2061	2063							

Block 031101:

1021	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037
1038	1039	1040	1041	1042							

Block 031305:

1011	1012	1013	1014	2003	2004	2005	2006	2016	2017		

Block 031401:

1001	1002	1003	1004	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026
1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038
1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1052
1053	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
2047	2048	2049	3001	3002	3003	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035
3036	3037										

Block 031402:

1000	1001	1002	1003	1004	1005	1006	1007	1010	1011	1012	1013
1014	1015	1016	1017	1018	1019	1026	1028	1029	1030	1043	1045

VTD SOUTHEAST

VTD STALEY

District 26

County Guilford NC

VTD FEN1

VTD FEN2

VTD G06

VTD G46

VTD G47

VTD G52

VTD G53

VTD G54

Plan Components (Short)

District 26

County Guilford NC

VTD G69

VTD G70

VTD G71

VTD G72

VTD G73

VTD G74

VTD G75

VTD GIB

VTD GR

VTD JEF1

VTD JEF2

VTD JEF3

VTD JEF4

VTD MON1

  Block 012803:

  1004

  Block 015402:

   4058   4059   4068

VTD NCLAY1

VTD NCLAY2

VTD NWASH

VTD PG1

VTD PG2

VTD RC1

VTD RC2

VTD SCLAY

VTD SUM2

VTD SUM4

VTD SWASH

County Rockingham NC

District 27

County Guilford NC

VTD FR1

VTD FR2

VTD FR4

  Block 016008:

   2024   2025   2026

  Block 016011:

   2023   2024   2027

  Block 980100:

   1037   1038

VTD FR5A

  Block 016008:

   1014   2004   2005   2009   2010   2011   2012   2013   2014   2015   2016   2017

   2018   2019   2020   2021   2022   2023   2027

  Block 016011:

Plan Components (Short)

District 27

County Guilford NC

VTD FR5A
  Block 016011:
  2056
  Block 980100:

1000	1001	1002	1003	1004	1005	1018	1019	1020	1021	1030	1031
1035	1036	1041	1042	1043							

VTD FR5B
  Block 016003:

3043	3053	3054	3055	3056	3057	3058	3059	3061	3062	3063	3064

VTD G50
VTD G51
VTD G55
VTD G56
VTD G57
VTD G58
VTD G59
VTD G60
VTD G61
VTD G62
VTD G63
VTD G64
VTD G65
VTD G66
VTD H01
VTD H02
VTD H03
VTD H04
VTD H05
VTD H06
VTD H07
VTD H08
VTD H09
VTD H10
VTD H11
VTD H12
VTD H13
VTD H14
VTD H15
VTD H16
VTD H17
VTD H18
VTD H19A
VTD H19B
VTD H20A
VTD H20B
VTD H21

Plan Components (Short) Optimized Senate Map

District 27

County Guilford NC

    VTD H22

    VTD H23

    VTD H24

    VTD H25

    VTD H26

    VTD H27-A

    VTD H27-B

    VTD H28

    VTD H29A

    VTD H29B

    VTD JAM1

    VTD JAM2

    VTD JAM3

    VTD JAM4

    VTD JAM5

    VTD NDRI

    VTD OR1

    VTD OR2

    VTD SDRI

    VTD SF1

      Block 015800:

       3010   3013   3022

    VTD STOK

    VTD SUM1

    VTD SUM3

District 28

County Guilford NC

    VTD CG1

    VTD CG2

    VTD CG3A

    VTD CG3B

    VTD FR3

    VTD FR4

      Block 016009:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1042	1043

      Block 016010:

1000	1001	1002	1003	1004	2011	2015	2017	2018

      Block 016011:

       2013

      Block 980100:

1006	1007	1008	1009	1014	1015	1016	1017	1022	1023	1024	1027
1028	1029	1032	1033	1034	1044	1045	1047				

    VTD FR5A

      Block 016008:

District	28

County Guilford NC

VTD FR5A

　　Block 016008:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	2000	2001	2002	2003	2006	2007	2008	3030	3031	3032	3040

VTD FR5B

　　Block 016003:

3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040
3041	3042	3044	3045	3046	3047	3048	3049	3050	3051	3060	

　　Block 016008:

1000	3029	3033	3034	3035	3036	3037	3038	3039

VTD G01

VTD G02

VTD G03

VTD G04

VTD G05

VTD G07

VTD G08

VTD G09

VTD G10

VTD G11

VTD G12

VTD G13

VTD G14

VTD G15

VTD G16

VTD G17

VTD G18

VTD G19

VTD G20

VTD G21

VTD G22

VTD G23

VTD G24

VTD G25

VTD G26

VTD G27

VTD G28

VTD G29

VTD G30

VTD G31

VTD G32

VTD G33

VTD G34

VTD G35

VTD G36

VTD G37

District   28

County Guilford NC
   VTD G38
   VTD G39
   VTD G40A1
   VTD G40A2
   VTD G40B
   VTD G41A
   VTD G41B
   VTD G42A
   VTD G42B
   VTD G43
   VTD G44
   VTD G45
   VTD G48
   VTD G49
   VTD G67
   VTD G68
   VTD MON1
     Block 015402:

2005	2006	2007	2011	2012	2013	2014	2015	2016	2019	2020	2021
2027	2037	2038	2039	2040	2044	3000	3001	3010	3011	3012	3015
3016	3017	3018	4000	4001	4002	4003	4004	4005	4006	4007	4008
4009	4010	4011	4012	4013	4014	4015	4016	4017	4018	4019	4020
4021	4022	4023	4024	4025	4026	4027	4028	4029	4030	4031	4032
4033	4034	4035	4036	4037	4038	4039	4040	4041	4042	4043	4044
4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055	4056
4057	4060	4061	4062	4063	4064	4065	4066	4067	4069	4070	4071
4072	4073	4074	4077	4078	4079	4080					

   VTD MON2A
   VTD MON2B
   VTD MON3
   VTD NCGR1
   VTD NCGR2
   VTD NMAD
   VTD SF1
     Block 015704:
     1012
     Block 015800:

1001	1002	1007	1008	1009	2031	2033	2034	2035	2038	2043	2044
2045	2046	2047	2052	2053	2054	2055	2056	2057	2058	2059	2060
2063	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3014
3015	3016	3017	3018	3019	3020	3021	3024	3025	3026	3027	3028
3029	3030	3031	3032	3033	3034	4008	4009	4010	4011	4012	4013
4014	4015	4016	4017	4018	4020	4021	4022	4023	4024	4025	4026
4027	4028	4029	4030	4031	4032	4033	4034	4035	4036	4037	4038
4039	4040	4043	4044	4045	4046	4047					

     Block 016005:

District 28

County Guilford NC

 VTD SF1

  Block 016005:

  1006

 VTD SF2

 VTD SF3

 VTD SF4

 VTD SMAD

District 29

County Anson NC

County Montgomery NC

County Randolph NC

 VTD ARCHDALE

 VTD ASHEBORO EAST

 VTD ASHEBORO NORTH

 VTD ASHEBORO SOUTH

 VTD ASHEBORO WEST

 VTD BACK CREEK

 VTD DEEP RIVER

  Block 031101:

  1044 3008

 VTD GRANT

 VTD NEW MARKET

  Block 031303:

  1027

  Block 031304:

  1009 1010 1036 1037 1042 1043 1044 1045 1049 1050 1051

 VTD RANDLEMAN

  Block 030301:

  4000 4006 4007 4008

  Block 031402:

  1009 1025 1027 1031 1032 1033 1034 1037 1041 1042 1044 2000

  2001 2002 2003 2004 2005 2006 2007 2008 2009 2013 2014 2018

  2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030

  2031 2032 2033 2035 2036 2037 2038 2039 2040 2041 2042 2043

  2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2060 2061

 VTD SOUTHERN

 VTD SOUTHWEST

 VTD TABERNACLE

 VTD TRINITY

 VTD TRINITY TABERNACLE

 VTD UNION GROVE

County Richmond NC

County Union NC

 VTD ALLENS CROSSROADS VFD

 VTD BEAVER LANE VFD

 VTD CROSSROADS AME ZION CHURCH

District 29

County Union NC

    VTD EUTO BAPTIST CHURCH

    VTD MIDWAY BAPTIST CHURCH

    Block 020100:

2039	2040	3013	3019	3020	3021	3032	3034	3037	3038	3039	3040
3041	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052
3053	3054	3055	3056	3057	3059	3068					

    Block 020601:

4015	4018	4019

    Block 020701:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1017	1018
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3014	3015	3016	3017	3028	3029	3042				

    VTD PROSPECT ELEMENTARY SCHOOL

    VTD ROCK REST ELEMENTARY SCHOOL

    Block 020601:

2007	2029	2043	2044	2045	2046	2047

    Block 020602:

2037

    Block 020702:

1037	1038	1039	1040	1044	1045	1046	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2028	2029	2030	2031	2032	2033	2034	2035	2036	2042	2043	2044
2045	2046	2047									

    Block 020901:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3023	3024	3027	3028				

    VTD UNION BAPTIST CHURCH

    VTD WINGATE COMMUNITY CENTER

District 30

County Davidson NC

County Davie NC

District 31

County Forsyth NC

    VTD ARDMORE BAPTIST CHURCH

    VTD ARTS COUNCIL THEATER

    VTD BETHABARA MORAVIAN CH

    VTD BRUNSON ELEMENTARY

    VTD CALVARY BAPTIST CHURCH - BOY SCOUT HUT

    VTD CLEMMONS CIVIC CENTER

    VTD CLEMMONS ELEMENTARY

    VTD CLEMMONS PRESBYTERIAN

    VTD FIRST ALLIANCE CHURCH

    VTD FIRST CHRISTIAN CHURCH

    VTD FORSYTH FRIENDS MEETING

    VTD FORSYTH TECH WEST CAMPUS

    VTD GREEK ORTHODOX CHURCH

District   31

County Forsyth NC

VTD GRIFFITH FIRE STATION

Block 003703:

2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009		

Block 003803:

1012	1013	1014	1015	1016	1018	1019	1020	1021	1022	1023	1024
1025	1026										

VTD HOLY FAMILY CATHOLIC CHURCH

VTD JEFFERSON MIDDLE

VTD LATHAM ELEMENTARY

VTD LEWISVILLE ELEMENTARY SCHOOL

VTD LITTLE CREEK RECREATION

VTD MEADOWLARK MIDDLE SCHOOL

VTD MESSIAH MORAVIAN CHURCH

VTD MILLER PARK RECREATION

VTD MT TABOR HIGH SCHOOL

VTD NEW HOPE AME ZION CHURCH

VTD OLD TOWN BAPTIST CHURCH

VTD OLD TOWN RECREATION CTR

VTD PARKWAY UNITED CHURCH OF CHRIST

VTD PFAFFTOWN CHRISTIAN CHURCH

Block 002801:

3043	3047	3055	3056	3057	3058	3059	3060	3061	3062	3063	3064
3065	3066										

Block 004102:

1018	1019	1020	1024	1025	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2021	2022	2023	2026	2039

Block 004104:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
2004	2005	2006	2010	2011	2012	2013	2014	2015	2016	2017	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010		

VTD PHILO MIDDLE SCHOOL

VTD PIEDMONT BAPTIST COLLEGE

VTD POLO PARK RECREATION CTR

VTD REYNOLDS HIGH GIRLS GYM

VTD SHEPHERDS CENTER

VTD SHERWOOD FOREST ELEM SCHOOL

VTD SHILOH LUTHERAN CHURCH

VTD SOUTH FORK ELEMENTARY

VTD SOUTHWEST ELEMENTARY

VTD ST ANNES EPISCOPAL

VTD SUMMIT SCHOOL

VTD TOBACCOVILLE COMMUNITY CENTER

VTD TRINITY MORAVIAN CHURCH

Plan Components (Short) Optimized Senate Map

District 31

County Forsyth NC
VTD TRINITY UNITED METHODIST CHURCH
VTD UNITY MORAVIAN CHURCH
VTD VFW POST 9010
VTD VIENNA ELEMENTARY SCHOOL
VTD WARD ELEMENTARY SCHOOL
VTD WHITAKER ELEMENTARY
VTD W-S FIRST SEVENTH DAY ADVENTIST CHURCH
VTD WSFC SCHOOLS ADMINISTRATION BLDG

County Yadkin NC

District 32

County Forsyth NC
VTD ASHLEY ELEMENTARY SCHOOL
VTD BEESONS CROSSROADS FIRE
VTD BELEWS CREEK FIRE
VTD BETHANIA MORAVIAN CHURCH
VTD BROWN-DOUGLAS REC CTR
VTD CARVER HIGH SCHOOL
VTD CASH ELEMENTARY SCHOOL
VTD COVENANT PRESBYTERIAN
VTD EAST FORSYTH HIGH SCHOOL
VTD EAST WINSTON HERITAGE CENTER
VTD EASTON ELEMENTARY SCHOOL
VTD FELLOWSHIP BAPTIST
VTD FOREST PARK ELEMENTARY
VTD FORSYTH TECH CC MAZIE WOODRUFF CTR
VTD FOURTEENTH STREET REC
VTD FRIEDLAND MORAVIAN
VTD GLENN HIGH SCHOOL
VTD GOOD SHEPHERD MORAVIAN
VTD GRIFFITH FIRE STATION
   Block 003702:
   2000   2001   2002   2003   2004   2005   2006   2007   2008   2009   2010   2011
   2012   2013   2017   2018   2019
   Block 003703:
   1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011
   1012   1013   1014   1015   1016   1017   1018   1019   1020   1021   1022   1023
   1024   1025   2000   2001   2002   2003   2004   2005   2006   2007   4000   4001
   4002   4003   4004   4005   4006   4007   4008   4009   4010   4011   4012   4013
   4014   4015   4016   4017   4018   4019   5000   5001   5002   5003   5004   5005
   5006   5007   5008   5009   5010   5011   5012   5013   5014   5015   5016   5017
   5018   5019   5020   5021   5022   5023
VTD HANES-LOWRANCE MIDDLE SCHOOL
VTD HILL MIDDLE SCHOOL
VTD HOME AND GARDEN BUILDING (FAIRGROUNDS)
VTD IBRAHAM ELEMENTARY
VTD JOHN WESLEY AME ZION CHURCH

Plan Components (Short) Optimized Senate Map

District 32

County Forsyth NC
VTD KERNERSVILLE 7TH DAY ADVENTIST CHURCH
VTD KERNERSVILLE ELEMENTARY
VTD KERNERSVILLE LIBRARY
VTD KERNERSVILLE RECREATION
VTD KINGSWOOD UNITED METHODIST CHURCH
VTD LEAP ACADEMY AT KENNEDY
VTD MACEDONIA BAPTIST CHURCH
VTD MARTIN LUTHER KING REC
VTD MINERAL SPRINGS ELEM SCHOOL
VTD MISSION HISPANA
VTD NEW HOPE UNITED METHODIST CHURCH
VTD NORTH HILLS ELEMENTARY SCHOOL
VTD NORTHWEST MIDDLE SCHOOL
VTD OAK SUMMIT UNITED METHODIST CHURCH
VTD PAISLEY MIDDLE SCHOOL
VTD PARKLAND HIGH SCHOOL
VTD PFAFFTOWN CHRISTIAN CHURCH
   Block 002801:
   3054
VTD PINEY GROVE ELEMENTARY
VTD PINEY GROVE FIRE STATION
VTD PROVIDENCE MORAVIAN CHURCH
VTD RURAL HALL ELEMENTARY
VTD SEDGE GARDEN ELEMENTARY
VTD SEDGE GARDEN REC CTR
VTD SIMS RECREATION CENTER
VTD SOUTHEAST MIDDLE SCHOOL
VTD ST ANDREWS METHODIST
VTD ST ANDREWS PRESBYTERIAN
VTD UNION CROSS ELEMENTARY SCHOOL
VTD WALKERTOWN LIBRARY
VTD WINSTON LAKE FAMILY YMCA

District 33

County Rowan NC

County Stanly NC

District 34

County Cabarrus NC
VTD 01-02
   Block 041503:
   1058   1059   1072   1086   1088
   Block 041507:
   1015   1016   1017   1018   1019   1020   1021   1022   1023   1024   2000   2001
   2002   2003   2004   2005   2006   2007   2008   2009   2010   2011   2012   2013
   2014
   Block 041603:
   2014   2015

Plan Components (Short)

District 34

County Cabarrus NC

VTD 01-04
VTD 01-07
VTD 01-08
VTD 01-10
VTD 01-11
VTD 02-01
VTD 02-02
VTD 02-03
VTD 02-05
VTD 02-06
VTD 02-07
VTD 02-08
VTD 02-09
VTD 03-00
VTD 04-01
VTD 04-03
VTD 04-08
VTD 04-09
VTD 04-11
VTD 04-12
VTD 04-13
VTD 05-00
VTD 06-00
VTD 07-00
VTD 08-00
VTD 09-00
VTD 11-01
VTD 11-02
VTD 12-03
VTD 12-04
VTD 12-05
VTD 12-06
VTD 12-08
VTD 12-09
VTD 12-10
VTD 12-11
VTD 12-12
VTD 12-13

District 35

County Cabarrus NC

VTD 01-02
  Block 041503:
   1087
  Block 041603:
   2010   2011   2012   2013   2049   2055   2056   2057   2058   2059   2062   2063
   2064   2074   2075   2076

District 35

County Cabarrus NC
    VTD 10-00

County Union NC
    VTD BENTON HEIGHTS CHURCH OF GOD
    VTD BENTON HEIGHTS PRESBYTERIAN CHURCH
    VTD BETHLEHEM PRESBYTERIAN CHURCH
    VTD BRANDON OAKS CLUBHOUSE
    VTD ELLEN FITZGERALD SENIOR CENTER
    VTD FAIRVIEW ELEMENTARY SCHOOL
    VTD GRACE BAPTIST CHURCH
    VTD GRACE UNITED METHODIST CHURCH
    VTD GRIFFITH ROAD VFD
    VTD HEMBY BRIDGE ELEMENTARY SCHOOL
    VTD INDIAN TRAIL LIBRARY
    VTD KENSINGTON ELEMENTARY SCHOOL
    VTD LAKE PARK COMMUNITY CENTER
    VTD LIFELINE COMMUNITY CHURCH
    VTD MARVIN AME ZION CHURCH
    VTD MARVIN ELEMENTARY SCHOOL
    VTD MIDWAY BAPTIST CHURCH

      Block 020100:

3024	3025	3026	3027	3028	3029	3030	3031	3033	3035	3036	3060
3061	3062	3063	3064	3065	3066	3067	3069	3070	3071	3072	3073
3074	3075	3076	3077	3078	3079	3080	3081	3082	3083		

      Block 020601:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
3024	3025	3026	3027	3028	3029	3030	3031	3032	4000	4001	4002
4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
4016	4017	4020	4021	4027							

    VTD MINERAL SPRINGS VFD
    VTD MONROE MIDDLE SCHOOL
    VTD MT. CARMEL METHODIST CHURCH
    VTD NEW SALEM BAPTIST CHURCH
    VTD NEXT LEVEL CHURCH
    VTD PORTER RIDGE ELEMENTARY SCHOOL
    VTD PROVIDENCE VFD
    VTD ROCK HILL AME ZION CHURCH
    VTD ROCK REST ELEMENTARY SCHOOL

      Block 020601:

2030	2037	2038	2039	2040	2042

      Block 020602:

2030	2031	2032	2033	2034	2035	2036	2038

    VTD SANDY RIDGE ELEMENTARY SCHOOL
    VTD SARDIS ELEMENTARY SCHOOL
    VTD SHILOH ELEMENTARY SCHOOL
    VTD SILER PRESBYTERIAN CHURCH

Plan Components (Short)

District 35

County Union NC

    VTD SPCC CONFERENCE CENTER
    VTD SPIRIT OF JOY LUTHERAN CHURCH
    VTD ST. LUKES LUTHERAN CHURCH
    VTD STALLINGS UNITED METHODIST CHURCH
    VTD STALLINGS VFD
    VTD SUTTON PARK RECREATION CENTER
    VTD THE BAZEMORE CENTER
    VTD TIRZAH PRESBYTERIAN CHURCH
    VTD UNIONVILLE VFD
    VTD WALKERSVILLE PRESBYTERIAN CHURCH
    VTD WAXHAW BIBLE CHURCH
    VTD WAXHAW ELEMENTARY SCHOOL
    VTD WAXHAW VFD
    VTD WEDDINGTON ELEMENTARY SCHOOL
    VTD WESLEY CHAPEL ELEMENTARY SCHOOL

District 36

County Alexander NC

County Stokes NC

County Surry NC

County Wilkes NC

District 37

County Iredell NC

County Mecklenburg NC

    VTD 127
    VTD 133
        Block 006407:
        1014   2002
    VTD 202
        Block 006208:
        1000   1001   1002   1010   1011   1012   1013   1014   1015
        Block 006209:
        1000   1001   1002   1019   3000   3001   3002
        Block 006403:
        3019   3020   3024   3042   3043
        Block 006404:
        3018
        Block 006407:
        1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011
        1012   1013   1015   1016   1017   1018   1019   1020   1021   1022   1024   1031
        1032   1033   1034   1035   1036   1037   1038   1039   1040   1041   1042   1051
        2007
        Block 006408:
        1024   2000   2001   2003   2004   2005   2006   2007   2009   2010   2011   2012
        2013   2014   2015   2016   2017   2018   2019   2020   2021   2022   2023   2024
        2025   2026   2027   2028   2029   2030   2031   2032   2033   2034   2035
        Block 006409:

| District 37 | | | | | | | | | | | |

County Mecklenburg NC

  VTD 202

    Block 006409:

1001	1003	1004	1005	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026
1027	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1059	1060	1061	1062	1063	1064	1065	1066	1067
1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079
1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091
1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103
1104	1105	1106	1107	1108	1109	1110	1115	1116	1117		

    Block 006410:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
2029	2030	2031	2032								

    Block 006411:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012		

  VTD 206

| District 38 | | | | | | | | | | | |

County Mecklenburg NC

  VTD 016

  VTD 026

  VTD 107.1

  VTD 126

  VTD 128

  VTD 133

    Block 006209:

3053	3054	3055	3056	3057

    Block 006211:

1000	1001	1014

    Block 006212:

1000	1003

    Block 006308:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059
1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071
1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	

    Block 006311:

1005	1006	1007	1008	1009	1010	1011

    Block 006407:

Plan Components (Short)

District 38

County Mecklenburg NC

VTD 133

  Block 006407:

1023	1025	1026	1027	1028	1029	1030	1046	1047	1048	1049	1050
2000	2001	2003	2006	2008	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019	2020	2021						

VTD 134

VTD 135

VTD 142

VTD 143

VTD 145

VTD 146

VTD 151

VTD 202

  Block 006209:

3003	3004	3052

  Block 006310:

1000	1001	1002	1003	1004	1005	1006	1007	1009	1071	1072	1073
1074	1075	1078	1079								

  Block 006311:

1000	1001	1002	1003	1004	1012	1013	1014	1015	1016	1017

  Block 006407:

1043	1044	1045	2004	2005

VTD 207

VTD 208

VTD 209

VTD 210

VTD 211

VTD 212

  Block 005519:

2000	2001	2002	2003	2004

  Block 005520:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014						

  Block 005531:

1000	2000

  Block 005532:

1000	1001	1002	1003	1004	1005	1006	1007	2001	2002	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021								

  Block 005533:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1018	1019	1020	1021	1022			

  Block 005534:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005

Plan Components (Short)

District 38

County Mecklenburg NC

  VTD 212

    Block 005534:

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	3000
3001	3002	3003	3004	3005	3006	3007					

  VTD 213

  VTD 214

  VTD 222

    Block 004400:

     3023   3027

    Block 006111:

     2004   2005   2007

  VTD 238.1

  VTD 239

  VTD 240

  VTD 241

  VTD 242

District 39

County Mecklenburg NC

  VTD 023

  VTD 024

  VTD 031

  VTD 039

  VTD 040

  VTD 041

  VTD 052

  VTD 053

  VTD 077

  VTD 078.1

  VTD 079

  VTD 080

  VTD 081

  VTD 087

    Block 005826:

     2006

  VTD 089

  VTD 097

  VTD 098

  VTD 114

  VTD 122

  VTD 129

  VTD 138

  VTD 147

  VTD 150

  VTD 200

  VTD 222

    Block 004400:

Plan Components (Short)

District 39

County Mecklenburg NC

VTD 222

Block 004400:

2000	2001	2002	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
3021	3022	3025	3026								

Block 006110:

1020	1021	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	3000	3001	3002	3003	3004	3005
3006	3007	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027				

Block 006111:

1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1022	1023	1024	1025	1026	1027	1028	1029	1035	1036
1037	2000	2001	2002	2003	2006	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028									

VTD 223.1

VTD 224

VTD 225

VTD 228

VTD 229

VTD 230

VTD 231

Block 005867:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028									

VTD 243

District 40

County Mecklenburg NC

VTD 003

VTD 004

VTD 005

VTD 006

VTD 033

VTD 043

VTD 045

VTD 060

VTD 061

VTD 062

VTD 063

VTD 083

VTD 084

VTD 094

VTD 095

District 40											

County Mecklenburg NC

  VTD 104
  VTD 105
  VTD 108
  VTD 115
  VTD 116
  VTD 123
  VTD 124
  VTD 125
  VTD 130
  VTD 132
  VTD 141
  VTD 149
  VTD 201
  VTD 203
  VTD 204.1
  VTD 205
  VTD 212
    Block 005531:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
2030	2031	2032	2033	2034	2035	2036	2037	2038	2039		

    Block 005532:

2000	2003

  VTD 219
  VTD 220
  VTD 221
  VTD 234
  VTD 235
  VTD 236
  VTD 237

District 41											

County Mecklenburg NC

  VTD 064
  VTD 065
  VTD 067
  VTD 068
  VTD 069
  VTD 070
  VTD 072
  VTD 085
  VTD 086
  VTD 087
    Block 005826:

1009	1010	1011	1012	1013	1014	1015	1016	2000	2001	2002	2003

District 41

County Mecklenburg NC

   VTD 087

      Block 005826:

2004	2005	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2021	2022							

      Block 005829:

2008	2009

      Block 005830:

1000	1001	1002	1003	1004	1005	1006	1007	1008	2013	2014

      Block 005854:

1012

   VTD 088
   VTD 090
   VTD 091
   VTD 092
   VTD 093
   VTD 096
   VTD 099
   VTD 100
   VTD 101
   VTD 102
   VTD 103
   VTD 106
   VTD 110
   VTD 112
   VTD 113
   VTD 117
   VTD 118
   VTD 119
   VTD 121
   VTD 131
   VTD 136
   VTD 137
   VTD 139.1
   VTD 140
   VTD 144
   VTD 148
   VTD 215
   VTD 216
   VTD 217
   VTD 218
   VTD 226
   VTD 227
   VTD 231

      Block 005836:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006

Plan Components (Short)

District 41

County Mecklenburg NC

VTD 231
   Block 005836:
    2007   2008   2009   2010   2011
VTD 232
VTD 233

District 42

County Mecklenburg NC

VTD 001
VTD 002
VTD 007
VTD 008
VTD 009
VTD 010
VTD 011
VTD 012
VTD 013
VTD 014
VTD 015
VTD 017
VTD 018
VTD 019
VTD 020
VTD 021
VTD 022
VTD 025
VTD 027
VTD 028
VTD 029
VTD 030
VTD 032
VTD 034
VTD 035
VTD 036
VTD 037
VTD 038
VTD 042
VTD 044
VTD 046
VTD 047
VTD 048
VTD 049
VTD 050
VTD 051
VTD 054
VTD 055
VTD 056

Plan Components (Short) Optimized Senate Map

District 42

County Mecklenburg NC

    VTD 057

    VTD 058

    VTD 059

    VTD 066

    VTD 071

    VTD 073

    VTD 074

    VTD 075

    VTD 076

    VTD 082

    VTD 109

    VTD 111

    VTD 120

District 43

County Gaston NC

    VTD ARMSTRONG

    VTD ASHBROOK

    VTD BELMONT 1

    VTD BELMONT 2

    VTD BELMONT 3

    VTD BESSEMER CITY 1

    VTD BESSEMER CITY 2

    VTD CATAWBA HEIGHTS

    VTD CHERRYVILLE 1

    VTD CHERRYVILLE 2

    VTD CHERRYVILLE 3

    VTD CRAMERTON

    VTD CROWDERS MOUNTAIN

    VTD DALLAS 1

    VTD DALLAS 2

    VTD FLINT GROVES

    VTD FOREST HEIGHTS

    VTD GARDNER PARK

    VTD GASTON DAY

    VTD GRIER

    VTD HEALTH CENTER

    VTD HIGHLAND

    VTD LOWELL

    VTD LUCIA

      Block 030103:

1015	1017	1018	1019								

      Block 030104:

1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032
1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044
1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056
1057	1058	1060	1061								

Plan Components (Short)

District 43											

County Gaston NC

VTD LUCIA

Block 030206:

2005

VTD MCADENVILLE

VTD MOUNT HOLLY 1

VTD MOUNT HOLLY 2

VTD MYRTLE

VTD NEW HOPE

VTD PLEASANT RIDGE

VTD RANLO

VTD ROBINSON 1

VTD ROBINSON 2

VTD SHERWOOD

VTD SOUTH GASTONIA

VTD SOUTH POINT

VTD STANLEY 1

Block 030206:

1001	1002	1004	1005	1006	1008	1009	1010	1011	1012	1013	1014
2003	2004	2006	2007								

Block 031101:

1000	1001	1009	1010	1011	1013	2001	2004	2005			

VTD TRYON

VTD UNION

VTD VICTORY

VTD WOODHILL

VTD YORK CHESTER

District 44											

County Cleveland NC

County McDowell NC

County Rutherford NC

District 45											

County Caldwell NC

VTD HUDSON #33

VTD KINGS CREEK

VTD LENOIR #29

Block 030100:

4011	4012	4013	4014	4015	4016	4017	4018	4019	4020	4021	4022
4023	4024	4025	4026	4027	4028	4029	4030	4031	4032	4033	4035
4036	6000	6001	6002	6003	6004	6005	6006	6007	6008	6009	6010
6011	6012	6013	6014	6015	6016	6017	6018	6019	6020	6021	6022

Block 030200:

4029

Block 030300:

1005	1006	1007	1008	1009	1012	1013	1014	1015	1016	1017	1018
1019	1020	1021	2000	2001	2002	2003	2004	2005	2006	2007	2008
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023

Plan Components (Short)

District 45

County Caldwell NC

VTD LENOIR #29

Block 030300:

2024	2025	2026	2027	2028	2029	2030	2034	2035	2036	2037	2041
2042	2043	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
3010	3013	3014	3015	3016	3017	3018	3027	3034	3035	4000	4001
4002	4003	4006	4007	4016						

Block 030400:

2000	2001	2002	2003	2004	2005	2006	2007	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3024	3025	3026	3027	3028	3029	3034				

VTD LITTLE RIVER

VTD LOVELADY-ONE

VTD LOVELADY-RHODHISS

VTD LOVELADY-TWO

VTD LOWER CREEK #2

VTD LOWER CREEK #3

VTD NORTH CATAWBA

VTD NORTH CATAWBA #2

Block 030300:

3011	3012	3019	3020	3024	3025	3026	3028	3029	3030	3033

Block 030400:

3016	3017	3018	3019	3020	3021	3022	3023	3030	3031	3032	3033
4018	4019	4022	4023	4025	4026					

Block 030700:

1001	1002	1004	1005	1006	1007	1008	1009	1010	1011	1012	5006

Block 030801:

2000	2001	2002	2003	2004	2005	2007	2008	2010	2011	2013	2014
2015	2016	2017	2018	2019						

Block 030802:

2004	2005	2010	2012	2013

VTD SAWMILLS #1

VTD SAWMILLS #2

County Catawba NC

District 46

County Burke NC

County Gaston NC

VTD ALEXIS

VTD HIGH SHOALS

VTD LANDERS CHAPEL

VTD LUCIA

Block 030103:

1000	1001	1002	1003	1004	1005	1006	1007	1009	1010	1011	1012
1013	1014	1016	2000	2001	2002	2003	2010	2011	2012	2013	2014

Block 030104:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1017	1018	1019	1020	1059	2000	2001	2002

Plan Components (Short)   Optimized Senate Map

District 46

County Gaston NC
  VTD LUCIA
    Block 030104:
     2003   2004   2005   2006   2007   2008   2009   2010
  VTD STANLEY 1
    Block 030103:
     1008   2004   2005   2006   2007   2008   2009
    Block 030206:
     1000   1003   1007   2000   2001   2002
    Block 030207:
     1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1017   1018
     1019   1020   1021   1022   1023   2000   2001   2002   2003   2004   2005   2006
     2007   2008
    Block 030208:
     1000   1001   1002   1003   1004   1005   1006   1007   1008
    Block 030209:
     1000   1001   1003   1004   1006   1007   1008   1009   1010   1011   1012   1016
     1017   1018   1019   1020   1021   1022   1023   1026   1027   2000   2001   2002
     2012   2013   2014   2015   2017   2018   2019   2023
    Block 031101:
     1002   1003   1004   1007   1008   2010
  VTD STANLEY 2
County Lincoln NC

District 47

County Alleghany NC
County Ashe NC
County Avery NC
County Caldwell NC
  VTD GAMEWELL #1
  VTD GAMEWELL #2
  VTD GLOBE/JOHNS RIVER/MULBERRY/WILSON CREEK
  VTD LENOIR #29
    Block 030300:
     4005   4014
  VTD LENOIR #30
  VTD LOWER CREEK #1
  VTD LOWER CREEK #31
  VTD NORTH CATAWBA #2
    Block 030300:
     3021   3022   3023   3031   3032
  VTD PATTERSON
County Graham NC
County Haywood NC
  VTD BIG CREEK
  VTD FINES CREEK 1
  VTD FINES CREEK 2
  VTD WHITE OAK

Plan Components (Short) Optimized Senate Map

District 47

County Madison NC

County Mitchell NC

County Swain NC

County Watauga NC

County Yancey NC

District 48

County Buncombe NC

    VTD ASHEVILLE PRE-SCHOOL

    VTD ASHEVILLE SCHOOL ATHLETIC CENTER

    VTD ASHEVILLE SENIOR OPPORTUNITY CENTER

    VTD AVERYS CREEK COMMUNITY CENTER

    VTD AVERYS CREEK ELEMENTARY SCHOOL

    VTD BILTMORE FOREST TOWN HALL

    VTD CROSSROADS ASSEMBLY

    VTD ELIADA HOME - PAUL AMOS REC CENTER

    VTD ENKA MIDDLE SCHOOL

    VTD HALL FLETCHER SCHOOL

    VTD HAZEL 2 - JOHNSTON SCHOOL

    VTD LOWER HOMINY 1 - OAK FOREST PRESBYTERIAN

    VTD LOWER HOMINY 3 - ARBORETUM MAIN BLDG ROOM 1

    VTD LUTHERAN CHURCH OF THE NATIVITY

      Block 000900:

      3031

      Block 002101:

1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028	1029	1030	1031	1032	1033	1036	1080	1082	1083	1084	1085

      Block 002204:

      1066   1067

    VTD MONTFORD COMMUNITY CENTER

    VTD ST MARKS LUTHERAN CHURCH

    VTD STEPHENS LEE COMMUNITY CENTER

    VTD TC ROBERSON HIGH SCHOOL

      Block 002204:

      2008

    VTD VANCE ELEMENTARY SCHOOL

    VTD W C REID RECREATION CENTER

    VTD WEST ASHEVILLE CHURCH OF GOD

    VTD WEST ASHEVILLE LIBRARY

County Henderson NC

County Polk NC

District 49

County Buncombe NC

    VTD ASHEVILLE APOSTOLIC CHURCH

    VTD BEAVERDAM COMMUNITY CENTER

    VTD BETH ISRAEL SYNAGOGUE

    VTD BLACK MOUNTAIN 1 - OWEN MIDDLE SCHOOL

    VTD BLACK MOUNTAIN 3 - LAKE TOMAHAWK

Plan Components (Short)

District 49

County Buncombe NC

    VTD BLACK MOUNTAIN 4 - CARVER COMMUNITY CENTER

    VTD BLACK MOUNTAIN 5 - MONTREAT CTR WALKUP BLDG

    VTD BLACK MOUNTAIN ELEMENTARY SCHOOL

    VTD BLACK MOUNTAIN PRIMARY SCHOOL

    VTD BROAD RIVER COMMUNITY CENTER

    VTD CANE CREEK MIDDLE SCHOOL

    VTD CHARLES C BELL SCHOOL

    VTD COVENANT COMMUNITY CHURCH

    VTD COVENANT REFORMED PRESBYTERIAN

    VTD EVERGREEN CHARTER SCHOOL

    VTD FAIRVIEW COMMUNITY CENTER

    VTD FAIRVIEW VOLUNTEER FIRE DEPT

    VTD FAITH TABERNACLE CHRISTIAN CENTER

    VTD FIRST BAPTIST OF SWANNANOA

    VTD FLAT CREEK - NORTH BUNCOMBE ELEMENTARY

    VTD FRENCH BROAD FIRE DEPT

    VTD HAW CREEK ELEMENTARY SCHOOL

    VTD HAZEL 1 - EMMA ELEMENTARY SCHOOL

    VTD HOMINY VALLEY ELEMENTARY

    VTD IRA B JONES SCHOOL AUDITORIUM

    VTD IVY 1 - BARNARDSVILLE SCHOOL

    VTD KENILWORTH PRESBYTERIAN CHURCH

    VTD LEICESTER 1 - LEICESTER SCHOOL

    VTD LEICESTER 2 - COMMUNITY CENTER

    VTD LIMESTONE 2 - GLEN ARDEN SCHOOL

    VTD LIMESTONE 3 - ARDEN FIRST BAPTIST

    VTD LIMESTONE 4 - SKYLAND FIRE BISHOP SUBSTATION

    VTD LUTHERAN CHURCH OF THE NATIVITY

      Block 002203:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	2000	2001	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052
2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
3024	3025	3026	3027								

      Block 002204:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1018	1021	1023
1024	1027	1051	1065	2016	2017	3008	3017	3018	3019		

    VTD MURPHY-OAKLEY COMMUNITY CENTER

    VTD NEW HOPE PRESBYTERIAN

    VTD NORTH ASHEVILLE COMMUNITY CENTER

Plan Components (Short) Optimized Senate Map

District 49

County Buncombe NC

 VTD NORTH BUNCOMBE - MIDDLE SCHOOL
 VTD NORTH WINDY RIDGE SCHOOL
 VTD REEMS CREEK FIRE DEPARTMENT
 VTD REYNOLDS FIRE DEPARTMENT
 VTD RICEVILLE 1 - RICEVILLE COMMUNITY CENTER
 VTD RICEVILLE 2 - GRASSY BRANCH BAPTIST
 VTD SANDY MUSH COMMUNITY CENTER
 VTD SHILOH COMMUNITY CENTER
 VTD SKYLAND FIRE DEPARTMENT
 VTD ST EUGENES CHURCH
 VTD SWANNANOA 2 - WILLIAMS ELEMENTARY
 VTD SWANNANOA 3 - WWC - KITTRIDGE THEATRE
 VTD TC ROBERSON HIGH SCHOOL

  Block 002203:

2002	2003

  Block 002204:

1011	1012	1013	1014	1015	1016	1017	1019	1020	1022	1025	1026
1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1052
1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064
1068	1069	1070	1071	2009	2010	2011	2012	2013	2014	2015	2020
3003	3004	3005	3006	3007	3009	3010	3011	3020	4000	4001	4002
4003	4004	4006	4007	4008	4009	4010	4011	4012	4013	4014	

 VTD TRINITY OF FAIRVIEW CHURCH
 VTD TRINITY PRESBYTERIAN CHURCH
 VTD UPPER HOMINY 1 - PISGAH ELEMENTARY
 VTD UPPER HOMINY 3 - POLE CREEK BAPTIST
 VTD WEAVERVILLE TOWN HALL
 VTD WEST BUNCOMBE 1 - WEST BUNCOMBE SCHOOL
 VTD WEST BUNCOMBE 2 - FIRE TRAIN CENTER
 VTD WOODFIN COMMUNITY CENTER
 VTD WOODLAND HILLS - BAPTIST CHURCH

District 50

County Cherokee NC
County Clay NC
County Haywood NC

 VTD ALLENS CREEK
 VTD BEAVERDAM 1
 VTD BEAVERDAM 2
 VTD BEAVERDAM 3
 VTD BEAVERDAM 4
 VTD BEAVERDAM 5/6
 VTD BEAVERDAM 7
 VTD CECIL
 VTD CLYDE NORTH
 VTD CLYDE SOUTH

Plan Components (Short)

District   50

County Haywood NC
    VTD CRABTREE
    VTD EAST FORK
    VTD HAZELWOOD
    VTD IRON DUFF
    VTD IVY HILL
    VTD JONATHAN CREEK
    VTD LAKE JUNALUSKA
    VTD PIGEON
    VTD PIGEON CENTER
    VTD SAUNOOK
    VTD WAYNESVILLE CENTER
    VTD WAYNESVILLE EAST
    VTD WAYNESVILLE SOUTH 1
    VTD WAYNESVILLE SOUTH 2
    VTD WAYNESVILLE WEST

County Jackson NC

County Macon NC

County Transylvania NC

EXHIBIT J

2020 Census
Redistricting Data

Easier-to-Use Format
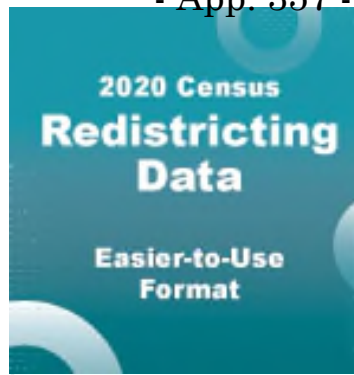
[/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html]
[/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html]

FOR IMMEDIATE RELEASE: FRIDAY, FEBRUARY 12, 2021

Census Bureau Statement on Redistricting Data Timeline

FEBRUARY 12, 2021
RELEASE NUMBER CB21-CN.14

FEB. 12, 2021 — The U.S. Census Bureau announced today that it will deliver the Public Law 94-171 redistricting data to all states by Sept. 30, 2021. COVID-19-related delays and prioritizing the delivery of the apportionment results delayed the Census Bureau's original plan to deliver the redistricting data to the states by March 31, 2021.

Different from previous censuses, the Census Bureau will deliver the data for all states at once, instead of on a flow basis. This change has been made because of COVID-19-related shifts in data collection and in the data processing schedule and it enables the Census Bureau to deliver complete and accurate redistricting data in a more timely fashion overall for the states.

The redistricting data includes counts of population by race, ethnicity (Hispanic or Latino origin), voting age, housing occupancy status, and group quarters population, all at the census block level. This is the information that states need to redraw or "redistrict" their legislative boundaries.

In preparation for the delivery of redistricting data products, the Census Bureau has been in close coordination with each states' official nonpartisan liaisons to understand the impacts of the delayed delivery on individual states. Since 2019, states have had access to prototype geographic support products and data tabulations from the 2018 Census Test to help them begin to design their redistricting systems. This is one tool states can use to help minimize the impact of schedule delays. In addition, the Census Bureau today completed the release of all states' 2020 Census geographic products needed for redistricting. This will enable states to redistrict promptly upon receipt of their 2020 Census tabulation data.

###

Related blogs

Random Samplings Blog | September 08, 2021 | Escrito Por: JOAN HILL, SUBJEFA DE LA DIVISIÓN DE EXPERIMENTOS Y EVALUACIONES, DIVISIÓN DE ESTUDIOS ESTADÍSTICOS DEL CENSO DECENAL, Y JENNIFER REICHERT, SUBJEFA DE LA DIVISIÓN DE FALTA DE RESPUESTA, EVALUACIONES Y EXPERIMENTOS, DIVISIÓN DE GESTIÓN DEL CENSO DECENAL

Programa de Evaluaciones y Experimentos del Censo del 2020

Este blog describe la serie de evaluaciones formales que miden diferentes aspectos de las operaciones del censo y los desafíos.

[/newsroom/blogs/random-samplings/2021/09/2020-census-program-for-evaluations-experiments-and-assessments-spanish.html]

Random Samplings Blog | September 08, 2021 | WRITTEN BY: JOAN HILL, ASSISTANT DIVISION CHIEF FOR EXPERIMENTS AND EVALUATIONS, DECENNIAL STATISTICAL STUDIES DIVISION, AND JENNIFER REICHERT, ASSISTANT DIVISION CHIEF FOR NONRESPONSE, EVALUATIONS, AND EXPERIMENTS, DECENNIAL CENSUS MANAGEMENT DIVISION

2020 Census Program for Evaluations, Experiments, and Assessments

This blog describes the series of formal evaluations and assessments that measure different aspects of census operations and specific challenges.

[/newsroom/blogs/random-samplings/2021/09/2020-census-program-for-evaluations-experiments-and-assessments.html]

EXHIBIT K
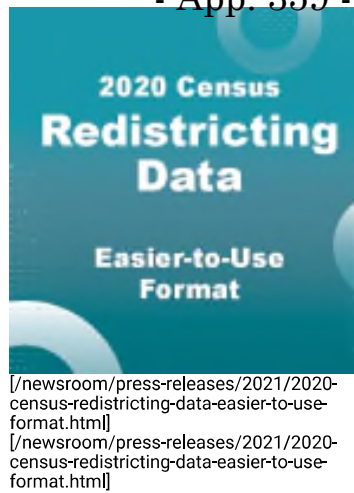
FOR IMMEDIATE RELEASE: THURSDAY, AUGUST 12, 2021

2020 Census Statistics Highlight Local Population Changes and Nation's Racial and Ethnic Diversity

AUGUST 12, 2021

RELEASE NUMBER CB21-CN.55

U.S. Census Bureau Delivers Data for States to Begin Redistricting Efforts

AUG. 12, 2021 — The U.S. Census Bureau today released additional 2020 Census results [https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html] showing an increase in the population of U.S. metro areas compared to a decade ago. In addition, these once-a-decade results showed the nation's diversity in how people identify their race and ethnicity.

"We are excited to reach this milestone of delivering the first detailed statistics from the 2020 Census," said acting Census Bureau Director Ron Jarmin. "We appreciate the public's patience as Census Bureau staff worked diligently to process these data and ensure it meets our quality standards."

These statistics, which come from the 2020 Census Redistricting Data (Public Law 94-171) Summary File [https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html] , provide the first look at populations for small areas and include information on Hispanic origin, race, age 18 and over, housing occupancy and group quarters. They represent where people were living as of April 1, 2020, and are available for the nation, states and communities down to the block level.

The Census Bureau also released data visualizations [https://www.census.gov/library/visualizations.html] , America Counts stories [https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-stories.html] , and videos [https://www.census.gov/data/academy/topics/2020-census.html] to help illustrate and explain these data. These resources are available on the 2020 Census results page [https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html] . Advanced users can access these data on the FTP site [https://www2.census.gov/programs-surveys/decennial/2020/data/01-Redistricting_File--PL_94-171/] .

Population Changes Across the Country Since the 2010 Census

Today's release reveals changes in the size and distribution of the population across the United States. The population of U.S. metro areas grew by 9% from 2010 to 2020, resulting in 86% of the population living in U.S. metro areas in 2020, compared to 85% in 2010.

"Many counties within metro areas saw growth, especially those in the south and west. However, as we've been seeing in our annual population estimates, our nation is growing slower than it used to," said Marc Perry, a senior demographer at the Census Bureau. "This decline is evident at the local level where around 52% of the counties in the United States saw their 2020 Census populations decrease from their 2010 Census populations."

County and metro area highlights:

- The largest county in the United States in 2020 remains Los Angeles County with over 10 million people.

- The largest city (incorporated place) in the United States in 2020 remains New York with 8.8 million people.

- 312 of the 384 U.S. metro areas gained population between 2010 and 2020.

- The fastest-growing U.S. metro area between the 2010 Census and 2020 Census was The Villages, FL, which grew 39% from about 93,000 people to about 130,000 people.

- 72 U.S. metro areas lost population from the 2010 Census to the 2020 Census. The U.S. metro areas with the largest percentage declines were Pine Bluff, AR, and Danville, IL, at -12.5 percent and -9.1 percent, respectively.

A data visualization released today shows the population change at the county level from the 2010 Census to the 2020 Census [https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html] . Read more about population change in the America Counts story, More Than Half of U.S. Counties Were Smaller in 2020 Than in 2010 [https://www.census.gov/library/stories/2021/08/more-than-half-of-united-states-counties-were-smaller-in-2020-than-in-2010.html] .

2020 Census Findings on Race and Ethnicity

The 2020 Census used the required two separate questions (one for Hispanic or Latino origin [https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires/2020/response-guidance.html] and one for race [https://www.census.gov/topics/population/race/about.html]) to collect the races and ethnicities of the U.S. population — following the standards [https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf] set by the U.S. Office of Management and Budget (OMB) in 1997. Building upon our research over the past decade [https://www.census.gov/about/our-research/race-ethnicity.html] , we improved the two separate questions design and updated our data processing and coding procedures for the 2020 Census. This work began in 2015 with research and testing centered on findings from the 2015 National Content Test [https://www.census.gov/newsroom/press-kits/2017/nct.html] , and the designs were implemented in the 2018 Census Test [https://www.census.gov/newsroom/press-kits/2018/2018-census-test.html] .

The improvements and changes [https://www.census.gov/newsroom/blogs/random-samplings/2021/08/improvements-to-2020-census-race-hispanic-origin-question-designs.html] enabled a more thorough and accurate depiction of how people self-identify, yielding a more accurate portrait of how people report their Hispanic origin and race within the context of a two-question format. These changes reveal that the U.S. population is much more multiracial and more diverse than what we measured in the past.

We are confident that differences in the overall racial distributions are largely due to improvements in the design of the two separate questions for race data collection and processing, as well as some demographic changes over the past 10 years.

Today's release of 2020 Census redistricting data provides a new snapshot of the racial and ethnic composition of the country as a result of improvements in the design of the race and ethnicity questions, processing and coding.

"As the country has grown, we have continued to evolve in how we measure the race and ethnicity [https://www.census.gov/library/visualizations/interactive/decennial-census-measurement-of-race-and-ethnicity-across-the-decades-1790-2020.html] of the people who live here," said Nicholas Jones, director and senior advisor for race and ethnicity research and outreach at the Census Bureau. "Today's release of 2020 Census redistricting data provides a new snapshot of the racial and ethnic composition and diversity of the country. The improvements we made to the 2020 Census yield a more accurate portrait of how people self-identify in response to two separate questions on Hispanic origin and race, revealing that the U.S. population is much more multiracial and more diverse than what we measured in the past."

Race and ethnicity highlights:

- The White population remained the largest race or ethnicity group in the United States, with 204.3 million people identifying as White alone. Overall, 235.4 million people reported White alone or in combination with another group. However, the White alone population decreased by 8.6% since 2010.

- The Two or More Races population (also referred to as the Multiracial population) has changed considerably since 2010. The Multiracial population was measured at 9 million people in 2010 and is now 33.8 million people in 2020, a 276% increase.

- The "in combination" multiracial populations for all race groups accounted for most of the overall changes in each racial category.

- All of the race alone or in combination groups experienced increases. The Some Other Race alone or in combination group (49.9 million) increased 129%, surpassing the Black or African American population (46.9 million) as the second-largest race alone or in combination group.

- The next largest racial populations were the Asian alone or in combination group (24 million), the American Indian and Alaska Native alone or in combination group (9.7 million), and the Native Hawaiian and Other Pacific Islander alone or in combination group (1.6 million).

- The Hispanic or Latino population, which includes people of any race, was 62.1 million in 2020. The Hispanic or Latino population grew 23%, while the population that was not of Hispanic or Latino origin grew 4.3% since 2010.

It is important to note that these data comparisons between the 2020 Census and 2010 Census race data should be made with caution, taking into account the improvements we have made to the Hispanic origin and race questions and the ways we code what people tell us.

Accordingly, data from the 2020 Census show different but reasonable and expected distributions from the 2010 Census for the White alone population, the Some Other Race alone or in combination population, and the Multiracial population, especially for people who self-identify as both White and Some Other Race.

These results are not surprising as they align with Census Bureau expert research and corresponding findings [https://www.census.gov/about/our-research/race-ethnicity.html] this past decade, particularly with the results on the impacts of questions format on race and ethnicity reporting from the 2015 National Content Test.

The Census Bureau uses several measures to analyze the racial and ethnic diversity [https://www.census.gov/newsroom/blogs/random-samplings/2021/08/measuring-racial-ethnic-diversity-2020-census.html] of the country.

The Census Bureau uses the Diversity Index (DI) to measure the probability that two people chosen at random will be from different racial and ethnic groups.

The DI is bounded between 0 and 1. A value of 0 indicates that everyone in the population has the same racial and ethnic characteristics. A value close to 1 indicates that almost everyone in the population has different racial and ethnic characteristics.

We have converted the probabilities into percentages to make them easier to interpret. In this format, the DI tells us the *chance* that two people chosen at random will be from different racial and ethnic groups.

Using the same DI calculation for 2020 and 2010 redistricting data, the chance that two people chosen at random will be from different racial or ethnic groups has increased to 61.1% in 2020 from 54.9% in 2010.

In general, the states with the highest DI scores are found in the West (Hawaii, California and Nevada), the South (Maryland and Texas; along with the District of Columbia, a state equivalent), and the Northeast (New York and New Jersey).

Hawaii had the highest DI score in 2020 at 76%, which was slightly higher than 2010 (75.1%).

Information on the racial and ethnic composition [https://www.census.gov/library/visualizations/interactive/race-and-ethnicity-in-the-united-state-2010-and-2020-census.html] of your state and county, and various measures of diversity [https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html] are available in the following America Counts stories: 2020 U.S. Population More Racially and Ethnically Diverse Than Measured in 2010 [https://www.census.gov/library/stories/2021/08/2020-united-states-population-more-racially-ethnically-diverse-than-2010.html] and Improved Race and Ethnicity Measures Reveal U.S. Population Is Much More Multiracial [https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html] .

The Adult and Under-Age-18 Populations

The 2020 Census showed that the adult (age 18 and older) population group grew 10.1% to 258.3 million people over the decade.

"More than three-quarters, 77.9%, of the U.S. population were age 18 and over," said Andrew Roberts, chief of the Sex and Age Statistics Branch in the Census Bureau's Population Division. "The adult population grew faster than the nation as a whole. By comparison, the population under age 18 was 73.1 million in 2020, a decline of 1.4% from the 2010 Census."

Changes to the adult and under-age-18 populations:

- The District of Columbia had the largest population age 18 and over as a percentage of population at 83.4%. Utah had the largest population under age 18 as a percentage of population at 29.0%.
- Utah also had the fastest-growing adult population at 22.8% growth.
- North Dakota had the fastest-growing population under age 18 at 22.1% growth.

Additional age breakdowns will be available in future 2020 Census data releases scheduled for 2022.

As part of today's release, the Census Bureau provided a new data visualization that highlights the adult and under-age-18 populations [https://www.census.gov/library/visualizations/interactive/adult-and-under-the-age-of-18-populations-2020-census.html] across the United States down to the county level. More information is available in the America Counts story, U.S. Adult Population Grew Faster Than Nation's Total Population From 2010 to 2020 [https://www.census.gov/library/stories/2021/08/united-states-adult-population-grew-faster-than-nations-total-population-from-2010-to-2020.html] .

2020 Census Housing Units

The 2020 Census showed that on April 1, 2020, there were 140,498,736 housing units in the United States, up 6.7% from the 2010 Census.

"While the national number of housing units grew over the past decade, this was not uniform throughout the country," said Evan Brassell, chief of the Housing Statistics Branch in the Census Bureau's Social, Economic and Housing Statistics Division. "Counties that composed some part of a metropolitan or micropolitan area saw increases of 3.8%, on average, while counties outside of these areas showed decreases of 3.9% on average."

State highlights:

- Texas had the largest numeric growth in housing units with 1,611,888.
- The county with the largest percent increase in housing was McKenzie County, North Dakota, with a 147.9% increase.
- West Virginia and Puerto Rico were the only two states or state equivalents that lost housing units.
- There were 126,817,580 occupied housing units and 13,681,156 vacant units in the United States.

Housing unit statistics for the nation, states and counties are available in the 2020 Population and Housing data visualization [https://www.census.gov/library/visualizations/interactive/2020-population-and-housing-state-data.html] . More information is available in the following America Counts stories: Growth in Housing Units Slowed in the Last Decade [https://www.census.gov/library/stories/2021/08/growth-in-housing-units-slowed-in-last-decade.html] and U.S. Housing Vacancy Rate Declined in Past Decade [https://www.census.gov/library/stories/2021/08/united-states-housing-vacancy-rate-declined-in-past-decade.html] .

2020 Census Findings on Group Quarters

The U.S. population for group quarters was 8,239,016 as of April 1, 2020. This was an increase of 3.2% over the 2010 Census group quarters population. Group quarters include such places as college residence halls, residential treatment centers, skilled-nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

"In 2020, the group quarters population represented 2.5% of the total U.S. population, down from 2.6% in 2010," said Steven Wilson, chief of the Population and Housing Programs Branch in the Census Bureau's Population Division. "We also saw that college and university student housing was the most populous group living arrangement at 2,792,097, up 10.7% since 2010."

Group quarters highlights:

- The second-largest group quarters population was correctional facilities for adults at 1,967,297, which decreased from the 2010 Census by 296,305 (13.1%).
- The state with the largest group quarters population was California at 917,932, with the largest share of that population counted at other noninstitutional group quarters.
- The group quarters population in Puerto Rico decreased 1.2% since 2010 to 37,509.

Read more about these results in the America Counts story, 8.2 Million People Counted at U.S. Group Quarters in the 2020 Census [https://www.census.gov/library/stories/2021/08/united-states-group-quarters-in-2020-census.html] . You can also access more statistics in the 2020 Census Demographic Data Map Application [https://census.gov/library/visualizations/2021/geo/demographicmapviewer.html] .

Quality of Results

All indications show the census results are in line with expectations.

"We are confident in the quality of today's results," said acting Census Bureau Director Ron Jarmin.

In keeping with our commitment to transparency, the Census Bureau will release additional operational quality metrics [https://www.census.gov/newsroom/press-releases/2021/timeline-2020-census-operational-quality-metrics.html] on August 18 and August 25, providing more detail on the conduct of specific operations.

Producing Quality Data While Protecting Anonymity

The redistricting data are the first from the 2020 Census to use differential privacy, a mathematical method that applies carefully calibrated statistical noise to a dataset and allows a balance between privacy and accuracy. More information is available in 2020 Census Data Products: Disclosure Avoidance Modernization [https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/process/disclosure-avoidance.html] and Redistricting Data: What to Expect and When [https://www.census.gov/newsroom/blogs/director/2021/07/redistricting-data.html] .

In addition to the redistricting data released today, the Census Bureau has released a set of demonstration data [https://www2.census.gov/programs-surveys/decennial/2020/program-management/data-product-planning/2010-demonstration-data-products/ppmf20210608/] that illustrate the impact of the differential privacy production settings on published 2010 Census redistricting data. The Census Bureau released similar demonstration datasets over the course of the new method's development.

Legacy Data vs. Final Delivery of P.L. 94-171 Redistricting Data

These data released today are in the same format that the 2000 and 2010 redistricting data were provided. The term "legacy" refers to its prior use. By September 30, we will release these same data to state officials with an easy-to-use toolkit of DVDs and flash drives and we will make it available to the public on data.census.gov. The Census Bureau will notify the public in September when it makes these same data available.

Accessing These Data

Data are available in the 2020 Census Demographic Data Map Application [https://census.gov/library/visualizations/2021/geo/demographicmapviewer.html] through different data visualizations [https://www.census.gov/library/visualizations.html] and QuickFacts [https://www.census.gov/quickfacts] . Data files are also available on the Decennial Census P.L. 94-171 Redistricting Data Summary Files [https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html] page and includes the geographic support files, technical documentation and additional support materials needed to access these data.

The Census Bureau has also produced a variety of America Counts stories on population change and distribution [https://www.census.gov/library/stories/2021/08/more-than-half-of-united-states-counties-were-smaller-in-2020-than-in-2010.html] , group quarters [https://www.census.gov/library/stories/2021/08/united-states-group-quarters-in-2020-census.html] , the adult population [https://www.census.gov/library/stories/2021/08/united-states-adult-population-grew-faster-than-nations-total-population-from-2010-to-2020.html] , housing changes [https://www.census.gov/library/stories/2021/08/growth-in-housing-units-slowed-in-last-decade.html] , housing vacancy [https://www.census.gov/library/stories/2021/08/united-states-housing-vacancy-rate-declined-in-past-decade.html] , race and ethnicity [https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html] and the diversity index

[https://www.census.gov/library/stories/2021/08/2020-united-states-population-more-racially-ethnically-diverse-than-2010.html] . Videos [https://www.census.gov/data/academy/data-gems.html] are also available that explain how to access these data and what these data show about the changing nation.

<div align="center">###</div>

Contact

Kristina Barrett
Public Information Office
301-763-3030 or
877-861-2010 (U.S. and Canada only)

pio@census.gov [mailto:pio@census.gov]

Related Information

🌐 Press kit
[https://www.census.gov/newsroom/press-kits/2021/2020-census-redistricting.html]

Last Revised: October 8, 2021

EXHIBIT L

A Look Back at North Carolina's Historic 2020 Election & Looking Ahead at 2021

Presentation to House Election Law & Campaign Finance Reform Committee
February 24, 2021
Karen Brinson Bell, Executive Director

Historic Election

- First Super Tuesday Primary
- 2nd Primary & New Election held June 23 with pandemic protocols
- Launch of Democracy Heroes
- Online Absentee Request Form
- Redesign of Absentee By Mail Envelope
- Intelligent Mail Barcoding and BallotTrax
- Secure electronic ballot option for military, overseas, & visually impaired
- Completely new design and platform for SBE website
  - More data than ever provided (more than 140 reports published)
- More than 14 million PPE items delivered, plus 6 million single-use pens

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

Historic Election

Old Design

Absentee Application and Certificate

Historic Election

New Design

Absentee application and certificate

Step 1: Get your witness ready.

You must have one witness. Anyone who is 18 years of age or older can be a witness except a candidate (unless they are your near relative or legal guardian).

If you are a patient or resident in a hospital, clinic, nursing home or adult care home, your witness certifies they are not:

- An owner, manager, director, or employee, of a hospital, clinic, nursing home or rest home in which you are a patient or resident.
- A person who holds any federal, state, or local elective office.
- A person who holds office in a state, congressional district, county or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party.

Step 2: Voter, sign and complete below.

My signature below means I certify that I:

- am registered to vote in this county.
- will have lived at my address listed here at least 30 days before this election.
- am a US citizen.
- am 18, or will be by this election.

- have not been convicted of a felony or if I have been convicted of a felony I have completed my sentence, including probation, post release supervision and parole.
- understand it is a felony to vote more than once in an election.

I marked the enclosed ballot or it was marked for me according to my instructions.

Voter, sign here.

✗

Name correction (if applicable)

Step 3: Witness, sign and complete below.

My signature below means I certify that I:

- meet the qualifications outlined in Step 1.
- confirm the Voter marked the enclosed ballot in my presence, or caused it to be marked in my presence according to their instructions.

- respected the secrecy of the ballot and the Voter's privacy, unless I assisted the Voter at their request.

Witness, **print name:**

Address:

Witness signature: x

If needed, Voter assistant certification.

Only required if the Voter has received assistance in marking the ballot or needs assistance mailing the ballot.

My signature below means I certify that:

- the Voter asked for my help.
- I helped mark the ballot and/or the Absentee Application and Certificate according to the Voter's instruction.
- I assisted only while in the Voter's presence.
- I am the Voter's near relative or verifiable legal guardian, or I am providing assistance because a near relative or legal guardian is unavailable to assist the Voter and I am not disqualified from assisting the Voter.

- I understand that individuals who are disqualified from serving as a witness as described in Step 1 are also disqualified from serving as the Voter's assistant.
- If the Voter indicated they have a disability that prevents them from mailing the ballot, I will place the sealed absentee return envelope in the closest U.S. Mail depository or mailbox.

Assistant, **print name:**

Address:

Assistant signature: x

County Board use only

Before you return your ballot, make sure:

- Your ballot is marked and inside this envelope.
- You signed and completed Step 2.
- Your witness signed and completed Step 3.
- If an assistant helped with voting or mailing, they signed and completed the Voter Assistant Certification.
- If mailing, you have applied your postage stamp.

☐ In the event that a second primary or runoff is called, please automatically mail me an absentee ballot for that election.

If you have questions about completing your absentee ballot, you may call xxx-xxx-xxxx.

Fraudulently or falsely completing this form is a Class I Felony under Chapter 163 of the NC General Statutes.

NORTH CAROLINA
STATE BOARD OF ELECTIONS

VOTE

Historic Election

- Most registered voters: 7.3+ million
- September 4: First in the nation to send out absentee by mail ballots
  - 1.4+ million requests
  - 1+ million ballots cast
- October 15-31: One-stop early voting period
  - Most sites ever (471)
  - Most hours ever (77,887)
  - Most voters in a single day (348,000)
  - 3.6+ million votes cast

NORTH CAROLINA
STATE BOARD OF ELECTIONS

Historic Election

- November 3: Election Day
  - 2,660 sites open
  - Approximately 900,000 ballots cast
  - Last results upload: 12:28 a.m., 11/4
- 75.4% voter turnout (5.54 million ballots cast)
  - 18% absentee by mail (4% in 2016)
  - 65% one-stop early voting (62% in 2016)
  - 16% Election Day in-person (33% in 2016)
- Civitas Institute Poll: 68% of North Carolinians think the election was conducted "fairly"
- No COVID case spread linked to voting

NORTH CAROLINA
STATE BOARD OF ELECTIONS

Historic Election

Chief Justice of State Supreme Court Recount

- Closest statewide contest in modern history
- At time of state canvass, separated by 416 votes and pending protests; could not certify
- Statewide machine recount of all ballots cast (401-vote difference)
- Sample hand-to-eye recount
  - Beasley gained 28 votes; Newby gained 39 votes
  - Beasley conceded; candidates withdrew protests
- December 18: SBE certified the contest results; Newby prevailed

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

How This Was Achieved

- Direct field support – 8 Security & Support Technicians
  - 4 interim directors; 14 new directors
  - Operations continued through quarantine
- 143 enhancements completed in our legacy SEIMS system
- Certified voting systems (first since 2012) procured, delivered, tested, and implemented in 30+ counties in 8 weeks
- More than 6,000 ballot styles coded and proofed
- Ballot on demand and highspeed scanners strategically deployed statewide
- 32 Numbered Memoranda issued as guidance to county boards of elections
- 80+ press releases and 100+ tv/radio/podcast interviews; 7 press conferences
- Completed 470 campaign finance audits
  - 13,062 items scanned (2020); 2,287 items scanned (January 2021)
- Administration of $26 million in HAVA and CARES Act for elections

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

Meeting the Challenges

- Continued Growth in Voter Registration
  - 2008 – 6.2 million
  - 2012 – 6.6 million
  - 2016 – 6.9 million
  - 2020 – 7.3 million
- Growth in campaign committees and reporting
- Main phone line, central email, & mail processing:
  - Highest calls in a week: 2,102; highest in a day: 453; Election Day: 600+ calls
  - 5,930 voter registration forms received & distributed to CBEs in a single week
- 33 lawsuits (25 currently)

- Jan. 2017 – Critical Infrastructure designation
  - Assessments by DHS, National Guard, DIT, and cyber advisors yielded Security Roadmap to protect our systems from cyber and physical attacks
  - Mis- and disinformation (#YourVoteCountsNC)
  - 6 regional cybersecurity workshops, 2 state conference presentations, 3 CISA webinars, & online learning modules
  - Supported 3 separate counties through ransomware attacks that occurred in county government during election periods
  - Hosted Acting DHS Secretary Chad Wolf

VOTE | **NORTH CAROLINA**
STATE BOARD OF ELECTIONS

Securing the Election: Pre-Election Processes & Audits

- Certified voting systems – all paper ballot system
  - Election Systems & Software (ES&S)
  - Hart InterCivic
  - Rigorous certification process: federal and state standards, independent review by certified lab, public demonstrations, acceptance testing, and $17 million bond
- By law, voting machines and tabulation software are NOT connected to the internet
- Logic & accuracy testing before every election on every component
- Chain of custody and reconciliation checks
- Bipartisan, trained election officials
- Criminal background checks of SBE employees and CBE directors

NORTH CAROLINA
STATE BOARD OF ELECTIONS

Securing the Election: Post-Election Processes & Audits

Election Night Results:
- Clean transfer of data with each upload
- Monitoring
- Unofficial until canvass complete

County canvass process for each election:
- Sample hand-to-eye audit
- Reconciliation
- Confirm all eligible ballots have been counted
  - Ballots that were unable to be read in the precinct (ballot jams, torn ballots, etc.)
  - Absentee ballots
  - Provisional ballots

Audits before State canvass:
- Voter history audit
- Manual edit audit
- Sample audit
- Close contest audit

NORTH CAROLINA
STATE BOARD OF ELECTIONS

Key Agency Initiatives in 2021

- IT/Voting Systems
  - Reconciliation audit tools for counties
  - Migration of legacy SEIMS to new system; complete several phases of SEIMS modernization
  - Risk-limiting audits
  - Vulnerability scanning
  - Voting Systems Certification (new systems & modifications)
  - Help Desk software to build knowledge base, provide consistent guidance to counties (currently receive 10,000-14,000 Help Desk tickets annually)
- Election Administration
  - County board wellness checks to ensure compliance
  - Pollworker e-pollbook training
  - County board member orientation and training (new appointments in June 2021)
  - Preparing for redistricting and upcoming elections

- Operations
  - County physical security (HAVA grants)
- Communications
  - SEIMS/Voter Tools working changes/updates to make more voter friendly
- Campaign Finance
  - Modernizing campaign finance reporting software

66 initiatives or projects identified to begin or complete in the next 6 months

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

Legislative Priorities

- Budget requests
  - Secure physical building
  - Authorization to use HAVA funds:
    - SEIMS modernization development
    - SSTs and voting systems admins
    - Security and infrastructure improvement
    - Consultant to create ePollbook standards
    - ERIC membership to improve list maintenance and cross check efforts
  - Campaign finance modernization
  - Historical data project

- Review of IT consolidation with DIT
- Conform state law to ADA for blind voters, add compliance attorney
- Require disclaimer for mailers sent by third parties
- Campaign finance:
  - Waiver requests considered by State Board prior to filing a contested case with OAH
  - Remove reference to April for reporting schedule for odd-numbered year filing
  - Clarify that 48-hour reports in even-numbered years are only required for candidates on the ballot in even-numbered years
  - Create (judicial) and adjust (non-statewide) campaign finance threshold to $3,000

VOTE

NORTH CAROLINA

STATE BOARD OF ELECTIONS

Legislative Priorities

Election schedule changes due to census delay (eta September) and redistricting:

- Municipal Elections
- 2022 Primary

- 2-month process for geocode changes for filing and ballot styles
- Municipal filing currently set for July
  - Census data needed to address municipal district & ward elections (62 municipalities)
  - Other municipalities may require districts or wards
- Recommendations:
  - Move all 2021 municipal elections to 2022
    - Address redistricting
    - Reduce voter confusion
    - Reduce municipal expenses
  - Move 2022 elections to May 3 primary, July 12 second primary, and November 8 general

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

EXHIBIT M

Joint Meeting of Committees
August 12, 2021
House Committee on Redistricting
Senate Committee on Redistricting and Elections

Offered by:
Senator Blue

Pass: _____

Fail: _____

<u>**Amendment to Proposed Criteria**</u>

Voting Rights Act. As condemned by the United States Supreme Court in Cooper v. Harris and Covington v. State of North Carolina, African-Americans shall not be packed into any grouping or district to give partisan advantage to any political party.

EXHIBIT N

Joint Meeting of Committees

August 12, 2021

House Committee on Redistricting
Senate Committee on Redistricting and Elections

Criteria Adopted by the Committees

- **Equal Population.** The Committees will use the 2020 federal decennial census data as the sole basis of population for the establishment of districts in the 2021 Congressional, House, and Senate plans. The number of persons in each legislative district shall be within plus or minus 5% of the ideal district population, as determined under the most recent federal decennial census. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.

- **Contiguity.** No point contiguity shall be permitted in any 2021 Congressional, House, and Senate plan. Congressional, House, and Senate districts shall be compromised of contiguous territory. Contiguity by water is sufficient.

- **Counties, Groupings, and Traversals.** The Committees shall draw legislative districts within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*) and *Dickson v. Rucho*, 368 N.C. 481, 781 S.E. 2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*.

  Division of counties in the 2021 Congressional plan shall only be made for reasons of equalizing population and consideration of double bunking. If a county is of sufficient population size to contain an entire congressional district within the county's boundaries, the Committees shall construct a district entirely within that county.

- **Racial Data.** Data identifying the race of individuals or voters *shall not* be used in the construction or consideration of districts in the 2021 Congressional, House, and Senate plans. The Committees will draw districts that comply with the Voting Rights Act.

- **VTDs.** Voting districts ("VTDs") should be split only when necessary.

- **Compactness.** The Committees shall make reasonable efforts to draw legislative districts in the 2021 Congressional, House and Senate plans that are compact. In doing so, the Committee may use as a guide the minimum Reock ("dispersion") and Polsby-Popper ("permiter") scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, "Bizarre Districts," and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).

- **Municipal Boundaries.** The Committees may consider municipal boundaries when drawing districts in the 2021 Congressional, House, and Senate plans.

Joint Meeting of Committees

August 12, 2021

House Committee on Redistricting
Senate Committee on Redistricting and Elections

- **Election Data.** Partisan considerations and election results data *shall not* be used in the drawing of districts in the 2021 Congressional, House, and Senate plans.

- **Member Residence.** Member residence may be considered in the formation of legislative and congressional districts.

- **Community Consideration.** So long as a plan complies with the foregoing criteria, local knowledge of the character of communities and connections between communities may be considered in the formation of legislative and congressional districts.

EXHIBIT O

NC General Assembly County Clusterings from the 2020 Census

Christopher Cooper[1], Blake Esselstyn[2], Gregory Herschlag[3],
Jonathan Mattingly[3], Rebecca Tippett[4]

In the North Carolina General Assembly districting process, county clusters are used to minimize the overall number of county splits while maintaining population balance in the redistricting process. Determining the county clusters for the NC House and for the NC Senate is the first step in the redistricting process for the NC General Assembly. The county clusters are largely algorithmically determined through an optimization procedure outlined by the NC Supreme Court in Stephenson v. Bartlett. However there are often multiple optimal county clusterings that minimize county splitting (see the Quantifying Gerrymandering blog and the Districks.com explainer for more details). The release of the 2020 census data allows us to determine the possible county clusterings for both the North Carolina State House and State Senate redistricting processes. The one part of Stephenson v. Bartlett which this analysis does not reflect is compliance with the Voting Rights Act. To determine the county clusters, we used the implementation of the court order procedure described in Cater et al.[5]
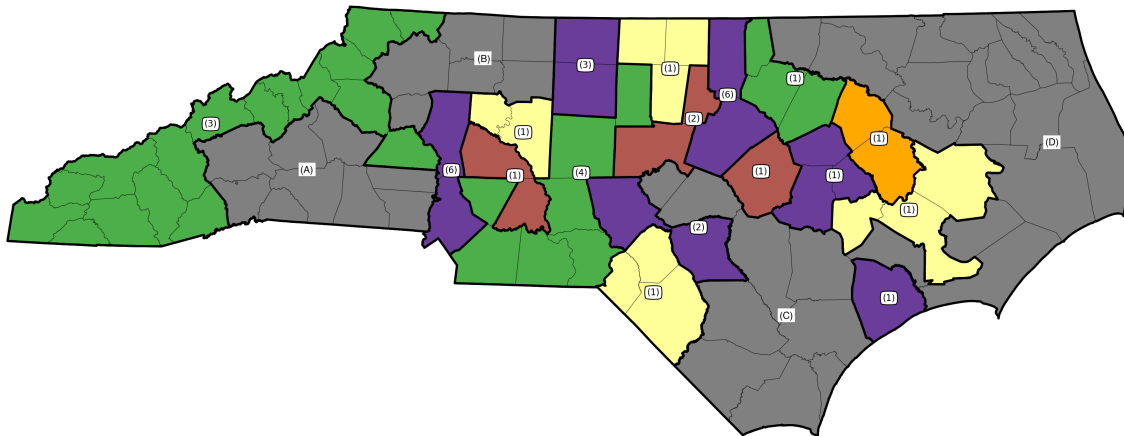
Figure 1: The NC Senate clusters that are fixed shown as colored regions annotated with a number in parentheses giving the number of districts the cluster contains. The four grayed-out regions (labeled A-D) each contain two alternative clusterings. The different options of the grayed-out regions are given in Figure 2. One may mix and match different choices from each of the two options which yields a total of 16 different county clustering maps.

NC State Senate County Clusterings

In the state Senate, there are 17 clusters containing 36 of the 50 districts that are fixed based on determining optimal county clusters. These are represented by the colored county groupings in Figure 1. The white numbers annotating each county clustering give the number of districts that county cluster should contain. Ten of these clusters contain one district, meaning that ten of the 50 senate districts are fixed (i.e. these will be the official districts in the coming cycle). The remaining county clusters must be further subdivided into legislative districts in the coming redistricting process in the General Assembly.
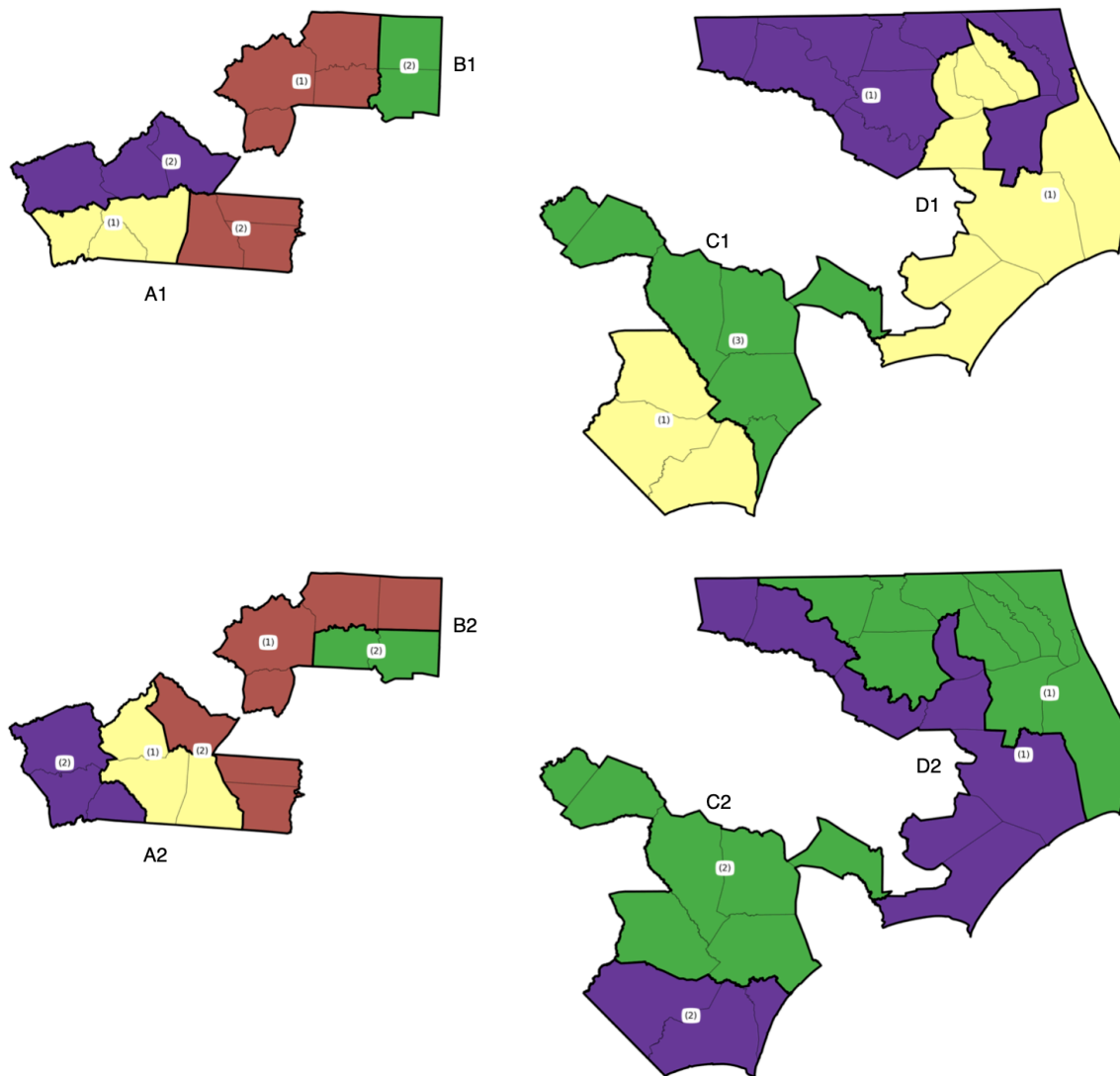
Figure 2: The two possible options in regions A, B, C and D of the NC Senate County Clusterings (top and bottom). The options from the two figures may be mixed. For example, a Senate clustering may be comprised of the fixed clusters from Figure 1, along with options A1, B2, C2, and D1. Again, the numbers in parentheses give the number of districts contained in each cluster.

2

The remaining clusters (shown in gray) are separated into four groups. Each group has two possible clusterings that minimize county splitting. In combination, there are 16 total possible statewide county clusterings. For simplicity of discussion, we have labeled the different regions where a choice exists as A, B, C, or D and denoted the two choices for each region as 1 or 2. Hence A1 and A2 are the two choices for the A region. No preference is intended by the 1 versus 2 labeling.

The two options in each of the four regions are shown in Figure 2.

In region A to the southwest, Buncombe County may be paired either with McDowell and Burke Counties (A1), or with Henderson and Polk Counties (A2). In both cases, the cluster would be comprised of two districts, however, A2 necessitates that Burke County is paired with Gaston and Lincoln Counties through a very narrow connection which may impede compactness considerations. Furthermore, the Lincoln-Cleveland-Gaston cluster in A1 also exists in the current map. This may mean that the A1 southwestern cluster may be perceived as the more favorable option over A2 since it (i) provides an opportunity to create more compact districts and (ii) may provide an opportunity to draw districts that are nearly identical to the ones that exist in the in Lincoln-Cleveland-Gaston cluster (conditioned on fluctuations in the population).

In region B to the northwest, Forsyth County may either be paired with Stokes (B1) or Yadkin (B2); the remaining county (either Yadkin or Stokes) would then be paired with Surry, Wilkes, and Alexander Counties. In region C to the south, Brunswick and Columbus may be paired either with Bladen to create a one-district cluster (C1) or with New Hanover to create a two-district cluster (C2). Finally, in region D to the east, Carteret, Pamlico, Washington, Chowan, and Hyde Counties may either be paired with Dare, Perquimans and Pasquotank Counties (D1), or with Martin, Halifax and Warren Counties (D2).
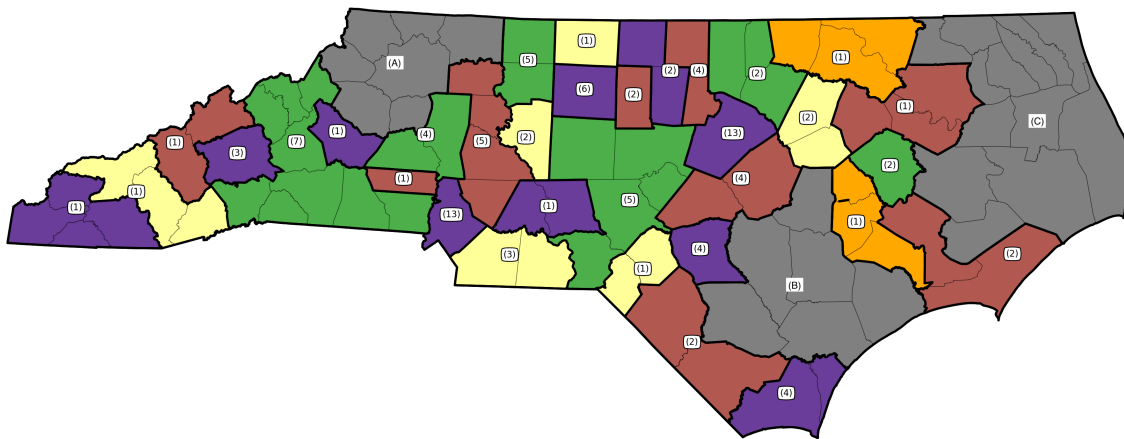
Figure 3: The NC House clusters that are fixed; there are three grayed-out regions (labeled A-C) that each contain two alternative clusterings. The different options of the grayed-out regions are given in Figure 4. One is free to mix and match different choices from the two options which yields a total of eight different county clustering maps.

NC State House County Clusterings

In the state House, there are 33 clusters containing 107 of the 120 districts that are fixed based on determining optimal county clusters. These are represented by the colored county groupings in Figure 2. Again, the white numbers annotating each county clustering give the number of districts that county cluster should contain. Eleven of these clusters contain one district, meaning that eleven of the 120 house districts are fixed (i.e., these will be the official districts in the coming cycle).

The remaining clusters (shown in gray) are separated into three groups. Each group has two possible clusterings that minimize county splitting. In combination, there are eight total possible statewide county clusterings in the house. The two options in each of the three regions are shown in Figure 4.
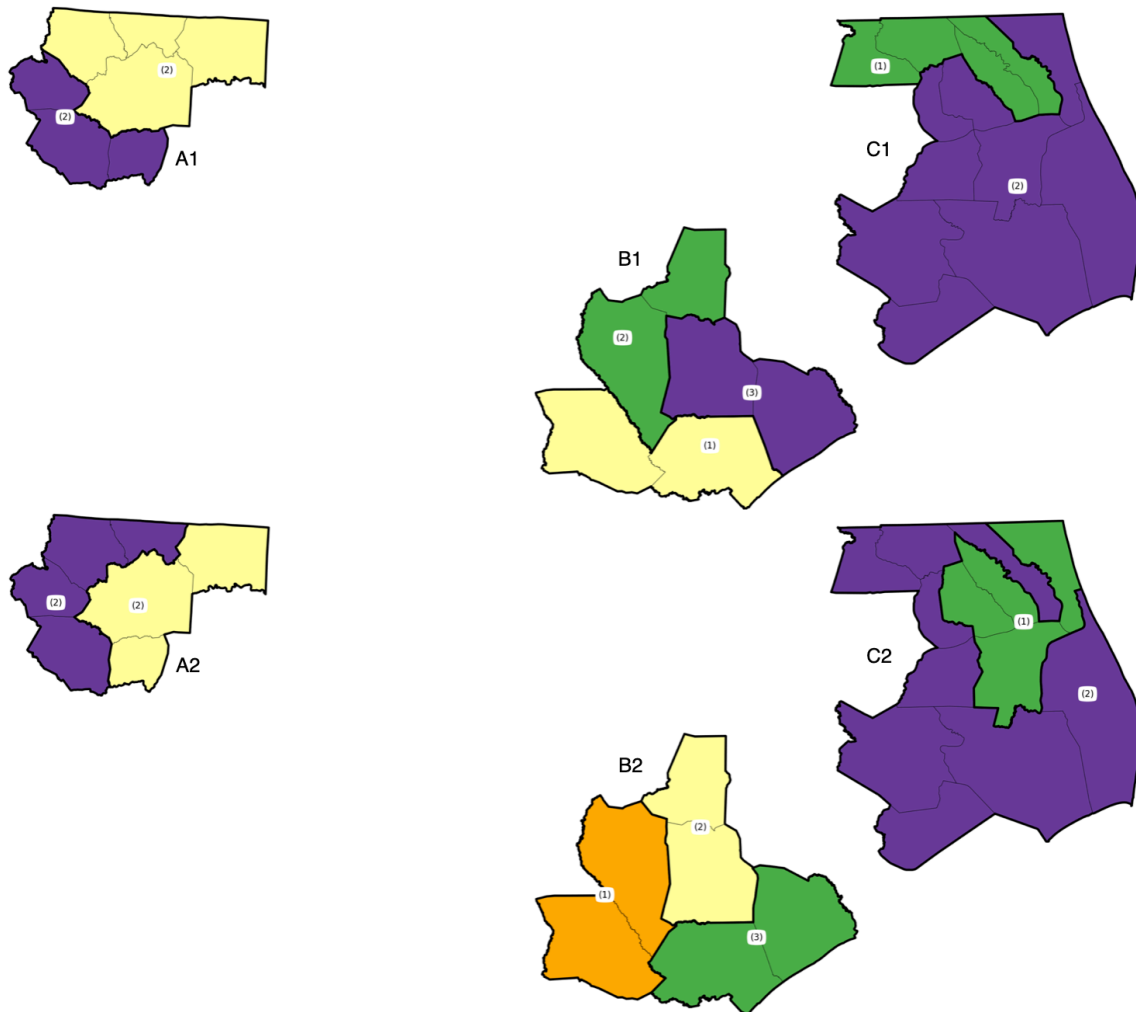
Figure 4: The two possible options in regions A, B, and C of the NC House County Clusterings (top and bottom). The options from the two figures may be mixed. For example, a House clustering may be comprised of the fixed clusters from Figure 3, along with options A2, B1, C2.

4

In region A to the northwest, Watauga and Caldwell may either be paired with Alexander (A1; purple) or with Ashe and Alleghany (A2; purple).

In region B to the south, Onslow may either be paired with Duplin (B1; purple) or with Pender (B2; green). The Duplin-Onslow cluster currently forms a three-district cluster and thus there may be an opportunity to minimally alter the three existing districts in this cluster (perhaps needing to adjust district boundaries based on population fluctuations). Because of this, B2 may end up as the selected clustering.

Finally, in region C to the east, either Currituck, Tyrell, Perquimans and Pasquotank will form a single district (C1), or Hertford, Gates, Camden and Pasquotank will form a single district (C2). In both cases, the remaining counties will form a cluster of two districts.

Population Deviations

All the county clusterings are required to have populations such that the resulting districts are within 5% of the ideal district population, hence all the possible county clusters we have listed have population deviations less than 5%. In the Senate clusters, all possible choices of clusterings contain at least one district with a population deviation of more than 4.9%. In the House clusters, all possible choices of clusterings contain at least one district with a population deviation of 4.71%. Averaged across all the districts, all of the county clusterings have a mean deviation between 3.1% and 3.5% in the NC Senate and 1.2% and 1.5% in the NC House.

Tables 1 through Table 4 list each of the different county clusters contained in the different county clusterings. For each cluster, the relative average population deviation per district is given. Negative values indicate that the average district may be less populated than the ideal population size while positive values indicate that the average district will be more populated than the ideal population size.

The ideal population size is calculated by first taking the population of each cluster and dividing it by the number of districts in the cluster to obtain the average population per district for the cluster. The ideal district population is obtained by dividing the state population by the total number of districts (120 districts in the House and 50 districts in the Senate). The ideal population is then subtracted from the average population of a district in a cluster to obtain the deviation of the average cluster population from the ideal cluster population. This is then converted to a relative population deviation by dividing by the ideal population. It is this relative error, expressed as a percentage, which is reported in the table.

Tables 1 and 2 give the data for the different options for the NC Senate and NC House respectively. The clusters are grouped by the region label (A, B, C or D in the Senate and A, B, or C in the House). The labeling corresponds to that in the Figures in the preceding sections. Tables 3 and 4 give the data for the clusterings which are fixed in the Senate and House, respectively.

5

NC Senate Clusters Which Vary Across Clusterings	Number of Districts	Option	2020 Census Population	Average Population Deviation
Buncombe-Burke-McDowell	2	A1	401,600	-3.83%
Cleveland-Gaston-Lincoln	2	A1	414,272	-0.79%
Henderson-Polk-Rutherford	1	A1	200,053	-4.18%
Buncombe-Henderson-Polk	2	A2	405,061	-3.00%
Cleveland-McDowell-Rutherford	1	A2	208,541	-0.12%
Burke-Gaston-Lincoln	2	A2	402,323	-3.65%
Forsyth-Stokes	2	B1	427,110	2.28%
Alexander-Surry-Wilkes-Yadkin	1	B1	210,986	1.05%
Forsyth-Yadkin	2	B2	419,804	0.53%
Alexander-Stokes-Surry-Wilkes	1	B2	218,292	4.55%
Bladen-Brunswick-Columbus	1	C1	216,922	3.90%
Duplin-Harnett-Jones-Lee-New Hanover-Pender-Sampson	3	C1	599,681	-4.26%
Bladen-Duplin-Harnett-Jones-Lee-Pender-Sampson	2	C2	403,585	-3.35%
Brunswick-Columbus-New Hanover	2	C2	413,018	-1.09%
Carteret-Chowan-Dare-Hyde-Pamlico-Pasquotank-Perquimans-Washington	1	D1	199,750	-4.33%
Bertie-Camden-Currituck-Gates-Halifax-Hertford-Martin-Northampton-Tyrrell-Warren	1	D1	198,430	-4.96%
Carteret-Chowan-Halifax-Hyde-Martin-Pamlico-Warren-Washington	1	D2	198,557	-4.90%
Bertie-Camden-Currituck-Dare-Gates-Hertford-Northampton-Pasquotank-Perquimans-Tyrrell	1	D2	199,623	-4.39%

Table 1: This table gives the NC Senate Clusters which vary across the 16 different possible clusterings of the entire state. The different clusterings are formed by choosing either option 1 or 2 from the four different regions (A, B, C, and D).

NC House Clusters Which Vary Across Clusterings	Number of Districts	Option	2020 Census Population	Average Population Deviation
Alexander-Surry-Wilkes	2	A1	173,772	-0.13%
Alleghany-Ashe-Caldwell-Watauga	2	A1	172,203	-1.03%
Alexander-Caldwell-Watauga	2	A2	171,182	-1.61%
Alleghany-Ashe-Surry-Wilkes	2	A2	174,793	0.46%
Bladen-Pender	1	B1	89,809	3.23%
Duplin-Onslow	3	B1	253,291	-2.95%
Sampson-Wayne	2	B1	176,369	1.37%
Bladen-Sampson	1	B2	88,642	1.89%
Duplin-Wayne	2	B2	166,048	-4.56%
Onslow-Pender	3	B2	264,779	1.45%
Beaufort-Chowan-Currituck-Dare-Hyde-Pamlico-Perquimans-Tyrrell-Washington	2	C1	167,493	-3.73%
Camden-Gates-Hertford-Pasquotank	1	C1	82,953	-4.65%
Beaufort-Camden-Chowan-Dare-Gates-Hertford-Hyde-Pamlico-Washington	2	C2	165,528	-4.86%
Currituck-Pasquotank-Perquimans-Tyrrell	1	C2	84,918	-2.39%

Table 2: This table gives the NC House Clusters which vary across the eight different possible clusterings of the entire state. The different clusterings are formed by choosing option 1 or 2 from the 3 different regions (A, B, or C).

NC Senate Clusters Which Are Fixed Across Clusterings	Number of Districts	2020 Census Population	Average Population Deviation
Iredell-Mecklenburg	6	1,302,175	3.95%
Granville-Wake	6	1,190,402	-4.98%
Alamance-Anson-Cabarrus-Montgomery-Randolph-Richmond-Union	4	870,409	4.22%
Guilford-Rockingham	3	632,395	0.96%
Alleghany-Ashe-Avery-Caldwell-Catawba-Cherokee-Clay-Graham-Haywood-Jackson-Macon-Madison-Mitchell-Swain-Transylvania-Watauga-Yancey	3	642,393	2.56%
Chatham-Durham	2	401,118	-3.94%
Cumberland-Moore	2	434,455	4.04%
Caswell-Orange-Person	1	210,529	0.83%
Franklin-Nash-Vance	1	206,121	-1.28%
Johnston	1	215,999	3.45%
Rowan-Stanly	1	209,379	0.28%
Beaufort-Craven-Lenoir	1	200,494	-3.97%
Hoke-Robeson-Scotland	1	202,786	-2.87%
Edgecombe-Pitt	1	219,143	4.96%
Davidson-Davie	1	211,642	1.37%
Onslow	1	204,576	-2.02%
Greene-Wayne-Wilson	1	216,568	3.73%

Table 3: This table gives the NC Senate clusters which are fixed across all 16 of the possible clustering maps.

NC House Cluster Which Are Fixed Across Clusterings	Number of Districts	2020 Census Population	Average Population Deviation
Mecklenburg	13	1,115,482	-1.37%
Wake	13	1,129,410	-0.13%
Avery-Cleveland-Gaston-Henderson-McDowell-Mitchell-Polk-Rutherford-Yancey	7	623,272	2.35%
Guilford	6	541,299	3.70%
Forsyth-Stokes	5	427,110	-1.81%
Chatham-Lee-Moore-Randolph-Richmond	5	426,414	-1.97%
Cabarrus-Davie-Rowan-Yadkin	5	452,605	4.05%
Brunswick-New Hanover	4	362,395	4.14%
Cumberland	4	334,728	-3.81%
Harnett-Johnston	4	349,567	0.46%
Catawba-Iredell	4	347,303	-0.19%
Durham-Person	4	363,930	4.58%
Anson-Union	3	260,322	-0.25%
Buncombe	3	269,452	3.24%
Columbus-Robeson	2	167,153	-3.93%
Nash-Wilson	2	173,754	-0.14%
Carteret-Craven	2	168,406	-3.21%
Davidson	2	168,930	-2.91%
Franklin-Granville-Vance	2	172,143	-1.06%
Pitt	2	170,243	-2.15%
Alamance	2	171,415	-1.48%
Caswell-Orange	2	171,432	-1.47%
Rockingham	1	91,096	4.71%
Bertie-Edgecombe-Martin	1	88,865	2.15%
Lincoln	1	86,810	-0.21%
Hoke-Scotland	1	86,256	-0.85%

NC House Cluster Which Are Fixed Across Clusterings	Number of Districts	2020 Census Population	Average Population Deviation
Haywood-Madison	1	83,282	-4.27%
Greene-Jones-Lenoir	1	84,745	-2.59%
Jackson-Swain-Transylvania	1	90,212	3.70%
Halifax-Northampton-Warren	1	84,735	-2.60%
Burke	1	87,570	0.66%
Montgomery-Stanly	1	88,255	1.45%
Cherokee-Clay-Graham-Macon	1	84,907	-2.40%

Table 4: This table gives the NC House clusters which are fixed across all 8 of the possible clustering maps.

Incumbents

We now perform a simple analysis of the effect of the new county clustering on the ability to preserve incumbencies. We do this, not to endorse or critique incumbency preservation, but because the NC General Assembly has identified it as one of its redistricting criteria. The new county clustering is only one way in which the new 2020 Census data influences the incumbency protection efforts. A more complete understanding of the effect on incumbency protection will require an analysis how geopolitical geography of the new Census data interacts with the redistricting process. We hope to investigate this more completely in the coming months.

For the moment, we simply note the number of incumbents in each county cluster (based on their official county of residence as obtained from the Redistricting Data Hub) and compare it to the number of districts each county clustering dictates. The following figures are repeats of the previous figures with an additional number added to the annotating white circles. The first number still gives the number of districts for each county cluster and the second number gives the number of incumbents currently residing in county cluster. When the first number is larger than the second, we outline the label in green to denote there is an opportunity to elect a new representative, assuming a current incumbent from another cluster does not relocate, even if all of the incumbents are re-elected.[6] When the second number is larger than the first, we outline the label in red to denote that at least one of the incumbents cannot be re-elected from this county cluster.
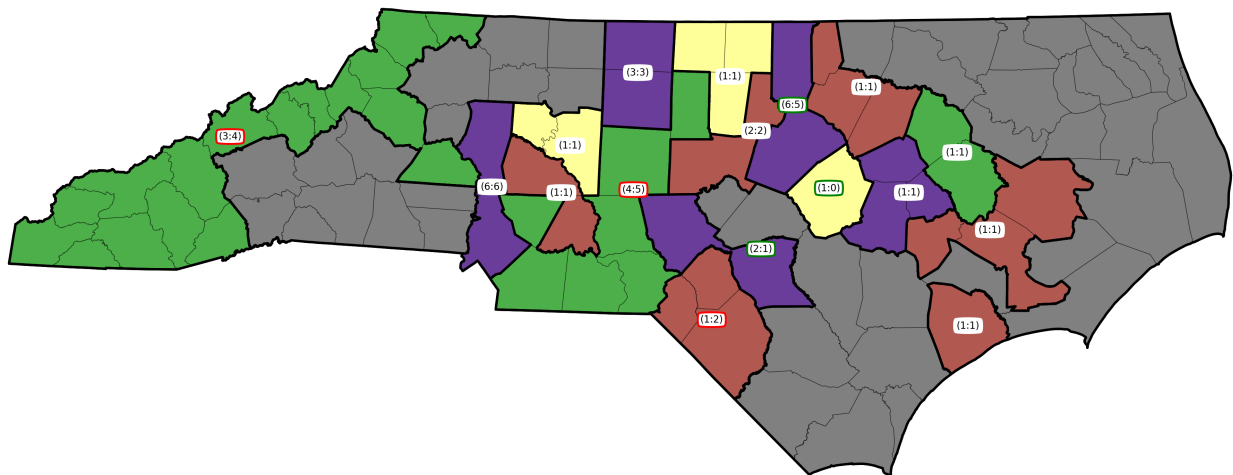
Figure 5: For the fixed clusters in the NC Senate, we display the number of districts followed by the number of incumbents within the cluster. Cluster labels highlighted in red must double bunk at least two incumbents. Cluster labels highlighted in green will elect at least one representative who is not currently serving in office.

---

[6] Candidates for the General Assembly must reside in their district at least once year prior to the general election.

Figure 5 highlights impacts in the NC Senate. The fixed clusterings in Johnston County, Wake-Granville, and Moore-Hoke will each elect at least one representative not currently serving in office. The following three fixed clusters will double bunk at least two incumbents:

- Alamance-Anson-Cabarrus-Montgomery-Randolph-Richmond-Union

- Alleghany-Ashe-Avery-Caldwell-Catawba-Cherokee-Clay-Graham-Haywood-Jackson-Macon-Madison-Mitchell-Swain-Transylvania-Watauga-Yancey

- Hoke-Robeson-Scotland

Figure 6: For the optional clusters in the NC Senate, we display the number of districts followed by the number of incumbents within the cluster. Cluster labels highlighted in red must double bunk at least two incumbents. Cluster labels highlighted in green will elect at least one representative who is not currently serving in office.

Figure 6 indicates that the clusters in region D produce a cluster that will double bunk two incumbents.

Figure 7: For the fixed clusters in the NC House, we display the number of districts followed by the number of incumbents within the cluster. Cluster labels highlighted in red must double bunk at least two incumbents. Cluster labels highlighted in green will elect at least one representative who is not currently serving in office.

Figure 7 highlights impacts of redistricting in the NC House. The fixed clusterings of Mecklenburg, Wake, and Harnett-Johnston will each elect at least one representative not currently serving in office. The following two fixed clusters will double bunk at least two incumbents:

- Avery-Cleveland-Gaston-Henderson-McDowell-Mitchell-Polk-Rutherford-Yancey

- Chatham-Lee-Moore-Randolph-Richmond

Figure 8 indicates that all options of potential clusters (A, B, and C) for the NC House will cause double bunking of at least two incumbents in two districts.

In addition to the above analysis, we also analyze the clusters with respect to minimizing county traversals. A county traversal occurs when a district extends over the boundary of two counties. Even though the number of incumbents may match the number of districts, it could still be impossible to draw districts that minimize county splitting and county traversals.

We have only discovered one cluster in which it is not possible to draw district boundaries while simultaneously minimizing traversals and preventing two incumbents being placed in the same newly formed district. This instance is in Cabarrus-Davie-Rowan-Yadkin House cluster in which Davie and Yadkin each hold an incumbent, however, the two counties do not have enough joint population to make up a single house district. Because of the geometry of the cluster, these two

Figure 8: For the optional clusters in the NC House, we display the number of districts followed by the number of incumbents within the cluster. Cluster labels highlighted in red must double bunk at least two incumbents. Cluster labels highlighted in green will elect at least one representative who is not currently serving in office.

counties must then be combined as part of a single district ensuring the one of the two incumbents is not re-elected (see Figure 8 and the northern two counties within the 4-county 5:5 green cluster in the center of the state).

In aggregate, the NC Senate will contain four double bunked districts (regardless of the clustering options used), and the NC House will contain five double bunked districts (regardless of the clustering options used).

Conclusion

Based on the 2020 Census, we have provided all of the possible county clusterings for the NC House and Senate obtain by the procedure outlined in *Stephenson v. Bartlett*. The consultants

14

associated with <u>The Differentiators</u> have announced that they have obtained the same groupings we have found using the software we released.

Although many of the clusters are now fixed, the General Assembly will be left to choose between various clustering options in some parts of the state. Certainly, compliance with the Voting Rights Act will be a key consideration in choosing between potential clusters. Preservation of communities of interest might also drive the decision to select one option over another. One could also consider choosing clusters to reduce the population deviations. For example, the B2 options in both the House and Senate clusterings have one district with a relative population deviation above 4.5%. As this necessitates that at least one of the districts in this cluster has a similarly large population deviation, it provides a reasonable rationale (if all other consideration are equal) to select the other clustering. There are clusterings with equally large deviations which might suggest choosing the alternative clustering option. One might also consider compactness, thought a less compact clustering, does not necessitate that the resulting districts are not compact. Hence this would need to be considered in each case.

We intend to follow this initial analysis with more in-depth looks at the clusterings and their implications.

EXHIBIT P

Joint Public Hearing Schedule
September 13, 2021
House Committee on Redistricting
Senate Committee on Redistricting and Elections

Wednesday, September 8 – **Caldwell Community College and Technical Institute**, hearing starts at 6:00 pm

Tuesday, September 14 –
- **Forsyth Technical Community College**, hearing starts at 4:00 pm
  - 1615 Miller St, Winston Salem NC, 27103, Rhoades Center, Robert L. Strickland Center
- **Elizabeth City State University**, hearing starts at 5:00 pm
  - 1704 Weeksville Rd, Elizabeth City NC, 27909, NC, K.E. White Center

Wednesday, September 15 –
- **Durham Technical Community College**, hearing starts at 6:00 pm
  - 1613 Lawson St, Durham NC, 27703, Main Campus, Building 5
- **Nash Community College**, hearing starts at 5:00 pm
  - 522 N. Old Carriage Rd, Rocky Mount NC, 27804, Brown Auditorium

Thursday, September 16 –
- **Alamance Community College,** hearing starts at 5:00 pm
  - 1247 Jimmie Kerr Rd, Graham NC, 27253, Patterson Auditorium
- **Pitt Community College**, hearing starts at 3:00 pm
  - 169 Bulldog Run, Winterville NC, 28590, Craig F. Goess Student Center

Tuesday, September 21 – **Western Carolina University**, hearing starts at 5:00 pm
  - 3971 Little Savannah Rd, Cullowhee NC, 28723, Health & Human Sciences Building

Wednesday, September 22 – **Central Piedmont Community College**, hearing starts at 3:00 pm
  - 3216 CPCC Harris Campus Dr, Charlotte NC, 28208, Harris Conference Center

Thursday, September 23 – Mitchell Community College, **Iredell County Campus**, hearing starts at 3:00 pm
  - 500 W Broad St, Statesville NC, 28677, Shearer Hall

Tuesday, September 28 – **UNC-Pembroke**, hearing starts at 4:00 pm
  - 115 Livermore Drive, Pembroke NC, 28372, Office for Regional Initiatives

Wednesday, September 29 – **UNC-Wilmington**, hearing starts at 5:00 pm
  - 615 Hamilton Drive, Wilmington NC, 28403, Lumina Theater, Fisher Student Center

Thursday, September 30 – **Fayetteville Technical Community College**, hearing starts at 6:00 pm
  - 2220 Hull Road, Fayetteville NC, 28303, Tony Rand Student Center, Rooms 9.1 & 9.2

EXHIBIT Q

2021 JOINT REDISTRICTING COMMITTEE PROPOSED CRITERIA

- Equal Population. The Committees will use the 2020 federal decennial census data as the sole basis of population for the establishment of districts in the 2021 Congressional, House and Senate plans. The number of persons in each legislative district shall be within plus or minus 5 percent of the ideal district population, as determined under the most recent federal decennial census. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.

- Contiguity. Legislative and congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

- Counties, Groupings and Traversals. The Committees shall draw legislative districts within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*) and *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*.

  Division of counties in the 2021 Congressional plan shall only be made for reasons of equalizing population and consideration of double bunking. If a county is of sufficient population size to contain an entire congressional district within the county's boundaries, the Committees shall construct a district entirely within that county.

- Racial Data. Data identifying the race of individuals or voters *shall not* be used in the construction or consideration of districts in the 2021 Congressional, House and Senate plans.

- VTDs. Voting districts ("VTDs") should be split only when necessary.

- Compactness. The Committees shall make reasonable efforts to draw legislative districts in the 2021 Congressional, House and Senate plans that are compact. In doing so, the Committee may use as a guide the minimum Reock ("dispersion") and Polsby-Popper ("perimeter") scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, "Bizarre Districts," and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).

- Municipal Boundaries. The Committees may consider municipal boundaries when drawing districts in the 2021 Congressional, House and Senate plans.

- Election Data. Partisan considerations and election results data *shall not* be used in the drawing of districts in the 2021 Congressional, House and Senate plans.

- <u>Member Residence</u>. Member residence may be considered in the formation of legislative and congressional districts.

- <u>Community Consideration</u>. So long as a plan complies with the foregoing criteria, local knowledge of the character of communities and connections between communities may be considered in the formation of legislative and congressional districts.

EXHIBIT R

Duke_Senate_Fixed

Legend

District

County

N
W E
S

Duke_Senate_Fixed

0   25   50   100   150   200
Miles

Printed by the NC General Assembly, September 30, 2021
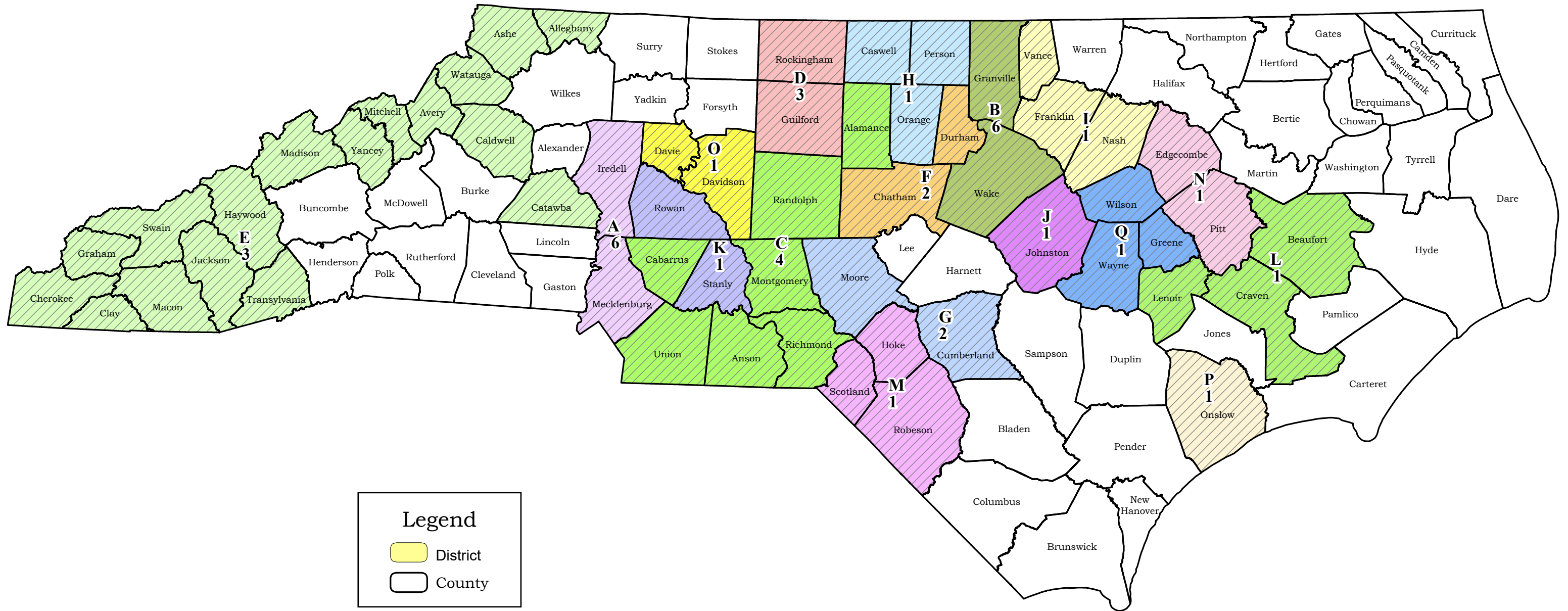
DUKE SENATE GROUPINGS

Plan Name	A	B	C	D
Duke_Senate 01	A1	B1	C1	D1
Duke_Senate 02	A1	B1	C1	D2
Duke_Senate 03	A1	B1	C2	D1
Duke_Senate 04	A1	B1	C2	D2
Duke_Senate 05	A1	B2	C1	D1
Duke_Senate 06	A1	B2	C1	D2
Duke_Senate 07	A1	B2	C2	D1
Duke_Senate 08	A1	B2	C2	D2
Duke_Senate 09	A2	B1	C1	D1
Duke_Senate 10	A2	B1	C1	D2
Duke_Senate 11	A2	B1	C2	D1
Duke_Senate 12	A2	B1	C2	D2
Duke_Senate 13	A2	B2	C1	D1
Duke_Senate 14	A2	B2	C1	D2
Duke_Senate 15	A2	B2	C2	D1
Duke_Senate 16	A2	B2	C2	D2

Duke_Senate 01

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate_01

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 02

Legend

- District
- From Duke_Senate_Fixed
- County
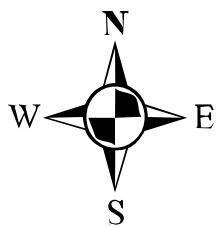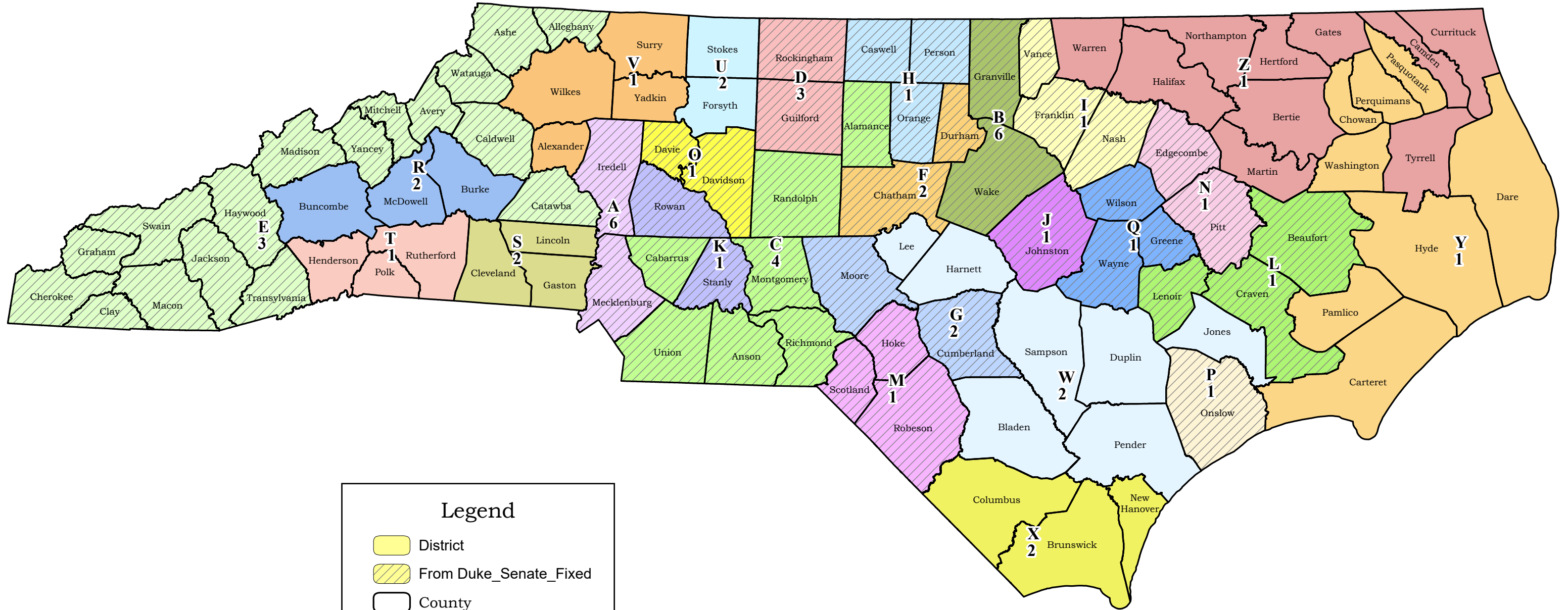
N W E S

0 25 50 100 150 200 Miles

Duke_Senate_02

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 03

Legend
- District
- From Duke_Senate_Fixed
- County

N W E S

0   25   50   100   150   200
Miles

Duke_Senate 03

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 04

Legend

District

From Duke_Senate_Fixed

County

N W E S

0   25   50   100   150   200
Miles

Duke_Senate 04

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 05

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate 05

Printed by the NC General Assembly, October 1, 2021

0   25   50   100   150   200   Miles
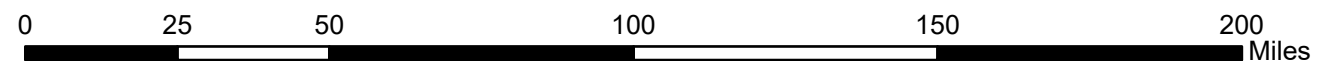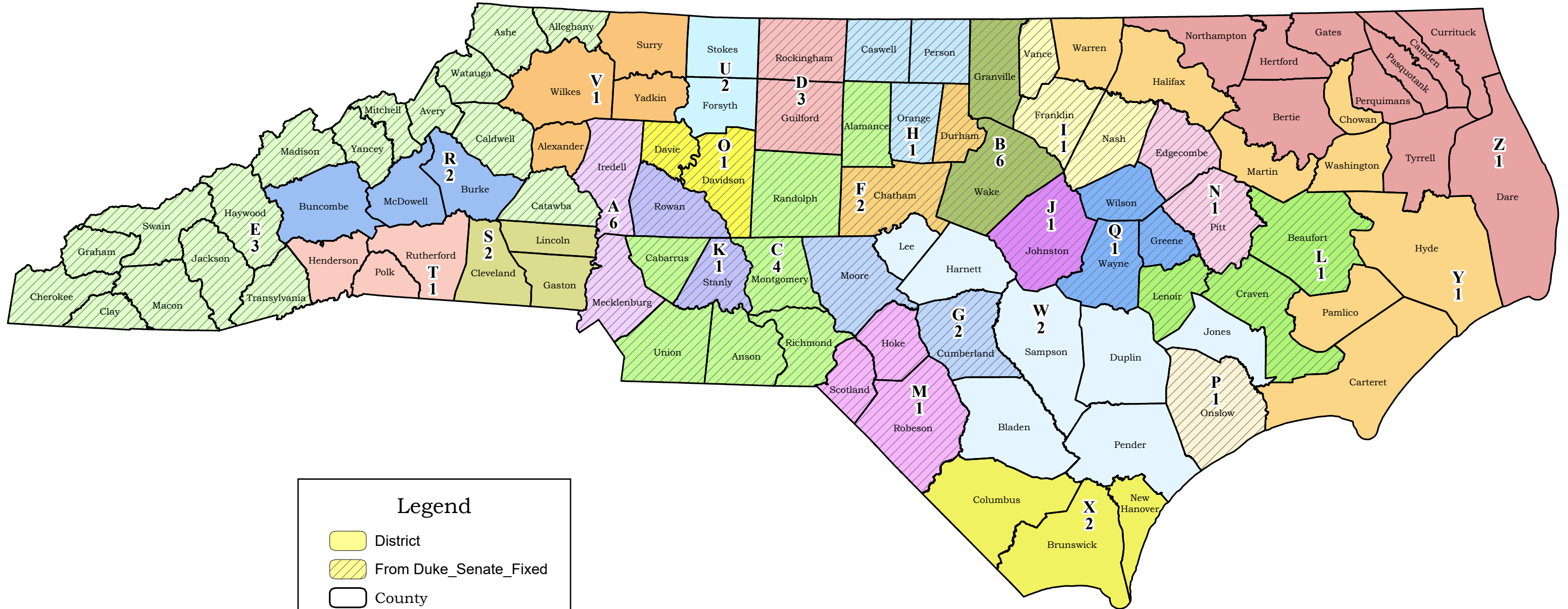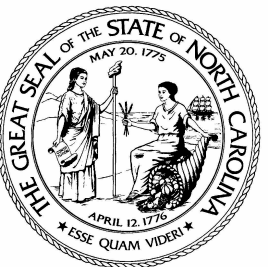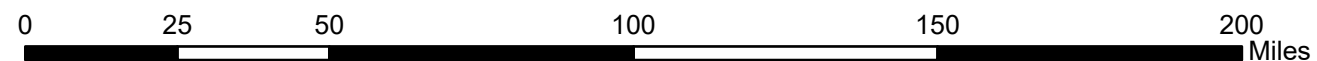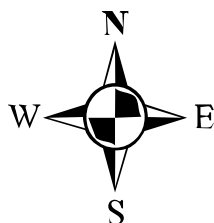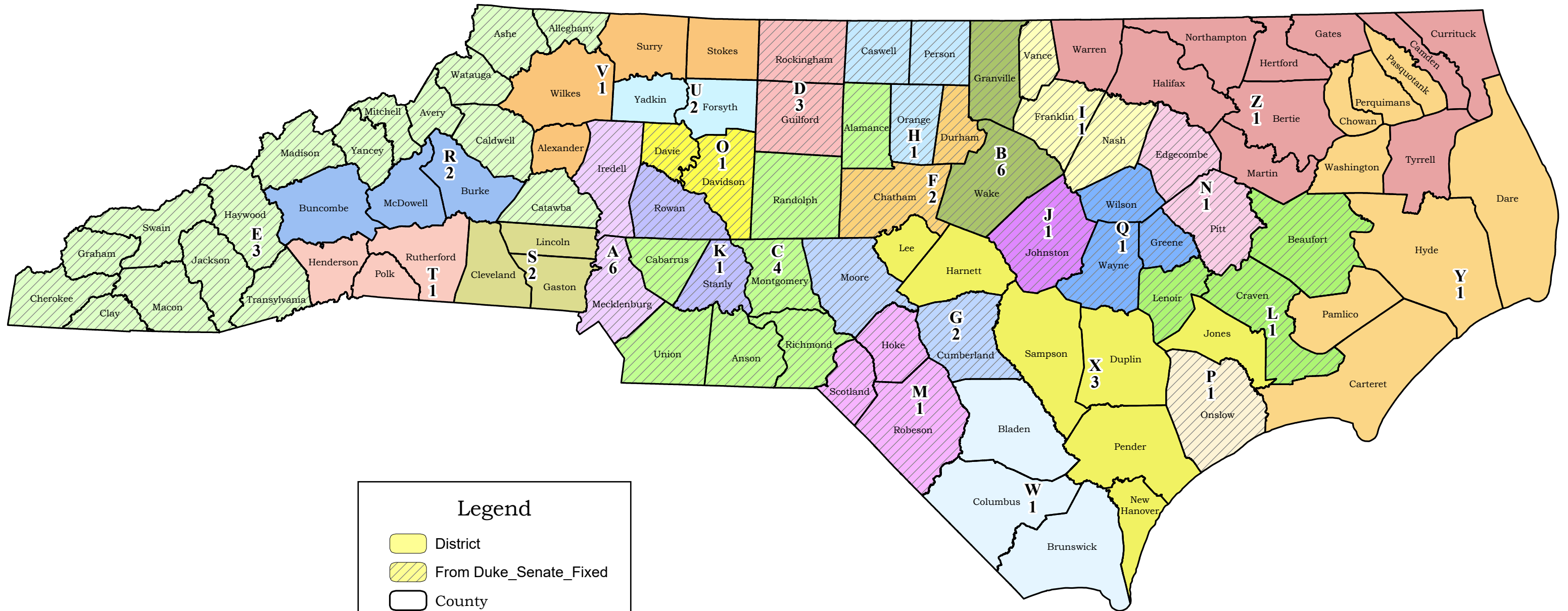
Duke_Senate 06

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate 06

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 07

Legend

District

From Duke_Senate_Fixed

County

N
W E
S

0   25   50   100   150   200
Miles

Duke_Senate 07

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 08

Legend

- District
- From Duke_Senate_Fixed
- County

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 09

Legend

- District
- From Duke_Senate_Fixed
- County

N W E S

0 25 50 100 150 200 Miles

Duke_Senate 09

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 10

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate 10

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 11

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate 11

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 12

Legend

- District
- From Duke_Senate_Fixed
- County

Duke_Senate 12

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 13

Legend

- District
- From Duke_Senate_Fixed
- County

N W E S

0 25 50 100 150 200 Miles

Duke_Senate 13

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 14

Legend

- District
- From Duke_Senate_Fixed
- County

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 14

0   25   50   100   150   200
Miles

Duke_Senate 15

Legend

District

From Duke_Senate_Fixed

County

Printed by the NC General Assembly, October 1, 2021

Duke_Senate 16

Legend

- District
- From Duke_Senate_Fixed
- County

N W E S

Duke_Senate 16

0 25 50 100 150 200 Miles

Printed by the NC General Assembly, October 1, 2021

EXHIBIT S

Duke_House_fixed

Legend

District
County

Printed by the NC General Assembly, September 29, 2021

DUKE HOUSE GROUPINGS

Plan Name	A	B	C
Duke_House 01	A1	B1	C1
Duke_House 02	A1	B1	C2
Duke_House 03	A1	B2	C1
Duke_House 04	A1	B2	C2
Duke_House 05	A2	B1	C1
Duke_House 06	A2	B1	C2
Duke_House 07	A2	B2	C1
Duke_House 08	A2	B2	C2

Duke_House 01

Legend

- District
- Fixed District
- County

Duke_House 01

Duke_House 02

Legend
- District
- Fixed District
- County

N W E S

0 25 50 100 150 200 Miles

Duke_House 02

Printed by the NC General Assembly, September 29, 2021

THE GREAT SEAL OF THE STATE OF NORTH CAROLINA
MAY 20, 1775
APRIL 12, 1776
ESSE QUAM VIDERI

Duke_House 03

Legend

- District
- Fixed District
- County

Printed by the NC General Assembly, September 29, 2021

Duke_House 04

Legend

- District
- Fixed District
- County

Printed by the NC General Assembly, September 29, 2021

Duke_House 05

Legend

- District
- Fixed District
- County

Duke_House 05

Printed by the NC General Assembly, September 29, 2021

0   25   50   100   150   200
Miles

Duke_House 06

Legend

- District
- Fixed District
- County

0 25 50 100 150 200 Miles

Duke_House 06

Printed by the NC General Assembly, September 29, 2021

Duke_House 07

Legend

- District
- Fixed District
- County

0 25 50 100 150 200 Miles

Printed by the NC General Assembly, September 29, 2021

Duke_House 08

Legend
- District
- Fixed District
- County

Duke_House 08

Printed by the NC General Assembly, September 29, 2021

0   25   50   100   150   200
Miles

EXHIBIT T

NORTH CAROLINA
STATE BOARD OF ELECTIONS

Running for Office

Overview

Are you thinking of running for office? On this page, find the candidate filing periods and review the offices in which eligible individuals can run. To learn about the specific candidacy requirements, visit Filing for Candidacy. (/candidates/filing-candidacy)

Any person seeking to become a candidate must file a **notice of candidacy form.** Download the form and find additional details at Notice of Candidacy. (/candidates/filing-candidacy/notice-candidacy) Determine specific filing fees and find payment information at Filing Fees. (/candidates/filing-candidacy/filing-fees)

Only the candidate may file the notice of candidacy and pay the filing fee in person at the appropriate board of elections. Alternatively, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections. Read: Notices of Candidacy May Not Be Delivered by Surrogates or Staff (PDF). (https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2022-Candidate-Notice-Re-Proxy-Filing.pdf)

Upcoming Filing Periods for 2022 Elections

There are two candidate filing periods for elections in 2022. Candidates seeking their party's nomination in the 2022 statewide primary file during the first period. Those who are nominated will become candidates in the statewide general election.

Candidates from about 35 municipalities with rescheduled elections file during two periods. The period that applies will depend on how quickly the municipality can adopt a new plan for local electoral districts. The Local Candidate Tool (/candidates/running-office/local-candidate-tool) will capture rescheduled filing periods as they become available.

The two candidate filing periods for elections in 2022 are:

1. **Noon on Monday, Dec. 6, 2021, to noon on Friday, Dec. 17, 2021.** This applies to:

   - Candidates seeking party nominations in the statewide primary.

     - Candidates are not permitted to run in a party primary unless they have been affiliated with that party for at least 90 days as of the date of filing a notice of candidacy. Find the deadline for establishing party affiliation, sorted by the filing date, at 2022 Primary Candidate Party Affiliation Deadlines. (/candidates/running-office/2022-primary-candidate-party-affiliation-deadlines)

   - Candidates seeking office in municipalities that finalize their electoral districts by Wednesday, Nov. 17, 2021.
     - Municipalities must notify the county board of elections whether they will meet this deadline by Friday, Nov. 12, 2021.

   Noon on Monday, Jan. 3, 2022, to noon on Friday, Jan. 7, 2022. This applies to:

- Candidates seeking office in municipalities that are unable to finalize their electoral districts by Wednesday, Nov. 17, 2021, but do so by Friday, Dec. 17, 2021.

  - Municipalities must notify the county board of elections whether they will be using this second filing period by Friday, Nov. 12, 2021.

2022 Election Dates

There are up to three election dates in 2022:

1. Statewide primary and rescheduled municipal elections:

   - **Tuesday, March 8, 2022.**

2. Second primary, if necessary, and municipal general and runoff elections* (where applicable):
   - **Tuesday, April 26, 2022** (if *no* federal office is involved in a second primary).

   - **Tuesday, May 17, 2022** (if a federal office is involved).

3. Statewide general election:
   - **Tuesday, Nov. 8, 2022.**

A specific municipality's election schedule depends on the method of elections used in that town or city (e.g., partisan primary, nonpartisan primary, nonpartisan plurality, or nonpartisan elections and runoff). See N.C. Session Law 2021-56. (https://ncleg.gov/EnactedLegislation/SessionLaws/HTML/2021-2022/SL2021-56.html) Election dates for each municipality will be updated at the Local Voter Tool. (/voting/upcoming-election/local-voter-tool)

2022 Offices for Party Primary Nominations

Primary candidates may seek party nominations for the following office types with the State Board of Elections:

- United States senator

- Member of the House of Representatives of the United States

- Justice of the state Supreme Court

- Judge of the state Court of Appeals

- Judge of state superior court

- Judge of state district court

- District attorney

Primary candidates may seek party nominations for the following office types with their county board of elections:

- State senators

- Members of the state House of Representatives

- All county offices

Download the 2022 primary and general elections candidate guide (PDF)

2022 Offices for Rescheduled Municipal Elections

To find rescheduled contests in which a local candidate may seek office, search "delayed" at the Local Candidate Tool. (https://www.ncsbe.gov/candidates/running-municipal-office/2021-22-municipal-candidate-tool) To learn about office types in local government, visit City and County Elective Offices | UNC School of Government. (https://www.sog.unc.edu/resources/microsites/city-and-county-elective-offices/)

Download the 2022 municipal elections candidate guide (PDF)

Related Content

Filing for Candidacy (/candidates/filing-candidacy)
Notice of Candidacy (/candidates/filing-candidacy/notice-candidacy)
Filing Fees (/candidates/filing-candidacy/filing-fees)
Notices of Candidacy May Not Be Delivered by Surrogates or Staff (PDF) (https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2022-Candidate-Notice-Re-Proxy-Filing.pdf)
ll Candidate Tool (/candidates/running-office/local-candidate-tool)
2 Primary Candidate Party Affiliation Deadlines (/candidates/running-office/2022-primary-candidate-party-affiliation-deadlines)

N.C. Session Law 2021-56 (https://ncleg.gov/EnactedLegislation/SessionLaws/HTML/2021-2022/SL2021-56.html)

Local Voter Tool (/voting/upcoming-election/local-voter-tool)

N.C.G.S. § 163-106.2. Time for filing notice of candidacy. (https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_163/GS_163-106.2.html)

2022 Primary and General Elections Candidate Guide (PDF) (https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2022-primary-general-candidate-guide.pdf)

City and County Elective Offices | UNC School of Government (https://www.sog.unc.edu/resources/microsites/city-and-county-elective-offices/)

2022 Municipal Elections Candidate Guide (PDF) (https://s3.amazonaws.com/dl.ncsbe.gov/Candidate%20Filing/2022-municipal-candidate-guide.pdf)

For Candidates (/candidates)

For Candidates

Running for Office (/candidates/running-office)

2022 Primary Candidate Party Affiliation Deadlines (/candidates/running-office/2022-primary-candidate-party-affiliation-deadlines)

Local Candidate Tool (/candidates/running-office/local-candidate-tool)

Filing for Candidacy (/candidates/filing-candidacy)

Terms of Office (/candidates/terms-office)

Candidate Challenges (/candidates/candidate-challenges)

Withdrawal of Candidacy (/candidates/withdrawal-candidacy)

Petitions (/candidates/petitions)

https://www.ncsbe.gov/candidates/running-office

Privacy - Terms

EXHIBIT U

AP AP NEWS

Trending News Climate Coronavirus pandemic Kyle Rittenhouse Ahmaud Arbery AP Top 25 College Football Poll

Click to copy

RELATED TOPICS

U.S. News
Redistricting
U.S. News
Municipal elections
North Carolina
Elections
Local governments

N Carolina elections head: Delay '21 city races, '22 primary

By BRYAN ANDERSON   February 23, 2021

RALEIGH, N.C. (AP) — North Carolina's top elections administrator on Tuesday urged state lawmakers to move all of this year's municipal elections to 2022 and bump back next year's primaries from March to May due to delayed Census data.

Census numbers play a crucial role in how legislative districts are redrawn every decade. But even though the data was supposed to be delivered by next month, the federal government does not expect to have it ready to be released until September because of delays caused by the coronavirus pandemic.

North Carolina is now either the first state in the nation or among the first to put forward a plan that pushes local government contests to 2022.

Karen Brinson Bell, executive director of the North Carolina State Board of Elections, cited the Census setbacks as the driving force

Trending on AP News

The Top Twenty Five

Closing arguments begin at murder trial of Kyle Rittenhouse

Democrat Beto O'Rourke running for Texas governor in 2022

Biden to protect Native American heritage site, boost safety

South Dakota Legislature moves for subpoenas on Noem meeting

Biden to protect Native American sacred site, boost safety

by Taboola

state need the Census data because candidates submit paperwork
or voters cast ballots based on their specific ward or district. While
it's possible for many of the remaining local governments that do

data, Bell called on lawmakers to follow her advice in order to
address redistricting and avoid confusing voters.

"It is very difficult for voters to understand why one municipality
would be having an election, while another is not, especially when
they're accustomed to those elections being held at the same time,"
Bell said.

She noted it's unlikely redistricting would be completed in time for
the December filing deadline ahead of the March 2022 primary.
Every 10 years, states are tasked with creating new maps for state
legislative and congressional races. Because of the delayed Census,
Bell is asking leaders to endorse her 2022 recommendations for a
May 3 primary, July 12 runoff primary and Nov. 8 general election.
"We would propose that the municipal elections coincide with
those election dates."

The 2022 primaries include bids for U.S. Senate and House, judicial
races and state legislative seats.

Wendy Underhill, director of elections and redistricting with the
National Conference of State Legislatures, said she was not aware
of any other places where Census delays could cause municipal
elections to be delayed.

Underhill noted there's a bill in Connecticut that would move
municipal elections to November, but that is likely more of a
reflection of a national trend of states adjusting their calendars for
local races to boost voter turnout than a response to the delayed
Census.

Michael Li, a senior counsel at the Brennan Center who focuses on
redistricting, noted that a bill was filed in Texas earlier this month
that would give the governor, lieutenant governor and state House
speaker the ability to move the state's 2022 primary if a redistricting
plan is not in effect by Sept. 1. He believes the Census lag could
become a catalyst for states like North Carolina to transition local
elections to even-numbered years.

In North Carolina, the Republican-controlled General Assembly has
the ultimate decision on when to hold the elections, and the state
elections board is tasked with carrying out the plan.

Some state elections officials are concerned with the proposed
overhaul to the voting timetable, particularly in places where
updated Census data is not needed to carry out local contests.

"It causes me some heartburn to think about making a sweeping
change that's going to affect the election schedule proposal," said
Stacy Eggers, a Republican member on the state board of elections.

Scott Mooneyham, a spokesman for the North Carolina League of
Municipalities, said Bell's plan could actually lead to more
confusion among longtime voters whose communities are
unaffected by the Census but will experience later elections.

"I'm not suggesting the Board of Elections can do magic and fix this
problem, but I'm not at all convinced that having a one-size-fits-all
approach to this is the best approach," Mooneyham said.

AP NEWS

---

what they need to do to give us the direction we need."

---

https://twitter.com/BryanRAnderson.

——

Anderson is a corps members for the Associated Press/Report for America Statehouse News Initiative. Report for America is a nonprofit national service program that places journalists in local newsrooms to report on undercovered issues.

You May Like

Chicago: Startup Is Changing the Way People Retire
SmartAsset

Amazon Has Millions of Prime Subscribers — But Few Know About This Savings Trick
Capital One Shopping

Sponsored Links

The Top Twenty Five

The top 25 teams in The Associated Press' college basketball poll, with first-place votes in parentheses, records through Nov. 14, total points based on 25 points for …

Sponsored Links by Taboola

Average Retirement Savings By Age: Are You Normal?
SmartAsset

Click to copy

AP NEWS
Top Stories

Video

Contact Us

Cookie Settings
DOWNLOAD AP NEWS
Connect with the definitive source for global and local news

MORE FROM AP
ap.org

AP Insights

AP Definitive Source Blog

AP Images Spotlight

AP Explore

AP Books

FOLLOW AP

AP NEWS

Trending News   Climate   Coronavirus pandemic   Kyle Rittenhouse   Ahmaud Arbery   AP Top 25 College Football Poll

EXHIBIT V

The News&Observer

Web Page Blocked

POLITICS & GOVERNMENT

NC lawmakers move to bar the use of racial, election data in drawing election districts

BY LUCILLE SHERMAN

UPDATED AUGUST 11, 2021 5:38 PM

The North Carolina General Assembly draws state House and Senate districts after each census, but they were redrawn after a court found unconstitutional gerrymandering. Now new court rulings have forced the legislature to alter them again. BY **KEVIN KEISTER**

RALEIGH

Republican lawmakers proposed rules this week that would bar them from using racial demographic and election data to draw political maps that will be used for the next decade of North Carolina elections.

That proposal is one of the first of many steps in the map-drawing process, also known as redistricting, which can begin in state legislatures across the country when the U.S. Census Bureau releases a fresh batch of decennial population data Thursday.

States usually redraw their maps after the census releases that data once every 10 years. The process hasn't worked that way in North Carolina in recent years, though, as the state has been embroiled in court battles for the last decade over districts Republican lawmakers drew in 2011.

As a result of that, the courts ordered legislators to redraw maps with specific criteria numerous times after finding state lawmakers crafted districts to disenfranchise both minority and Democratic voters. One such gerrymandering case made its way to the U.S. Supreme Court, where a majority of justices set a historic precedent by ruling federal courts were not the venue to correct claims of unfair partisan map-making. Justices sent that case back to the state court, which forced lawmakers to redraw lines again for the 2020 election cycle.

This year's redistricting process and new data release give North Carolina's Republican-majority General Assembly somewhat of a fresh start.

Thank you for subscribing.

On a scale from 0-10, how likely are you to recommend The News & Observer to a friend or colleague?

Not at all likely   Extremely likely

0   1   2   3   4   5   6   7   8   9   10
○   ○   ○   ○   ○   ○   ○   ○   ○   ○   ○

The legislature's joint redistricting committee proposed rules Monday that, if adopted, will serve as guideposts throughout the map-drawing process. They also indicate what factors the Republican-led state legislature will and won't prioritize when they draw new districts.

READ NEXT

POLITICS-GOVERNMENT

NC will redistrict after census data release. Here's why you should care.

AUGUST 11, 2021 5:30 AM

Since those rules, known as redistricting criteria, were released Monday, Democrats and voting rights advocates this week have critiqued them, saying eliminating the use of that racial data in particular will make it difficult for the state to comply with the Voting Rights Act.

"How do you comply with the VRA if you don't consider racial data?" said Democratic Sen. Ben Clark, a Democrat from Raeford, in an interview with The News & Observer Wednesday. "You can't. The VRA is about providing fair treatment to racial minorities. You can't do that if you're not using racial data."

Clark also said that many lawmakers know the racial or political makeup of districts without looking at the data. The current criteria, Clark said, doesn't prevent lawmakers' own knowledge of their districts from informally being considered in drawing those maps.

PUBLIC COMMENTS ON PROPOSED REDISTRICTING RULES

Since Republicans proposed the new redistricting criteria Monday, members of the public have pointed to numerous other changes that should be made before the proposal is adopted.

The committee held a hearing Tuesday to give the public an opportunity to comment on the proposed rules, where most who spoke critiqued the 10-point list.

"These redistricting criteria are unfortunately so vague that I worry that they do not actually constrain the map drawing in any meaningful way," said Lekha Shupeck, who serves as the North Carolina state director of the National Democratic Redistricting Committee led by former U.S. Attorney General Eric Holder.

Republicans have argued, though, that the criteria proposed are the same as what was proposed in 2019, when the court again ordered the legislature to redraw some districts. Both Democrats and Republicans that year said it was the most transparent of redistricting processes, though Democrats have said this year that the process could still be improved.

This year's criteria is not exactly similar to 2019's, however. One rule, known as "incumbent protection," demonstrates such a difference.

In 2019, the criteria said, "mapmakers may take reasonable efforts to not pair incumbents unduly in the same election district."

This year's proposed language, by contrast, says "member residence may be considered in the formation of legislative and congressional districts."

DRAWING DISTRICT MAPS THAT FACTOR IN WHERE LAWMAKERS LIVE

Members of the public and voting rights advocates also criticized the guideline that would mean legislators could consider where current lawmakers reside as a factor in how they draw districts. If adopted, this means Republicans will try not to draw a district that incorporates two incumbents, also known as "incumbent protection."

Lawmakers also included several required criteria in the proposal, including grouping counties together and ensuring each district is connected to other parts of the district and equal or nearly equal to the population of other districts.

But Clark and other Democrats have criticized Republicans for not prioritizing those criteria in the proposal, however.

Each of the criteria should be ranked, so if there are two rules in conflict "you default to the higher level," Clark said.

After the committee considers amendments Thursday morning, it will vote to formalize the redistricting criteria, but they aren't legally binding. Like any legislative rule, the committee could in theory change them at any time.

Tyler Dukes contributed to this report.

For more North Carolina government and politics news, listen to the Under the Dome politics podcast from The News & Observer and the NC Insider. You can find it at link.chtbl.com/underthedomenc or wherever you get your podcasts.

UNDER THE DOME

On The News & Observer's Under the Dome podcast, we're unpacking legislation and issues that matter, keeping you updated on what's happening in North Carolina politics twice a week on Monday and Friday mornings. Check us out here and sign up for our weekly Under the Dome newsletter for more political news.

This story was originally published August 11, 2021 5:25 PM.

RELATED STORIES FROM RALEIGH NEWS & OBSERVER

POLITICS-GOVERNMENT

NC will redistrict after census data release. Here's why you should care.

AUGUST 11, 2021 5:30 AM

POLITICS-GOVERNMENT

Should voters have a say in redistricting? NC constitutional amendment proposal says yes

MARCH 29, 2021 2:46 PM

POLITICS-GOVERNMENT

NC adds nearly 1 million residents in a decade to earn a new congressional seat, Census says

APRIL 26, 2021 3:15 PM

POLITICS-GOVERNMENT

New census data will help shape elections, reveal who North Carolina is becoming

AUGUST 10, 2021 10:00 AM

POLITICS-GOVERNMENT

🔒 Changing who draws political maps is off the table. Will NC change how they're drawn?

JUNE 30, 2021 6:00 AM

Legislative staff look over redistricting maps during a House committee meeting on Thursday, September 12, 2019 at the Legislative Office Building in Raleigh, N.C. ROBERT WILLETT *RWILLETT@NEWSOBSERVER.COM*

LUCILLE SHERMAN

Lucille Sherman is a state politics reporter for The News & Observer and The Herald-Sun. She previously worked as a national data and investigations reporter for Gannett. Using the secure, encrypted Signal app, you can reach Lucille at 405-471-7979.

💬 **COMMENTS** ⌄

READ NEXT

POLITICS & GOVERNMENT

NC operative Dowless rejects plea deal on ballot fraud accusations. Here's what's next

BY WILL DORAN

UPDATED NOVEMBER 15, 2021 2:29 PM

TRENDING STORIES

1 teen dead and 4 injured in Morrisville crash Sunday morning, police say

UPDATED NOVEMBER 15, 2021 9:33 AM

Family shocked after 15-year-old Millbrook High football player killed in Greensboro

UPDATED NOVEMBER 15, 2021 5:24 AM

🐦 f ✉ ↪

McCrae Dowless could face years in prison for 2018 election fraud allegations. On Monday he turned down a plea deal as he prepares to fight the charges.

KEEP READING →

Wake Forest outlasts NC State in ACC thriller. What we learned in the Wolfpack's loss

UPDATED NOVEMBER 14, 2021 1:22 PM

Raleigh needs more nightlife if it wants to keep attracting newcomers

UPDATED NOVEMBER 14, 2021 3:24 PM

Did the NC State-Wake Forest ACC football game end too soon on a controversial call?

UPDATED NOVEMBER 15, 2021 10:34 AM

ELECTIONS

Madison Cawthorn's change in districts causing more ripple effects for NC candidates

UPDATED NOVEMBER 15, 2021 2:27 PM

POLITICS & GOVERNMENT

Cawthorn's entry into new Mecklenburg County district shakes local Republicans

UPDATED NOVEMBER 15, 2021 8:05 AM

NATIONAL

Alabama judge opposed to death penalty set for ethics trial

NOVEMBER 15, 2021 2:45 PM

NATIONAL

EXPLAINER: What charges does Kyle Rittenhouse face?

NOVEMBER 15, 2021 2:45 PM

NEWS

Idaho lawmaker warns business leader to avoid Statehouse

NATIONAL

Prosecutor: Rittenhouse provoked the bloodshed in Kenosha

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.

RALEIGH NEWS & OBSERVER APP →

VIEW NEWSLETTERS →

SUBSCRIPTIONS

Start a Subscription

Customer Service

eEdition

Vacation Hold

Pay Your Bill

LEARN MORE

About Us

Contact Us

Newsletters

Legal Notices

Archives

ADVERTISING

Advertise With Us

About Our Ads

Place a Classified

COPYRIGHT

COMMENTING POLICY

REPORT NEWS

PRIVACY POLICY

TERMS OF USE

EXHIBIT W

WUNC 91.5
NORTH CAROLINA PUBLIC RADIO

Donate

NC Lawmakers Adopt Criteria For Next Round Of Redistricting

North Carolina Public Radio | By Rusty Jacobs

Published August 12, 2021 at 4:33 PM EDT

Carolyn Kaster / AP

File photo from March 26, 2019 of activists at the Supreme Court opposed to partisan gerrymandering holding up representations of congressional districts from North Carolina, left, and Maryland, right, as justices heard arguments about the practice of political parties manipulating the boundary of a congressional district to unfairly benefit one party over another.

State lawmakers tasked with redrawing congressional and legislative district lines based on 2020 census data will closely follow criteria used in 2019. That is when North Carolina's Republican-majority General Assembly had to replace maps declared to be unconstitutionally gerrymandered with excessive partisan bias.

For the 2019 redraw, the Republican-led North Carolina General Assembly followed state court guidance and did not use past election outcomes and partisan data to create new district lines.

This time around, the GOP-majority Joint Redistricting Committee took a historic step in North Carolina, according to committee Co-Chair Rep. Destin Hall (R-Caldwell).

"For the first time ever," Hall said at Thursday's committee meeting, "without a court order but doing it voluntarily, the chairs have put forth a set of criteria before you voluntarily not using election data and partisanship."

The adopted criteria also include drawing contiguous districts close to equal population in size. Lawmakers may also take steps to avoid splitting precincts and municipalities and to keep like-minded communities of interest intact.

Under the criteria, legislators may also protect incumbents and consider members' residences in the make-up of districts, something voting rights advocates who support

WUNC
Here & Now

"Voters don't want elected officials to draw maps in districts that favor ourselves," said Sen. Natasha Marcus (D-Mecklenburg) at Thursday's committee meeting. "I believe that in the past, maps have been drawn with an eye on where incumbents live in order to give certain members a favorable district and others a tougher district."

But Hall defended the practice.

"The chairs feel that this is a traditional redistricting criteria that has been long used, that this committee has used it in the past, the chairs believe that it is best that this committee and this body continue to use this proposed criteria," said Hall, urging members to reject a Democrat-backed amendment that would have prohibited the consideration of incumbents' addresses in the formation of Congressional districts and would only allow the consideration of members' residences to avoid pitting incumbents against one another in a single legislative district.

The committee will meet next week to discuss transparency in the redistricting process and a schedule for public hearings.

Tags | Politics | Redistricting | Voting Maps | Voting

✉

Rusty Jacobs

Rusty Jacobs is a politics reporter for WUNC.

See stories by Rusty Jacobs

LATEST STORIES

Mustafa's debut album is a tribute to the Toronto community he grew up in

Vermont Sen. Patrick Leahy won't seek reelection next year

Steve Bannon turns himself in to face criminal contempt charges

'Raising Jails' investigates costs of incarceration in NC

A lottery could determine the fate of Biden's vaccine rule for 84 million workers

A North Carolina man who was wrongfully imprisoned for 24 years is pardoned

WUNC
Here & Now

EXHIBIT X

The News&Observer

POLITICS & GOVERNMENT

NC lawmakers will not use racial and election data from the census to draw district maps

BY LUCILLE SHERMAN

UPDATED AUGUST 13, 2021 11:06 AM

Berger discusses the challenges of redistricting for the upcoming 2021 legislative session during an interview on Tuesday, November 24, 2020 in Eden, N.C. BY ROBERT WILLETT

▶ **Only have a minute? Listen instead**

-04:12

Powered by **Trinity Audio**

RALEIGH

State lawmakers voted Thursday to adopt guidelines that they'll follow in drawing the political maps that will be used in North Carolina elections for the next decade. As a result, North Carolina's General Assembly can't use racial demographic and election data to inform how those maps are drawn this year.

With the U.S. Census Bureau release of decennial population data Thursday afternoon, that vote, which came just 15 minutes before the census released its data, was one of the first of many steps lawmakers must complete before using that data to draw state legislative and congressional districts.

Because the census conducts a nationwide headcount and releases the resulting data only every 10 years, state legislatures across the country redraw political maps based on that data just once a decade. The process hasn't always worked that way in North Carolina, though, as the swing state was embroiled in court battles for years over districts Republican lawmakers drew in 2011. The courts found those maps had disenfranchised both minority and Democratic voters.

Whether North Carolina ends up in court again over the outcome of this year's redistricting process still remains to be seen, but the rules lawmakers adopted Thursday, known as redistricting criteria, will determine what data the Republican-majority legislature will use when they draw the political maps. The end result will influence what party continues to control the state and set policy until 2030.

Republicans are already exerting their power over the process. In a joint House and Senate redistricting committee hearing Thursday, they swiftly dismissed all but one of the changes Democrats suggested to redistricting rules, saying GOP leaders had already "deliberated" some of the suggestions "at length," though those discussions were not public.

Thank you for subscribing.

On a scale from 0-10, how likely are you to recommend The News & Observer to a friend or colleague?

Not at all likely   Extremely likely

| 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |

Powered by Qualtrics ⬈

Protected by reCAPTCHA: Privacy ⬈ & Terms ⬈

Web Page Blocked

Access to the web page you were trying to visit has been blocked in accordance with Jenner & Block's policy. If you believe you have reached this page in error, or need access to this website, please contact the

"The current criteria is sufficient and appropriate for this committee," said Republican House Rules chairman Destin Hall in response to one of the Democrat-sponsored amendments. "I ask you to vote against the amendment."

In addition to proposing numerous amendments in an attempt to change the criteria, Democrats repeatedly criticized the Republican-proposed guidelines, saying some of the criteria were vague, or even unconstitutional.

Democrats pointed to a guideline known as "incumbent protection," that would mean legislators could consider where current lawmakers reside as a factor in how they draw districts so as not to draw two legislators into the same district, saying it would favor incumbents.

As written, it says the addresses of lawmakers "may be considered" in drawing districts.

"The words 'may be' are very vague," said Sen. Natasha Marcus, a Democrat from Davidson. "That says to me that we might help current members stay in their districts and we might not help others."

Democrats also argued that eliminating lawmakers' ability to use racial data to draw the maps would mean districts would not comply with the Voting Rights Act, and pointed to two other provisions as vague: One that says lawmakers "may consider" municipal boundaries," and another that says lawmakers can split voting districts "only when necessary."

Four of the 10 guidelines adopted by the committee are a constitutional requirement: drawing districts that comply with the Voting Rights Act, drawing districts within groupings of counties and ensuring each district is connected to other parts of the district and equal or nearly equal to the population of other districts.

The remaining guidelines say lawmakers should make "reasonable efforts" to draw districts compactly, knowledge of communities "may be considered" and election data shall not be used.

House Rules chairman Hall said it was the first time in the state's history lawmakers are voluntarily opting to eliminate the use of partisan election data in drawing districts.

The committee will meet again next week to discuss plans to hold a public comment period.

For more North Carolina government and politics news, listen to the Under the Dome politics podcast from The News & Observer and the NC Insider. You can find it at link.chtbl.com/underthedomenc or wherever you get your podcasts.

UNDER THE DOME

On The News & Observer's Under the Dome podcast, we're unpacking legislation and issues that matter, keeping you updated on what's happening in North Carolina politics twice a week on Monday and Friday mornings. Check us out here and sign up for our weekly Under the Dome newsletter for more political news.

This story was originally published August 12, 2021 2:23 PM.

RELATED STORIES FROM RALEIGH NEWS & OBSERVER

POLITICS-GOVERNMENT

🔒 An NC Republican reported his party's plans to gerrymander. Then he walked it back.

APRIL 30, 2021 6:00 AM

POLITICS-GOVERNMENT

🔒 Redistricting will be one of the biggest stories of 2021. Here's what you need to know.

JANUARY 12, 2021 8:00 AM

POLITICS-GOVERNMENT

🔒 Changing who draws political maps is off the table. Will NC change how they're drawn?

JUNE 30, 2021 6:00 AM

POLITICS-GOVERNMENT

NC adds nearly 1 million residents in a decade to earn a new congressional seat, Census says

APRIL 26, 2021 3:15 PM

POLITICS-GOVERNMENT

New census data will help shape elections, reveal who North Carolina is becoming

AUGUST 10, 2021 10:00 AM

POLITICS-GOVERNMENT

NC lawmakers move to bar the use of racial, election data in drawing election districts

AUGUST 11, 2021 5:25 PM

Lawmakers look at maps of congressional districts. COREY LOWENSTEIN *CLOWENST@NEWSOBSERVER.COM*

LUCILLE SHERMAN

Lucille Sherman is a state politics reporter for The News & Observer and The Herald-Sun. She previously worked as a national data and investigations reporter for Gannett. Using the secure, encrypted Signal app, you can reach Lucille at 405-471-7979.

💬 **COMMENTS** ⌄

READ NEXT

POLITICS & GOVERNMENT

NC operative Dowless rejects plea deal on ballot fraud accusations. Here's what's next

BY **WILL DORAN**
UPDATED NOVEMBER 15, 2021 2:29 PM

McCrae Dowless could face years in prison for 2018 election fraud allegations. On Monday he turned down a plea deal as he prepares to fight the charges.

KEEP READING →

TRENDING STORIES

1 teen dead and 4 injured in Morrisville crash Sunday morning, police say

UPDATED NOVEMBER 15, 2021 9:33 AM

Family shocked after 15-year-old Millbrook High football player killed in Greensboro

UPDATED NOVEMBER 15, 2021 5:24 AM

Wake Forest outlasts NC State in ACC thriller. What we learned in the Wolfpack's loss

UPDATED NOVEMBER 14, 2021 1:22 PM

Raleigh needs more nightlife if it wants to keep attracting newcomers

UPDATED NOVEMBER 14, 2021 3:24 PM

Did the NC State-Wake Forest ACC football game end too soon on a controversial call?

UPDATED NOVEMBER 15, 2021 10:34 AM

ELECTIONS

Madison Cawthorn's change in districts causing more ripple effects for NC candidates

UPDATED NOVEMBER 15, 2021 2:27 PM

POLITICS & GOVERNMENT

Cawthorn's entry into new Mecklenburg County district shakes local Republicans

UPDATED NOVEMBER 15, 2021 8:05 AM

NATIONAL

Alabama judge opposed to death penalty set for ethics trial

NOVEMBER 15, 2021 2:45 PM

NATIONAL

EXPLAINER: What charges does Kyle Rittenhouse face?

NOVEMBER 15, 2021 2:45 PM

NEWS

Idaho lawmaker warns business leader to avoid Statehouse

NOVEMBER 15, 2021 2:43 PM

NATIONAL

Prosecutor: Rittenhouse provoked the bloodshed in Kenosha

NOVEMBER 15, 2021 2:29 PM

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.

RALEIGH NEWS & OBSERVER APP →

VIEW NEWSLETTERS →

SUBSCRIPTIONS

Start a Subscription

Customer Service

eEdition

Vacation Hold

Pay Your Bill

LEARN MORE

About Us

Contact Us

Newsletters

Legal Notices

Archives

ADVERTISING

EXHIBIT Y

- App. 469 -

NC POLICY WATCH | Stories & voices that **matter.**

Home / Defending Democracy / Republican legislators reject Democrats' proposal to include racial data in redistricting

Republican legislators reject Democrats' proposal to include racial data in redistricting

By **Yanqi Xu**   - 8/13/2021   - In Defending Democracy, Law And The Courts, News, Top Story

🖨️ Print This Article

| f Facebook | y Twitter | ✉ Email |

Sen. Ben Clark, a Democrat representing Cumberland and Hoke counties, unsuccessfully proposed an amendment to the redistricting criteria that would account for racial population data. Republicans passed only one of about a dozen amendments put forward by Democrats. (Screen shot from committee hearing)

State lawmakers in the House and Senate have unveiled the rules for drawing new voting maps, as a new round of redistricting begins.

As Policy Watch previously reported, the U.S. Census Bureau released new population and racial data on Thursday. Shifts in population require new district maps for local and state elections that will be held in 2022. The legislature is solely responsible for drawing congressional and legislative districts in North Carolina.

Lawmakers issued the criteria ahead of the census numbers. The criteria include ensuring equal population in each district and considering communities of interest, as well as geographical compactness and contiguity. To achieve that goal, lawmakers said they would try to avoid splitting counties, precincts and municipalities.

However, lawmakers also proposed excluding racial data in drawing the district lines.

Several Democratic committee members expressed concerns about the committees' ability to comply with the Voting Rights Act if racial data were excluded.

Section II of the Voting Rights Act prohibits discrimination on the basis of race, as well as diluting of minority groups' voting power in elections.

In 2016, a federal court threw out North Carolina congressional maps drawn by the legislature in 2011. The court found evidence of extreme racial gerrymandering, where map drawers intentionally concentrated minority voters in some districts but diluted their votes in others.

Racial gerrymandering occurs when race is the predominant consideration in drawing districts, said Allison Riggs, co-executive director and chief counsel for the voting rights program at the Southern Coalition for Social Justice. During the 2011 redistricting cycle, Riggs said legislators segregated Black voters into oddly shaped congressional districts. By doing so, the legislature limited the Black voters' influence in other districts. "It bleached the surrounding districts," Riggs said.

In order to comply with the federal court order, the legislature's solution has been to redraw district maps excluding racial data in considering district lines altogether. This is sometimes called a "race-blind" approach.

- App. 470 -

Riggs criticized the solution as "recalcitrant" and "out of the mainstream." Other states have used racial data in redistricting to comply with the Voting Rights Act. She spoke against the "race-blind" approach during public comment at an earlier meeting on Tuesday.

In the North Carolina case, *Cooper v. Harris,* appealed to the U.S. Supreme Court, justices reaffirmed that lawmakers can't use racial data as a proxy for gerrymanders — even if there is no racial intent.

"Of course I understand that North Carolina is obligated to comply with Section II of the Voting Rights Act," said Sen. Paul Newton R-Union. "The Supreme Court told us that there's no sufficient evidence of racially polarized voting in North Carolina to justify the consideration of race when drawing districts."

"Just because you don't look at something doesn't mean you can't generate the intent," said Sen. Ben Clark, D-Cumberland and Hoke, in an interview. He told Policy Watch the legislature should study racial data in districts and evaluate their voting power.

Clark noted the dramatic increase in the number of majority Black Senate districts for the first time, after the 2011 redistricting — in about a dozen counties, including Mecklenburg. "There was no need to do so," he said, adding that the packing of Black voters was deliberate.

Allison Riggs, Southern Coalition for Social Justice.

Senate District 14 in Wake County after the 2011 redistricting was challenged as extreme racial gerrymandering. Image source: Court filing, Covington v. North Carolina

Clark said during the committee hearing that it's impossible to comply with the Voting Rights Act without using racial data, and introduced an amendment to account for it. His amendment failed.

Sen. Dan Blue, D-Wake, introduced an amendment to account for race, and to prohibit the packing Blacks into districts. His amendment also failed.

Rep. Destin Hall, R-Caldwell, said since the court-approved redrawn maps of the 2011 districts did not include any racial data, the committee chairs deem the exclusion the "best path forward."

Sen. Warren Daniel, R-Burke, and co-chair of the Senate Redistricting and Elections Committee, won approval for an amendment that added language stating: "The committee will draw districts that comply with the Voting Rights Act." Daniel said the committee will account for race if there is evidence of racially polarized voting in the redistricting process.

Amendments to other criteria failed

Dominated by Republicans, the two committees adopted only one technical amendment — on district contiguity — of the dozen amendments proposed by Democrats.

Rep. Zack Hawkins, D-Durham, suggested that legislators "make reasonable effort to preserve communities of interest." Communities of interest normally share common similar racial, ethnic and cultural identities. As an example, referred to past redistricting that divided North Carolina A&T, a historically Black university into different districts.

Hawkins said there's still room for improvement in the process and criteria. "2019 was our floor, and not our ceiling," he said.

Rep. Pricey Harrison, D-Guilford, proposed an amendment to allow for a difference of up to 150 people among congressional districts. She said the measure could help avoid splitting precinct, county and municipal boundaries. It could also compensate for inaccuracies in the granular-level population count. This can occur because of "statistical noise" injected into the numbers by the Census Bureau to protect respondents' confidentiality.

Statistical noise in census data means it's hard to guarantee population counts will be exact among congressional districts, said Christopher Kenny, a Ph.D. candidate in government and a redistricting researcher at Harvard University.

Rep. Hall said the census data and geographical files will be ready for the public to propose their own maps in three to four weeks. The state will set up map-drawing terminals for this purpose.

The redistricting committees will meet Wednesday at 9 a.m. to discuss the schedule for public hearings.

🖨 Print This Article

11/15/21, 1:47 PM
Republican legislators reject Democrats' proposal to include racial data in redistricting | NC Policy Watch

- App. 471 -

(f) (t) (p) (in) (✉)

TAGS   CENSUS   GERRYMANDERING   RACIAL DISPARATIES   REDISTRICTING

ABOUT THE AUTHOR

Yanqi Xu

Yanqi Xu, Courts, Law and Democracy Reporter, came to Policy Watch in December of 2020 from the Investigative Reporting Workshop in D.C., where she combined data and reporting to cover public accountability issues. Yanqi graduated with a master's degree in journalism from the University of Missouri in 2019. Her multimedia work appeared in PolitiFact and the Columbia Missourian, and was featured on the local NPR and NBC affiliates. Originally from China, Yanqi started her career producing newscasts to tell people what's going on around the world.

Related Posts:

Monday numbers: A closer look at mass incarceration in NC, and the implications for redistricting

Partisan gerrymandering will be North Carolina's next big court battle

Will the Hofeller files make it to trial in partisan gerrymandering case?

Inside the GOP gerrymander for 2022

Previous article	Next article	
< Should the unvaccinated be a lower priority for health care?	An excessive measure to suppress free speech	>

About
Subscribe
Donate
Code of Ethics
Careers
NC Justice Center

NC Policy Watch Facebook page Like us on Facebook
NC Policy Watch Twitter feed Follow us on Twitter

YouTube Channel: The Progressive Pulse Find us on YouTube
NC Policy Watch Google+ page Follow us on Instagram

NC Policy Watch iTunes Podcast Listen to our Podcasts
NC Policy Watch RSS Feed> Subscribe to our RSS Feed

EXHIBIT Z

- App. 473 -

58°

CHARLOTTE > | NOVEMBER 15, 2021
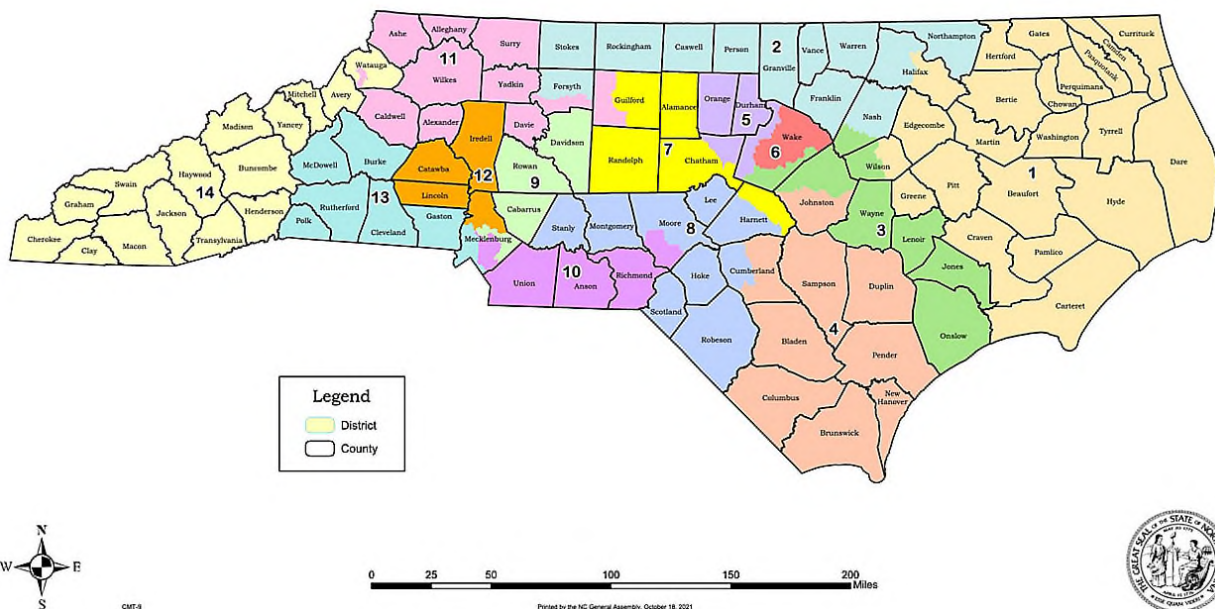
REDISTRICTING

First maps posted in N.C. redistricting, public hearings scheduled

BY CHARLES DUNCAN | NORTH CAROLINA
PUBLISHED 1:00 PM ET OCT. 21, 2021

Members of the North Carolina General Assembly are putting the last touches on the redistricting maps that could shape the state's politics for a decade.

The Republican-led legislature wants to get North Carolina's new maps done for congressional districts and the General Assembly by Nov. 5. The state's redistricting committees plan to hold public hearings in person and virtually next week on the proposed maps.

"We want to make sure that the maps that are out there get the full vetting," House Speaker Tim Moore said Wednesday, according to the Associated Press.

Public hearings on redistricting maps

- Monday at 3 p.m.: At the NCGA and with remote sites at UNC Wilmington and Caldwell Community College

- Monday at 5:30 p.m.: Virtual public hearing. Sign-up link will be available on ncleg.gov

- Tuesday at 3 p.m.: At the NCGA and with remote sites at East Carolina University and Central Piedmont Community College

- Tuesday at 5:30 p.m.: Virtual public hearing. Sign-up link will be available on ncleg.gov

As of Thursday morning, the state Senate posted five potential maps for congressional districts. North Carolina is getting a 14th seat in the House of Representatives because of the population growth the state has seen over the past decade.

The state Senate also posted one map laying out its own districts.

Legislators have been working in an open committee room to redraw the maps over the past two weeks. This is the first time the General Assembly has used a more public redistricting process without a court order. In the past, the maps have been drawn with consultants behind closed doors.

North Carolina has a long history of gerrymandering, of drawing the maps to favor one party or race over another. Republicans and Democrats have both created gerrymandered maps when

state Democrats have accused the Republican-led redistricting committees of violating the Voting Rights Act by not considering race in redrawing the maps.

The maps must pass through both chambers to be finalized. The governor has no veto power over the redistricting maps.

The North Carolina Senate has posted one map on Senate districts so far:
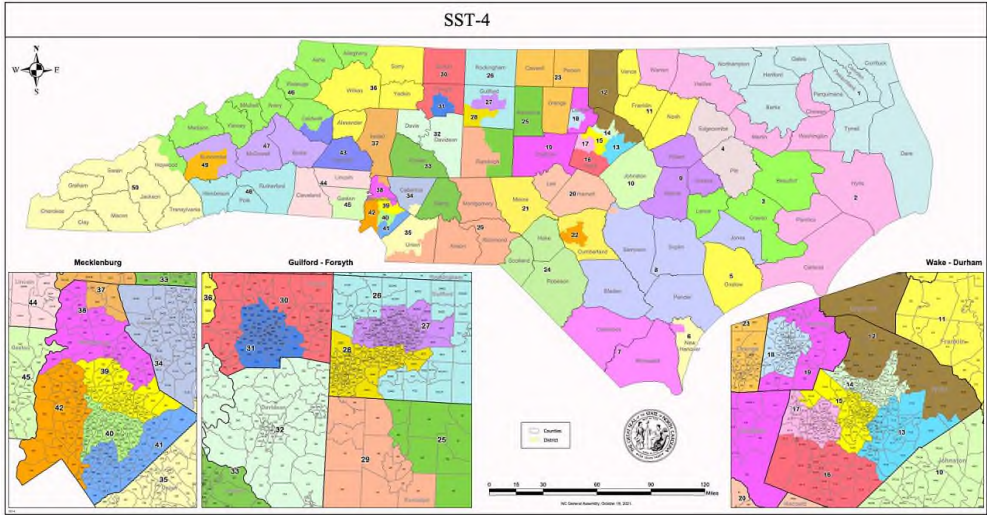
State Senators have also posted five possible congressional maps:
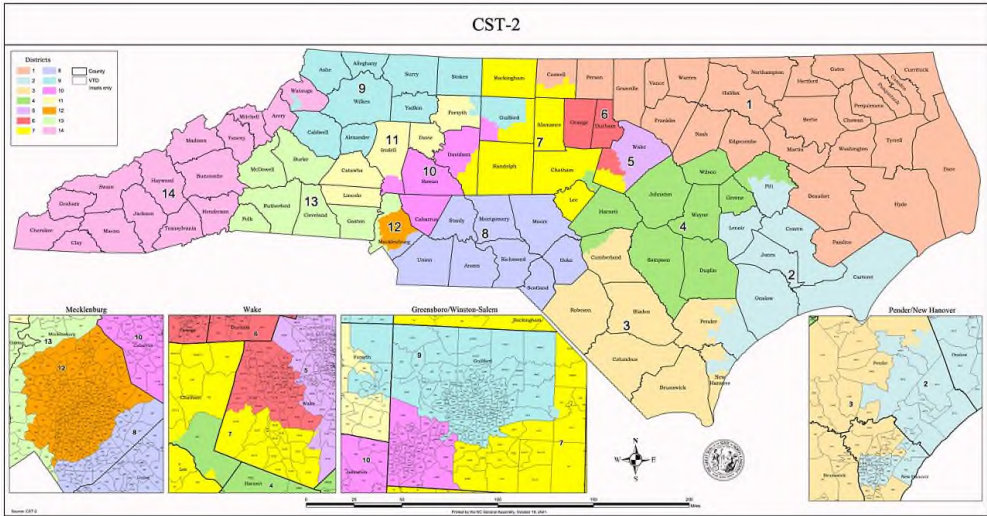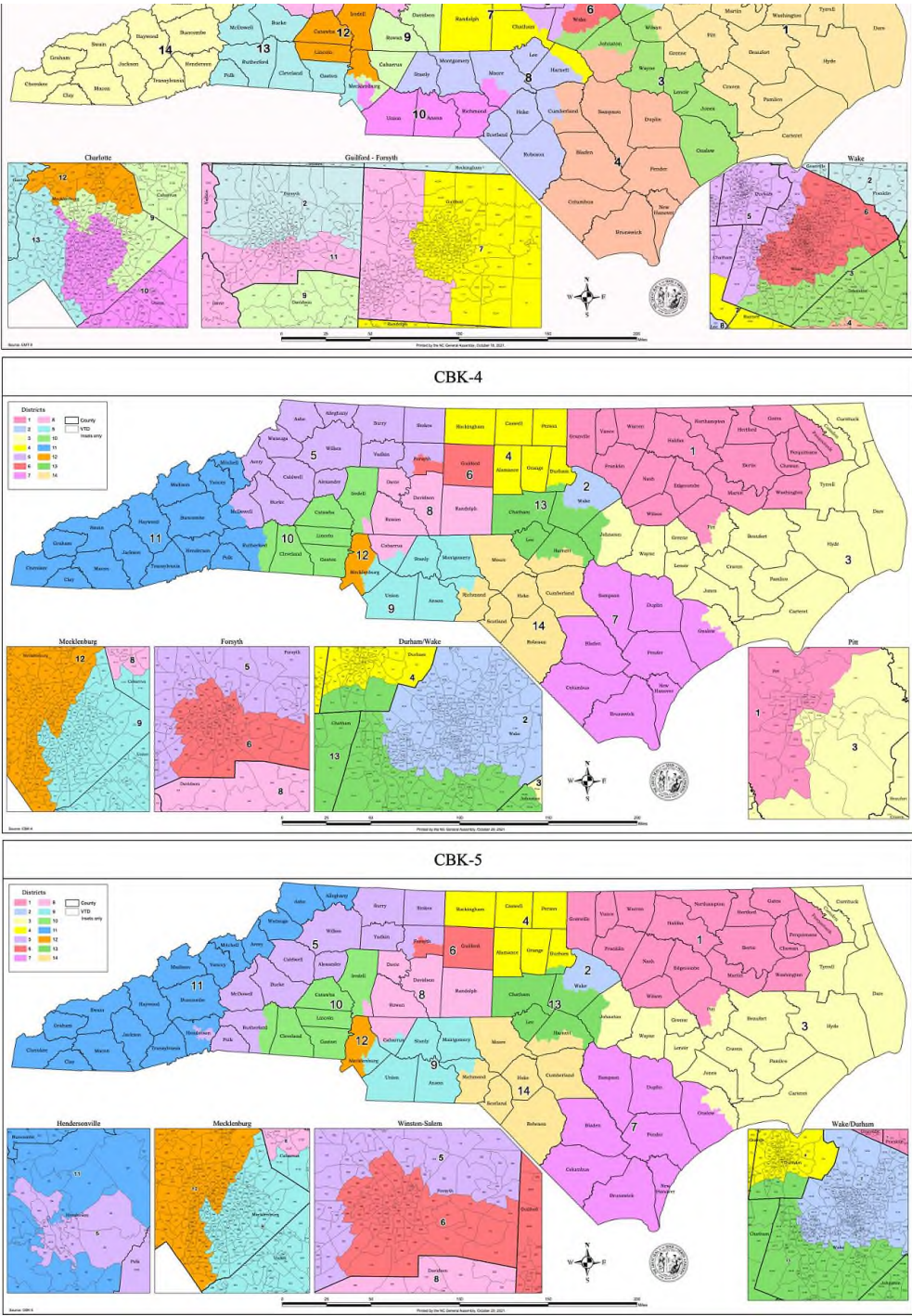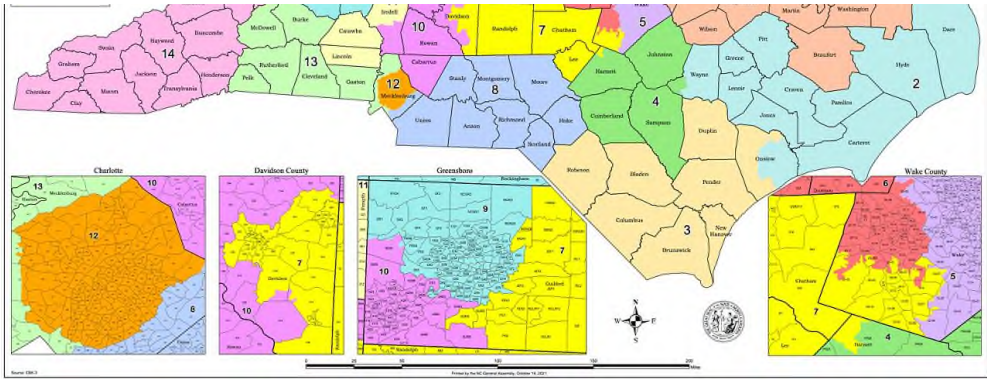
58°

LOG IN

CBK-4

CBK-5

58°

LOG IN

YOU MAY ALSO BE INTERESTED IN

REDISTRICTING

Redistricting in N.C.: New maps approved, favoring GOP

NORTH CAROLINA | 1 WEEK AGO

REDISTRICTING

North Carolina legislators taking final redistricting votes

RALEIGH | 1 WEEK AGO

REDISTRICTING

N.C. Congress, state House remaps clear 1 legislative chamber

RALEIGH | 1 WEEK AGO

REDISTRICTING

Redistricting: Congressional map approved by N.C. Gen. Assembly committee

NORTH CAROLINA | 1 WEEK AGO

POLITICS

Redistricting changes representation without ever changing address

GREENSBORO | 2 WEEKS AGO

REDISTRICTING

N.C. redistricting hearing speakers criticize GOP proposals

RALEIGH | 2 WEEKS AGO

SPECTRUM NEWS

CONTACT

VIDEO REQUEST

ABOUT

SPECTRUM NEWS APP

RSS

SITEMAP

CERTIFICATIONS

58°

LOG IN

PRIVACY

CALIFORNIA CONSUMER PRIVACY RIGHTS

CALIFORNIA CONSUMER DO NOT SELL MY PERSONAL INFORMATION

EXHIBIT AA

Healthcare of Tomorrow »   A U.S. News virtual event series where industry leaders discuss common challenges and solutions for the future of health. **Learn more >>**

NC Redistricting Hearing Speakers Criticize GOP Proposals

Speakers at a public hearing on North Carolina redistricting want Republicans to shelve proposed congressional district maps.

By Associated Press | Oct. 25, 2021

🔖 Save   (f) (y) (F) ◯

Top state redistricting legislators, Sen. Paul Hise, top left, and Rep. Destin Hall, top right, listen as several dozen members of the public address state lawmakers during a public comment hearing on Senate and House legislative redistricting maps Monday, Oct. 25, 2021, at the Legislative Building in Raleigh, N.C. (Travis Long/The News & Observer via AP)   📷 THE ASSOCIATED PRESS

By GARY D. ROBERTSON, Associated Press

RALEIGH, N.C. (AP) — Dozens of North Carolina residents said Monday that Republicans should shelve proposed congressional district maps that they said would likely give the GOP the most seats for the foreseeable future while needlessly fracturing the state's largest counties.

Republicans and Democrats have spent the past few weeks creating separate redistricting maps. During the first of two days of public hearings on them, speakers criticized GOP proposals that could make at least 10 of the state's 14 U.S. House districts favorable to Republican candidates. Republicans currently hold an 8-5 advantage in the state's congressional ranks, but the state will get another member through at least 2032 due to population gains recorded by the 2020 census.

Maps most favorable to Republicans would split predominantly Democratic Mecklenburg and Wake counties among at least three districts, some of which would spill into more conservative and rural surrounding counties, thereby making it harder for Democrats to win.

"This is not fair, since North Carolina is a half-and-half state with the two parties," Kathy Wheeler of Guilford County told redistricting committee members at the Legislative Building. "The maps proposed by Republican members dilute Democratic votes and deprive communities of effective representation."

Several speakers complained that some plans also would split Guilford County, currently represented by Democrat Kathy Manning, into as many as three districts.

Democrats have offered congressional maps that would give their party a better chance to win six or seven seats, which they say aligns with electoral results for statewide races that are usually decided by a few percentage points. Republicans, who have controlled the General Assembly since 2011, have performed well in North Carolina federal races, not losing a U.S. Senate race since 2008.

House committee Chairman Destin Hall of Caldwell County said after the hearing that GOP leaders are staying away from making decisions based on electoral outcomes.

Hearing participants also criticized GOP redistricting committee leaders for preventing the use of racial data in drawing districts. Democrats and allied civil rights advocates argue that without such data lawmakers are unable to protect Black voters from being disenfranchised in a map plan.

"Being colorblind does not equate to being racially just. In fact, it can mean just the opposite," said Phyllis Demko with the League of Women Voters of North Carolina. She added that it's obvious legislators know where minority voters live and how they vote.

Andy Jackson of the conservative John Locke Foundation was one of only a couple of the roughly 30 speakers at Monday's first session who seemed generally pleased with legislators, in particular for mapmaking criteria that he said ensures "racial considerations do not predominate in designating districts."

The House and Senate redistricting committees scheduled an in-person and an online-only hearing both Monday and Tuesday to collect feedback on proposed General Assembly districts. Each in-person hearing in Raleigh also had two remote sites. Monday's other locales were in Wilmington and Lenoir, with Greenville and Charlotte on Tuesday.

The hearings are the next step before the legislature begins voting on the plans. The legislature hopes by early November to approve new maps that will apply to elections starting next year. Candidate filing for the 2022 election begins Dec. 6.

With Republican majorities in both the state House and Senate and redistricting maps exempt from Democratic Gov. Roy Cooper's veto stamp, Republicans are likely to get their way unless litigation blocks them.

Senate Minority Leader Dan Blue of Wake County said Democrats in his chamber want to meet with Republicans to express their concerns and seek what they consider a fair plan. But without "real serious negotiations on all aspects of these maps" that lead to consensus, Blue told reporters Monday, "short of a lawsuit, there are very few other things left to do."

Tags: Associated Press, elections, North Carolina

RECOMMENDED ARTICLES

Coronavirus Bulletin

Stay informed daily on the latest news and advice on COVID-19 from the editors at U.S. News & World Report.

Email address | Sign Up

YOU MAY ALSO LIKE

Washington Is Top State

The Evergreen State takes the top spot again in the U.S. News Best States ranking on the strength of its tech sector and other industries.

Levi Pulkkinen March 9, 2021

The 10 Best States

The best states in the U.S. come from coast to coast.

Elliott Davis **March 9, 2021**

---

2 People Shot While Loading ATM in Chicago

Police say two people loading an ATM in Chicago have been shot during a robbery.

Associated Press **Nov. 15, 2021**

Bismarck Man Pleads Not Guilty to Abusing Infant Son

A Bismarck man accused of physically abusing his infant son has pleaded not guilty to felony charges.

Associated Press **Nov. 15, 2021**

Business Challenges Louisiana Sales Tax System in Lawsuit

An out-of-state business has sued Louisiana and several parishes to challenge the state's patchwork approach to collecting sales taxes.

Associated Press **Nov. 15, 2021**

Editorial Roundup: Kansas

Associated Press **Nov. 15, 2021**

Biden to Protect Native American Heritage Site, Boost Safety

President Joe Biden says his administration will help improve public safety and justice for Native American communities.

Associated Press **Nov. 15, 2021**

Closing Arguments Begin at Murder Trial of Kyle Rittenhouse

Closing arguments have begun at Kyle Rittenhouse's murder trial in the shootings of three men during street unrest in Kenosha.

Associated Press **Nov. 15, 2021**

For Nebraska Rep. Fortenberry, a Two-Sided Challenge in 2022

U.S. Rep. Jeff Fortenberry of Nebraska will likely be facing two opponents in the 2022 election: a progressive Democrat with a lot of support in the state's second-largest city, and a federal prosecutor in California who has accused him of lying to the FBI.

Associated Press Nov. 15, 2021

Keith Ellison to Seek 2nd Term as Minnesota Attorney General

Democratic Minnesota Attorney General Keith Ellison says he'll seek a second term.

Associated Press Nov. 15, 2021

Load More

BEST STATES

Best States is an interactive platform developed by U.S. News for ranking the 50 U.S. states, alongside news analysis and daily reporting. The platform is designed to engage citizens and government leaders in a discussion about what needs improvement across the country.

BEST COUNTRIES   BEST STATES   HEALTHIEST COMMUNITIES   NEWS   CITIES   LEADERS

THE REPORT   PHOTOS   ELECTIONS   EVENTS

EXHIBIT AB

The News&Observer

POLITICS & GOVERNMENT

NC lawmakers file their official redistricting plans, giving GOP a solid edge

BY WILL DORAN
UPDATED OCTOBER 29, 2021 6:02 PM

It's redistricting time in North Carolina. In a limited-run podcast from Under the Dome, we explore how maps are drawn, their political impact on the state and the ongoing fight against gerrymandering.
BY STEPHANIE BUNAO

▶ **Only have a minute? Listen instead**

Powered by **Trinity Audio**

The public has already seen a handful of potential redistricting maps — which could be used in every North Carolina election from 2022 to 2030 — but on Friday a top redistricting official filed the official bills for maps that whittled down the various options to just one map.

Republican Sen. Ralph Hise filed two bills Friday: One for the map that will determine the 50 seats that make up the N.C. Senate, and the other for North Carolina's 14 seats in the U.S. House of Representatives.

The map for the 120 N.C. House seats should at least be up by Monday, according to a meeting agenda on the legislature's website, but it could be posted before then, too. The House could also offer a competing version of a congressional map, different from the bill Hise filed Friday.

TOP VIDEOS

- App. 486 -

WATCH MORE
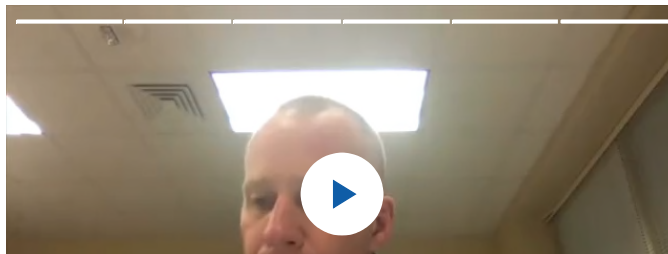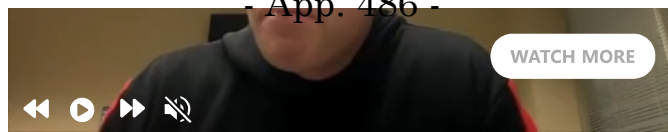
NC State's Doeren talks about the loss to Wake

GOP leaders previously put out half a dozen different draft maps for the congressional map, each of which was different in some ways but all of which would likely lead to strong Republican majorities in the state's congressional delegation for years to come.

Democratic politicians have criticized those draft maps as being heavily gerrymandered — comments echoed by several dozen speakers at public hearings the legislature held last week after posting those drafts for the public to review.

The statewide vote is split almost evenly — in the 2020 presidential race, Republican Donald Trump won just under 50% of the vote and Democrat Joe Biden won just under 49% — but all of the congressional maps that GOP leaders have floated would likely give their party nine, 10 or even 11 of the state's 14 congressional seats.

The map Hise filed Friday was not one of the ones that had previously been shown to the public before the public hearings, although it does appear to be almost identical to one of the maps that was.

An analysis of the new map by the website Dave's Redistricting App, using election data from the 2016 and 2020 elections, shows that the map would likely produce a 10-4 split in favor of Republicans if North Carolina's voting patterns remain largely the same. The map would have eight safe Republican seats, three safe Democratic seats and three competitive seats; two would lean right and one would lean left.

It also has an incumbent-free district in the area between Charlotte and Asheville — a common feature in many GOP proposals, which The News & Observer previously reported has led to widespread speculation that it's intended as a seat drawn for House Speaker Tim Moore to run for congress.

It wasn't immediately clear if the new version posted Friday had similar underlying statistics.

SEE THE MAPS

The following is Hise's congressional map, officially called CST-13:

A draft of the 2021 redistricting map for North Carolina's 14 US House seats, as drawn and proposed by GOP redistricting leader Sen. Ralph Hise of Spruce Pine. *NORTH CAROLINA GENERAL ASSEMBLY*

The following is Hise's N.C. Senate map, officially called SST-13:

A draft of the 2021 redistricting map for North Carolina's 50 senate districts, as drawn and proposed by GOP redistricting leader Sen. Ralph Hise of Spruce Pine. *NORTH CAROLINA GENERAL ASSEMBLY*

GERRYMANDERING LAWSUIT FILED

Around an hour after the maps were filed Friday, the NAACP and the anti-gerrymandering government watchdog group Common Cause held a press conference announcing they had just filed a lawsuit asking the courts to intervene in the process, even before the legislature can vote on any maps.

The last time Republican lawmakers drew new maps after the census, in 2011, those maps were struck down as unconstitutional racial gerrymandering. The maps that replaced them were struck down as unconstitutional partisan gerrymandering.

Those legal battles took nearly the entire decade. In the end North Carolina's 2012, 2014, 2016 and 2018 elections were all held using unconstitutional maps. The challengers want to avoid something similar this decade, hence the lawsuit before any maps even pass into law.

"North Carolina cannot handle another decade of unconstitutional maps," said Allison Riggs, the co-executive director of Durham-based Southern Coalition for Social Justice. "The harm that that does to our democracy is one that we've been feeling the ramifications of for 10 years. It's too much, and we're going to start fighting back today."

Riggs has led anti-gerrymandering lawsuits here in the past and is one of the attorneys now representing the NAACP and Common Cause — which was the group behind 2019's successful gerrymandering lawsuits.

The lawsuit doesn't target the specific maps filed Friday, but rather the process in general.

Republican lawmakers have said they did not use any racial or political data in drawing the maps, and some Democrats have questioned the decision not to use racial data. They say it will harm the ability of Black voters in North Carolina to elect politicians who will represent them.

The lawsuit asks that a judge stop the legislature from enacting any maps right now, and delay the 2022 primary elections so that there's enough time to start the redistricting process over this fall under new rules.

Hise said the Southern Coalition for Social Justice "sued us previously because we used race, and now they're suing us because we didn't use race. The only constant here is finding any excuse to sue to gain partisan advantage, no matter how contradictory, and they're doing it before the maps have even been considered by a legislative committee."

WHAT'S NEXT?

The House and Senate redistricting committees both plan to meet Monday, the Senate at 9 a.m. and the House at 2 p.m.

The public will be able to attend, but it's unlikely that they will be able to comment. Members of the committees will be able to discuss the maps and propose potential tweaks for the committee to consider.

It's possible the committees might also decide to go ahead and vote on Monday. Or a vote may come later in the week. It's unlikely to stretch too long, though, since leaders have long said they want to be finished by early November since candidate filing for the 2022 elections is in early December.

Once the committees pass the maps they will go to the full House and Senate for approval, where the Republican majorities in both chambers are likely to pass whatever maps come out of the committees.

And that will be the end of the process. Unlike with most bills in North Carolina, the governor is banned from vetoing redistricting maps. So unlike with the state budget or other high-profile issues, Democrats have very little leverage on redistricting since Democratic Gov. Roy Cooper can't threaten a veto to force Republicans to negotiate with his party's lawmakers.

This story was originally published October 29, 2021 4:14 PM.

EXHIBIT AC

NC congressional map that helps GOP gets Senate panel's OK

AP apnews.com/article/north-carolina-legislature-voting-rights-redistricting-congress-f11be13a63b159abaa926928c96413a2

November 1, 2021

By GARY D. ROBERTSONNovember 2, 2021 GMT

RALEIGH, N.C. (AP) — North Carolina Republicans on Monday advanced a proposed congressional district map for the next decade that if enacted would likely make it easier for the GOP to increase the number of candidates from the state heading to Capitol Hill.

A Senate committee voted along party lines for a redistricting plan that reflects population gains counted during the 2020 census that yielded an additional seat for North Carolina, its 14th overall.

The Senate's congressional plan will be debated by the full chamber on Tuesday. It would put Republicans in a strong position to win 10 of the 14 seats beginning with the 2022 elections, according to Senate Democrats and map analysis such as the Princeton Gerrymandering Project. Any congressional map would have to receive both state House and Senate approval.

GOP leaders hope to give final approval to congressional and General Assembly lines by the end of the week. A House committee on Monday night approved a state House map that likely would help Republicans retain their majority in that chamber. Democratic Gov. Roy Cooper's veto power doesn't apply to redistricting maps.

Although senators prohibited themselves from formally using partisan data like voter registration or past election results to create a new map, Democrats argued that it's obvious the congressional boundaries were drawn with partisan advantage in mind. North Carolina is one of a handful of states where Republican seat gains could help the party retake the U.S. House majority in 2022.

Sen. Ralph Hise, a Mitchell County Republican and congressional map co-author, told reporters that he hadn't looked at partisan data to evaluate political outcomes. He said the map met other criteria well by minimizing the number of counties overall that are divided between districts and the municipalities that are split.

It's "been a tremendous feat that we've been able to accomplish," Hise said. "And I think it best meets the criteria of anything submitted or considered by the committee."

Out of the state's current 13 seats, Republicans now hold eight — two fewer compared to after the 2018 elections, after which state judges declared the U.S. House map lines were likely excessively partisan and unconstitutional. They were redrawn, leading to 2020 election wins by Democrats Kathy Manning and Deborah Ross.

Should the map get General Assembly approval, Manning's return to Congress would appear difficult. Her current district contains all of Guilford County. Senate Republicans instead want to divide Guilford into three districts, all of which would likely favor a Republican candidate. Although members of Congress only have to live in the state they want to represent, Manning's residence is drawn into the same northwestern district with veteran GOP Rep. Virginia Foxx of Watauga County.

Democrats cited splitting Guilford, Wake and Mecklenburg counties into three districts each as a way to dilute political power of metro Democrats by putting them in districts with conservative voters. They said the state's congressional delegation should reflect the closely divided nature of statewide elections.

"It's not coincident that it's only in the urban areas that you subject these counties to that kind of treatment," Senate Minority Leader Dan Blue of Wake County told Republican colleagues. "This kind of radical extreme effort simply takes (legislators) out of the process" should courts again get involved in North Carolina redistricting, he added.

In a statement, Manning said the proposed lines are "not a reflection of the best interests of North Carolinians but rather, an offering to the national Republican party." She didn't mention whether she would run in 2022 if the map were enacted.

The committee's Republican majority rejected a competing map by Democratic Sen. Ben Clark of Hoke County that would have generated more politically competitive districts — likely giving Democrats the chance to win at least six seats. The plan also would have kept Guilford County in one district and limited Wake and Mecklenburg to two districts.

The Senate congressional plan also would have Democratic Rep. Alma Adams and Republican Rep. Dan Bishop living in the same Democratic-leaning district in Charlotte. Bishop said later Monday by text that he would move into an adjoining GOP-leaning district where no incumbent currently lives and run for that seat if the map is implemented.

The map also would create open seats in a district covering a part of Charlotte and points west, another in five counties south of Raleigh and a third in part of Guilford and points south.

Litigation is looming on whatever GOP districts are ultimately approved. The state NAACP, Common Cause and several voters already have gone to court. They sued last Friday, asking a judge to block legislative districts from being drawn without first examining racial data to ensure districts comply with the federal Voting Rights Act.

EXHIBIT AD

The News&Observer

POLITICS & GOVERNMENT

North Carolina could have new political maps this week. Here's where things stand.

BY **WILL DORAN** AND **BRIAN MURPHY**

NOVEMBER 03, 2021 2:23 PM

It's redistricting time in North Carolina. In a limited-run podcast from Under the Dome, we explore how maps are drawn, their political impact on the state and the ongoing fight against gerrymandering. BY STEPHANIE BUNAO

▶ **Only have a minute? Listen instead**

-08:55

RALEIGH

After a month of public hearings and live-streamed map drawing, North Carolina's Republican legislators are moving quickly through the final stages of the 2021 redistricting process.

If all goes according to the plan lawmakers set in motion earlier this week, the maps could be official as soon as Thursday. If they become law as expected, they will be used in every election from 2022 through 2030 — unless a lawsuit succeeds in forcing them to be redrawn, as has happened numerous times in North Carolina dating back to the 1980s.

There are three different maps the N.C. House and N.C. Senate have been crafting in the past few weeks: They each are drawing their own districts, and they also must come up with a new map for the state's U.S. House of Representatives delegation. It's growing from 13 to 14 seats for the next decade, due to North Carolina's rapid population growth in the 2020 Census.

The new maps will likely increase Republican political power in North Carolina. That has Democrats and anti-gerrymandering advocates crying foul, accusing the GOP of artificially inflating their power in a state that's split roughly evenly.

In 2020, for example, Republican Donald Trump won the North Carolina presidential vote with 49.9% to 48.6% for Democrat Joe Biden. But even in a similar political climate, the new congressional map would be expected to grow the Republican Party's current edge from 8-5 to 10-4 in the U.S. House seats.

Thank you for subscribing.

On a scale from 0-10, how likely are you to recommend The News & Observer to a friend or colleague?

Not at all likely   Extremely likely

0   1   2   3   4   5   6   7   8   9   10
○   ○   ○   ○   ○   ○   ○   ○   ○   ○   ○

Powered by Qualtrics ⌐

Protected by reCAPTCHA: Privacy ⌐ & Terms ⌐

Web Page Blocked

Access to the web page you were trying to visit has been blocked in accordance with Jenner & Block's policy. If you believe you have reached this page in error, or need access to this website, please contact the

"These maps were created for one purpose only: to ensure Republicans win more House seats so that they can recapture control of the U.S. House of Representatives," U.S. Rep. Kathy Manning said in a written statement.

Manning, a Greensboro Democrat, would be unlikely to win reelection under the new congressional map, which she called "an offering to the national Republican party." It splits up the Triad region around Greensboro, which is kept mostly whole in her current left-leaning district, into four different right-leaning districts.

The other Democratic incumbent who might be out in the new map is Rep. G.K. Butterfield of Wilson. A former head of the Congressional Black Caucus, he also previously served on the North Carolina Supreme Court. He said GOP lawmakers are proposing to turn his district into one a Republican could flip by splitting up Black voters in Eastern North Carolina between districts to diminish their voting power.

"I am planning to run for reelection and I want to run under a fair map and right now we don't have a fair map," he said. "I'm encouraging litigation both in state and federal court."

There is already one lawsuit, which the North Carolina NAACP filed last week, seeking to stop the redistricting process before any maps can be passed into law. It challenges Republicans' decision not to consider any racial data when drawing the maps, which the NAACP says will lead to Black voters' rights being violated. Republicans say using racial data is unnecessary.
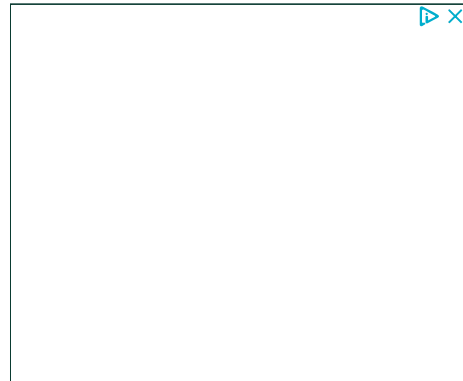
Like the congressional map, maps for the N.C. House and N.C. Senate would likewise give Republicans a high likelihood of keeping their majority in the General Assembly, at least in the near future. One analysis shows they could get back the supermajorities that would allow them to override vetoes from Democratic Gov. Roy Cooper without any legislative Democrats on board.

While Democrats have criticized the process as being politically motivated, GOP leaders have repeatedly said they did not use any political data in drawing the maps. They have avoided commenting specifically on the partisan splits the maps would create, but have touted the transparency of the process — largely similar to court-enforced transparency rules from 2019, which made that year's redistricting process the most transparent ever.

"I hope that you will all acknowledge the truly historic nature of the process we have seen this time around," Republican Rep. Destin Hall, the House's top redistricting official, told Democrats before a Tuesday night vote. "The unprecedented transparency and the unprecedented decision to not use political data in drawing these maps."

He did not sway any Democrats, however, and the House passed the map for its own districts in a 67-49 party line vote.

WHERE THE MAPS STAND

▪ **Congress:** The map for North Carolina's 14 seats in the U.S. House passed the N.C. Senate 27-22 on Tuesday evening. The N.C. House plans to take up the map Wednesday in committee, where redistricting officials will consider potential changes to what the Senate drew. Their goal is to pass it in committee Wednesday in order for the full House to vote Thursday. If they don't make any changes, it will become law once they pass it. If they do make changes, it would have to go back to the Senate for final approval or potential negotiations. Either way it's not expected to drag on too long, as GOP leaders have long said their goal is to finish by early November.

▪ **N.C. Senate:** The map for North Carolina's 50 state Senate seats passed a Senate committee Tuesday morning, setting up a floor vote Wednesday. After that it would go to the House, potentially for a committee vote Wednesday and a floor vote Thursday. The House is not expected to make any changes, as each chamber typically lets the other draw their own districts.

▪ **N.C. House:** The map for North Carolina's 120 state House seats passed the House on Tuesday evening, setting up a Senate committee vote Wednesday and possibly a floor vote Thursday. The Senate is not expected to make any changes.

POLITICAL ANALYSIS OF THE MAPS

All three maps would give Republicans a sizable advantage even if the statewide vote is split more or less evenly as it has been in recent years, according to an analysis of 2016 and 2020 political data by Dave's Redistricting App, a popular redistricting tool.

A common theme of all three maps is that despite North Carolina's highly competitive status in statewide elections, there would be very few competitive seats in these more regional races.

Republican have said that part of the reason for that — as well as for why Democrats might win fewer seats than their share of the statewide vote — is that Democratic voters tend to cluster in the state's big metro areas, meaning the cities are very blue while the more spread-out rural areas are very red. Even if it all adds up to North Carolina being a purple state in statewide elections, Republicans say, they have a built-in advantage to win more districts because of that political geography.

"Democrats are only winning in 20 to 30 counties in North Carolina," GOP Senate leader Phil Berger said in a 2017 speech, defending different maps being drawn then that gave Republicans a large advantage and which were later redrawn due to a gerrymandering lawsuit.

Since lawmakers say they have not used partisan data to analyze the maps, there is also no official analysis of the potential political breakdowns, leaving it up to outside

parties to do that work. Here is what the analysis from Dave's Redistricting App shows.

▪ **Congress:** This map would have eight safe Republican seats, three safe Democratic seats and three competitive seats, of which two would lean right and one would lean left. That means Republicans would be expected to win a 10-4 advantage if voters again split the statewide vote more or less evenly. It could increase to an 11-3 GOP advantage if Republicans have a strong year, and Republicans would still expect to hold an 8-6 advantage even in a strong year for Democrats.

▪ **N.C. Senate:** This map would give Republicans 24 safe seats in the 50-member Senate, two short of a 26-member majority. There would be nine competitive seats out of the 50 total, of which five would lean Republican and four would lean Democratic. So Republicans would be expected to likely win a majority and could also win a veto-proof supermajority by holding all of the right-leaning competitive districts and flipping one of the left-leaning ones. Democrats have 17 safe seats and would have to win every competitive district to win the majority. If there's a tie, Republican Lt. Gov. Mark Robinson would be the tiebreaker.

▪ **N.C. House:** This map would give Republicans 55 safe seats in the 120-member House, six short of a 61-member majority. There would be 24 competitive seats, 13 of which lean Republican. So Republicans could expect to keep their majority even if they lost most of the competitive districts. Getting to a 72-member supermajority would require Republicans to win 17 of those 24 competitive seats. Democrats would have 41 safe seats, so they would have to win 20 of the 24 competitive districts to win a majority.

For more North Carolina government and politics news, listen to the Under the Dome politics podcast from The News & Observer and the NC Insider. You can find it at link.chtbl.com/underthedomenc or wherever you get your podcasts.

RELATED STORIES FROM RALEIGH NEWS & OBSERVER

POLITICS-GOVERNMENT

🔒 **Competitive elections for Congress in the Triangle? It could happen under GOP map**

NOVEMBER 01, 2021 4:58 PM

POLITICS-GOVERNMENT

NC lawmakers file their official redistricting plans, giving GOP a solid edge

OCTOBER 29, 2021 4:14 PM

POLITICS-GOVERNMENT

Who are the North Carolina Democrats who want David Price's congressional seat?

OCTOBER 19, 2021 5:00 AM

POLITICS-GOVERNMENT

Are NC lawmakers drawing a congressional district for their leader, Speaker Tim Moore?

OCTOBER 26, 2021 3:36 PM

📷 1 of 2

Sen. Ralph Hise, R-Mitchell, who leads the redistricting committee, right, works with advisors to create redistricting maps Thursday, Oct. 7, 2021 at the Legislative Office Building in Raleigh. North Carolina legislators have started drawing the political maps that, pending any legal challenges, will be used in every election for the U.S. House of Representatives and N.C. General Assembly for the next decade. TRAVIS LONG *TLONG@NEWSOBSERVER.COM*

WILL DORAN   🐦 f ✉ 📞 919-836-2858

Will Doran reports on North Carolina politics, particularly the state legislature. In 2016 he started PolitiFact NC, and before that he reported on local issues in several cities and towns. Contact him at wdoran@newsobserver.com or (919) 836-2858.

💬 **COMMENTS** ⌄

ELECTIONS

Madison Cawthorn's change in districts causing more ripple effects for NC candidates

BY DANIELLE BATTAGLIA

UPDATED NOVEMBER 15, 2021 11:53 AM

Josh Remillard announced Monday he will follow Rep. Madison Cawthorn to run in the 13th Congressional District.

KEEP READING →

1 teen dead and 4 injured in Morrisville crash Sunday morning, police say

UPDATED NOVEMBER 15, 2021 9:33 AM

Family shocked after 15-year-old Millbrook High football player killed in Greensboro

UPDATED NOVEMBER 15, 2021 5:24 AM

Wake Forest outlasts NC State in ACC thriller. What we learned in the Wolfpack's loss

UPDATED NOVEMBER 14, 2021 1:22 PM

Raleigh needs more nightlife if it wants to keep attracting newcomers

UPDATED NOVEMBER 14, 2021 3:24 PM

Did the NC State-Wake Forest ACC football game end too soon on a controversial call?

UPDATED NOVEMBER 15, 2021 10:34 AM

POLITICS & GOVERNMENT

Cawthorn's entry into new Mecklenburg County district shakes local Republicans

UPDATED NOVEMBER 15, 2021 8:05 AM

NEWS

In gun debate, Rittenhouse verdict unlikely to be last word

NOVEMBER 15, 2021 12:10 PM

NATIONAL POLITICS

Leahy, longest-serving sitting senator, to retire

NOVEMBER 15, 2021 12:10 PM

NEWS

Stocks wobble on Wall Street ahead of retailer earnings

NOVEMBER 15, 2021 12:10 PM

NATIONAL

Harris Fawell, former congressman from Illinois, dead at 92

NOVEMBER 15, 2021 12:10 PM

NATIONAL POLITICS

3 charged with collecting $3.5M for phony political groups

NOVEMBER 15, 2021 12:10 PM

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.

RALEIGH NEWS & OBSERVER APP →

VIEW NEWSLETTERS →

SUBSCRIPTIONS

Start a Subscription

Customer Service

eEdition

Vacation Hold

Pay Your Bill

LEARN MORE

About Us

Contact Us

Newsletters

Legal Notices

Archives

ADVERTISING

Advertise With Us

About Our Ads

Place a Classified

COPYRIGHT

COMMENTING POLICY

REPORT NEWS

PRIVACY POLICY

TERMS OF USE

EXHIBIT AE

The News&Observer

POLITICS & GOVERNMENT

Take a closer look at North Carolina's approved political maps for Congress, legislature

BY WILL DORAN

UPDATED NOVEMBER 04, 2021 5:20 PM
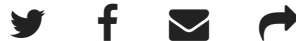
▶ **Only have a minute? Listen instead**

-03:19

Powered by **Trinity Audio**

The three maps that will help define North Carolina's political future were passed Nov. 4 by the Republican-led state legislature.

They'll be what North Carolina uses in every election for the next decade, unless a court orders them to be re-drawn. One lawsuit is already pending and more are expected. But as they look now, the maps give a glimpse at how legislators will be elected in the future in the state legislature as well as for the state's 14 seats in the U.S. House of Representatives.

All the new maps would give Republicans a sizable advantage, even if the two parties roughly split the statewide vote 50-50, The News & Observer has reported. All three maps passed along party lines.

TOP VIDEOS

WATCH MORE
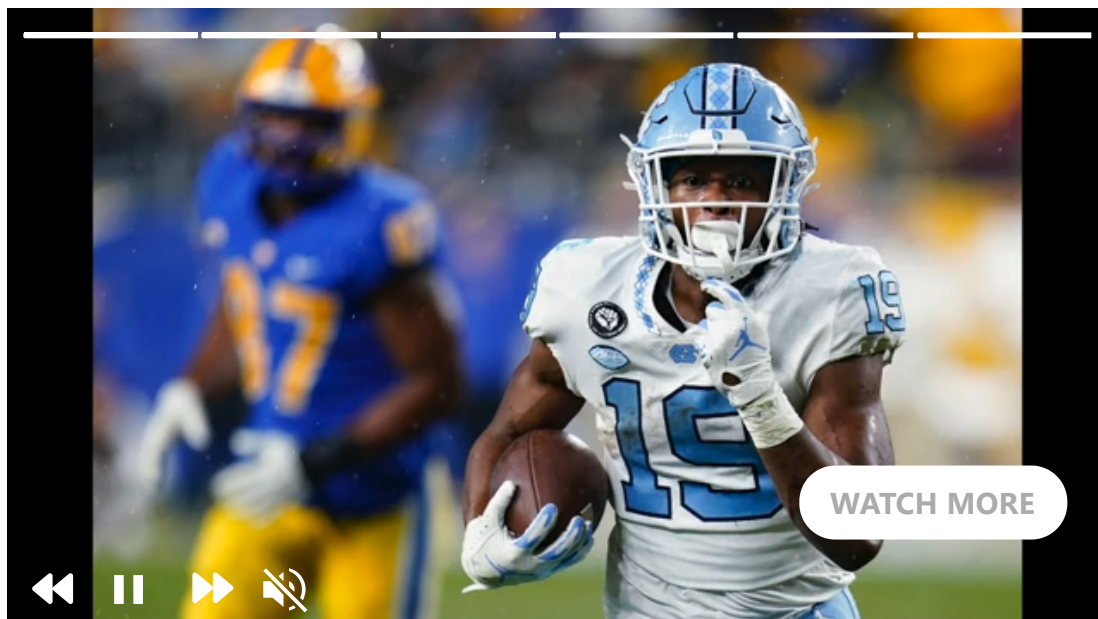
UNC rallies, but falls short in OT loss to Pitt

perform politically, give this map from Dave's Redistricting App a look.

For News & Observer analysis of what the maps will mean in future elections, here is a closer look.

US CONGRESSIONAL MAP
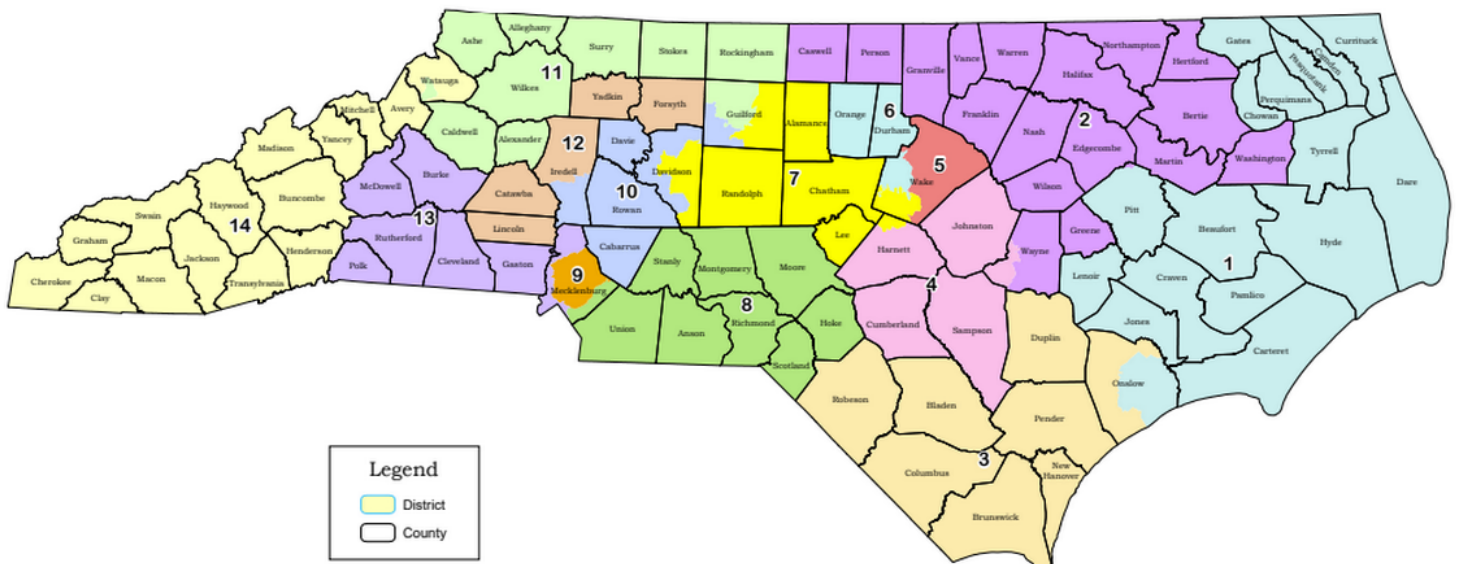
Who is safe? The new map will have eight safe Republican seats, three safe Democratic seats and three competitive seats, of which two would lean right and one would lean left.

Possible Republican-Democrat balance: That means Republicans would be expected to win a 10-4 advantage if voters again split the statewide vote more or less evenly. It could increase to an 11-3 GOP advantage if Republicans have a strong year, and Republicans would still expect to hold an 8-6 advantage even in a strong year for Democrats.

Under the Dome newsletter

News and insider information from the world of politics and government in North Carolina.

Enter Email Address

SIGN UP

This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.

Democrats could expect to win the two seats that include Raleigh and Durham, one of the Charlotte-area seats and potentially the district in northeastern North Carolina that abuts the Triangle.

N.C. SENATE
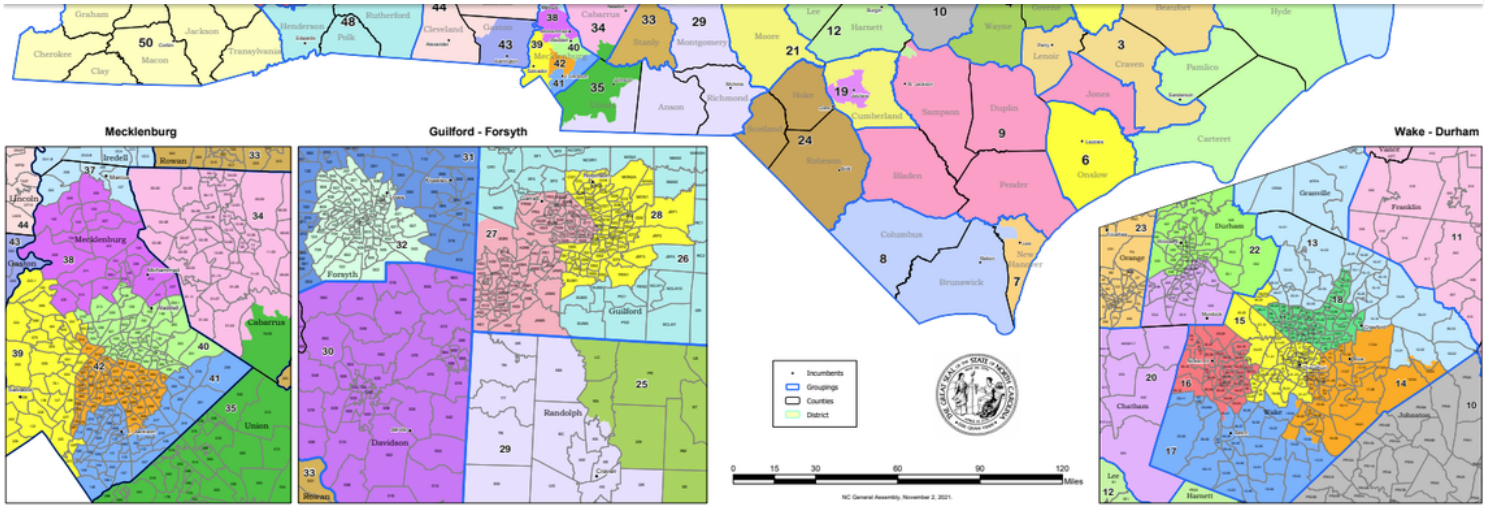
North Carolina state Senate district map passed by state lawmakers in November 2021 as part of redistricting. *NC GENERAL ASSEMBLY*

What the map shows: How North Carolina's 50 N.C. Senate districts will be divided across the state.

Who is safe? The new map would give Republicans 24 safe seats, which is two short of a 26-member majority.

Web Page Blocked

Access to the web page you were trying to visit has been blocked in accordance with Jenner & Block's policy. If you believe you have reached this page in error, or need access to this website, please contact the Helpline at x6161 or helpline@jenner.com

User: jenner\weidmaah

URL:

Democrats have 17 safe seats and would have to win every competitive district to win the majority.

proof supermajority by holding all of the right-leaning competitive districts and flipping one of the left-leaning ones.

N.C. HOUSE
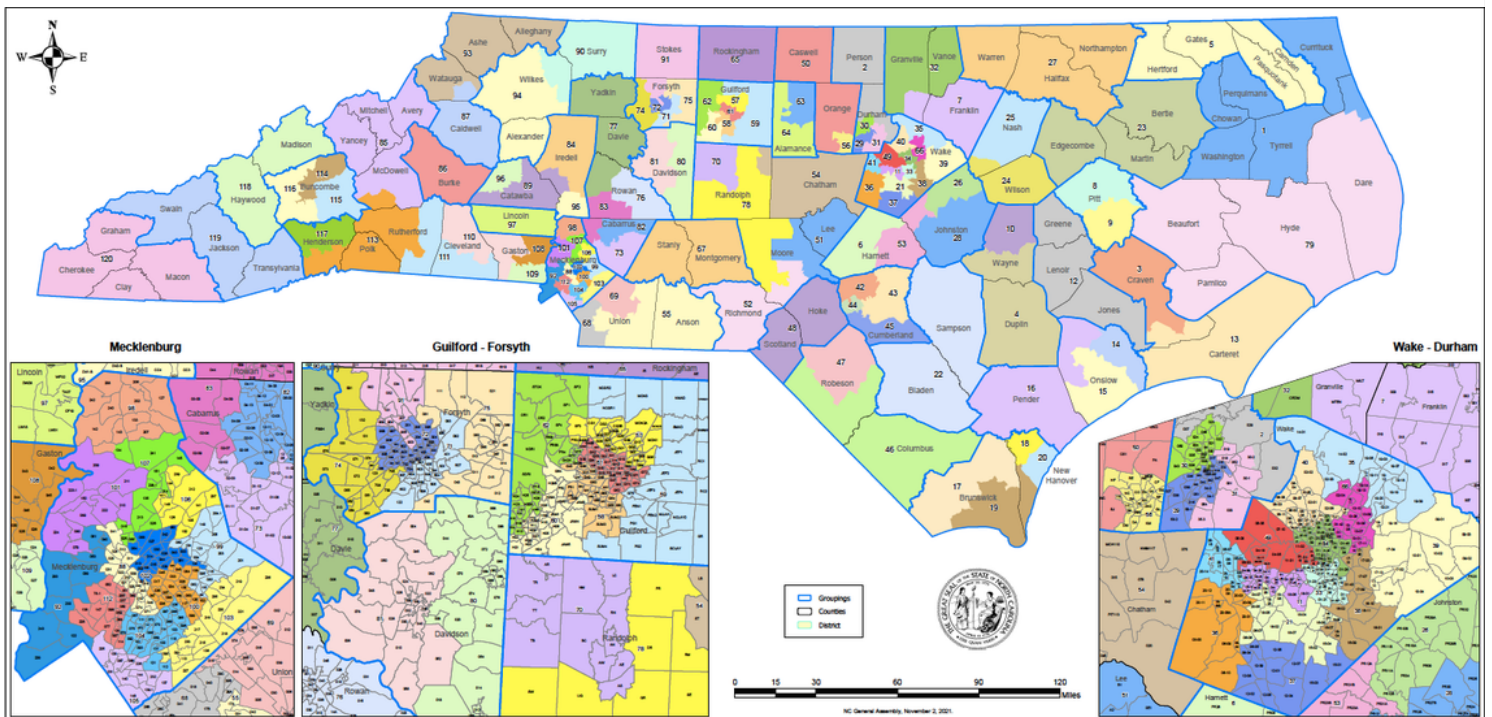
North Carolina House of Representatives districts as passed by state lawmakers in November 2021 as part of redistricting. *NC GENERAL ASSEMBLY*

Web Page Blocked

Access to the web page you were trying to visit has been blocked in accordance with Jenner & Block's policy. If you believe you have reached this page in error, or need access to this website, please contact the

Possible Republican-Democrat balance: There would be 24 competitive seats, 13 of which lean Republican. Getting to a 72-member supermajority would require Republicans to win 17 of those 24 competitive seats.

 Podcasts

Under the Dome
The News & Observer   •••

Latest Episode

See More Episodes ↗

This story was originally published November 4, 2021 4:47 PM.

RELATED STORIES FROM RALEIGH NEWS & OBSERVER

POLITICS-GOVERNMENT

North Carolina passes new maps giving GOP an edge in Congress, state legislature

NOVEMBER 04, 2021 12:21 PM

POLITICS-GOVERNMENT

GOP maps are designed to weaken Democrats on Election Day, Duke math expert says

NOVEMBER 03, 2021 3:37 PM

EXHIBIT AF

The News&Observer

NORTH CAROLINA

North Carolina GOP nears completion of redistricting maps

BY GARY D. ROBERTSON *ASSOCIATED PRESS*

NOVEMBER 04, 2021 5:57 PM

Melissa Price Kromm, right, with North Carolina Voters for Clean Elections speaks at a news conference criticizing the General Assembly's redistricting process on Wednesday, Nov. 3, 2021, at the Legislative Building in Raleigh, N.C. (AP Photo/Gary D. Robertson) GARY D. ROBERTSON *AP*

RALEIGH, N.C.

North Carolina Republicans on Wednesday neared final passage of their congressional and legislative redistricting for the next decade, dismissing Democratic arguments that the boundaries are unlawful as overly partisan toward the GOP and wrongly ignore race. The courthouse soon will be the only place that map opponents can seek redress.

On a party-line vote, the full Senate voted for a GOP-drawn map for its 50 districts. Later, a Senate committee approved a map for the House's 120 legislative districts that the House voted for on Tuesday. The House Redistricting Committee also voted on the Senate map approved earlier in the day and the Senate-backed plan to draw district lines for North Carolina's 14 U.S. House seats.

Final votes on all three maps are expected on Thursday. Democratic Gov. Roy Cooper's veto doesn't apply to redistricting maps, all of which are expected to favor Republican political fortunes beginning with 2022.

Democrats and outside analysis project that the plans would help the GOP extend their state Senate and House majorities, and give Republican candidates the ability to win at least 10 of the 14 U.S. House seats. Currently Republicans hold an 8-5 U.S. House seat advantage. North Carolina is getting a 14th seat due to population gains. The Republican congressional plan would break up the current district of first-term Democratic Rep. Kathy Manning of Greensboro into four GOP-leaning districts.

Scores of speakers at public hearings had asked mapmakers, without success, to draw boundaries that more closely reflect North Carolina's status as a narrowly divided state. Races for governor, president and U.S. Senate have been very close in recent years.

"The circumstantial evidence, once the maps have been created, clearly show that there's still partisan gerrymandering," Sen. Jay Chaudhuri, a Wake County Democrat, said after the vote on the Senate map.

Republican legislators have been careful not to quantify how many legislative and congressional districts they'd be favored to win under the plans, citing repeatedly

their decision to prohibit the use of partisan data like election results to inform how to sketch the maps.

Still, "I am confident that with any map our message is Republicans are strong enough to gain majorities in the General Assembly, but that has no connection" to reviewing any political data, said Sen. Ralph Hise, a Mitchell County Republican and Senate Redistricting Committee co-chairman. "I'm confident that ... a fair and just court will uphold these maps."

Senate Republicans used parliamentary maneuvers to deny votes on eight amendments by Democrats, who said they were trying to address illegal racial or partisan gerrymanders in certain regions, including Mecklenburg, Wake and several northeastern counties.

Authors of the amendments, some of which were already voted on Tuesday in a committee, said the changes would have fixed problems addressed in previous state court rulings. One ruling from the 2000s emphasized compliance with the federal Voting Rights Act to ensure Black voting power is not diluted, while the other from 2019 declared districts could violate the state constitution when they favor extremely one party over another.

Democrats and their allies say these and other failures are setting the General Assembly up for additional rounds of costly redistricting litigation, like what occurred during the 2010s, when legislative and congressional boundaries had to be redrawn on racial and partisan grounds.

The state NAACP, Common Cause and four voters already sued in state court last week, challenging the Republican refusal to consider race-based data in drawing districts. The plaintiffs said the analysis needed to ensure historically African American areas don't see Black voters lose their ability to elect their preferred candidates. Republicans have said there's no evidence of racially polarized voting presented to justify drawing those districts.

"When you have a history of drawing racially gerrymandered, unconstitutional districts, you might want to make sure if you're doing it again," Melissa Price Kromm with North Carolina Voters for Clean Elections said at a news conference in which several advocacy groups criticized the redistricting process. "But clearly, the current legislative leadership is allergic to good faith or even following the law."

The proposed Senate map would mean several pairs of sitting senators would be living in the same district, meaning they may have to run against each other in order to return to the chamber in 2023.

Three pairs — composed of six Republicans — are in rural or mountain areas whose populations have failed to keep up with the growing Piedmont. Another pair places Republican Sen. Vickie Sawyer of Iredell County and Democratic Sen. Natasha Marcus of Mecklenburg County in the same Republican-leaning district.

READ NEXT

TRENDING STORIES

CORONAVIRUS

COVID vaccine live updates: Here's what to know in North Carolina on Nov. 15

BY **BAILEY ALDRIDGE** AND **SIMONE JASPER**

NOVEMBER 15, 2021 12:16 PM

🐦 f ✉ ↪

More than 1,000 coronavirus-related hospitalizations were reported on Monday.

KEEP READING →

1 teen dead and 4 injured in Morrisville crash Sunday morning, police say

UPDATED NOVEMBER 15, 2021 9:33 AM

Family shocked after 15-year-old Millbrook High football player killed in Greensboro

UPDATED NOVEMBER 15, 2021 5:24 AM

Wake Forest outlasts NC State in ACC thriller. What we learned in the Wolfpack's loss

UPDATED NOVEMBER 14, 2021 1:22 PM

Raleigh needs more nightlife if it wants to keep attracting newcomers

UPDATED NOVEMBER 14, 2021 3:24 PM

Did the NC State-Wake Forest ACC football game end too soon on a controversial call?

UPDATED NOVEMBER 15, 2021 10:34 AM

CRIME

'I never witnessed any murder': Witness blames NC detective for false statement

UPDATED NOVEMBER 15, 2021 8:05 AM

BUSINESS

Company fined $39k in trench collapse that killed worker

NOVEMBER 15, 2021 12:15 PM

NORTH CAROLINA

One teen killed, four others injured in North Carolina crash

NOVEMBER 15, 2021 12:15 PM

CELEBRITIES

Ticket to whimsy: What's behind popular seasonal train shows

NOVEMBER 15, 2021 12:06 PM

NORTH CAROLINA

New treatment court gives N.C. veterans a second chance

NOVEMBER 15, 2021 12:05 PM

LOCAL

🔒 The Triangle housing bargain: Record home prices look like a deal from the West Coast

UPDATED NOVEMBER 15, 2021 8:59 AM

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.

RALEIGH NEWS & OBSERVER APP →

SUBSCRIPTIONS

Start a Subscription

Customer Service

eEdition

Vacation Hold

Pay Your Bill

LEARN MORE

About Us

Contact Us

Newsletters

Legal Notices

Archives

ADVERTISING

Advertise With Us

About Our Ads

Place a Classified

COPYRIGHT

COMMENTING POLICY

REPORT NEWS

PRIVACY POLICY

TERMS OF USE

EXHIBIT AG

58°

LOG IN
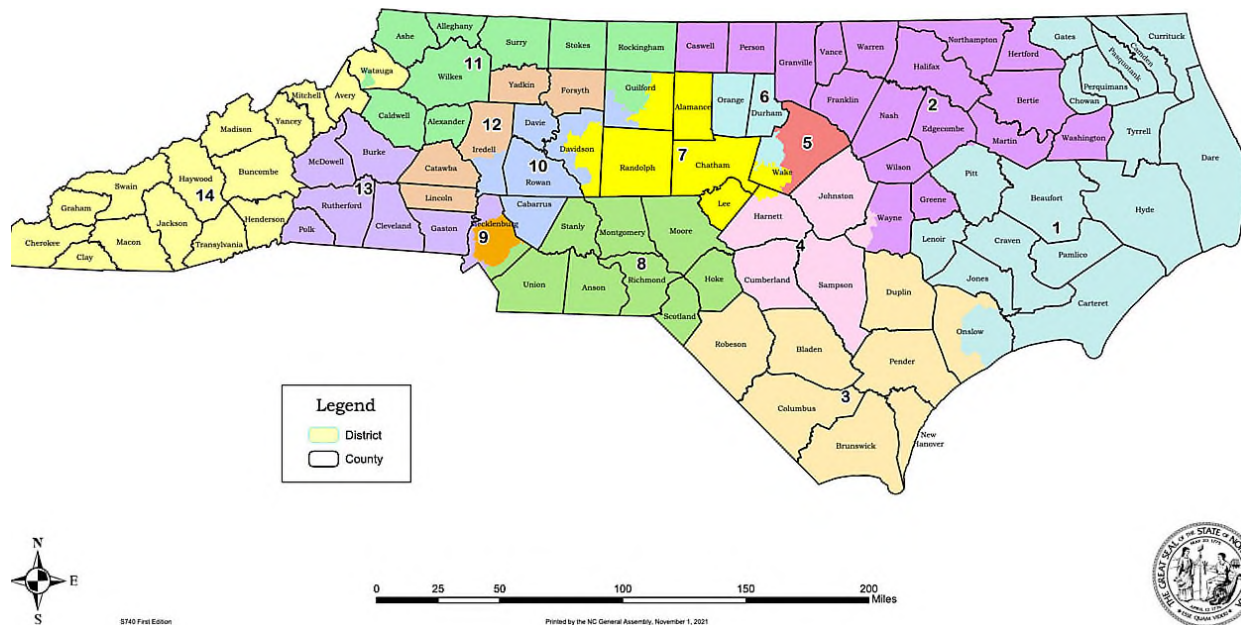
Redistricting in N.C.: New maps approved, favoring GOP

BY CHARLES DUNCAN | NORTH CAROLINA
PUBLISHED 1:30 PM ET NOV. 04, 2021

The North Carolina General Assembly passed new redistricting maps Thursday, laying out the state's political landscape for the decade to come.

The new maps likely create a 10 to 4 split for Republicans in North Carolina's congressional delegation and the GOP will hold onto its majorities in the state House and Senate.

The three maps passed on party-line votes. The governor has no veto power over redistricting.

North Carolina has a long history gerrymandering, drawing maps to basically pick which party will win. Both parties have done it when they've been in power. The maps drawn after the last census in 2010 led to a political and legal fight that lasted almost a decade.

What You Need To Know

- The Republican-led General Assembly passed new redistricting maps for legislative and congressional districts Thursday

- The congressional map means Republicans will likely win at least 10 seats out of 14, according to analysis from researchers at Duke and Princeton

- The state House and Senate maps will also allow Republicans to hold onto control in both chambers of the General Assembly

- The maps are already being challenged in court for gerrymandering and more lawsuits are likely

One lawsuit has already been filed, before these new maps were even finalized, accusing the Republican-led General Assembly of illegal gerrymandering.

"We found that the map that has been proposed for the North Carolina House really dramatically under-elects Democrats. We have similar analysis for the Senate," said Jonathan Mattingly, a Duke University mathematician who uses mathematical models to analyze gerrymandering.

He testified in court cases that found North Carolina's last set of maps were unconstitutional.

The maps have been widely criticized by Democrats and academics that study redistricting and gerrymandering.

North Carolina House Speaker Tim Moore, a Republican, defended the maps.

"I am confident that the House and Senate have approved redistricting plans that include maps that are constitutional in every respect," Moore said.

The nonpartisan Princeton Gerrymandering Project gave all three maps, for state House, Senate and Congress, an "F" grade, finding "significant Republican advantage" in each.

"I think it's really important not just to count seats, but to see how people have been put into districts. With the (congressional) maps we've been given, the districts that are in play have many, many less Democrats than one would typically see," Duke's Mattingly said.

"The districts that are very safe for Democrats have a lot more Democrats — so they've been packed in. And the districts that are very safe for Republicans actually have less Republicans, still leaving them safe. And this is really kind of one of the hallmarks of a map that's gerrymandered," he said.

Despite the legal challenges already filed, the maps probably won't change before next year's elections, said Michael Bitzer, a political scientist at Catawba College who just published a book on the history of redistricting in North Carolina.

"Unless there's egregious maps," Bitzer said in an interview last month. The courts "would let the process play out with maps that are being challenged," he said.

The new congressional map will likely be a 10-4 or 11-3 split in favor of Republicans.
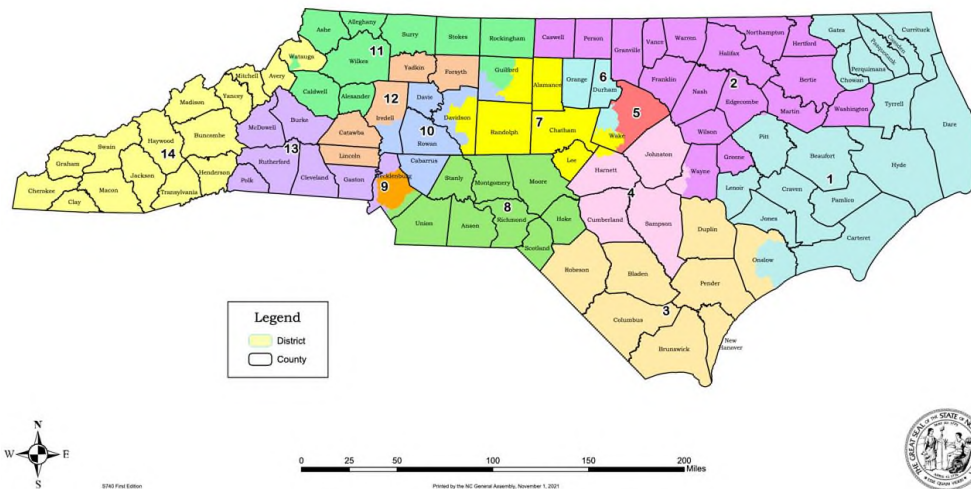
Congressional map

Based on analysis from Duke and the Princeton Gerrymandering Project, North Carolina's new congressional map will likely lead to electing 10 or 11 Republicans and three or four Democrats.

The congressional map divides the Triad's urban areas, a particular concern for Democrats, who fear that it could dilute their voters in the Greensboro and Winston-Salem areas.

"These congressional maps represent an extreme partisan gerrymander that splits communities of interest," said Rep. Kathy Manning, a Democrat representing the Triad area.

"Under these maps, Guilford County is split into three congressional districts, diluting my constituents' interests and lumping them in with far-flung counties in the western mountains, the suburbs of Charlotte, and as far east as Wake County," she said. "These maps don't acknowledge that the Triad is a region with shared interests, concerns and needs."

Manning's 6th Congressional District is split in the new map, putting Democratic-leaning urban voters in with more Republicans.

"These maps were created for one purpose only: to ensure Republicans win more House seats so that they can recapture control of the U.S. House of Representatives," Manning said in a statement.

58°

LOG IN

another district.

"It takes thousands of Democratic voters out of my district and places those into another district, which means my district becomes less Democratic and less African American," Butterfield said in an interview with Spectrum News 1 after the maps were approved Thursday. He argued that the new map violates the Voting Rights Act by diluting Black votes.

"It's called racial gerrymandering, it's called political gerrymandering. It's unacceptable, it violates the law, and we are going to challenge it," he said. "This is a state that is evenly divided between Democrats and Republicans, and yet the Republican legislature draws the map that gives the Republican Party a clear partisan advantage and it's unacceptable."

The new map also puts Rep. Alma Adams, a longtime Charlotte Democrat, in the same district as Republican Rep. Dan Bishop. Bishop's campaign tells Spectrum News he will move so he can run for office in what is now the 8th Congressional District to run for re-election in 2022.
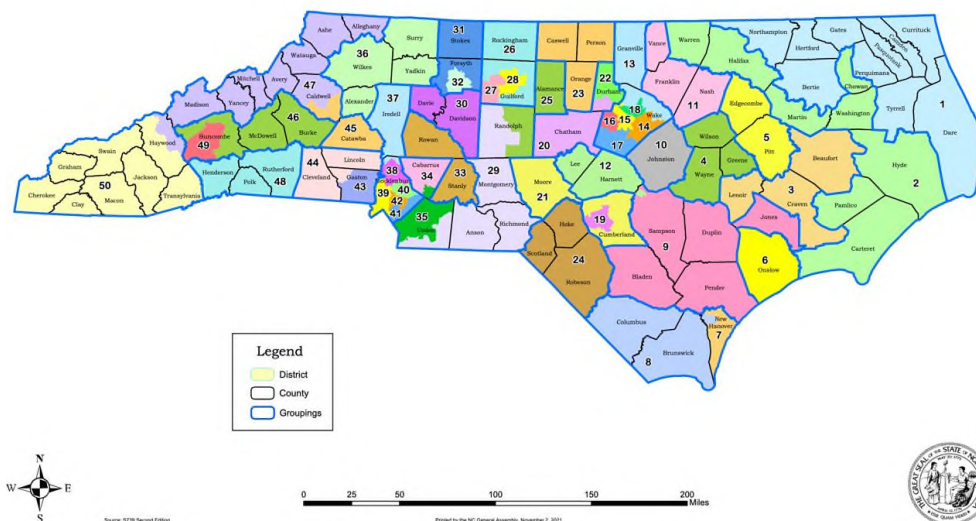
The new map for North Carolina Senate districts will allow Republicans to hold onto their majority and potentially get a supermajority.

North Carolina General Assembly maps

Like the congressional map, the Princeton Gerrymandering Project gave the state legislative maps an "F" grade overall and in partisan fairness.

"The state legislative maps would put Republicans at or within reach of veto-proof majorities in both chambers," said Asher Hildebrand, a former chief of staff for Rep. David Price who now teaches politics at Duke University.

According to the Princeton University project, the new North Carolina House map will likely have 70 districts for Republicans and 50 for Democrats. There are 17 seats that are considered competitive.

For the North Carolina Senate map, the Princeton researchers say Republicans would likely win 30 seats and Democrats 20. They say seven seats in the state Senate could be competitive.

If Republicans can win the competitive seats in the House and Senate, they could gain supermajorities to overcome any vetoes from the governor.
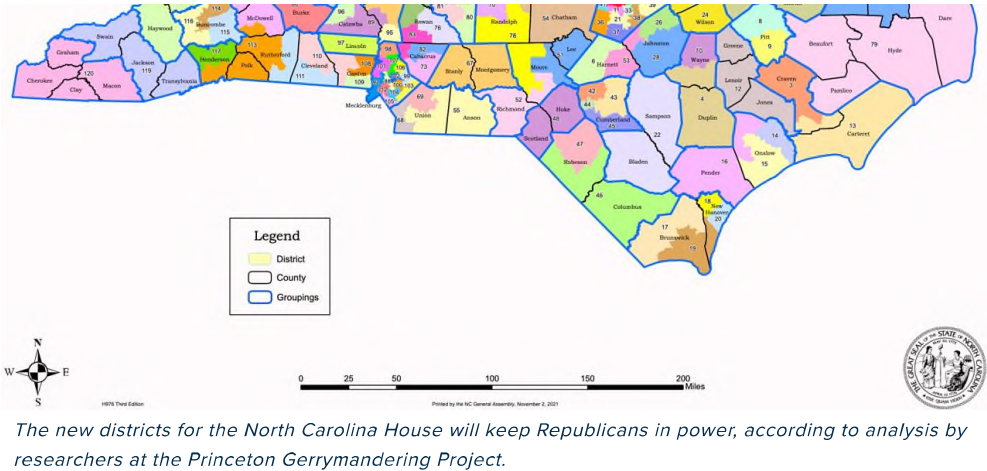
58°

The new districts for the North Carolina House will keep Republicans in power, according to analysis by researchers at the Princeton Gerrymandering Project.

YOU MAY ALSO BE INTERESTED IN

REDISTRICTING

North Carolina legislators taking final redistricting votes

RALEIGH | 1 WEEK AGO

REDISTRICTING

N.C. Congress, state House remaps clear 1 legislative chamber

RALEIGH | 1 WEEK AGO

REDISTRICTING

Redistricting: Congressional map approved by N.C. Gen. Assembly committee

NORTH CAROLINA | 1 WEEK AGO

POLITICS

Redistricting changes representation without ever changing address

GREENSBORO | 2 WEEKS AGO

REDISTRICTING

N.C. redistricting hearing speakers criticize GOP proposals

RALEIGH | 2 WEEKS AGO

REDISTRICTING

Public hearings offer input on N.C. redistricting proposals

RALEIGH | 3 WEEKS AGO

SPECTRUM NEWS

CONTACT

VIDEO REQUEST

ABOUT

SPECTRUM NEWS APP

RSS

- App. 520 -

58°

LOG IN

CAREERS

TERMS

PRIVACY

CALIFORNIA CONSUMER PRIVACY RIGHTS

CALIFORNIA CONSUMER DO NOT SELL MY PERSONAL INFORMATION

EXHIBIT AH

WFAE 90.7
CHARLOTTE'S NPR NEWS SOURCE

Donate

The General Assembly has passed GOP-drawn maps, setting stage for likely legal challenges

North Carolina Public Radio | **By Rusty Jacobs**

Published November 4, 2021 at 3:13 PM EDT
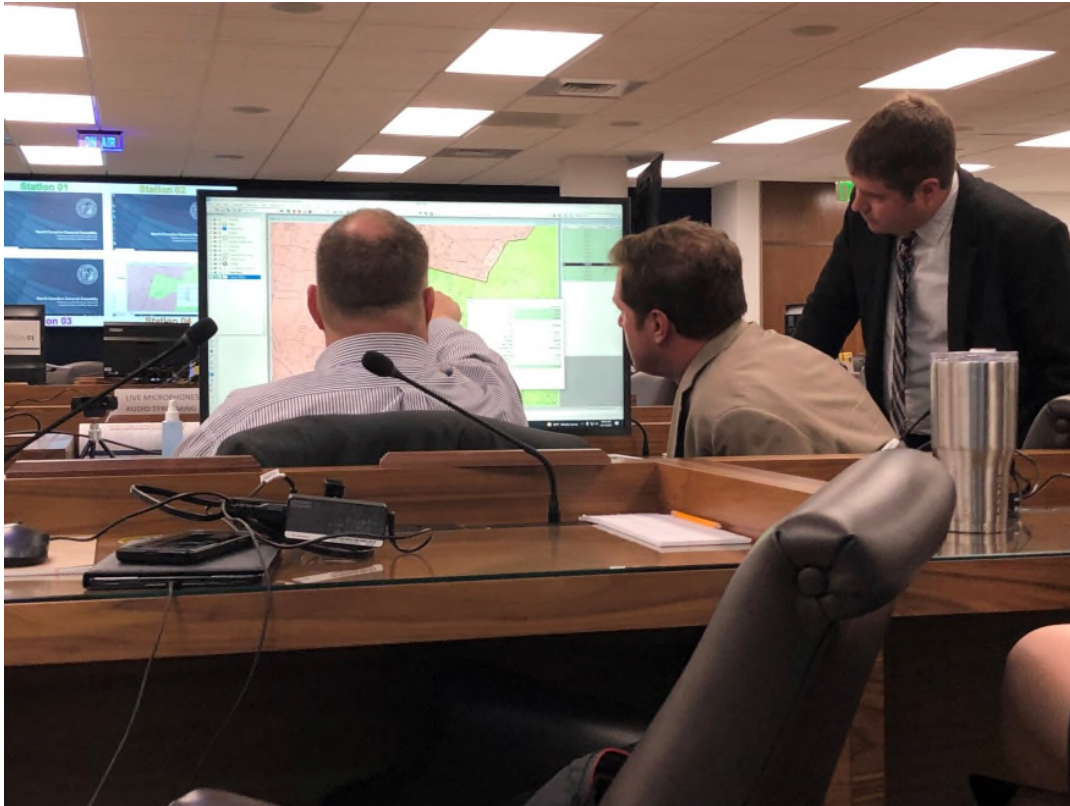
Rusty Jacobs / WUNC

In this Oct. 14, 2021 file photo, Sen. Ralph Hise (R-Madison, McDowell, Mitchell, Polk, Rutherford, Yancey), left, pointing at the screen, works on a congressional district map with two GOP staffers at the North Carolina General Assembly.

The North Carolina General Assembly has adopted new congressional and state legislative district maps that will likely cement a Republican stronghold on power for the next decade — unless, of course, the courts step in.

This week's passage of maps that heavily favor Republicans was inevitable.

But House Redistricting Committee Chairman Republican Rep. Destin Hall told lawmakers this year's redistricting process was historic for a number of reasons.

First, in addition to applying traditional criteria like keeping districts compact and avoiding the splitting of municipalities, Hall said lawmakers voluntarily elected not to consider past election data in the drawing of maps.

And Hall maintained that the process was conducted with an unprecedented level of transparency.

"With every single district that was drawn done so in full public view with live audio and live video in the committee room," Hall said Thursday, just before a party-line vote to adopt the congressional district map.

The top House Democrat, Rep. Robert Reives II, offered a very different view of the GOP

WFAE
Here and Now

"A map that splits up Wake, Meck(lenburg), Guilford in the ways that it does, I think, again, is fairly unbelievable that people are going to think that's a fair map," Reives said during floor debate Thursday.
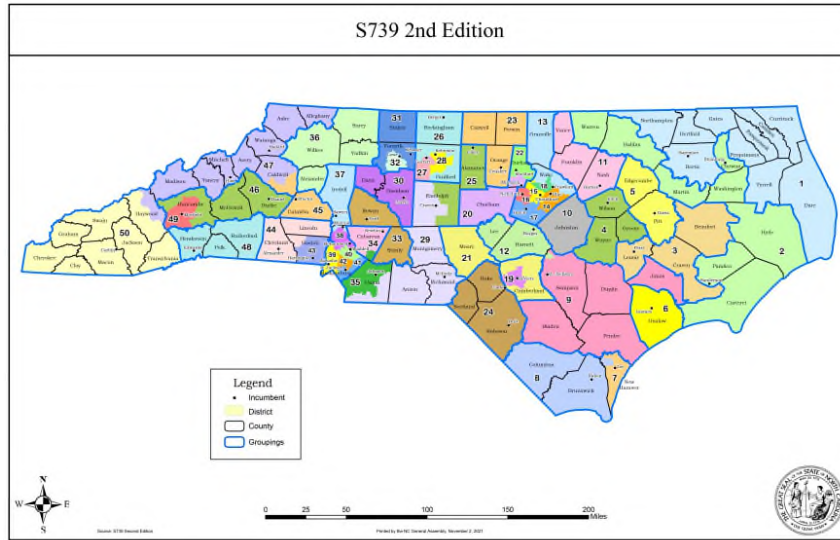
Without prioritizing any one redistricting criterion, Republicans say they tried to avoid splitting municipalities and counties where possible. In recent years, GOP maps were discarded for being unconstitutionally gerrymandered on the basis of race and extreme partisanship. This time, Republicans vowed not to consider race or election data.

"Following those criteria, we did our best to keep communities together," Sen. Ralph Hise, the Republican co-chair of the Senate Redistricting Committee, said on Wednesday in floor debate over the newly created Senate district map.

"That's counties, keeping them whole, municipalities, the cities and towns people call home, and precincts or — as more accurately in the system — voter tabulation districts."

But Democrats like Senate Minority Leader Dan Blue suggest Republicans selectively applied certain redistricting criteria.

"And unless you're going to rank order them so that this one is of paramount importance, it leaves you room to just arbitrarily say that 'This is the criteria when I draw this district,' but let you still maneuver to create gerrymandered districts — gerrymandered for partisan preference," Blue said in a telephone interview on Wednesday.

Blue and other Democrats offered several amendments to the state Senate district map this week, all were shot down. One amendment focused on two northeastern districts.

11/15/21, 1:50 PM   The General Assembly has passed GOP-drawn maps, setting stage for likely legal challenges | WFAE 90.7 - Charlotte's NPR Ne…

- App. 524 -

The GOP map creates a state Senate district that goes from Carteret County on the coast, heads north and then turns left to Warren County on the Virginia border. The newly-drawn district contains a sore-thumb-like protrusion made up of Chowan and Washington counties.

According to Blue, these lines dilute the voting power of Black communities by cracking them between two side-by-side districts. In floor debate on Wednesday, Blue said his alternative would have created more compact districts and safeguarded federally protected voting rights of the area's Black voters.

"The other way guarantees action on a constitutional and Voting Rights Act violation," Blue asserted about the GOP-drawn map.

Indeed, the NAACP and Common Cause of North Carolina already have filed a lawsuit on these grounds seeking to halt work on state legislative district maps.

The Republican-backed congressional map is just as skewed, according to critics like Rep. Pricey Harrison, a Guilford County Democrat. Harrison said the map carves up her county and separates neighboring Piedmont-Triad area cities like Greensboro, Winston-Salem and High Point.

"In ways that are splitting up the large African American populations and communities of interest, and it confounds me," she said in committee debate.

Based on previous voting patterns, the GOP-drawn map would result in a 10-4 congressional split favoring Republicans — even though democratic candidates for Congress in North Carolina earned more votes overall than Republicans in 2020.

Republicans argue their maps reflect the tendency among Democrats to congregate around urban areas.

But Duke University professor and quantitative data scientist Jonathan Mattingly said

11/15/21, 1:50 PM The General Assembly has passed GOP-drawn maps, setting stage for likely legal challenges | WFAE 90.7 - Charlotte's NPR Ne…

- App. 525 -

it is the way voters are either packed together in a few districts while being spread very thin in others that bakes in outcomes for years despite population changes.

"So this kind of flatness of response here is something very typical that we see, and this is really kind of one of the hallmarks of a map that's gerrymandered. And that will tend to underperform for one party," Mattingly said in a news conference Wednesday.

Mattingly presented his analysis that showed applying non-partisan criteria like compactness and minimizing county splits can result in more responsive maps, ones that over time reflect changes in voters' attitudes. This analysis is part of his quest to get the politics out of redistricting.

"This happens on both sides of the aisle, both parties do this across the country," Mattingly said. "And so I would like for us, as a country, to get out of the gerrymandering business."

But for now, it's business as usual. One side draws the maps, the other side sues. Copyright 2021 North Carolina Public Radio. To see more, visit North Carolina Public Radio.

Tags Politics   NC Politics   Redistricting   gerrymandering   Partisan Gerrymandering

✉

Rusty Jacobs

Rusty Jacobs is a politics reporter for WUNC. Rusty previously worked at WUNC as a reporter and substitute host from 2001 until 2007 and now returns after a nine-year absence during which he went to law school at Carolina and then worked as an Assistant District Attorney in Wake County.

See stories by Rusty Jacobs

Latest Stories

Steve Bannon has turned himself in on criminal contempt charges

Georgia judge fights 'tyranny' of Elf on the Shelf — kind of

North Carolina retailers likely to have trouble hiring holiday workers

Once again, NC GOP lawmakers draw a map that leads to nowhere good

WFAE
Here and Now

11/15/21, 1:50 PM   The General Assembly has passed GOP-drawn maps, setting stage for likely legal challenges | WFAE 90.7 - Charlotte's NPR Ne…

- App. 526 -

ALSO ON WFAE

How Charlotte's Main Library is moving …	Charlotte artist creates an 'ofrenda on …	Charlotte's midtown Bojangles is blue, …	Drug overdoses on track to kill record …	Jury for K
23 days ago	14 days ago	18 days ago	5 days ago	14 day
On Oct. 29, Charlotte Mecklenburg Library's Main Library branch will close. …	On Nov. 1 and 2, Mexican families gather to celebrate Day of the Dead by …	In this week's BizWorthy, The Charlotte Ledger's Tony Mecia talks about why a …	The Centers for Disease Control and Prevention predicts North Carolina …	Ritter felony and r

What do you think?

2 Responses

👍   😆   😍   😲   😫   😢
Upvote   Funny   Love   Surprised   Angry   Sad

0 Comments   wfae   🔒 Disqus' Privacy Policy   1 Login

♡ Favorite   🐦 Tweet   f Share   Sort by Newest

Start the discussion…

LOG IN WITH   OR SIGN UP WITH DISQUS ?

Name

Be the first to comment.

✉ Subscribe   ⚠ Do Not Sell My Data

Stay Connected

© 2021 WFAE

About WFAE

WFAE Diversity Statement

Careers and Internships

Contact Us

Donor Privacy Statement

FCC Public File

Privacy Policy

Terms Of Use

WFAE
Here and Now

11/15/21, 1:50 PM   The General Assembly has passed GOP-drawn maps, setting stage for likely legal challenges | WFAE 90.7 - Charlotte's NPR Ne…

- App. 527 -

WFAE
Here and Now

21 CV 015426

FILED

STATE OF NORTH CAROLINA

2021 NOV 16 P 4: 28

COUNTY OF WAKE

WAKE CO. C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
___ CVS ___

NORTH CAROLINA LEAGUE OF CONSERVATION
VOTERS, INC.; HENRY M. MICHAUX, JR.; DANDRIELLE
LEWIS; TIMOTHY CHARTIER; TALIA FERNÓS;
KATHERINE NEWHALL; R. JASON PARSLEY; EDNA
SCOTT; ROBERTA SCOTT; YVETTE ROBERTS; JEREANN
KING JOHNSON; REVEREND REGINALD WELLS;
YARBROUGH WILLIAMS, JR.; REVEREND DELORIS L.
JERMAN; VIOLA RYALS FIGUEROA; and COSMOS
GEORGE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official capacity as
Chair of the House Standing Committee on Redistricting;
SENATOR WARREN DANIEL, in his official capacity as Co-
Chair of the Senate Standing Committee on Redistricting and
Elections; SENATOR RALPH E. HISE, JR., in his official
capacity as Co-Chair of the Senate Standing Committee on
Redistricting and Elections; SENATOR PAUL NEWTON, in
his official capacity as Co-Chair of the Senate Standing
Committee on Redistricting and Elections; REPRESENTATIVE
TIMOTHY K. MOORE, in his official capacity as Speaker of
the North Carolina House of Representatives; SENATOR
PHILIP E. BERGER, in his official capacity as President Pro
Tempore of the North Carolina Senate; THE STATE OF
NORTH CAROLINA; THE NORTH CAROLINA STATE
BOARD OF ELECTIONS; DAMON CIRCOSTA, in his official
capacity as Chairman of the North Carolina State Board of
Elections; STELLA ANDERSON, in her official capacity as
Secretary of the North Carolina State Board of Elections; JEFF
CARMON III, in his official capacity as Member of the North
Carolina State Board of Elections; STACY EGGERS IV, in his
official capacity as Member of the North Carolina State Board of
Elections; TOMMY TUCKER, in his official capacity as
Member of the North Carolina State Board of Elections; and
KAREN BRINSON BELL, in her official capacity as Executive
Director of the North Carolina State Board of Elections,

Defendants.

**PLAINTIFFS'
MOTION FOR
PRELIMINARY
INJUNCTION**

NOW COME Plaintiffs, by and through counsel, and respectfully move this Court, pursuant to Rule 7(b) and Rule 65 of the North Carolina Rules of Civil Procedure, for entry of an order granting a preliminary injunction. Plaintiffs show the Court as follows:

1. This is an action for declaratory and injunctive relief to prevent Defendants State of North Carolina, North Carolina State Board of Elections, Anderson, Carmon, Eggers, Tucker, and Bell ("SBE Defendants") from preparing for, administering, or conducting elections under unconstitutional districting plans for Congress, Senate, and House devised by Defendants Hall, Daniel, Hise, Newton, Moore, and Berger ("Legislative Defendants") and enacted by the General Assembly on November 4, 2021 (the "Enacted Plans"). Absent a prohibitory injunction, elections will proceed under maps that the General Assembly crafted to effect unconstitutional partisan gerrymanders that effectively guarantee one party—the Republican Party—a majority of seats in Congress, the North Carolina Senate, and the North Carolina House of Representatives, even if voters prefer the other party. The voting rights of millions of North Carolinians are at stake. And unless this Court enters an injunction, Defendants' actions will irreparably and permanently harm Plaintiffs by depriving them of their rights under the Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause of the North Carolina State Constitution.

2. The Verified Complaint in this action has been filed contemporaneously with this Motion on this day, November 16, 2021.

3. Plaintiffs have standing to bring this action and to assert the legal claims therein.

4. Plaintiffs seek a preliminary injunction prohibiting SBE Defendants—as well as their officers, agents, servants, employees, attorneys, successors in office, and all persons in active concert or participation with them—from preparing for, administering, or

1

conducting the March 8, 2022, primary elections and any subsequent elections for Congress, the North Carolina Senate, or the North Carolina House of Representatives using the Enacted Plans.

5. Plaintiffs are likely to succeed in demonstrating that the Enacted Plans violate the North Carolina State Constitution because the Enacted Plans constitute an unlawful partisan gerrymander in violation of the Free Elections Clause, Equal Protection Clause, Free Speech Clause, and Free Assembly Clause of the North Carolina State Constitution, as set forth in Counts I, II, and III of Plaintiffs' Verified Complaint.[1]

6. Absent a preliminary injunction, Plaintiffs are likely to suffer irreparable harm from Defendants' constitutional violations, which will also irreparably harm millions of North Carolina voters who seek to associate with and support their candidates of choice.

7. In addition to entering the above-described injunction, the Court should order the following relief, for reasons more fully described in Plaintiffs' Verified Complaint:

   a. To the extent that the General Assembly does not, within two weeks from the date of this Court's order entering a preliminary injunction, adopt districting plans that remedy the constitutional violations found in the Enacted Plans as fully as would the remedial maps laid out in Plaintiffs' Verified Complaint (identified therein as the "Optimized Maps"), then the 2022 primary elections and the 2022 general election for Congress, the North Carolina Senate, and the North Carolina House of Representatives shall be conducted under the Optimized Maps.

---

[1] Plaintiffs are not seeking preliminary relief at this time based on Counts IV–VI of their Verified Complaint.

2

b. To the extent that the Court determines that it would otherwise be infeasible to conduct the aforementioned 2022 primary elections as scheduled on March 8, 2022, with constitutionally compliant districting plans, then the Court retains jurisdiction to—in its discretion—delay the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives, shorten or eliminate the two-week period described in Subparagraph (a) above, or order such other relief as the Court deems just and equitable.

c. The candidate-filing period for the 2022 primary elections for Congress, the North Carolina Senate, and the North Carolina House of Representatives shall be delayed until such dates as this Court may by order provide.

d. If any citizen has established his or her residence in a North Carolina Senate or House district modified by any remedial redistricting plan approved by this Court, as of the closing day of the candidate filing period for the 2022 election in that district, that citizen shall be qualified to serve as Senator or Representative if elected to that office, notwithstanding the requirements of Sections 6 or 7 of Article II of the North Carolina State Constitution, which provide that each Senator and Representative, at the time of his or her election, shall have resided "in the district for which he is chosen for one year immediately preceding his election."

e. Grant Plaintiffs such other and further relief as the Court deems just and equitable.

8. Pursuant to N.C. Gen. Stat. § 1A-1, Rule 57, Plaintiffs request a prompt hearing on this motion.

WHEREFORE, Plaintiffs request that this Court grant their request for a preliminary injunction.

Dated: November 16, 2021

Respectfully submitted,

JENNER & BLOCK LLP

ROBINSON, BRADSHAW & HINSON P.A.

David J. Bradford*
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 923-2975
dbradford@jenner.com

Stephen D. Feldman
ROBINSON, BRADSHAW & HINSON, P.A.
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
(919) 239-2600
sfeldman@robinsonbradshaw.com

Sam Hirsch*
Jessica Ring Amunson*
Kali Bracey*
Zachary C. Schauf*
Karthik P. Reddy*
Urja Mittal*
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
(202) 639-6000
shirsch@jenner.com
zschauf@jenner.com

Adam K. Doerr
ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
(704) 377-2536
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
(919) 328-8800
ezimmerman@robinsonbradshaw.com

* Pro hac vice motion forthcoming

Counsel for Plaintiffs

4

FILED

STATE OF NORTH CAROLINA   IN THE GENERAL COURT OF JUSTICE

                          SUPERIOR COURT DIVISION

WAKE COUNTY   2021 NOV 22 P 1: 36   21 CVS 015426

NORTH CAROLINA LEAGUE OF AKE CO., C.S.C.
CONSERVATION VOTERS, INC.; HENRY
M. MICHAUX, JR., et al.,

        Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al.,	SUPPLEMENTAL AFFIDAVIT OF STEPHEN D. FELDMAN

        Defendants.

1.   I, Stephen D. Feldman, am an attorney at Robinson, Bradshaw & Hinson, P.A., counsel for Plaintiffs in this matter.

2.   On November 16, 2021, I submitted an affidavit to attest to the authenticity of exhibits in support of Plaintiffs' Verified Complaint and Motion for a Preliminary Injunction.

3.   One of those exhibits, Exhibit I, was designated as consisting of the locational data for the redistricting map identified in Plaintiffs' Verified Complaint as the "Optimized House Map."
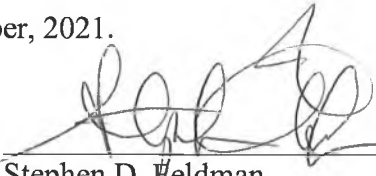
4.   I have discovered, however, that even though Exhibit I is labeled as being for the "Optimized House Map," the data in Exhibit I is actually for the map identified in Plaintiffs' Verified Complaint as the "Optimized Senate Map."

5.   I have attached hereto, as Exhibit AI, the correct locational data for Plaintiffs' Optimized House Map.

6.   I ask the Court to disregard Exhibit I to my original affidavit and to rely instead on Exhibit AI attached hereto.

7.   I affirm, under the penalties for perjury, that the foregoing representations are true.

This the 22nd day of November, 2021.

Stephen D. Feldman

North Carolina
County of Wake

Sworn to (or affirmed) and subscribed before me this the 22nd day of November, 2021.
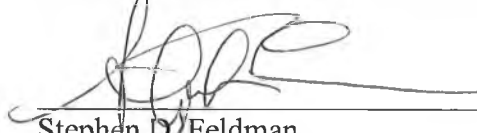
(Official Seal)

Official Signature of Notary

Kevin Richeson, Notary Public

My commission expires: 01/28/2026

KEVIN RICHESON
NOTARY PUBLIC
Wake County
North Carolina
My Commission Expires 01/28/2026
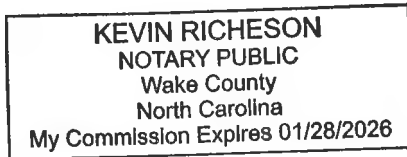
ROBINSON, BRADSHAW & HINSON, P.A.

Stephen D. Feldman
434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
919.239.2603
Facsimile: 919.328.8790
North Carolina State Bar No. 34940
sfeldman@robinsonbradshaw.com

Adam K. Doerr
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
704.377.8114
Facsimile: 704.339.3414
North Carolina State Bar No. 37807
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
1450 Raleigh Road, Suite 100
Chapel Hill, NC 27517
919.328.8826
Facsimile: 919.328.8787
North Carolina State Bar No. 50247
ezimmerman@robinsonbradshaw.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon each of the parties to this

action by electronic mail to counsel at the e-mail addresses indicated below, in accordance with

North Carolina Rule of Civil Procedure 5(b)(1)(a):

Phillip J. Strach
Thomas A. Farr
Alyssa M. Riggings
4140 Parklake Avenue, Suite 200
Raleigh, NC 27612
phillip.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com

Mark E. Braden*
Katherine McKnight*
Richard Raile*
Baker Hostetler LLP
1050 Connecticut Avenue, NW, Suite 1100
Washington, DC 20036
mbraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com

*Counsel for Defendants Representative
Destin Hall, Senator Warren Daniel,
Senator Ralph E. Hise, Jr., Senator Paul
Newton, Representative Timothy K. Moore,
and Senator Philip E. Berger.*

* Pro hac vice motion forthcoming

Terence Steed
Stephanie Brennan
Amar Majmundar
N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27502-0629
tsteed@ncdoj.gov
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov

*Counsel for Defendants the North Carolina
State Board of Elections, Damon Circosta,
Stella Anderson, Jeff Carmon III, Stacy
Eggers IV, Tommy Tucker, Karen Brinson
Bell; and the State of North Carolina*

This the 22nd day of November, 2021.

Stephen Feldman

EXHIBIT AI

User:

Plan Name: **Optimized State House Map**

Plan Type:

Plan Components (Short)

Friday, November 19, 2021   8:34 PM

District   1

County Beaufort NC

County Chowan NC

County Perquimans NC

County Tyrrell NC

County Washington NC

   VTD LEES MILL

   VTD PLYMOUTH 1

   VTD PLYMOUTH 2

   VTD PLYMOUTH 3

District   2

County Durham NC

   VTD AMERICAN LEGION POST 7

   VTD BAHAMA RURITAN CLUB

   VTD BAHAMA VFD - ROUGEMONT STATION

   VTD GLENN ELEMENTARY

   VTD NORTH REGIONAL LIBRARY

    Block 001603:

4000	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011
4012	4013	4014	4015	4016	4017	4018	4019	5000	5001	5002	5003
5004	5005	5006	5007	5008	5009						

    Block 001604:

    6001

   VTD NORTHERN HIGH SCHOOL

   VTD TEMPLE BAPTIST CHURCH

    Block 001601:

1023	1024	1025	1026	1034	1035	1037	1038	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016	3000	3001	3002	3003	3004	3005	3006	3007	4000	4001	4002
4003	4004	4005	4014	4016	5009	5010	5011				

    Block 001603:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
5012	5013	5014	5015	5016	5017	5018	5019	5020	5021	5022	5024
5025											

    Block 001708:

4000	4003	4004	4011

   VTD THE RIVER CHURCH

   VTD VFW POST 2740

County Person NC

District   3

County Craven NC

   VTD BRICES CREEK

   VTD BRIDGETON

   VTD Clarks-Rhems

Plan Components (Short)

District   3
County Craven NC
 VTD COVE-FORT BARNWELL
 VTD CROATAN
 VTD DOVER-FORT BARNWELL
 VTD FAIRFIELD HARBOUR
 VTD FORT TOTTEN
 VTD GEORGE STREET
 VTD Glenburnie-Grover C
 VTD GRANTHAM 1A
 VTD GRANTHAM 2B
 VTD H.J. MACDONALD
 VTD HAVELOCK
  Block 961101:

2002	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
2030	2031	2032	2033	2034	2035	2036	2037				

  Block 961102:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1026	1027	2013	2014	2015	2016	2017	2018	2020	2023	2024	2025
2026	2027	2029	2030	2031	2032	2033	2035	2036	2037	2038	2041
2042	2043	2044	2045	2046	2047	2048	2049	2051	2052	2053	2054
2055	2056	2057	2058	2059	2060	2062	2063	2064	2066	2067	2068
2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080
2081	2082	2083	2084	2085	2086	2087	2088	2089			

  Block 961201:

1000	1001	1002	1003	1004	1005	1006	1014	1015	1016	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
3021											

  Block 961202:
  1103
  Block 961301:

1008	1010	1011	3027	3028

 VTD JASPER
 VTD RIVER BEND
 VTD TRENT WOODS
 VTD Truitt-Ernul
 VTD Van-Ep
 VTD WEST NEW BERN

District   4
County Duplin NC
County Wayne NC
 VTD 01
 VTD 02
 VTD 03

District   4

County Wayne NC

   VTD 04

   VTD 08

   VTD 24

   VTD 2530

   VTD 26

     Block 000603:

4019	4020	4021	4022	4024

     Block 000902:

1039	1040	1042	1044	1052	1054	1055	1056	1062

   VTD 28

     Block 000700:

3003	3004	3011	3023	3039	3042

District   5

County Camden NC

County Gates NC

County Hertford NC

County Pasquotank NC

District   6

County Harnett NC

   VTD ANDERSON CREEK

   VTD BARBECUE

   VTD BLACK RIVER

     Block 070801:

1015	1016	1017	1018

     Block 071003:

     2009

   VTD BOONE TRAIL

   VTD CENTRAL HARNETT LILLINGTON

   VTD CENTRAL HARNETT NEILLS CREEK

     Block 070801:

1013	1014	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029
1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1044	1045
1046	1047	1048	1049	1050	1051						

     Block 070802:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013
1015	1016	1017	1021	1022	1023	1024					

     Block 071003:

2013	2015

   VTD JOHNSONVILLE

   VTD NORTHWEST HARNETT

   VTD STEWARTS CREEK

     Block 070600:

1000	1002	1003	1006	1007	1008	1009	1010	1012	1013	1014	1015
1016	1017	1018	1019	1021	1022	1023	1024	1025	1026	1027	1028
1029	1030	1031	1032	1033	1034	1035	1036	1037	1040	1041	1042
1043	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010

District 6

County Harnett NC

VTD STEWARTS CREEK

Block 070600:

2011	2012	2013	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
2050	2052	2053									

Block 070700:

3026

Block 071201:

1013	1014	1022	1026	1043	1056	1057	1059

District 7

County Franklin NC

County Granville NC

VTD 00CRDM

Block 970601:

1020	1024	1025	1043	1044

Block 970606:

1005	1006	1007	1008	1009	1010	1011	1013	1014	1015	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1035	1036	1037	1039	1040	1041	1042	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2019	2020	2021	2022	2023	2030	2031	2032	2033	2034	2035	2036

Block 970607:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1015	1016	1018	1019	1022	2009	2010	2012	2013	2014
2015											

VTD 00MTEN

VTD 00WILT

District 8

County Pitt NC

VTD ARTHUR

VTD BELVOIR

VTD BETHEL

VTD CAROLINA

VTD FALKLAND

VTD FARMVILLE A

VTD FARMVILLE B

VTD FOUNTAIN

VTD GREENVILLE 1

VTD GREENVILLE 10A

VTD GREENVILLE 10B

VTD GREENVILLE 3

VTD GREENVILLE 4A

VTD GREENVILLE 6

VTD GREENVILLE 7

VTD GREENVILLE 7B

Plan Components (Short)

District 8

County Pitt NC

    VTD GREENVILLE 8A

    VTD GREENVILLE 8B

    VTD GREENVILLE 9

    VTD GRIMESLAND

    VTD PACTOLUS

    VTD SIMPSON A

    VTD SIMPSON B

District 9

County Pitt NC

    VTD AYDEN A

    VTD AYDEN B

    VTD CHICOD

    VTD GREENVILE 13A

    VTD GREENVILLE 11A

    VTD GREENVILLE 11B

    VTD GREENVILLE 12A

    VTD GREENVILLE 12B

    VTD GREENVILLE 13B

    VTD GREENVILLE 4B

    VTD GREENVILLE 5A

    VTD GREENVILLE 5B

    VTD GRIFTON

    VTD SWIFT CREEK

    VTD WINTERVILLE NORTH

    VTD WINTERVILLE SOUTH

    VTD WINTERVILLE WEST

District 10

County Wayne NC

    VTD 05

    VTD 06

    VTD 07

    VTD 09

    VTD 10

    VTD 11

    VTD 12

    VTD 13

    VTD 14

    VTD 15

    VTD 16

    VTD 17

    VTD 18

    VTD 1920

    VTD 21

    VTD 22

    VTD 23

    VTD 26

Plan Components (Short)

District 10

County Wayne NC

VTD 26

  Block 000601:

3009	3010	3011	3012	3013	3014

  Block 000603:

4000	4001	4002	4003	4004	4005	4006	4007	4009	4010	4011	4012
4013											

  Block 000902:

1000	1001	1002	1003	1004	1023	1024	1038	1046	1047	1048	1063
2012	2013	2014	2015	2016	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	2032	2033	2036	2037	2038	2039
2040	2041	2042	3013	3015	3016	3019	3020	3021	3022	3023	3024
3025	3026	3027	3028	3035	3036	3037	3038				

VTD 27

VTD 28

  Block 000402:

3016	3019	3020	3021	3022	3023	3025	3026	3027	3028

  Block 000601:

1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028											

  Block 000603:

1000	1001	1002	1003	1004	1007	1008	1009	1010	1011	1012	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	2000	2001
2002	2003	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3014	4008	4014	4015	4016	4017	4018	4023	

  Block 000604:

1024	1025	1026	1027	1028	2003	2004	2005	2006	2007	2010

  Block 000700:

3000	3001	3002	3005	3006	3007	3008	3009	3033

VTD 29

District 11

County Wake NC

VTD 01-32

VTD 01-48

  Block 052407:

2001	2002	2003	2004	2005	2006

VTD 01-49

VTD 04-01

VTD 04-02

VTD 04-03

VTD 04-04

VTD 04-05

  Block 052401:

1028	1029	1030	1031	1078	1094	1111

  Block 053520:

2000	2001	2002	2003	2004	2005	3009	3010	3011	3012	3013

Plan Components (Short)

District 11

County Wake NC

VTD 04-05

Block 053521:

1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022
1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034
1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046
1047	1048	1049	1050	1052	1053	1054	1055	1056	1057	1058	1059
1060	1061	1062	1063	1064	1065	1066	1069	1070	1071	1076	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
2037	2038	2039	2040								

VTD 04-06

Block 053506:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	4000	4001	4002	4003	4004	4005	4006	4007	4008	4009
4010	4011	4012	4013	4014	4015	4017					

VTD 04-07

VTD 04-08

VTD 04-09

Block 053522:

1026	1031	1034

Block 053523:

1018	1021	1022	1025	1026	1027	1028	1029	1030	1031	1033	2001
2002	2003	2004	2005	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024		

VTD 04-10

Block 053423:

1001	1002	1003	1004	1005	1006	1007	1008	1009	2000	2001	2002
2003	2004										

Block 053509:

3000

VTD 04-11

VTD 04-12

Block 053505:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	3000							

VTD 04-14

VTD 04-15

VTD 04-16

VTD 04-17

VTD 04-18

VTD 04-19

VTD 04-20

VTD 04-21

VTD 11-01

Block 052401:

District 11

County Wake NC

  VTD 11-01

    Block 052401:

1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1025	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	1048	1049	1050	1052	1053	1057	1058
1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070
1071	1072	1073	1074	1075	1076	1077	1079	1080	1081	1082	1083
1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1103	1104
1105	1106	1107	1108	1112							

District 12

County Greene NC

County Jones NC

County Lenoir NC

District 13

County Carteret NC

County Craven NC

  VTD HARLOWE

  VTD HAVELOCK

    Block 961102:

1024	1025	2061	2065

    Block 961201:

1007	1008	1009	1010	1011	1012	1013	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040
2041	2042	2043									

    Block 961202:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059
1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071
1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083
1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095
1099	1100	1101	1102	1104	1105						

    Block 961301:

1000	1001	1002	1003	1004	1005	1006	1007	1009	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
2037	2038	2039	2040	2041	2042	2043	2044	2045	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026
3029	3030										

District 13

County Craven NC

VTD HAVELOCK

Block 961302:

1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1019	1020	1021	1022	1023	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019				

Block 961303:

2044	2045	2046

District 14

County Onslow NC

VTD BEAR CREEK

VTD CATHERINE LAKE

VTD CROSS ROADS

VTD GUM BRANCH

VTD HALF MOON

VTD HUBERT

VTD JACKSONVILLE

Block 000500:

1076	1077	1079

Block 000902:

3009	3010	3011	3012	3013	3033	3034	3035

Block 001000:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1027	1028	1029	1031	1052	1053	1054	1055	1056	1057	1062	1063
1064	1065	1066	1067	1068	1069	1072	1073	1074	1075	1076	1077
1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089
1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	

Block 001101:

1008	1009	1010	1011	1012	1013	1015	1016	1018	1019	1020	1021
1022	1023	1024	1025	1026	1027	1028	2000	2001			

Block 001102:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	2000	2001	2002
2003	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2029	2030								

Block 001700:

2014	2015	2016	2017	2018	2019	2020	2021	2023	2024	2025	2027

Block 001800:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033

Plan Components (Short)

District 14

County Onslow NC

VTD JACKSONVILLE

  Block 001800:

2034	2035	2036	2037	2038	2039	2040

  Block 002600:

2016	2017

VTD MILLS

VTD MORTONS

VTD NINE MILE

VTD RICHLANDS

VTD SWANSBORO

VTD TAR LANDING

VTD WEST NORTHWOODS

District 15

County Onslow NC

VTD 0NE22A

VTD 0NE22B

VTD BRYNN MARR

VTD EAST NORTHWOODS

VTD JACKSONVILLE

  Block 000306:

2021	2022

  Block 000403:

1070	1071	1072	1076

  Block 000500:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1030	1031	1032	1033	1034	1035	1036	1037
1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049
1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061
1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073
1074	1075	1078	1080	1081	1082	1083	1084	1085	1086	1087	1088
1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100
1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112
1113	1114	1115	1116	1117	1118	1120	1121	1122	1123	1126	1127
1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139
1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1151	1152
1155	1156	1157	1158	1159	1160	1161	1162	1164	1165	1166	1167
1171	1172	1173	1174	1175	1176	1177	1180	1182	1183	1184	

  Block 000600:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055
2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067

Plan Components (Short) Optimized State House Map

District 15

County Onslow NC

  VTD JACKSONVILLE

    Block 000600:

2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	4000	4001	4002	4003	4004	4005	4006	4007
4008	4009	4010	4011	4012							

    Block 000700:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	3000	3001	3002	3003	3004	3005
3006	3007	3008	3009	3010	3011	3012	3013	3014	3015		

    Block 000800:

1000	1001	1002	1003	1004	1005	1007	1009	1010	1011	1012	1013
1014	1015	1016	1017								

    Block 000901:

1000	1001	1002	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011									

    Block 000902:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	3000	3001	3002
3003	3004	3005	3006	3007	3008	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031
3032	3036	3037	3038	3039	3040						

    Block 001000:

1024	1025	1026	1030	1032	1033	1034	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051
1058	1059	1060	1061	1070	1071						

    Block 002400:

    5017

    Block 002801:

1029	1030	1032	1033

    Block 990100:

0006	0007	0008	0009

  VTD NEW RIVER

District 16

County Onslow NC

  VTD FOLKSTONE

  VTD HAWS RUN

  VTD HOLLY RIDGE

  VTD SNEADS FERRY

Plan Components (Short)

District 16

County Onslow NC
   VTD VERONA
County Pender NC

District 17

County Brunswick NC
   VTD 04C1_04B1
   VTD BELVILLE 1
   VTD BOLIVIA
     Block 020203:

1036	1037	1039	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2020									

     Block 020204:

1005	1007	1008	1015	1016	1018

     Block 020602:

3116	3117	3128	3129	3130	3131	3132	3133	3134	3136	3137	3138
3140	3141	3154									

     Block 020603:

2000	2002

   VTD HOOD CREEK
   VTD LELAND
   VTD TOWNCREEK
   VTD WOODBURN
County New Hanover NC
   VTD CF01
   VTD FP06
   VTD M03
   VTD W03
   VTD W08
   VTD W25
   VTD W26
   VTD W29
   VTD W30

District 18

County New Hanover NC
   VTD CF06
   VTD H01
   VTD H04
   VTD H05
   VTD H06
   VTD H10
   VTD M04
   VTD W12
   VTD W13
   VTD W15
   VTD W16
   VTD W17
   VTD W18

District	18

County New Hanover NC
VTD W21
VTD W24
VTD W27
VTD W28
VTD W31

District	19

County Brunswick NC
VTD BOILING SPRING LAKES
VTD BOLIVIA
   Block 020204:

1003	1017	1019	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2012	2013	2014	2015	2016	2017	2018	2019	2021	2022
2023	2024	2025	2026	2027	2028	2029	2034	2036	2037	2038	2045
2049	2050	2065	2085	2086	2105	2106	2107	2131			

   Block 020603:

2001	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2027	2028	2029	2031	2032	2033	2034	2035
2036	2075	2076	2077	2078	2079	2082					

VTD FRYING PAN
VTD GRISSETTOWN
VTD LONGWOOD
VTD MOSQUITO 1
VTD MOSQUITO 2
VTD OAK ISLAND 1
VTD OAK ISLAND 2
VTD OAK ISLAND 3
VTD SECESSION 1
VTD SECESSION 2
VTD SHALLOTTE
VTD SHINGLETREE 1
VTD SHINGLETREE 2
VTD SOUTHPORT 1
VTD SOUTHPORT 2
VTD SUPPLY
VTD WACCAMAW

District	20

County New Hanover NC
VTD CF02
VTD CF05
VTD FP03
VTD FP04
VTD FP07
VTD FP08
VTD H02
VTD H03
VTD H08

Plan Components (Short) Optimized State House Map

District 20

County New Hanover NC

VTD H11
VTD H12
VTD H13
VTD M02
VTD M06
VTD M07
VTD WB

District 21

County Wake NC

VTD 04-06
  Block 053506:

4016	4018	4019	4020	4021	4022	4023

VTD 04-12
  Block 053505:

3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011

VTD 06-05
  Block 053202:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1028	1029	1030	1032	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012							

VTD 06-06
VTD 06-07
VTD 06-08
  Block 053204:

1004	1005	1006	1007	1008	1010	1011	1015

  Block 053208:

1070

  Block 053432:

1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051
1052	1053	1054	1055	1056	1057	1058	1059	1064	1065	1066	1080

VTD 12-05
VTD 12-07
  Block 053110:

1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026
1030	1031	1032	1033	1034	1035	1036	1037	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019	2020	2021	2022	2023				

VTD 18-02
VTD 18-03
VTD 18-04
  Block 053007:

1000	1001	1002	1011	1012	1013	2000	2001	2002	2003	3000	3001
3002											

  Block 053009:

1033	1034	1035	1036	1037	3001	3002	3003

Plan Components (Short)

District 21

County Wake NC

  VTD 18-04
    Block 053010:
      1012   1013   2000   2001   2002   2003   2004   2005   2006
  VTD 18-05
  VTD 18-06
    Block 052306:
      1001   1003   1004   1005   1006   1007   1008   1009   1010   1011   1012   1013
      1014   1015   1016   1023   1024
    Block 053003:
      5031   5032   5033   5035
    Block 053010:
      1004   1005   1006   1007   1008   1009   1010   1011   1014
    Block 053011:
      1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011
      1012   4001   4002   4003   4004   4005   4006   4007   4008   4009   4010   4011
      4012   4013   4014   4015
  VTD 18-07
    Block 053006:
      1000   1001   1002   1003   1004   1005   1006   3002   3003
    Block 053009:
      3004   3005   3006   3007   3008   3009
    Block 053010:
      3000   3001   3002   3003   3004   3005   3006   3007   3008
    Block 053111:
      2000   2001   2002   2003   2004   2005   2006   2007   2008   2009   2010   2011
      2012   2013   2014   2015   2016   2017   2018   2019   2020   2021   2022   2023
      2024   2025   2026
  VTD 18-08
  VTD 20-01
    Block 053431:
      1000   1001   1002   1003   1004   1006   1007   1008   1009   1010   1011   1012
      1013   1015   1016   1017   1018   1019   1020   1021   1022   1023   1024   1025
      1026   1027   1028   1029   1030   1031   1032   1033   1034   1035   1036   1037
      1038   1039   1040   1041   1042   2000   2001   2002   2003   2004   2005   2006
      2007   2008   2009   2010   2011   2012   2013   2014   2015   2016   2017   2018
      2019   2020
    Block 053436:
      1052   1053   1054
  VTD 20-05

District 22

County Bladen NC

County Sampson NC

District 23

County Bertie NC

County Edgecombe NC

County Martin NC

District 24

County Nash NC

 VTD SHARPSBURG

  Block 010302:

   1012 1013

  Block 011201:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	2000	2001	2002	2003	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2019	2020	2021	2022	2023							

  Block 011202:

   2023 2024 2036 2037 2038 2039

County Wilson NC

District 25

County Nash NC

 VTD BAILEY

 VTD CASTALIA

 VTD COOPERS

 VTD DORTCHES

 VTD GRIFFINS

 VTD MIDDLESEX

 VTD MOMEYER

 VTD NASHVILLE

 VTD OAK LEVEL

 VTD RED OAK

 VTD ROCKY MOUNT BATTLEBORO

 VTD ROCKY MOUNT BENVENUE

 VTD ROCKY MOUNT DOWNTOWN

 VTD ROCKY MOUNT EDWARDS

 VTD ROCKY MOUNT HUNTER HILL

 VTD ROCKY MOUNT SOUTH

 VTD ROCKY MOUNT SUNSET

 VTD ROCKY MOUNT WINSTEAD

 VTD SALEM

 VTD SAMARIA

 VTD SHARPSBURG

  Block 010200:

5007	5008	5009	5010	5011	5012	5013	5014	5015	5016	5017	5018
5019	5020	5021	5022	5023	5024	5025	5026	5027	5028	5029	5030
5031	5032	5033	5034	5035	5036	5037	5038				

  Block 010302:

   1014 1015 1016 1017 1018 1019 1020

 VTD SPRING HOPE

 VTD STANHOPE

 VTD WHITAKERS

Plan Components (Short)

District 26

County Johnston NC

VTD ARCHERS LODGE

VTD EAST CLAYTON

Block 040903:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2010	3000	3001
3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013
3014	3015	3016	4000	4001	4002	4003	4004	4005	4006	4007	4008
4009	4010	4011	5000	5001	5002	5003	5004	5005	5006	5007	

Block 040904:

3008

Block 040905:

5020

Block 040906:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1017	1018	1019	1020								

Block 041001:

2036	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3016	4000	4001	4002	4003	4004	4005	4006	4007
4008	4009	4010	4011	4012	4013	4014	4015	4016	4017	4018	

VTD FLOWERS PLANTATION

VTD NORTH CLAYTON 1

VTD NORTH CLAYTON 2

VTD NORTH CLEVELAND 1

VTD NORTH CLEVELAND 2

VTD SOUTH CLAYTON

VTD SOUTHEAST CLEVELAND

VTD SOUTHWEST CLEVELAND

Block 041107:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	2005	2006	2007	2008	2009	2010

VTD WEST CLAYTON 1

VTD WEST CLAYTON 2

District 27

County Halifax NC

County Northampton NC

County Warren NC

District 28

County Johnston NC

VTD BENTONVILLE

VTD BEULAH

VTD EAST CLAYTON

Block 040904:

3009	3010	3011	3012	3013

Block 040905:

5000	5001	5002	5003	5004	5005	5006	5007	5010	5011	5013	5014
5019											

Block 040906:

Plan Components (Short)   Optimized State House Map

District 28

County Johnston NC
    VTD EAST CLAYTON
      Block 040906:
       1012   1013   1014   1015   1016   1021   1022   1025
    VTD EAST SELMA
    VTD EAST SMITHFIELD
    VTD INGRAMS
    VTD MEADOW
    VTD MICRO
    VTD NORTH BOON HILL
    VTD NORTH ELEVATION
      Block 041206:
       1002
      Block 041505:
       1005   1006   1007   1009
    VTD NORTH ONEALS
    VTD NORTH SMITHFIELD 1
    VTD NORTH SMITHFIELD 2
    VTD NORTH WILDERS
    VTD PINE LEVEL
    VTD SOUTH BOON HILL
    VTD SOUTH ONEALS
    VTD SOUTH SMITHFIELD
    VTD WEST SELMA
    VTD WILSONS MILLS

District 29

County Durham NC
    VTD 0035.3
    VTD 055-11
    VTD 055-49
    VTD CHRIST THE KING MORAVIAN
    VTD CREEKSIDE ELEMENTARY
    VTD HOLY INFANT CATHOLIC
    VTD HOPE VALLEY BAPTIST
    VTD IVY COMMUNITY CENTER
    VTD PEARSONTOWN ELEMENTARY
    VTD SHEPHARD MAGNET SCHOOL
    VTD SOUTHWEST ELEMENTARY
    VTD ST. STEPHENS EPISCOPAL
    VTD TRIANGLE CHURCH
    VTD TRIANGLE PRESBYTERIAN
    VTD WATERFORD VILLAGE APTS
    VTD WHITE ROCK BAPTIST CHURCH
    VTD YATES BAPTIST CHURCH
      Block 002007:
       3000   3001   3002   3003   3004   3005   3006   3007   3008   3009
      Block 002015:

Plan Components (Short)

District 29

County Durham NC

   VTD YATES BAPTIST CHURCH

    Block 002015:

3000	3001	3002	3003	3004	4000	4001	4002	4003	4004	4005	4006

    Block 002031:

    2000

District 30

County Durham NC

   VTD BROGDEN MIDDLE SCHOOL

   VTD CLUB BOULEVARD SCHOOL

   VTD COLE MILL CHURCH

   VTD COUNTY AGRICULTURAL BUILDING

   VTD DPS STAFF DEVELOPMENT CENTER

   VTD E K POWE ELEMENTARY

   VTD EDISON JOHNSON CENTER

   VTD FOREST HILLS CLUB HOUSE

   VTD FOREST VIEW ELEMENTARY

   VTD GEORGE WATTS ELEMENTARY

   VTD LAKEWOOD SCHOOL

   VTD MCMANNEN UNITED METHODIST

   VTD MOREHEAD MONTESSORI

   VTD NORTH REGIONAL LIBRARY

    Block 001603:

6002	6003	6004	6005	6006	6007	6008	6009	6010	6011	6012	6013
6014	6015	6016	6017								

    Block 001604:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	2000	2001	2002	2003	2004
2005	4000	4001	4002	4003	4005	4010	4011	4012	4013	4014	4015
4016	4017	4018	4021	4024	5000	5001	5002	5003	5004	5005	5006
5007	5008	5009	5010	5011	5012	5013	5014	5015	5016	5017	5018
5019	5020	5021	6000	6002	6003	6004	6005	6006	6007	6008	6009

    Block 002100:

1013	1014	1017	1018

   VTD PATTERSON REC CENTER

   VTD ROGERS-HERR MIDDLE SCHOOL

   VTD SCHOOL OF SCIENCE AND MATH

   VTD SCHOOL OF THE ARTS

   VTD TEMPLE BAPTIST CHURCH

    Block 001603:

    5023

    Block 001604:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	4004
4006	4007	4008	4009	4019	4020	4022	4023	4025	4026	7000	7001
7002	7003	7004	7005	7006	7007	7008	7009				

   VTD YATES BAPTIST CHURCH

    Block 002015:

Plan Components (Short)

District 30

County Durham NC

   VTD YATES BAPTIST CHURCH

    Block 002015:

| 1001 | 1002 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 | 1012 | 1013 |

District 31

County Durham NC

   VTD BETHESDA RURITAN CLUB

   VTD BURTON ELEMENTARY

   VTD C C SPAULDING SCHOOL

   VTD COUNTY MAIN LIBRARY

   VTD EVANGEL ASSEMBLY OF GOD

   VTD FIRST UNITED ANTIOCH

   VTD HOLMES RECREATION CENTER

   VTD LOWES GROVE BAPTIST

   VTD MONUMENT OF FAITH CHURCH

   VTD MT CALVARY CHURCH

   VTD NEAL MIDDLE SCHOOL

   VTD OAK GROVE ELEMENTARY

   VTD SOUTHERN HIGH SCHOOL

   VTD Y E SMITH SCHOOL

District 32

County Granville NC

   VTD 00ANTI

   VTD 00BERE

   VTD 00BTNR

   VTD 00CORI

   VTD 00CRDL

   VTD 00CRDM

    Block 970601:

| 1004 | 1005 | 1006 | 1026 | 1027 | 1028 | 1029 | 1030 | 1031 |

    Block 970606:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1012 | 1016 |

    Block 970607:

1014	1017	1020	1021	1023	1024	1025	1026	1027	1028	1029	1030
1031	1032	1033	1034	1035	1036	1037	2000	2001	2002	2003	2004
2005	2006	2007	2008	2011	2016	2017	2018	2019	2020	2021	2022
2023	2024	2025	2026	3000	3001	3002	3003	3004	3005	3006	3007
3008	3009	3010	3011	3012	3013

   VTD 00EAOX

   VTD 00OKHL

   VTD 00SALM

   VTD 00SASS

   VTD 00SOOX

   VTD 00TYHO

   VTD 00WOEL

County Vance NC

District 33

District	33

County Wake NC

VTD 01-07

  Block 050100:

3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3026	3027	3028	3029	3030	3031	3032	3033			

  Block 050300:

2006	3000	3004	3005	3006	3010	3011	3012

VTD 01-13

VTD 01-14

VTD 01-19

VTD 01-20

VTD 01-23

  Block 051000:

1012	1013	1014	1020

  Block 051101:

1000	1001	1002	1003	1004	1005	1006	1007	1008	2005	2006

  Block 051102:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	3001	3002
3003	3004	3005	3006	3007							

  Block 051400:

4008	4009

  Block 052305:

1000	1001	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2027	2030	2031	2049			

  Block 052409:

2000	2001	2002	2003

VTD 01-25

VTD 01-26

VTD 01-27

VTD 01-28

VTD 01-31

VTD 01-34

VTD 01-35

  Block 050800:

2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015

  Block 050900:

2000	2001	2002	2003	2004	2010	2011	2012	2013	2014	2015	2016
2017	2018	2020	2021	2022	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011									

  Block 052101:

4001	4002	4003	4004	4005	4006	4007	4023	4026

  Block 054502:

1014	1030	3000

VTD 01-40

  Block 051900:

3011

Plan Components (Short)

District   33

County Wake NC

VTD 01-40

Block 052001:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	2000	2001
2003	2004	2007	2019	2020							

Block 052002:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023

Block 052102:

3000	3001

Block 052811:

3001	3002	3003	3004	3032	3033	3034

Block 054106:

2002	2003	2004	2038	2039	2040	2041	2042	2043	2044	2045	2046
2047	4016	4021	4022	4024	4025	4026	4027				

VTD 01-41

VTD 01-48

Block 052307:

3000	3001	3002	3003

Block 052404:

1000	1002	1003	1004	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1018	1019								

Block 052407:

1017	2000

VTD 17-06

Block 054109:

2006	2007	2008	2009	2010	2011	2012	2013

Block 054114:

3002	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3018	3019	3020	3021	3022	3025	3039	3040			

VTD 17-07

Block 054106:

1011	1012	1013	1014	1015	1016	1017	2000	2001	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2034	2035	2036	2037
2048	2049	2050	2051	2052	3014	4010	4011	4012	4013	4014	4015
4019	4020										

VTD 17-09

VTD 17-12

Block 054114:

3004	3005	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035
3036	3037	3038									

VTD 18-01

Block 052305:

2032	2033	2034	2035	2036	2037	2050	2051

Block 052307:

4002	4003	4004	4005	4006	4007	5000	5001	5002	5003	5004	5005

Plan Components (Short)

District 33

County Wake NC

VTD 18-01

  Block 052307:

   5006   5007

VTD 18-06

  Block 052306:

   1002

  Block 052307:

   1000   1001   1002   1003   1004   3004   3005   3006   3007   3008

  Block 052404:

   1020   1021

  Block 053011:

   2000   2001   2002   2003   2004   2005   2006   4000

District 34

County Wake NC

VTD 01-01

VTD 01-02

VTD 01-03

VTD 01-04

VTD 01-05

VTD 01-06

VTD 01-07

  Block 050300:

   2000   2001   2002   2003   2004   2005   3001   3002   3003   3007   3008   3009

  Block 051200:

   2008   2009   2010   2011   2012   2013   2014   2015   2016   2017   2018   2019

   2020   2021   2022   3020   3021   3022   3023   3025   3026   3027   3028   3029

   3030   3031   3032

VTD 01-09

VTD 01-10

VTD 01-11

VTD 01-12

VTD 01-15

VTD 01-17

VTD 01-18

VTD 01-23

  Block 051000:

   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011   1015   1016

  Block 051102:

   1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   1011

   1012   3000

  Block 051400:

   4007   4010   4011   4012   4013

VTD 01-29

VTD 01-30

VTD 01-33

VTD 01-36

Plan Components (Short)

District 34

County Wake NC

VTD 01-37
VTD 01-39
VTD 01-43
VTD 01-45
VTD 01-51
VTD 02-01

  Block 053721:

1008	1011	2000	2001								

  Block 053807:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	2002	2004	2016
2017	2018										

VTD 02-06

  Block 053808:

1011	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
4015	4016	4017	4018								

VTD 07-04
VTD 07-05
VTD 07-06
VTD 07-07

  Block 053714:

1000											

  Block 053722:

1003	1004	1005	1006	1007	1008	1009	2003	2004	2005	2006	2007
2008	2009	2010	2011								

VTD 07-11
VTD 07-13

District 35

County Wake NC

VTD 01-47

  Block 054011:

1000	1001	1002	1003	1004	1005	1006					

VTD 02-01

  Block 053721:

1009	1010										

  Block 053807:

2000	2001	2003	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2019									

VTD 02-02
VTD 02-03
VTD 02-04
VTD 02-05
VTD 02-06

  Block 053808:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	4003

Plan Components (Short)   Optimized State House Map

District 35

County Wake NC

VTD 02-06
  Block 053808:
    4004   4005   4006   4007   4008   4009   4010   4011   4012   4013   4014
VTD 08-04
VTD 08-07
  Block 053721:
    1000   1001   1002   1003   1004   1007   3000   3001   3002   3003   3004   3005
    3006   3007
VTD 08-08
VTD 13-02
VTD 13-05
  Block 054017:
    1004   1005   1015
VTD 13-06
  Block 054016:
    1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   2003   2004
    2005   2006   2007   2008   2009   2011   2013   2014   2015   2016   2017   3000
    3003   3005   3008
  Block 054017:
    1016
VTD 13-10
VTD 13-11
VTD 14-01
VTD 14-02
VTD 19-03
VTD 19-05
VTD 19-11
VTD 19-12
  Block 054206:
    2004
  Block 054219:
    2000   2002   2003   2005   2007   2008   2010   2012   2013   2014   2015   2016
    2018   2019   2021   2022   2023   2024   2025   2026   2027   2028   2029   2030
    2045   2051
  Block 054220:
    1015   1018   1019   1021   1022   1023   1024   1025   1026   1027   1028   2000
    2001   2002   2003   2004   2005   2006   2007   2008   2009   2010   2011   2013
    2014
VTD 19-13
VTD 19-14
VTD 19-15

District 36

County Wake NC

VTD 03-00
  Block 053208:
    1010

Plan Components (Short)   Optimized State House Map

District 36

County Wake NC

VTD 03-00

  Block 053428:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013
1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025
1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037
1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049
1050	1051	1052	1053	1054	1055	1056	1057	1058	1060	1062	1063
1064	1065	1066	1067	1068	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049
2050	2051	2052	2053	2054	2055	2056	2057	2058	3004	3022	3023
3024	3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038
3039	3040	3041	3042	3043	3044	3045	3046	3047	3048	3049	3050
3051	3052	3053	3054	3055	3056	3057	3058	3059	3060	3061	3062
3063	3064	3065	3066	3067	3068	3069	3070	3071	3072	3073	3074
3075	3076	3078	3079	3081	3082	3083	3084	3085	3086	3087	3088
3089	3090	3091	3092	3093	3094	3110	3111	3112	3115	3116	

VTD 04-10

  Block 053424:

2007	2030	2031	2035	2037	2038

  Block 053509:

3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015									

VTD 04-13

  Block 053424:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1012
1013	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2032	2033	2034	2036	2039	

VTD 20-01

  Block 053429:

1012	1013	1014	1016

  Block 053431:

1005

  Block 053436:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051								

VTD 20-03

VTD 20-04

VTD 20-06A

VTD 20-06B

VTD 20-08

Plan Components (Short) Optimized State House Map

District 36											

County Wake NC

VTD 20-09

VTD 20-10

Block 053408:

1002	1003	1004	2000	2001	2002	2003	2004	2005	2006		

Block 053409:

2000	2001	2002	2003

VTD 20-11

VTD 20-12

VTD 20-14

Block 053410:

1031	1033	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044
1045	1046	1047	1049	1050							

Block 053411:

1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096
1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108
1109	1110	1111	1112	1113	1114	1115	1116	1118	1119	1134	1135
1136	2027	2028	2030	2031	2032	2033	2034	2035	2036	2037	2038
2039	2040	3016									

Block 053426:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1030	1042
1043	1044	1045	1046	1047	1048						

District 37											

County Wake NC

VTD 03-00

Block 053208:

1004	1005	1006	1007	1008	1009	1011	1039	1040	1041	1043	

Block 053209:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2044	2074						

Block 053417:

2039	2040	2041	2042	2043	2044	2045

Block 053428:

1059	1061

Block 053432:

1019	1034	1035	1036	1037

VTD 06-04

VTD 06-05

Block 053202:

1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1031	1033	1034	1035	1036	2013	2014	2015
2016	2017	2018	2019	2020							

VTD 06-08

Block 053204:

1009	1012	1013	1014	1023	1024	1025	1026	1027	1028	1029	1030

Plan Components (Short)

District 37

County Wake NC

VTD 06-08
  Block 053208:
   1073   1103   1104
  Block 053432:
   1006   1038   1039
VTD 06-09
VTD 06-10
VTD 12-01
VTD 12-02
VTD 12-04
VTD 12-06
VTD 12-07
  Block 053110:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	

VTD 12-08
VTD 12-09
VTD 15-03
VTD 20-01
  Block 053431:
   1014   1043

District 38

County Wake NC

VTD 01-21
VTD 01-22
VTD 01-35
  Block 052101:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	4009	4010
4011	4012	4013	4014	4015	4016	4017	4018	4019	4020	4021	4022
4024	4025										

VTD 01-40
  Block 052102:
   2000   2001   2002   2003   2004   2005   2006   2007
VTD 01-50
VTD 15-01
VTD 15-02
VTD 15-04
VTD 16-01
  Block 052807:

1028	1029	2013	2017	2042	2048	2049	2050	2051	2052	2053	2054
2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066
2067	2068	2069	2070								

  Block 052809:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035

Plan Components (Short)

District 38

County Wake NC

VTD 16-01

Block 052809:

2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047

Block 052813:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024											

Block 052815:

2012	2013	2021	2022	2023	2035

VTD 16-02

Block 052101:

1035	1036	1037	1038	1039	1040

Block 052815:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	2000	2001
2002	2003	2004	2005	2006	2007	2011	2018	2024	2025	2026	2027
2028	2029	2030	2031	2032	2033	2034	2036	2037	2038	2039	2040
2041	2042	2043	2044	2045	2046	2047	2050	2051	2052	2053	2054

Block 052816:

1032

Block 054502:

3040	3043	3044	3045	3046	3049	3050	3051	3052	3053	3054	3055

VTD 16-03

VTD 16-04

VTD 16-05

VTD 16-06

VTD 16-07

VTD 16-09

VTD 16-11

Block 052807:

2014	2044	2045	2071

Block 052815:

2008	2009	2010	2014	2015	2016	2017	2019	2020	2048	2049

VTD 18-01

Block 052303:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020			

Block 052304:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	2000	2001	2002	2003							

Block 052305:

2047	2048

Block 052306:

1000	1017	1018	1019	1020	1021	1022

Plan Components (Short)

District 38

County Wake NC

VTD 18-01

  Block 053010:

1000	1001	1002	1003

VTD 18-04

  Block 053009:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	3000	3012	

  Block 054501:

1023

VTD 18-07

  Block 053009:

3010	3011	3013

District 39

County Wake NC

VTD 09-01

VTD 09-02

VTD 09-03

VTD 10-01

VTD 10-02

VTD 10-03

VTD 10-04

VTD 16-01

  Block 052807:

1000	1001	1002	1003	1004	1015	1016	1017	1018	1019	1020	1021
1022	1023	1024	1025	1026	1027	1030	1033	1034			

VTD 16-02

  Block 052811:

3035	3036	3049	3050	3051	4024	4025

  Block 052816:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1023	1024	1030	1031	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2022	2023	2024	2025	2027						

VTD 16-10

VTD 16-11

  Block 052807:

1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1031	1032
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2015	2016	2018	2019	2020	2021	2022	2023	2024	2025	2026
2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
2039	2040	2041	2043	2046	2047	3000	3001	3002	3003	3004	3005
3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017
3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028	3029

  Block 052811:

1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	3055	4014

District	39

County Wake NC

VTD 16-11

  Block 052811:

4015	4016	4018	4019	4020	4021	4022	4023

  Block 052816:

1000	2000	2026

VTD 17-02

  Block 054108:

2011	2012	2016	2027	2029	2062	2063	2064	2065	2073	2074	2075
2076	2077	2078	2079								

  Block 054115:

2015

VTD 17-04

  Block 054111:

1000	1007	1012	1013	1014	2004	2005

VTD 17-06

  Block 054109:

2000	2001	2002	2003	2004	2005	2014	2015

  Block 054114:

3023	3024

  Block 054115:

2014	2016	2019	2020

VTD 19-07

VTD 19-09

  Block 054214:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1018	1019	1020	1021	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	2018	2019	2023	2024	2025	2026	2027		

  Block 054215:

2000	2001	2002	2009	2010	2011	2012	2016	2034	2035	2036	2037

  Block 054221:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1024	1025
1026	1028	1029	1030	1031	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1054								

VTD 19-12

  Block 054206:

2000	3000	3011	3012	3023	3024

  Block 054219:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	2001
2004	2050										

  Block 054221:

2000	2001	2002	2003	2004	2005	2006	2007

  Block 054222:

4000

  Block 054224:

Plan Components (Short)

District 39											

County Wake NC

VTD 19-12

Block 054224:

2004	2012	2013	2014	2015	2016	2017	2018	2019	3000	3001	3002
3003	3004	3005	3006	3007	3008	3009	3012	3013	3014	3015	3016
3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	

VTD 19-16

Block 054111:

2000	2001	2002	2003

VTD 19-18

Block 054221:

1013	1022	1027	2008	2009	2010	2011	2012	2013	2014	2015	2016
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	

Block 054222:

2009

District 40											

County Wake NC

VTD 01-38

VTD 01-42

VTD 01-44

VTD 01-46

Block 052701:

2000	2001	2012	2013	2016	2018	2019	2020

Block 052704:

1000	1001	1002	1003	1004	1005	1006	1007	1008	2001	2002	2003
2004	2005	2007	3002	3008	3009	3010	3011	3012	3013	3014	3015
3016											

Block 052705:

1000	1001

VTD 01-47

Block 054011:

1007	1008	1009	1010	1011	1012	1013	1014	1015	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010				

VTD 13-01

Block 052704:

3000	3017

Block 054008:

3000

Block 054018:

1017	1018	1036	1037

Block 054116:

1055	1056	2008	2009

Block 054117:

2003	2004	2005	2006	2007	2008	2012

VTD 13-05

Block 054017:

Plan Components (Short)

District 40

County Wake NC

VTD 13-05

Block 054017:

1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036
1037	1038	1039	1040	1041	1042	1043					

Block 054018:

1007

VTD 13-06

Block 054017:

1017	1018	1019	1020	1021	1022	1023	1024

VTD 17-01

VTD 17-02

Block 054108:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2028	2030	2031
2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055
2056	2057	2058	2059	2060	2061	2081	2082				

Block 054112:

1017	1018

Block 054115:

2000	2001	2002	2003	2004	2005	2006	2013	2021

VTD 17-03

VTD 17-04

Block 054111:

1002	1003	1004	1005	1008	1009	1010	1011	1015	1016	1017

Block 054112:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2019	2020	2021	2022	2023	2024	2025	2026				

Block 054113:

1000	1001	1002	1003	1004	1018	1019	1021	1022	1023	1024	1025
1026	1027	1028	1029	1032	1033	1034	1035	1036	1037	1038	1039
1040	1042	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
2037	2038	2039	2043	2044	2045	2046	2047	2048	2049	2050	2051

VTD 17-05

VTD 17-06

Block 054114:

2016	2017	2018	3000	3001

Block 054115:

2007	2008	2009	2010	2011	2012	2017	2018

VTD 17-07

Block 054106:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	3000

Plan Components (Short)

District 40

County Wake NC

VTD 17-07

  Block 054106:

3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3015	3016	3017	3018	3019	4000	4001	4002	4003	4004	4005
4006	4007	4008	4009	4017	4028	4029	4030	4031			

  Block 054118:

| 1021 | 1031 | 2026 |

VTD 17-10

VTD 17-11

  Block 054116:

| 3002 | 3005 | 3006 | 3007 | 3008 | 3009 | 3010 | 3011 | 3012 | 3013 | 3014 |

  Block 054117:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	2000	2001	2002	2009	2010
2011	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	3002	3003	3004	3005	3006	3007	3008	3009
3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021

VTD 17-12

  Block 054114:

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
| 2012 | 2013 | 2014 | 2015 | 3003 | | | | | | | |

  Block 054115:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026									

VTD 17-13

District 41

County Wake NC

VTD 04-09

  Block 053523:

| 1017 | 1023 | 2000 | 2006 |

VTD 04-13

  Block 053425:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 |

VTD 05-01

VTD 05-03

VTD 05-06

VTD 05-07

VTD 05-08

VTD 20-10

  Block 053408:

| 1000 | 1001 |

  Block 053425:

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |

  Block 053603:

| 2042 | 2043 | 2044 | 2048 | 2049 |

Plan Components (Short)

District 41

County Wake NC

VTD 20-14

Block 053410:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1032	1034	1048	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026											

Block 053411:

1063	1064	1065	1068	1069	1070	1071	1072	1073	1074	1075	1076
1077	1079	2019									

VTD 20-15

VTD 20-16

VTD 20-17

District 42

County Cumberland NC

VTD BEAVER DAM-G6

VTD BLACK RIVER-G7

VTD CEDAR CREEK-G6

VTD CROSS CREEK 02-G1

VTD CROSS CREEK 03

Block 002001:

1002	1003	1004	1011

Block 002200:

1017	1018	1019	1020	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2029						

Block 002302:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	2002	2009	2011	2013	2014

VTD CROSS CREEK 09-G2

VTD CROSS CREEK 16

VTD CROSS CREEK 17

VTD CROSS CREEK 21

Block 000900:

2002	2003

Block 002100:

1000	1001	1003	1005	1006	1007	1012

Block 002301:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	2002	2016	2017	2018	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	3000	3001	3002	3003	3004	3005	3006
3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018

Block 002302:

2015	2017	2018	2019	2020	2021

VTD CROSS CREEK 22-G2

Plan Components (Short) Optimized State House Map

District 42

County Cumberland NC
    VTD CROSS CREEK 23-G2C-1
    VTD EASTOVER 1
    VTD EASTOVER 2
    VTD JUDSON-VANDER-G1
    VTD LINDEN
    VTD LONGHILL-G2
    VTD STEDMAN-G6
    VTD WADE-G7
    VTD WESTAREA-G2E-1
    VTD WESTAREA-G2E-2

District 43

County Cumberland NC
    VTD ALDERMAN
    VTD CROSS CREEK 01
    VTD CROSS CREEK 04
    VTD CROSS CREEK 05
    VTD CROSS CREEK 06
    VTD CROSS CREEK 07
    VTD CROSS CREEK 08
    VTD CROSS CREEK 10
    VTD CROSS CREEK 11-G3
    VTD CROSS CREEK 12
    VTD CROSS CREEK 13
    VTD CROSS CREEK 14
    VTD CROSS CREEK 15
      Block 000600:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	3000
3001	3002	3003	3004	3005	3006	3007	3008	3013	5000	5001	5002
5003	5004	5005	5006	5007	5008	5009	5010	5011	5012	5013	5014
5015	5016	5017	5019	5020							

      Block 001800:

| 1000 | 1007 |

      Block 003800:

| 3038 |

    VTD CROSS CREEK 18
    VTD CROSS CREEK 19
    VTD CROSS CREEK 20-G4
      Block 001701:

1000	1001	1018	1019	1020	1021	1026	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2029
2030	2031	2032	2033								

      Block 001800:

| 1036 | 1037 | 1038 | 1039 | 1040 | 1041 | 1042 | 1043 | 1045 |

    VTD CROSS CREEK 21

Plan Components (Short)

District 43

County Cumberland NC

VTD CROSS CREEK 21

Block 000900:

1000	1001	1005	1006	2000	2001	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013								

Block 002100:

1002	1004	1008	1009	1010	1011	1013	1014

VTD CROSS CREEK 34

Block 000701:

1003	1004	1005	1015	1016	1017	1018	1019	1027

Block 002001:

1029	1030	1031	1032	1033	1034	1036

VTD CUMBERLAND 3-G8

Block 001702:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1015	1017									

VTD HOPE MILLS 2-G9B-1

Block 001606:

1010	1019	1020	1038

Block 003105:

2001	2003	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2017	2018	2019	2020	2021	2022	2023	2024	2026		

Block 003106:

1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1015
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2018	2019	2021	2024	2025	2026	2027
2028	2030	2031									

VTD HOPE MILLS 2-G9B-2

VTD HOPE MILLS 3-G9

VTD PEARCES MILL 2-G3A-1

VTD PEARCES MILL 2-G3A-2

VTD PEARCES MILL 3-G3

VTD PEARCES MILL 4-G4

VTD SHERWOOD

District 44

County Cumberland NC

VTD CLIFFDALE_WEST- 1-CL57

VTD CLIFFDALE_WEST- 2-CL57

VTD CROSS CREEK 03

Block 002200:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2025	2026	2028				

VTD CROSS CREEK 24

Block 002001:

1005	1006	1007	1008	1009	1010	1012	1013	1014	1020	1021	1022
1023	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2023	2025		

Plan Components (Short)

District 44

County Cumberland NC

VTD CROSS CREEK 25
VTD CROSS CREEK 26
VTD CROSS CREEK 27

Block 002001:
2024
Block 003307:
1003
Block 003310:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	2000	2001
2002	2003	2004	2005	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	4000	4001	4002	4003
4004	4006	4007	4008	4009	4010	4012	4013	4014			

Block 003311:

| 1000 | 1001 | 1003 | 1004 | 1005 | 1006 |

Block 003317:
1021
VTD CROSS CREEK 32
VTD CROSS CREEK 33
VTD LAKE RIM
VTD MANCHESTER-G11
VTD MONTIBELLO
VTD MORGANTON RD 2
VTD Spring Lake 3

District 45

County Cumberland NC

VTD ARRAN HILLS
VTD AUMAN-G5A-1
VTD AUMAN-G5A-2
VTD BRENTWOOD-G5
VTD CROSS CREEK 15

Block 001800:

| 1001 | 1002 | 1003 | 2000 | 2001 |

VTD CROSS CREEK 20-G4

Block 001701:

| 1002 | 1003 | 1004 | 1005 | 1014 | 1015 | 1016 | 1017 | 1022 | 1023 | 1024 | 1025 |
| 1027 | 1030 | 1032 | 1033 | 1034 | 2028 | | | | | | |

Block 001702:

| 3006 | 3007 | 3011 |

VTD CROSS CREEK 24

Block 002001:

| 1015 | 1016 | 1017 | 1018 | 1019 | 1024 | 1025 | 1026 | 1027 | 1028 | 1037 | 2019 |
| 2020 | 2021 | 2022 | | | | | | | | | |

Block 002002:
1001
Block 003302:
3000

District 45

County Cumberland NC

VTD CROSS CREEK 27

　Block 003311:

　2000　2001　2002　2003　2004　2005　2006　2007　2008　2009

VTD CROSS CREEK 28-G5B-1

VTD CROSS CREEK 28-G5B-2

VTD CROSS CREEK 29

VTD CROSS CREEK 30-G4

VTD CROSS CREEK 31

VTD CROSS CREEK 34

　Block 000701:

　1020　1021　1022　1023　1024　1025

　Block 002002:

　1000　4000　4001　4002　4003

VTD CUMBERLAND 1A-G8

VTD CUMBERLAND 2

VTD CUMBERLAND 3-G8

　Block 001701:

　1031

　Block 001702:

　1013　1014　1016　2027　3008　3009　3010

　Block 001901:

　1000　1001　2000　2001　2002　2003　2004　2005　2006　2007　2008　2009

　2010　2011　2012　2013　2014　2015

　Block 001902:

　2007　2008　2009　2010　2011　2012　2013　2023　2024　2025　2026　2027

　2028　2029　2030　2031　2032　2033　2034　2037　2038　2039　2040　2041

VTD CUMBERLAND 4-G8

VTD HOPE MILLS 1A-G8

VTD HOPE MILLS 2-G9B-1

　Block 001605:

　1028

　Block 003102:

　1000　1001　1003　1008　1009　1011　1015　1016　1017　1018　1019　1020

　1022　1023　1024　1025　1026　1027　1028　1029　1030　1031　1032　1033

　1034　1035　2025　2027　2033　2034　2035　2036　2037

　Block 003103:

　2040　2041　2053　2058　3006　3007　3008　3009　3010　3011　3012　3013

　3014　3015　3016　3017　3018　3019　3020　3021　3022　3023　3024　3025

　3026　3027　3028　3029　3030　3031

　Block 003105:

　1000　1017　1018　1019　1020　1021　1022

VTD HOPE MILLS 4-G10

VTD STONEY POINT 1-G10

VTD STONEY POINT 2-G10

District 46

County Columbus NC

District 46

County Robeson NC

   VTD BRITTS

   VTD EAST HOWELLSVILLE

   VTD LUMBERTON 1

     Block 960701:

     3037

     Block 961301:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
2036	2037	2038	2039	2040	2041	3018	3023	3024	3025	3026	3027
3028	3029	3030	3032	3033	3034	3035	3037	3038	3039	3040	3041
3042	3050	3051	3052	3053	3054						

     Block 961302:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1017	1018	1019	1020	1021	1022	1023	1024	1025
1026	1027	1028	2000	2001	2002	2003	2004	2005	2006		

   VTD LUMBERTON 2

   VTD LUMBERTON 3

   VTD LUMBERTON 4

   VTD LUMBERTON 5

   VTD LUMBERTON 6

   VTD ORRUM

   VTD SMYRNA

   VTD STERLINGS

   VTD WEST HOWELLSVILLE

   VTD WHITEHOUSE

   VTD WISHARTS

District 47

County Robeson NC

   VTD ALFORDSVILLE

   VTD BACK SWAMP

   VTD BURNT SWAMP

   VTD FAIRMONT

   VTD GADDYS

   VTD LUMBER BRIDGE

   VTD LUMBERTON 1

     Block 960701:

3027	3028	3035	3036	3039	3040	3041	3042	3043	3044	3045	3046
3047	3048	3049	3050	3052	3053	3054	3055	3056	3057	3058	3059
3060	3078	3081									

     Block 960702:

2033	2035	2040	2041	2042

     Block 961302:

1015	1016

   VTD LUMBERTON 1A

   VTD LUMBERTON 7

District 47

County Robeson NC

VTD LUMBERTON 8A

VTD MAXTON

VTD NORTH PEMBROKE

VTD OXENDINE

VTD PARKTON

VTD PHILADELPHUS

VTD PROSPECT

VTD RAFT SWAMP

VTD RED SPRINGS

VTD RENNERT

VTD ROWLAND

VTD SADDLETREE

VTD SHANNON

VTD SOUTH PEMBROKE

VTD ST PAULS

VTD THOMPSON

VTD UNION

District 48

County Hoke NC

County Scotland NC

District 49

County Wake NC

VTD 01-16

VTD 04-05

  Block 052401:

1000	1001	1002	1003	1004	1026

  Block 052509:

2005	2006	3001	3002	3003	3005

  Block 053512:

2000	2012

  Block 053521:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010

  Block 980200:

1012	1013	1016	1017	1018

VTD 05-05

VTD 07-01

VTD 07-02

VTD 07-03

VTD 07-07

  Block 053714:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	3000	3001
3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013

  Block 053729:

1005	1006	1007	1008	1009	1010	1011	1012

VTD 07-09

Plan Components (Short)

District 49

County Wake NC

VTD 07-10
VTD 07-12
VTD 08-02
VTD 08-03
VTD 08-05
VTD 08-06
VTD 08-07

Block 053721:

2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2018
2019	2020	2021									

VTD 08-09
VTD 08-10
VTD 08-11
VTD 11-01

Block 052401:

1005	1006	1007	1008	1009	1010	1011	1012	1027	1109	1110	

Block 052509:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2000	2001	2002	2003	2004	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2028	2029	2030	2031	3000	3004	3006	3007	3008	

VTD 11-02

District 50

County Caswell NC

County Orange NC

VTD CALDWELL
VTD CAMERON PARK
VTD CARR
VTD CEDAR GROVE
VTD CHEEKS
VTD COLES STORE
VTD EFLAND
VTD ENO
VTD GRADY BROWN
VTD HILLSBOROUGH
VTD HillsboroughEast
VTD HOGAN FARMS

Block 011209:

1007	1008	1009	1010	2000	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019	2020	2021	2022	2023	3017			

VTD ORANGE GROVE
VTD PATTERSON
VTD ST MARYS
VTD TOLARS
VTD WEST HILLSBOROUGH
VTD WHITE CROSS

Plan Components (Short)

District   51

County Lee NC

VTD C1

VTD C2

VTD D1

VTD D2

Block 030101:

4007	4008	4009

Block 030102:

1006	1007	1008	1009	1010	1011	1012	1013	1015	1016	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	2000	2001	2002	2003	2004	2005	2006
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
2044	2045	2046	2047	2048	2049	2050	2051	3000			

Block 030601:

1000	1002	1052	1053	1054	1055	1056	1057	2043	2044	2045	2046
2047	2049										

County Moore NC

VTD BENSALEM

VTD CAMERON

VTD CARTHAGE

VTD DEEP RIVER/HIGH FALLS/RITTER

VTD EAST ABERDEEN

Block 950900:

3049

Block 951001:

3006

Block 951102:

1010	1014	1020	1070	1071

VTD EAST KNOLLWOOD

VTD EASTWOOD

Block 950402:

1082	1084

Block 950404:

1027	1028	1029	1030	1031	1032	1033	1034	1035	1038	1039	1040
1041	1042	1043	2016	2017	2027	2028	2029	2030	2032	2033	2034
2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058
2059	2060	2061	2062	2063							

Block 950603:

4000	4001	4002	4003	4004	4008	4009	4010	4011	4012	4013	4014
4015	4016	4017	4018	4019	4020	4021	4026				

VTD EUREKA/WHISPERING PINES

VTD LITTLE RIVER

VTD NORTH SOUTHERN PINES

District   51

County Moore NC

VTD PINEDENE

Block 950900:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031
3032	3033	3034	3035	3037	3038	3039	3040	3041	3042	3043	3044
3045	3048	3050	3051								

Block 951001:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
2036	2037	2038	2039	3000	3001	3002	3003	3012	3013	3014	3015
3016	3017	3020	3021	3022	3023	3024	3025	3026	3028	3029	3030
3031	3032										

Block 951002:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1012
1013	1014	1015	1016	1017	1018	1019	1020				

Block 951102:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1011	1012
1072	1073	1075	1077	3002	3003	3004	3005	3006			

VTD PINEHURST B1

Block 950801:

4016	4017	4022	4023

VTD PINEHURST B2

Block 950702:

1019	1020

VTD ROBBINS

VTD SOUTH SOUTHERN PINES

Block 950702:

1021	1022	1023	1024	1025	1026	1029	1030	2000	2001	2002

Block 950801:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055
2056	2057	2058	2059	2060	2061	2062	2063	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027
3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039
3040	3041	3042	3043	4020	4021	4024	4025	4026	4027	4028	4029
4030	4031	4032	4033	4034	4035	4036	4037	4039			

Block 951102:

2004	2005	2015	2016	2024	2025	2030	2031	2073

VTD VASS

Plan Components (Short)

District 51

County Moore NC

VTD WEST ABERDEEN

Block 951102:

2017	2018	2019	2020	2021	2022	2027	2032	2052	2067	2068	3007

VTD WEST KNOLLWOOD

Block 950506:

3028	3029	3030	3031	3032	3033	3034	3037	3038	3040	3041	3042
3043	3044	3045									

Block 950604:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2020	2021	2033	2034	2035
2036	2037	2038	2039	2040	2041	2042	2043	2058			

Block 950802:

2000	2001	2002	2003	2004	2005	2006	2018	2019	2020	2021	2022
2023	2024	2028	2029	2030	2031	2032	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027	3028
3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039	3040
3041	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3052
4028											

VTD WESTMOORE

District 52

County Moore NC

VTD EAST ABERDEEN

Block 950900:

3046

Block 951001:

3004	3005	3007	3008	3009	3010	3018	3019

Block 951101:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2040	2041	2042	2043	2044	2045	2047	2048	2049	2050	2051
2052	2053	2055	2056	2057	2058						

Block 951102:

1013	1015	1016	1017	1018	1019	1021	1022	1023	1024	1025	1026
1027	1029	1030	1031	1041	1042	1043	1044	1045	1046	1047	1048
1049	1050	1051	1054	1055	1056	1057	1061	1062	1063	1064	1065
1066	1067	1068	1069	1074	1076	3029	3030	3031	3032	3033	3034
3035	3036	3037	3038	3039	3052						

VTD EASTWOOD

Block 950603:

3000	3001	3002	3010	3011	3014	4005	4006	4007	4022	4023	4024
4025	4027	4028	4029								

Block 950604:

Plan Components (Short)

District 52

County Moore NC

VTD EASTWOOD

  Block 950604:

  2027   2028   2029

VTD PINEBLUFF

VTD PINEDENE

  Block 950900:

  3036   3047   3053

  Block 951001:

  3011   3027

  Block 951002:

  1011

  Block 951102:

  1028   3000   3001   3009   3028

VTD PINEHURST A1

VTD PINEHURST A2

VTD PINEHURST B1

  Block 950604:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	2024	2025	2026	2030
2031	2032	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053
2054	2055	2056	2057								

  Block 950801:

4000	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011
4012	4013	4014	4015	4018	4019						

  Block 950802:

2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2025
2026	2027										

VTD PINEHURST B2

  Block 950702:

1000	1001	1002	1003	1004	1005	1006	1008	1009	1012	1013	1014
1015	1016	1017	1018	1027	1028	1032	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2022	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
2034	2035	2036	2037	2038	2039	2040	2041	2042	2056	2057	2058

  Block 951102:

2000	2001	2002	2003	2006	2007	2008	2009	2011	2012	2013	2014
2092											

VTD PINEHURST C

VTD SEVEN LAKES

VTD SOUTH SOUTHERN PINES

  Block 950702:

  1031

  Block 950801:

  4038

  Block 951102:

  2028

District 52

County Moore NC

VTD TAYLORTOWN

VTD WEST ABERDEEN

Block 950306:

1045	1046	1049	1050	1052	1053	1054

Block 950702:

2021	2023	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052
2053	2054	2055	2059	2060	2061	2062	2063			

Block 950703:

2012	2021	2028	2029	2030	2031

Block 951101:

2033	2034	2035	2036	2037	2038	2039	2046	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3016	3017	3018	3019	3020	3021	3022	3023	3024	3025	3026	3027
3028	3029	3030	3031	3032	3033	3034	3035	3036	3037	3038	3039
3040	3041	3042	3043	3044	3045	3046	3047	3048			

Block 951102:

1032	1033	1034	1035	1036	1037	1038	1039	1040	1052	1053	1058
1059	1060	2010	2023	2026	2029	2033	2034	2035	2036	2037	2038
2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
2051	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063
2064	2065	2066	2069	2070	2071	2072	2074	2075	2076	2077	2078
2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090
2091	3008	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027	3040	3041	3042	3043
3044	3045	3046	3047	3048	3049	3050	3051			

Block 951200:

1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017
1018	1022	1024	1025							

VTD WEST END

VTD WEST KNOLLWOOD

Block 950603:

4030

Block 950604:

2019	2022	2023

County Richmond NC

District 53

County Harnett NC

VTD BLACK RIVER

Block 070801:

1000

Block 070901:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	

Plan Components (Short) Optimized State House Map

District 53

County Harnett NC

VTD BLACK RIVER

Block 070902:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1054	1055	1058	1059	1060	1063					

Block 070903:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1030	1031	1034	1037	1038					

Block 070904:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015		

Block 071004:

1009

VTD CENTRAL HARNETT NEILLS CREEK

Block 070401:

2050 2051

Block 070801:

| 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 | 1012 |
| 1040 | 1041 | 1042 | 1043 | | | | | | | | |

Block 070802:

1000	1001	1014	1018	1019	1020	1025	1026	1027	2003	2004	2005
2006	2007	2009	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2022	2023	2024	3000	3001	3002	3003	3004	3005	3006	3007
3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019
3020	3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031
3032	3033	3034	3035	3036	3037	3038	3039	3040			

Block 070903:

| 1026 | 1027 | 1028 | 1029 | 1032 | 1033 | 1035 | 1036 | 1039 | | | |

VTD COATS/GROVE

VTD EAST AVERASBORO

VTD ERWIN/DUKE

VTD STEWARTS CREEK

Block 070600:

2014 2015 2016 2051

VTD WEST AVERASBORO

County Johnston NC

VTD BANNER

VTD NORTH ELEVATION

Block 041206:

1001

Block 041504:

District 53											
County Johnston NC											

VTD NORTH ELEVATION

Block 041504:

3000	3001	3002	3003	3004	3005	3007	3008				

Block 041505:

1000	1001	1002	1003	1004	1008	1010	1011	1012	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016										

Block 041509:

1003	1006	1007	1008	1009	1010	1011	3006				

VTD NORTH PLEASANT GROVE 1

VTD NORTH PLEASANT GROVE 2

VTD SOUTH ELEVATION

VTD SOUTH PLEASANT GROVE

VTD SOUTHWEST CLEVELAND

Block 041112:

1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
1022	1023	1024	1025	1026	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		

Block 041113:

1000	1001	1002	1003	1004	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016		

District 54											
County Chatham NC											

VTD BYNUM

VTD EAST WILLIAMS

VTD HADLEY

VTD MANNS CHAPEL

VTD NEW HOPE

VTD NORTH WILLIAMS

VTD OAKLAND

VTD PITTSBORO

VTD THREE RIVERS

VTD WEST WILLIAMS

County Lee NC

VTD A1

VTD A2

VTD B1

VTD B2

VTD D2

Block 030102:

1000	1001	1002	1003	1004	1005	1014					

Block 030601:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
2040	2041	2042	2048								

District	54

County Lee NC

　VTD D2

　　Block 030703:

1005	1017	1018	1021	1022	1044	1045

　VTD E1

　VTD E2

District	55

County Anson NC

County Union NC

　VTD ALLENS CROSSROADS VFD

　VTD BEAVER LANE VFD

　VTD BENTON HEIGHTS CHURCH OF GOD

　VTD CROSSROADS AME ZION CHURCH

　VTD ELLEN FITZGERALD SENIOR CENTER

　VTD EUTO BAPTIST CHURCH

　VTD GRACE BAPTIST CHURCH

　　Block 020308:

2000	2006	2025	2026	2027	2028	3000	3001	3002	3003	3004	3005
3006	3007	3008	4005	4006	4008	4009	4011			

　　Block 020403:

3000	3001	3002	3003	3004	3005	3006	3007	3008

　　Block 021005:

1000

　VTD GRIFFITH ROAD VFD

　VTD MIDWAY BAPTIST CHURCH

　　Block 020100:

2039	2040	3013	3019	3020	3021	3024	3025	3026	3028	3029	3030
3034	3035	3036	3037	3038	3039	3040	3041	3042	3043	3044	3045
3046	3047	3048	3049	3050	3051	3052	3053	3054	3055	3056	3057
3059	3068									

　　Block 020601:

3008	3009	3010	3017	3018	3019	3020	3021	3030	3031	3032	4007
4008	4012	4014	4015	4016	4017	4018	4019	4020	4021	4027	

　　Block 020701:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1017	1018
3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3014	3015	3016	3017	3028	3029	3042			

　VTD MONROE MIDDLE SCHOOL

　VTD MT. CARMEL METHODIST CHURCH

　　Block 020501:

3002	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014
3015	3016	3046	3047	3048	3049	3050	3051	3052	3053	3054	4000
4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012
4013										

　　Block 020902:

4000	4001	4006	4007	4008

　　Block 021005:

Plan Components (Short)

District 55

County Union NC

VTD MT. CARMEL METHODIST CHURCH

Block 021005:

1018	1019	1042	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2018	2026	2027	2028	2029	2030	2031	2032	2033	2036

VTD NEW SALEM BAPTIST CHURCH

Block 020308:

1000	1001	1002	1003	1004	1027	1028	1029	4000	4001	4002	4003
4004	4007	4010	4012	4013	4014	4015	4016	4017	4018	4019	

Block 020403:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024

Block 020406:

4002   4003

Block 020501:

1009

VTD PROSPECT ELEMENTARY SCHOOL

VTD ROCK REST ELEMENTARY SCHOOL

VTD SPCC CONFERENCE CENTER

Block 020307:

1026	1028	1029	1030	1031	1032	1033	1069	1070	1071	1072	1073
1074	1075	3000	3001	3002	3014	3015	3016	3017	3018	3019	3020

Block 020403:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010

Block 020405:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014									

Block 020406:

3020   4000   4001   4006

VTD ST. LUKES LUTHERAN CHURCH

VTD SUTTON PARK RECREATION CENTER

VTD THE BAZEMORE CENTER

VTD UNION BAPTIST CHURCH

VTD WINGATE COMMUNITY CENTER

District 56

County Orange NC

VTD CARRBORO

VTD CEDAR FALLS

VTD COKER HILLS

VTD COLONIAL HEIGHTS

VTD DAMASCUS

VTD DOGWOOD ACRES

VTD EAST FRANKLIN

VTD EASTSIDE

VTD ESTES HILLS

VTD GLENWOOD

VTD HOGAN FARMS

Plan Components (Short) Optimized State House Map

District	56

County Orange NC
  VTD HOGAN FARMS
    Block 011208:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	3004	4000	4001	4002	4003	4004	4005	4006
4007	4008	4009	4010	4011	4012	4013	4014	4015	4016	4017	4018
4019	4020	4021	4022	4023	4025	4026	4027	4028			

  VTD KINGS MILL
  VTD LIONS CLUB
  VTD NORTH CARRBORO
  VTD NORTHSIDE
  VTD OWASA
  VTD RIDGEFIELD
  VTD ROGER EUBANKS
  VTD ST JOHN
  VTD TOWN HALL
  VTD UNC
  VTD WEAVER DAIRY
  VTD WEAVER DAIRY SAT
  VTD WESTWOOD

District	57

County Guilford NC
  VTD CG2
  VTD CG3A
  VTD CG3B
  VTD G03
    Block 010100:

1000	1001	1002	1003	1004	1005	1006	1007	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1025	1026	1027	1029	1030	1031						

    Block 012705:

1000	1001	1002	1003	1004	1006	1011	1012	1013	1014	1015	1016
1017	1021	1022	1023	1024	1025	1031	1032				

    Block 012706:

1001	1002	1003

  VTD G04
    Block 012706:

1004	1005	1006	1009	1010	1013	1014	1015	1016	1017	1018	1019
1020	2004	2005	2006	2007	2010	2011	2012	2013	2014	2015	

    Block 012707:

1004	1007

  VTD G05
  VTD G06
  VTD G07
  VTD G08
  VTD G09
  VTD G10

Plan Components (Short)

District 57

County Guilford NC

VTD G17
  Block 012508:
    3014   3015   3016   3017   3022   3023   3024   3030
VTD G18
  Block 010401:
    2002   2003   2004   2005   2006
  Block 010403:
    2015   2016
  Block 010404:
    2011   3005   3006   3007   3008   3009   3010   3013   3017   3018   3019   3020
    3021
VTD G19
  Block 010200:
    3021   3022
  Block 010404:
    1017   1018   1019   1020   1021   2000
VTD G20
VTD G21
VTD G22
VTD G23
VTD G24
VTD G25
VTD G26
VTD G27
VTD G28
VTD G31
  Block 012508:
    2025   3001   3002   3005   3006   3007   3008   3009   3010   3011   3012   3013
    3018   3019   3020
VTD MON1
VTD MON2A
VTD MON2B
VTD MON3
VTD NCGR1
  Block 015500:
    3049
  Block 015601:
    1000   1001   1002   1003   1004   1005   1007   1008   1009   1010   1011   1025
    1026   1027   1028   1029   1030   1031   1033   1036   1037   1038
  Block 015602:
    1025   1026   1027   1049   1050
  Block 015706:
    2002   2003   2004
VTD NCGR2
  Block 015601:
    2002   2003   2004   2005   2006   2007   2008   2009   2010   2011   2012   2031

Plan Components (Short)

District 57											

County Guilford NC

  VTD NCGR2

   Block 015601:

2041	2042	2043	2044	2045

   Block 015602:

3030	3032

District 58											

County Guilford NC

  VTD FR1
  VTD FR2
  VTD G53

   Block 012804:

1004	1005	1006	1007	1008	1009	1010	1014	1015	1016	1017	1018
1019	1020	1021	1022	1029	2003	2007	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3012	3013	3014	3015	3016		

   Block 016800:

2023	2024

  VTD G54
  VTD G55
  VTD G56
  VTD G57
  VTD G58
  VTD G59
  VTD G60
  VTD G61
  VTD G62
  VTD G64

   Block 016011:

1001	1002	1003	2036	2059	2062

   Block 016405:

1000	1001	1002	1003	1004	1005	1006	1007	1009	1014	1015	1016
1017	1018	1019	1020	1023	1024	1031	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1062	1063				

   Block 016406:

2000

   Block 016503:

1000	1001	1002	1003	1004	1005	1006	1007

  VTD G65
  VTD G66
  VTD H04

   Block 014502:

1000	1001	1002	1003	1004	1005	1010	1011

   Block 016600:

1067	1069	1070	1071	1073

  VTD H05
  VTD H06
  VTD H10

District 58

County Guilford NC

VTD H19B

VTD H28

Block 016306:

1018	1028	1029	1030	1031	1032	1033	1034	1035	1040	1041	1042
1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
1055	2041										

Block 016409:

1025	1052	1053	1056	1057	1060	1061	1064	1065	1066	1067	1068
1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080
1081											

VTD H29A

Block 016407:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1025	1026
1027	1028	1042	1043	1044	1047	1049					

Block 016409:

1054	1055	1058	1059	1062	1063

VTD H29B

Block 016405:

1021	1022	1025	1026	1027	1028	1029	1030	1032	1033	1034	1046
1047	1064										

Block 016406:

1003	1005	1006	1008	1009	1011	1012	1016	1017	1018	1019	1020
1021	1022	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2017	2018	2019	2020	2032	2033	2034	2038	2039	2040	2041	2042
2043											

VTD JAM1

VTD JAM2

VTD JAM3

VTD JAM4

VTD JAM5

Block 014502:

1006

Block 016600:

1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028	1030	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055
1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1068
1072	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084
1085	1086	1087	1088	1089	1090	1093	1094	1095	1096	1097	1098
1099	1100	1101	1102	1103	1104	1109	1110	1111	1112	1113	1116
1117	1118	1119	1122	1148	1149	1150	1153	1154	1155	1156	1157
1158	1159	1160	1161	1162	1163	1164					

Block 016701:

2045

Plan Components (Short)

District 58

County Guilford NC

VTD JAM5

  Block 016702:

   2039   2040

VTD SUM1

  Block 016502:

2008	2009	2010	2014	2015	2016	2017	2018	2019	2020	2021	2022
2024	2025	2026	2027	2031	2036	2037	2038	2039	2040	2041	2042
2043	2044										

  Block 016701:

1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1033	1034
1043	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2022	2023	2024
2026	2027	2028	2029	2050	2051	2052	2054				

VTD SUM3

  Block 016701:

1044	1072	1073	1074	2020	2021	2025

  Block 016702:

1000	1001	1002	1003	1004	1005	1006	1007	1010	1011	1012	1013
1014	1015	1016	1026	2000	2001	2002	2003	2012			

VTD SUM4

  Block 016600:

   1091   1092

  Block 016702:

1008	1009	1017	1018	2013	2014	2015	2016	2017	2018	2021	2022
2023	2024	2025	2026	2027	2028	2030	2031	2032	2033	2034	2035
2036	2037	2038	2041								

District 59

County Guilford NC

VTD FEN1

VTD FEN2

VTD G53

  Block 012804:

1026	1027	1028	2000	2001	2002	2004	2005	2006	3010	3011

  Block 016800:

2006	2007	2008	2009	2010	2011	2013	2014	2015	2016	2017	2018
2019	2020	2022	2028	2031	2042	2043	2044	2048			

VTD G71

  Block 011101:

2000	2023	3012	3013	3014	3015	3016	3017	3018	3019	4005	4006
4007	4008	4009	4010	4012	4013	4014					

  Block 012803:

3008	3009	3010

VTD G72

VTD G74

VTD G75

District 59

County Guilford NC

  VTD GIB

  VTD GR

  VTD JEF1

  VTD JEF2

  VTD JEF3

  VTD JEF4

  VTD NCLAY1

  VTD NCLAY2

  VTD NMAD

  VTD NWASH

  VTD PG1

  VTD PG2

  VTD RC1

  VTD RC2

  VTD SCLAY

  VTD SMAD

  VTD SUM1

    Block 016701:

1035	1038	1039	1040	1041	1042	1050	1051	1052	1053	1061

  VTD SUM2

  VTD SUM3

    Block 016701:

1045	1046	1054	1075

  VTD SUM4

    Block 016702:

1019	1024	1025	2019	2020	2029

    Block 016900:

1000	1001	1002	1003	1004	1005	1006	1014	4006	4007	4010	4023

  VTD SWASH

District 60

County Guilford NC

  VTD G64

    Block 016204:

1004	1005	1057	1058	1062

    Block 016405:

1008	1010	1011	1012	1013

  VTD H01

  VTD H02

  VTD H03

  VTD H04

    Block 014501:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1020	1021
1022	1023	1024	1025	1026	1027	1028	1029	1030	1037	1038	1039
1043											

    Block 014502:

1008	1009	1012	1013	1014	1015	1016	1018	1019	1020	1021	1022

District 60

County Guilford NC

  VTD H04

    Block 014502:

1023	1024	1025	1026	1027	1028	1029	1030	1032	1033	1034	1037
1038	1039	1040	1041	1042	1046	1048	1049	1054	1055	1056	1061
1068	1069	1070	1071	1072	1075	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
2030	2031	2032	2033	2034	2035						

    Block 016600:

1128	1135	1136	1137	1140

  VTD H07
  VTD H08
  VTD H09
  VTD H11
  VTD H12
  VTD H13
  VTD H14
  VTD H15
  VTD H16
  VTD H17
  VTD H18
  VTD H19A
  VTD H20A
  VTD H20B
  VTD H21
  VTD H22
  VTD H23
  VTD H24
  VTD H25
  VTD H26
  VTD H27-A
  VTD H27-B
  VTD H28

    Block 016306:

1019	1020	1021	1022	1023	1024	1025	1026	1027	1036	1037	1038
2001	2002	2005	2006	2007	2008	2009	2010	2011	2012	2013	2015
2016	2017	2018	2019	2020	2021	2022	2023	2024	2028	2029	2030
2031	2032	2034	2035	2036	2037	2040					

  VTD H29A

    Block 016306:

1002	1003	1004	1005	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1039	2003							

    Block 016407:

1022	1023	1024	1029	1030	1031	1032	1033	1034	1035	1036	1037
1038	1039	1040	1041	1045	1046	1048					

  VTD H29B

Plan Components (Short)

District 60

County Guilford NC

VTD H29B

Block 016204:

1063	1064	1065	1066

Block 016406:

1000	1001	1002	1004	1007	2011	2012	2013	2014	2015	2016	2021
2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2035	2036
2037	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054
2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066
2067	2068	2069	2070							

VTD JAM5

Block 014502:

1007	1017	1031	1035	1036	1043	1044	1045	1047	1050	1051	1052
1053	1057	1058	1059	1060	1062	1063	1064	1065	1066	1067	1073
1074										

Block 016600:

1105	1106	1107	1108	1114	1115	1120	1121	1123	1124	1125	1126
1127	1129	1130	1131	1132	1133	1134	1138	1139	1141	1142	1143
1144	1145	1146	1147	1151	1152	1165				

VTD SDRI

District 61

County Guilford NC

VTD G01

VTD G02

VTD G03

Block 010100:

1008	1028

Block 011000:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011

VTD G04

Block 012707:

1005	1006	1012	1013	1014	1015	1016	1017	1018	1019	1021	1022
1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034
1035	1036	1037	1038	2000	2001	2010	2011	2012	2013	2014	

VTD G11

VTD G12

VTD G13

VTD G14

VTD G15

VTD G16

VTD G17

Block 010500:

1001	1002	1003	1018

Block 012508:

3021	3025	3026	3027	3028	3029	3031	3032	3033	3034	3035	3036
3037	3038	3039	3040	3041	3042	3043	3044	3045	3046		

Block 012509:

District 61

County Guilford NC

VTD G17

  Block 012509:

1021	1032	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043
1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055
1056	1057	1058	1059

VTD G18

  Block 010401:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 |
| 2000 | 2001 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2016 | 2017 |
| 2022 |

  Block 010404:

| 2012 | 2013 | 3014 | 3016 | 3022 | 3025 |

VTD G19

  Block 010200:

| 3017 | 3018 | 3019 | 3020 | 3023 | 3024 | 3025 | 3026 | 3027 | 3028 | 3029 | 3030 |
| 3031 | 3032 |

  Block 010300:

| 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 |

  Block 010404:

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2014	2015
2016	2017	2018	2019	2020	2021	2022	3015	3023	3024	3026	3027
3028	3029	3030

  Block 010800:

| 1000 | 1001 | 1002 | 1004 | 1005 |

VTD G35

  Block 012504:

| 1000 | 1012 |

  Block 012505:

| 2000 | 2001 | 2018 | 2020 | 2021 | 3003 | 3004 | 3005 |

VTD G36

  Block 012504:

| 1001 | 1002 | 1003 | 1004 | 1007 | 2000 | 2001 | 2002 | 2003 | 2004 | 2006 | 2007 |
| 2008 | 2009 | 2010 |

  Block 012505:

| 1020 | 1021 | 1023 | 1024 | 1025 | 2022 |

VTD G37

VTD G44

VTD G45

VTD G46

VTD G47

VTD G48

VTD G49

VTD G50

VTD G51

VTD G52

VTD G63

Plan Components (Short)

District 61

County Guilford NC

VTD G64

Block 016011:

1000	2064	2065	2066	2067	2069	2070	2071	2072	3000	3001	3002
3003	3004	3005	3006								

VTD G67

VTD G68

VTD G69

VTD G70

VTD G71

Block 011000:

1043	1044	1048	1051

Block 011101:

1000	1001	1002	1003	1004	1005	1006	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	3000	3001	3002	3003	3004	3005	3006
3007	3008	3009	3010	3011	4003	4004					

Block 012707:

2015

VTD G73

District 62

County Guilford NC

VTD CG1

VTD FR3

VTD FR4

VTD FR5A

VTD FR5B

VTD G17

Block 012509:

1014	1022	1023	1024	1026	1027	1028	1029	1031	1033

VTD G29

VTD G30

VTD G31

Block 012508:

1005	1006	1007	1012	1013	1014	1015	1016	1017	1018	1019	2008
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2021
2022	2023	2024	3000	3003	3004						

Block 012509:

1013	1015	1016	1017	1018	1019	1020	1025

VTD G32

VTD G33

VTD G34

VTD G35

Block 012505:

1000	1001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2019					

VTD G36

Plan Components (Short)

District 62

County Guilford NC

   VTD G36

     Block 012505:

| 1002 | 1003 | 1004 | 1005 | 1006 | 1011 | 1017 | 1018 | 1019 | 1022 | 1026 |

   VTD G38

   VTD G39

   VTD G40A1

   VTD G40A2

   VTD G40B

   VTD G41A

   VTD G41B

   VTD G42A

   VTD G42B

   VTD G43

   VTD G64

     Block 016011:

2017	2018	2019	2020	2021	2022	2025	2026	2028	2029	2030	2031
2032	2033	2034	2035	2037	2038	2039	2040	2041	2042	2043	2044
2045	2046	2047	2048	2049	2050	2053	2054	2055	2057	2058	2060
2061	2063	2068									

     Block 016204:

| 1000 |

     Block 980100:

| 1039 | 1040 |

   VTD NCGR1

     Block 015601:

| 1006 | 1012 | 1013 | 1014 | 1015 | 1016 | 1017 | 1018 | 1019 | 1020 | 1021 | 1022 |
| 1023 | 1024 | 1032 | 1034 | 1035 | | | | | | | |

     Block 015704:

| 1004 | 1006 | 1007 | 1008 |

     Block 015800:

| 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 |
| 2029 | 2030 | 2036 | 2037 | 2039 | 2040 | 2041 | 2042 | 2048 | | | |

   VTD NCGR2

     Block 015601:

2013	2014	2015	2018	2019	2020	2021	2022	2023	2027	2028	2029
2030	2032	2033	2034	2035	2036	2037	2038	2039	2040	2046	2047
2048	2049	2050									

     Block 015800:

| 2000 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2012 | 2013 | 2014 | 2015 |
| 2016 | 4041 | 4042 | | | | | | | | | |

   VTD NDRI

   VTD OR1

   VTD OR2

   VTD SF1

   VTD SF2

   VTD SF3

Plan Components (Short)

District 62

County Guilford NC

    VTD SF4

    VTD STOK

District 63

County Alamance NC

    VTD BOONE 5

      Block 020400:

1009	1010										

      Block 020501:

1000	1001	1002	1005	1006	1007	1008	1009	1010	1011	1012	1013
1014	1015	1016	1020	1021	1022	1024	1025	1043	1044	1055	

      Block 020502:

3018

      Block 021500:

3009	3011	3024

      Block 021600:

1015	1023	1024	1025	1026	1030	1031	1032	1033	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	4000
4001											

    VTD BURLINGTON 10

    VTD BURLINGTON 4

    VTD BURLINGTON 7

    VTD BURLINGTON 8

    VTD EAST BURLINGTON

    VTD EAST GRAHAM

    VTD FAUCETTE

    VTD GRAHAM 3

    VTD HAW RIVER

    VTD MORTON

    VTD NORTH BURLINGTON

    VTD NORTH GRAHAM

    VTD NORTH MELVILLE

    VTD PLEASANT GROVE

    VTD SOUTH BURLINGTON

    VTD SOUTH MELVILLE

      Block 021205:

1000	1001	1002	1003	1004	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042
2043	3000	3013	3014	3015	3016	3017	3018	3020	3021	3022	3023
3024	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036	3037
3038	3039	3040	3041	3042	3043	3044	3045	3057			

      Block 021206:

1000	1001	1002	1003	1004	1010	1011	1012	2000	2001	2002	2003
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027

Plan Components (Short)

District 63

County Alamance NC

VTD SOUTH MELVILLE

Block 021206:

2028	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010
3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022
3023	3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034
3035	3036										

VTD WEST BURLINGTON

VTD WEST GRAHAM

District 64

County Alamance NC

VTD ALBRIGHT

VTD BOONE 5

Block 020501:

1017	1018	1019	1023	1029	1030	1031	1032	1033	1034	1035	1036
1037	1038	1039	1042								

Block 021600:

3006	3007	3008	3009	3010	3012	3013	3014	3015	3016	3017	3018
3019	3020	3021	3022	3023	3029	3031	3032	4002	4003	4004	4005
4006	4007	4008	4009	4010	4011	4012	4013	4014	4015	4016	4017
4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028	4029
4030	4031	4032	4033	4034	4035	4036	4037	4038	4039	4040	4041
4042	4043	4044	4045	4046	4047	4048	4049				

VTD BURLINGTON 5

VTD BURLINGTON 6

VTD BURLINGTON 9

VTD CENTRAL BOONE

VTD COBLE

VTD GRAHAM 4

VTD MELVILLE 3

VTD NORTH BOONE

VTD NORTH BOONE 2

VTD NORTH NEWLIN

VTD NORTH THOMPSON

VTD PATTERSON

VTD SOUTH BOONE

VTD SOUTH GRAHAM

VTD SOUTH MELVILLE

Block 021205:

3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3019	3025	3026	3046	3047	3048	3049	3050	3051	3052	3053	3054
3055	3056	3058	3059	3060	3061	3062	3063	3064	3065	3066	3067
3068	3069	3070	3071	3072	3073	3074	3075	3076	3077		

VTD SOUTH NEWLIN

VTD SOUTH THOMPSON

VTD WEST BOONE

District 65

Plan Components (Short)

District   65

County Rockingham NC

District   66

County Wake NC

VTD 01-46

  Block 052704:

2000	2006	3001	3003	3004	3005	3006	3007				

  Block 054018:

1028	1029	1030	1031	1032	1034	1035

VTD 13-01

  Block 054008:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	3001	3002	3003	3004	3005	3006	3007
4000	4001	4002									

  Block 054018:

1019	1024	1025	1026	1027	1033

  Block 054116:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1050	1051
1052	1054	1057	1058	1059	1060	1061	1062	1063	1064	2000	2002
2003	2004	2005	2006	2007							

VTD 13-05

  Block 054017:

1000	1001	1002	1003	1006	1007	1008	1009	1010	1011	1012	1013
1014	1044	1045	1046	1047	1048	1049					

  Block 054018:

1000	1001	1002	1003	1004	1005	1006	1008	1020	1021	1022	1023
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2026									

VTD 13-06

  Block 054016:

2000	2001	2002	2018	2019	2020	2021	2022	2023	2024

VTD 13-07

VTD 13-08

VTD 13-09

VTD 17-04

  Block 054111:

1001	1006

  Block 054113:

1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016
1017	1020	1030	1031	1041	2000	2001	2002				

  Block 054120:

1015	1016	1017	1018

  Block 054121:

Plan Components (Short)

District 66

County Wake NC

VTD 17-04

  Block 054121:

2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042

VTD 17-11

  Block 054116:

1046	1047	1048	1049	1053	1065	2001	2010	2011	2012	3000	3001
3003	3004										

  Block 054117:

1000	3000	3001

VTD 19-09

  Block 054214:

1017

  Block 054215:

2003	2004	2005	2006	2007	2008	2013	2014	2015	2017	2018	2019
2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
2032	2033	2038	2039	2040							

  Block 054221:

1051	1052	1053	1055

VTD 19-12

  Block 054219:

2006	2009	2011	2017	2020	2031	2032	2033	2034	2035	2036	2037
2038	2039	2040	2041	2042	2043	2044	2046	2047	2048	2049	

  Block 054220:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1016	1017	1020	1029	1030	1031	1032	1033	1034
2012	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026	2027	2029	2030	2031	2032	2033	2034	2035	2036	2037	

VTD 19-16

  Block 054120:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1019	1020	1021						

  Block 054121:

1000	1001	1002	1003	1017	1024	1025	1026	1029	1030	1031	1032
1033											

  Block 054215:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	

VTD 19-17

VTD 19-18

  Block 054221:

3023	3024	3025	3026

  Block 054222:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2010	2011	2012
2013	2014	2015	4002	4003							

VTD 19-19

VTD 19-20

District	66

County Wake NC
  VTD 19-21

District	67

County Montgomery NC

County Stanly NC

District	68

County Union NC
  VTD GRACE BAPTIST CHURCH
    Block 020308:

2001	2002	2003	2004	2005	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2029
2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
2042	2043	3009									

  VTD KENSINGTON ELEMENTARY SCHOOL
  VTD MARVIN AME ZION CHURCH
  VTD MARVIN ELEMENTARY SCHOOL
  VTD MINERAL SPRINGS VFD
  VTD MT. CARMEL METHODIST CHURCH
    Block 021005:

1016	1017	1034	2011	2012	2013	2014	2024	2025	2034	2035	3015
3016										

  VTD NEW SALEM BAPTIST CHURCH
    Block 020308:

1005	1006	1007	1008	1009	1022	1023	1024	1025	1026	1030	1031
1032	1033	1034	1035	1036	1037	1038	1039	1040	1041		

  VTD PROVIDENCE VFD
    Block 021019:

1003	1004	1005	1006	1007	1008	1009	1011	1012	1013	1014	1015
1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027
1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039
2000	2001	2002	2003	2007	2015	3000	3001	3002	3003	3004	3005
3006	3007	3008									

  VTD SANDY RIDGE ELEMENTARY SCHOOL
  VTD SHILOH ELEMENTARY SCHOOL
    Block 020317:

3015	3016	3017

  VTD SILER PRESBYTERIAN CHURCH
  VTD SPIRIT OF JOY LUTHERAN CHURCH
    Block 020315:

1015	1016	1017	1020	1021	1022	1023	1024	1025	1026	1027	1028
1029	1031	1032	1033	1034	1035	2018	3011	3012	3013	3014	

    Block 021019:

2004	2005	2006	2008	2009	2010	2011	2012	2013	2014	2016

  VTD STALLINGS UNITED METHODIST CHURCH
    Block 021019:
    1002
  VTD STALLINGS VFD

Plan Components (Short)

District 68

County Union NC

VTD STALLINGS VFD

Block 020316:

| 1031 | 1032 | 1034 | 1035 | 1036 | 1037 | 1038 | 1040 | 1041 | 1042 | 1044 |

Block 020317:

| 3018 | 3019 | 3020 | 3021 | 3026 |

VTD TIRZAH PRESBYTERIAN CHURCH

VTD WALKERSVILLE PRESBYTERIAN CHURCH

VTD WAXHAW BIBLE CHURCH

VTD WAXHAW ELEMENTARY SCHOOL

VTD WAXHAW VFD

VTD WEDDINGTON ELEMENTARY SCHOOL

VTD WESLEY CHAPEL ELEMENTARY SCHOOL

Block 020307:

| 2011 | 2012 | 2013 | 2014 | 3023 | 3024 |

Block 020308:

| 1010 | 1011 | 1012 | 1013 | 1014 | 1015 | 1018 | 1019 | 1020 | 1021 |

Block 020317:

| 3022 | 3023 | 3024 |

Block 021020:

| 1000 | 1001 | 1002 | 2000 | 2001 | 2002 | 2003 |

Block 021021:

| 2024 | 2025 |

District 69

County Union NC

VTD BENTON HEIGHTS PRESBYTERIAN CHURCH

VTD BETHLEHEM PRESBYTERIAN CHURCH

VTD BRANDON OAKS CLUBHOUSE

VTD FAIRVIEW ELEMENTARY SCHOOL

VTD GRACE UNITED METHODIST CHURCH

VTD HEMBY BRIDGE ELEMENTARY SCHOOL

VTD INDIAN TRAIL LIBRARY

VTD LAKE PARK COMMUNITY CENTER

VTD LIFELINE COMMUNITY CHURCH

VTD MIDWAY BAPTIST CHURCH

Block 020100:

3027	3031	3032	3033	3060	3061	3062	3063	3064	3065	3066	3067
3069	3070	3071	3072	3073	3074	3075	3076	3077	3078	3079	3080
3081	3082	3083

Block 020601:

3000	3001	3002	3003	3004	3005	3006	3007	3011	3012	3013	3014
3015	3016	3022	3023	3024	3025	3026	3027	3028	3029	4000	4001
4002	4003	4004	4005	4006	4009	4010	4011	4013

VTD NEXT LEVEL CHURCH

VTD PORTER RIDGE ELEMENTARY SCHOOL

VTD PROVIDENCE VFD

Block 021019:

Plan Components (Short)

District 69

County Union NC

VTD PROVIDENCE VFD

Block 021019:

1010

VTD ROCK HILL AME ZION CHURCH

VTD SARDIS ELEMENTARY SCHOOL

VTD SHILOH ELEMENTARY SCHOOL

Block 020307:

1051	1054	1055	1057

Block 020317:

1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3028

VTD SPCC CONFERENCE CENTER

Block 020307:

1019	1020	1021	1022	1027	1034	1035	1036	1042	1043	1044	1045
1046	1047	1048	1049	1050	1052	1053	1056	1058	1059	1060	1061
1062	1063	1064	1065	1066	1067	1068	2001	2004	2005	2006	2007
2008	2009	3003	3004	3005	3006	3007	3008	3011	3012	3013	

VTD SPIRIT OF JOY LUTHERAN CHURCH

Block 020314:

1026	1030	1031	1032	1033	1034	3003	3004	3006	3016	3017	3018
3019	3020										

Block 020315:

1006	1007	1008	1009	1010	1011	1012	1013	1014	1018	1019	1030
2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2019	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010						

VTD STALLINGS UNITED METHODIST CHURCH

Block 020312:

1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1048	1051
1052	1053	1058	1061	1062	1063	1064	1065	1066	1067		

Block 020313:

1000	1002	1003	1004	1005	1006	1007	1008	1009	1010	1013	1014
1015	1018	1029	1030	1031	1035	1036	1037				

Block 020314:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1027	1028	1029	1035	1038	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	3000	3001	3002	3005	3007	3008	3009	3010	3011	3012
3013	3014	3015									

Block 021019:

1000	1001

VTD STALLINGS VFD

Block 020314:

Plan Components (Short)

District 69

County Union NC

VTD STALLINGS VFD

Block 020314:

1036	1037

Block 020315:

1000	1001	1002	1003	1004	1005

Block 020316:

1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015
1016	1017	1018	1019	1020	1021	1022	1023	1024	1026	1027	1028
1029	1030	1033	2016								

VTD UNIONVILLE VFD

VTD WESLEY CHAPEL ELEMENTARY SCHOOL

Block 020307:

2000	2002	2003	2010	2015	2016	3009	3010	3021	3022

Block 020308:

1016	1017

District 70

County Randolph NC

VTD ARCHDALE

VTD ASHEBORO EAST

VTD ASHEBORO NORTH

VTD ASHEBORO WEST

VTD BACK CREEK

VTD LEVEL CROSS

VTD NEW MARKET

VTD RANDLEMAN

VTD TABERNACLE

VTD TRINITY

VTD TRINITY TABERNACLE

District 71

County Forsyth NC

VTD ARDMORE BAPTIST CHURCH

VTD COVENANT PRESBYTERIAN

VTD EASTON ELEMENTARY SCHOOL

VTD FELLOWSHIP BAPTIST

VTD FIRST ALLIANCE CHURCH

VTD FOREST PARK ELEMENTARY

VTD FORSYTH TECH WEST CAMPUS

Block 002100:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	2008								

Block 002200:

1021	1022	1024	1026	1027	1028	1029	1030	1031	1032	1033	1034
1035											

Block 003804:

1000	1001	1002	1004	1005	1006	1007	1011	1012	1028

VTD FRIEDLAND MORAVIAN

Plan Components (Short)

District 71

County Forsyth NC

VTD FRIEDLAND MORAVIAN

Block 003402:

| 1011 | 1024 | 1025 | 1026 | 1027 | 1028 | 1029 | 2014 | 2015 | 2016 | 2017 | 2019 |
| 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2045 | |

Block 003403:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1025	2002	2003	2004	2005	2006	2013					

Block 003404:

| 2009 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| 2024 | 2025 | 2026 | | | | | | | | | |

VTD GRIFFITH FIRE STATION

VTD HILL MIDDLE SCHOOL

VTD LATHAM ELEMENTARY

VTD MILLER PARK RECREATION

VTD PARKLAND HIGH SCHOOL

VTD PARKWAY UNITED CHURCH OF CHRIST

VTD PHILO MIDDLE SCHOOL

VTD PIEDMONT BAPTIST COLLEGE

VTD SHEPHERDS CENTER

VTD SIMS RECREATION CENTER

VTD ST ANDREWS METHODIST

VTD TRINITY MORAVIAN CHURCH

VTD WARD ELEMENTARY SCHOOL

VTD WSFC SCHOOLS ADMINISTRATION BLDG

District 72

County Forsyth NC

VTD ARTS COUNCIL THEATER

VTD ASHLEY ELEMENTARY SCHOOL

VTD BETHABARA MORAVIAN CH

VTD BROWN-DOUGLAS REC CTR

VTD BRUNSON ELEMENTARY

VTD CARVER HIGH SCHOOL

VTD EAST WINSTON HERITAGE CENTER

VTD FIRST CHRISTIAN CHURCH

VTD FORSYTH TECH CC MAZIE WOODRUFF CTR

VTD FOURTEENTH STREET REC

VTD GREEK ORTHODOX CHURCH

VTD HANES-LOWRANCE MIDDLE SCHOOL

VTD HOME AND GARDEN BUILDING (FAIRGROUNDS)

VTD JOHN WESLEY AME ZION CHURCH

VTD LEAP ACADEMY AT KENNEDY

VTD MARTIN LUTHER KING REC

VTD MINERAL SPRINGS ELEM SCHOOL

VTD MT TABOR HIGH SCHOOL

VTD NORTH HILLS ELEMENTARY SCHOOL

Plan Components (Short)

District 72

County Forsyth NC

VTD OAK SUMMIT UNITED METHODIST CHURCH

Block 001500:

2000	2001	2002	2003	2004	2007	2008	2009			

Block 002901:

1000	1001	1002	1003	1007	1008	1009	1010	1011	1012	1018	1019
1020	3001	3002	3004	3005	3006	3007	3008	3009	3010	3011	

Block 002903:

1000	1001	1002	1003	1004	1005	1006	1007	1008	3000	3001	3003
3018	3019	3022	3023	3024	3025	3026	3029	3031	3032	3033	3034
3035	3036										

VTD PAISLEY MIDDLE SCHOOL

VTD POLO PARK RECREATION CTR

VTD REYNOLDS HIGH GIRLS GYM

VTD SHERWOOD FOREST ELEM SCHOOL

VTD SOUTH FORK ELEMENTARY

VTD ST ANNES EPISCOPAL

VTD SUMMIT SCHOOL

VTD TRINITY UNITED METHODIST CHURCH

VTD WHITAKER ELEMENTARY

District 73

County Cabarrus NC

VTD 01-02

VTD 01-04

VTD 01-07

VTD 01-08

VTD 01-10

VTD 01-11

VTD 02-02

VTD 02-03

VTD 02-05

VTD 02-07

VTD 10-00

VTD 11-01

VTD 12-09

VTD 12-12

District 74

County Forsyth NC

VTD CALVARY BAPTIST CHURCH - BOY SCOUT HUT

VTD CLEMMONS CIVIC CENTER

VTD CLEMMONS ELEMENTARY

VTD CLEMMONS PRESBYTERIAN

VTD FORSYTH FRIENDS MEETING

VTD FORSYTH TECH WEST CAMPUS

Block 003804:

1003

Block 003805:

Plan Components (Short)

District 74

County Forsyth NC

  VTD FORSYTH TECH WEST CAMPUS

    Block 003805:

1007	1008	1009	1010	1011	1012	1013	1014	1016	1017	1018	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026	2027	2028	2029	2030	2031	2032	4000	4004		

    Block 003903:

    2008

  VTD HOLY FAMILY CATHOLIC CHURCH

  VTD JEFFERSON MIDDLE

  VTD LEWISVILLE ELEMENTARY SCHOOL

  VTD LITTLE CREEK RECREATION

  VTD MEADOWLARK MIDDLE SCHOOL

  VTD MESSIAH MORAVIAN CHURCH

  VTD NEW HOPE AME ZION CHURCH

  VTD PFAFFTOWN CHRISTIAN CHURCH

    Block 002801:

3043	3047	3055	3056	3057	3058	3059	3060	3061	3062	3063	3064
3065	3066										

    Block 004102:

1018	1019	1020	1024	1025	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2021	2022	2023	2026	2039

    Block 004104:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
2004	2005	2006	2010	2011	2012	2013	2014	2015	2016	2017	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010		

  VTD SHILOH LUTHERAN CHURCH

  VTD SOUTHWEST ELEMENTARY

  VTD UNITY MORAVIAN CHURCH

  VTD VFW POST 9010

  VTD VIENNA ELEMENTARY SCHOOL

  VTD W-S FIRST SEVENTH DAY ADVENTIST CHURCH

District 75

County Forsyth NC

  VTD BEESONS CROSSROADS FIRE

  VTD BELEWS CREEK FIRE

  VTD CASH ELEMENTARY SCHOOL

  VTD EAST FORSYTH HIGH SCHOOL

  VTD FRIEDLAND MORAVIAN

    Block 003310:

    2015   2016   2017

    Block 003402:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1012
1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1030

District 75

County Forsyth NC

    VTD FRIEDLAND MORAVIAN

      Block 003402:

1031	1032	2011	2012	2013	2018	2030	2031	2032	2033	2034	2035
2036	2037	2038	2039								

      Block 003403:

1000	2000	2001	2007	2008	2009	2010	2011	2012

    VTD GLENN HIGH SCHOOL

    VTD GOOD SHEPHERD MORAVIAN

    VTD IBRAHAM ELEMENTARY

    VTD KERNERSVILLE 7TH DAY ADVENTIST CHURCH

    VTD KERNERSVILLE ELEMENTARY

    VTD KERNERSVILLE LIBRARY

    VTD KERNERSVILLE RECREATION

    VTD OAK SUMMIT UNITED METHODIST CHURCH

      Block 002903:

3002	3007	3008	3027	3028

    VTD PINEY GROVE ELEMENTARY

    VTD PINEY GROVE FIRE STATION

    VTD PROVIDENCE MORAVIAN CHURCH

    VTD SEDGE GARDEN ELEMENTARY

    VTD SEDGE GARDEN REC CTR

    VTD SOUTHEAST MIDDLE SCHOOL

    VTD UNION CROSS ELEMENTARY SCHOOL

    VTD WALKERTOWN LIBRARY

    VTD WINSTON LAKE FAMILY YMCA

District 76

County Rowan NC

    VTD BARNHARDT MILL

    VTD EAST SPENCER

    VTD EAST WARD

    VTD ELLIS

    VTD FAITH

    VTD FRANKLIN

    VTD GOLD KNOB

    VTD GRANITE QUARRY

    VTD HATTERS SHOP

    VTD MILFORD HILLS CITY

    VTD MILFORD HILLS COUNTY

    VTD MORGAN 1

    VTD MORGAN 2

    VTD NORTH LOCKE

    VTD NORTH WARD

    VTD ROCKWELL

    VTD SOUTH LOCKE

    VTD SOUTH WARD

    VTD SPENCER

Plan Components (Short)

District 76

County Rowan NC
    VTD SUMNER
    VTD TRADING FORD
    VTD WEST INNES
    VTD WEST WARD 1
    VTD WEST WARD 2
    VTD WEST WARD 3

District 77

County Davie NC
County Rowan NC
    VTD CLEVELAND
    VTD MT. ULLA
    VTD SCOTCH IRISH
    VTD STEELE
    VTD UNITY
County Yadkin NC

District 78

County Chatham NC
    VTD ALBRIGHT
    VTD BENNETT
    VTD BONLEE
    VTD EAST SILER CITY
    VTD GOLDSTON
    VTD HARPERS CROSSROADS
    VTD HICKORY MOUNTAIN
    VTD WEST SILER CITY
County Randolph NC
    VTD ASHEBORO SOUTH
    VTD DEEP RIVER
    VTD GRANT
    VTD LIBERTY
    VTD PROVIDENCE
    VTD RAMSEUR
    VTD SOUTHEAST
    VTD SOUTHERN
    VTD SOUTHWEST
    VTD STALEY
    VTD UNION GROVE

District 79

County Currituck NC
County Dare NC
County Hyde NC
County Pamlico NC
County Washington NC
    VTD SCUPPERNONG
    VTD SKINNERSVILLE

District 80

Plan Components (Short)

District   80

County Davidson NC

VTD ABBOTTS CREEK 1 86A

VTD ABBOTTS CREEK 2 88

VTD ARCADIA 04

VTD GUMTREE 16

VTD LIBERTY 42

  Block 061102:

3034	3036	3037	3040

  Block 061903:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1024	1027	1028	1029	1033	1036	1037	1038	1039	1040
1041	1047	1048	2000	2001	2002	2003	2004	2013			

  Block 061904:

1000	1001	1011	1027

VTD MIDWAY 44

VTD NORTH DAVIDSON 46

VTD THOMASVILLE 1 60

VTD THOMASVILLE 10 76

VTD THOMASVILLE 2 62

VTD THOMASVILLE 3 64

VTD THOMASVILLE 4 66

VTD THOMASVILLE 5 68

VTD THOMASVILLE 7 70

VTD THOMASVILLE 8 72

VTD THOMASVILLE 9 74

VTD WALLBURG 80A

VTD WEST ARCADIA 84

District   81

County Davidson NC

VTD BOONE 06

VTD CENTRAL 08

VTD COTTON GROVE 10

VTD DENTON 12

VTD DUNBAR 30

VTD EASTSIDE 38

VTD EMMONS 14

VTD GRIMES 36

VTD HEALING SPRINGS 18

VTD HOLLY GROVE 20

VTD LEXINGTON 1 22

VTD LEXINGTON 2 24

VTD LEXINGTON 3 26

VTD LEXINGTON 4 28

VTD LIBERTY 42

  Block 061902:

2015	2016	2018	2019	2020	2030	2031	2032	2033	2034	2035	2036
2037	2038	3000	3001	3002	3003	3004	3005	3006	3009	3010	3011

Plan Components (Short) Optimized State House Map

District	81

County Davidson NC

VTD LIBERTY 42

  Block 061902:

   3012   3015

  Block 061903:

1034	1035	1042	1043	1044	1045	1046	2005	2006	2007	2008	2009
2010	2011	2012	2014	2015	2016	2017	2018	2019	2020	2021	2022
2023											

VTD MUNICIPAL 40

VTD REEDS/YADKIN COLLEGE 48

VTD REEDY CREEK 50

VTD ROBBINS 32

VTD SILVER HILL 52

VTD SILVER VALLEY 54

VTD SOUTH DAVIDSON 56

VTD SOUTHMONT 58

VTD TYRO 78

VTD WELCOME 82

VTD WESLEY HEIGHTS 34

District	82

County Cabarrus NC

VTD 02-01

VTD 02-06

VTD 04-01

VTD 04-03

VTD 04-08

VTD 04-12

VTD 04-13

VTD 05-00

VTD 06-00

VTD 07-00

VTD 08-00

VTD 09-00

VTD 11-02

VTD 12-03

VTD 12-04

VTD 12-05

VTD 12-06

VTD 12-08

VTD 12-10

VTD 12-11

VTD 12-13

District	83

County Cabarrus NC

VTD 02-08

VTD 02-09

VTD 03-00

Plan Components (Short)

District 83

County Cabarrus NC
    VTD 04-09
    VTD 04-11
County Rowan NC
    VTD BLACKWELDER PARK
    VTD BOSTIAN CROSS ROAD
    VTD BOSTIAN SCHOOL
    VTD BRADSHAW
    VTD CHINA GROVE
    VTD EAST ENOCHVILLE
    VTD EAST KANNAPOLIS
    VTD LANDIS
    VTD ROCK GROVE
    VTD WEST ENOCHVILLE
    VTD WEST KANNAPOLIS

District 84

County Iredell NC
    VTD BARRINGER
      Block 061201:
      3035   3036   3037   3040   3041   3048
      Block 061202:
      2000   2001   2002   2030   2031   2032   2033   2034
      Block 061301:
      1001   1007   1020   1021   1022   1023   1024   1025   1028   1029   1030   1031
      1032   1033   1034   1035   1036   1037   2010   2011   2012   2013
      Block 061302:
      2006
    VTD BETHANY
    VTD CHAMBERSBURG-A
    VTD CHAMBERSBURG-B
    VTD CONCORD
    VTD COOL SPRINGS
    VTD EAGLE MILLS
    VTD NEW HOPE
    VTD OLIN
    VTD SHARPESBURG
    VTD SHILOH-A
    VTD SHILOH-B
    VTD STATESVILLE 1
    VTD STATESVILLE 2
    VTD STATESVILLE 3
    VTD STATESVILLE 4
    VTD STATESVILLE 5
    VTD STATESVILLE 6
    VTD TURNERSBURG
    VTD UNION GROVE

District 85

Plan Components (Short)   Optimized State House Map

District 85

County Avery NC

County McDowell NC

    VTD CROOKED CREEK

    VTD DYSARTSVILLE

    VTD GLENWOOD

      Block 970902:

1000	1001	1002	1008

      Block 970903:

1062	1063	1064

    VTD HIGGINS

    VTD MARION 1

    VTD MARION 2

    VTD MARION 3

    VTD MARION 4

    VTD MARION 5

    VTD NEBO

    VTD NORTH COVE

    VTD OLD FORT 1

    VTD OLD FORT 2

    VTD PLEASANT GARDENS

    VTD TURKEY COVE 17

    VTD WEST MARION 7

County Mitchell NC

County Yancey NC

District 86

County Burke NC

District 87

County Caldwell NC

County Watauga NC

    VTD BLOWING ROCK

      Block 920703:

      3038

      Block 920800:

1004	1005	1012	1014	1016	1024	1025	1026	1028	1029	1033	1036
1037	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050
1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062
1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074
1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086
1087	1088	1102	1103	1104	1105	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041
2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053
2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065
2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077
2078	2079	2080	2081	2082	2083	2084	2085	2086	2087		

    VTD BLUE RIDGE

Plan Components (Short)

District 87

County Watauga NC

VTD BLUE RIDGE

Block 920800:

1031	1032	1034	1035	1038	1039	1089

District 88

County Mecklenburg NC

VTD 009

Block 000301:

1002	1003	1005	1006

Block 000302:

1001	1002	1003	2001	2002	2003	2004	2005

Block 000401:

1000	1001	1003	1004	1005	1007	1008

Block 003500:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1017	1018	1019	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2020	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	

VTD 010

VTD 011

Block 000102:

1002	1003	1006	1007	1008	1010	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014			

Block 000402:

2000	2001	2002	2003	2004	2007	2008

Block 000501:

1000	1001	1002	1003	1004	1005	1007	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020								

Block 000502:

1006	1007

Block 004101:

1000	1001	1002	1021	1022	1023

Block 004102:

2000	2001	2002	2003	2004	2022	2023	2024	2025	2026	2027	2028
2029	2030	2031	2032	2034							

Block 004700:

1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031											

VTD 012

VTD 013

Block 000101:

1000	1001	1002	1003	1004	1005	1006	2003	2017	2018	2019	2020
2021											

VTD 020

Block 003204:

3000	3001	3002	3003	3004	3005

Plan Components (Short)

District 88

County Mecklenburg NC

VTD 020
  Block 003402:
    1008 1009 1010 1011 1012 1013 1014 1015 2009 2010 2018 2019
VTD 021
VTD 022
VTD 023
VTD 024
VTD 031
VTD 037
  Block 003110:
    1000 1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1012
    1013 1014 1015 1016 1017 1018 1022 1023 1024
  Block 003111:
    3000 3001 3002 3003 3004 3005 3007 3008 3009 3010
VTD 038
VTD 039
  Block 003902:
    1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
    1012 1013 1014 1015 1016 1017 1018 1019 2008 2014 2015 2016
    4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
    4012 4013 4014 4015
  Block 003903:
    1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1015 2000
    2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
    2013 2014 2023
VTD 041
  Block 004302:
    2022
  Block 004500:
    1014 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
    2011 2012 2013 2020 2028 2029
VTD 050
  Block 003102:
    2002 2003 2005 2006 2007 2008 3000 3001 3002 3004 3005
  Block 003110:
    1025 1026 1027 1030 1031 1039 1040 1041 1042
VTD 051
VTD 052
VTD 053
  Block 004000:
    2002 2003 2004 2005 2006 2007 3000 3001 3002 3003 3004 3005
    3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 4000 4001
    4002 4003 4004 4005 4006 4007 4008 4009 4014 4015 4027 4028
    4029 4030 4031 4032 4033 4034 4035 4036 4047 4048 4049 4050
    4051 4052 4053 4054 4055 4056 4057 4058
  Block 004306:

Plan Components (Short)

District 88

County Mecklenburg NC

  VTD 053

    Block 004306:

    1000

  VTD 077

    Block 003807:

| 2006 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | | | |

    Block 003808:

    2001

    Block 005824:

| 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1013 |
| 1014 | 1015 | 1016 | 1017 | 1018 | 1019 | | | | | | |

    Block 005916:

    2000   2001

  VTD 098

District 89

County Catawba NC

  VTD BALLS CREEK

  VTD BLACKBURN

    Block 011702:

| 2021 | 2025 | 2026 | 2033 | 2034 | | | | | | | |

  VTD CATAWBA

  VTD CLAREMONT

  VTD CONOVER EAST

  VTD CONOVER WEST

    Block 010203:

2008	2009	2023	2024	2025	2028	2029	2030	2031	2032	2033	2034
2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046
2047	2048	2049	2050	2051	2053	2054	2055	2056	2057	2058	2059

    Block 010204:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050
2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2063
2066	2067	2068	2070	2071	2072	2073	2074	2075	2076	2077	2078
2079	2080	2081	2082	2083	2084	3030	3031	3032	3033	3034	3035
3036	3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047
3048	3049	3050	3051	3052	3053	3056	3057	3058	3059	3060	3061
3062	3063	3064	3065	3066	3067	3068	3069	3070	3071	3072	3073
3074	3075	3076	3078	3081	3082	3083	3084	3085			

    Block 011200:

| 1001 | 1002 | 1006 | 1007 | 1008 | | | | | | | |

    Block 011701:

    1000

District 89

County Catawba NC

VTD EAST MAIDEN

VTD EAST NEWTON

VTD LAKE NORMAN

VTD MAIDEN

VTD MONOGRAM

VTD MOUNT OLIVE

VTD NORTH NEWTON

VTD OXFORD

VTD SHERRILLS FORD

VTD SOUTH NEWTON

VTD STARTOWN

Block 011701:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2027	2028	2029	2030	2031	2032	2033	2034
2035	2036	2037	2038	2039	2041	2042	3002	3003	3004	3005	3006
3007	3008	3009	3013	3014	3015	3016	3017	3018	3019	3020	3021
3022	3023	3024	3025	3026	3027	3028	3029	3030	3031	3032	3033
3034	3035										

Block 011702:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1034	1035	1036
1037	1038	1039	1045	1046	1047	1048	1049	1050	1051	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2017	2018	2019	2020	2023	2024	2027	2028	2029
2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053
2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067
2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079
2080	2081	2082	2083	2084	2085	2086	2098	2099	2100	2101	2102
2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114
2123	2126	2127	2128	2129	3012	3013	3026	3027	3028	3029	

VTD WEST NEWTON

County Iredell NC

VTD BARRINGER

Block 061201:

3049

Block 061202:

2003	2004	2005	2006	2013	2022	2023	2024	2025	2026	2027	2028
2029	2035	2036	2037	2038	2039	2040	2041	2042	2047	2048	2049
2053	2058	2059	3012	3013	3022	3023	3024	3025	3026	3027	3028
3029	3030	3031	3032	3033	3034	3046					

Block 061203:

1000	1001	1003	1004	1014

Block 061302:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023

Plan Components (Short)

District   89

County Iredell NC

VTD BARRINGER

Block 061302:

1024	1025	1026	1027	1028	1029	1030	1036	1037	1038	2004	2005
2007	2008	2009

Block 061304:

2000

VTD FALLSTOWN

District   90

County Surry NC

County Wilkes NC

VTD ANTIOCH

VTD EDWARDS 1

VTD EDWARDS 2

VTD EDWARDS 3

VTD NEW CASTLE

VTD SOMERS

VTD TRAPHILL 2

District   91

County Forsyth NC

VTD BETHANIA MORAVIAN CHURCH

VTD KINGSWOOD UNITED METHODIST CHURCH

VTD MACEDONIA BAPTIST CHURCH

VTD MISSION HISPANA

VTD NEW HOPE UNITED METHODIST CHURCH

VTD NORTHWEST MIDDLE SCHOOL

VTD OLD TOWN BAPTIST CHURCH

VTD OLD TOWN RECREATION CTR

VTD PFAFFTOWN CHRISTIAN CHURCH

Block 002801:

3054

VTD RURAL HALL ELEMENTARY

VTD ST ANDREWS PRESBYTERIAN

VTD TOBACCOVILLE COMMUNITY CENTER

County Stokes NC

District   92

County Mecklenburg NC

VTD 077

Block 003807:

2007

Block 005916:

2004	2006	2007	2008	2009	2010	2011	2012	2014	2016

VTD 078.1

VTD 122

Block 005929:

2000	2001	2002	2003	2004	2005

Block 005930:

Plan Components (Short)

District 92

County Mecklenburg NC

VTD 122

Block 005930:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019				

Block 005931:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012											

Block 005932:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1024
1025	1026	1027	1028								

Block 980200:

1017	1018	1022	1023	1024	1025	1026	1027	1028	1029	1030	1032
1033	1034	1035	1036	1037	1038	1040	1041	1042	1043	1044	1046
1048											

VTD 138

VTD 147

VTD 228

Block 005913:

2000	2001	2002	2003	2004	2005	2006	2007	3000	3001	3002	3003
3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	4000
4001	4002	4003	4004	4005							

Block 005915:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024					

Block 980200:

1000	1001	1002	1003	1004	1019	1020	1021	1031	1039

VTD 229

VTD 230

Block 005913:

1000	1001	1002	1003	1004	1005	1006	1007	1008

Block 005920:

1021	1022	1026	2041	2043

Block 005921:

1000	1001	1021	1024	1030	1031	1033	1035	1036	1037	1038	1039
1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1052	1053
1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065
1066											

Block 005922:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020								

Block 005923:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011

Plan Components (Short)

District 92

County Mecklenburg NC

   VTD 230

      Block 005923:

1012	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022

      Block 005928:

1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021
1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1036
1037	1042	1043	1046	1047	1048	1049	1050				

   VTD 243

District 93

County Alleghany NC

County Ashe NC

County Watauga NC

   VTD BALD MOUNTAIN

   VTD BEAVER DAM

   VTD BEECH MOUNTAIN

   VTD BLOWING ROCK

      Block 920601:

3013	3015	3024	3025	3027	3032	3034	3035	3036	3037

      Block 920602:

1025	1026	1027	1028	1029	1031

      Block 920703:

3040	3047	3048	3050	3051

      Block 920800:

1001	1002	1003	1006	1007	1008	1009	1011	1013	1015	1017	1018
1019	1020	1021	1022	1023							

      Block 920900:

3009

   VTD BLUE RIDGE

      Block 920601:

3030	3031	3033

      Block 920702:

1056	2008	2013	2014	2017	2019	2020	2021	2022	2025	2026	2027
2028	2029	2030	2031	2032	2033	2034	2036	2037	2038	2039	2040
2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052

      Block 920703:

1046	2016	2019	2020	3000	3001	3002	3003	3004	3005	3006	3007
3008	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022
3023	3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034
3035	3036	3037	3039	3041	3042	3043	3044	3045	3046	3049	

      Block 920800:

1000	1010	1027	1030	1090	1091	1092	1093	1094	1095	1096	1097
1098	1099	1100	1101	1106	1107	1108					

   VTD BOONE 1

   VTD BOONE 2

   VTD BOONE 3

Plan Components (Short)

District 93

County Watauga NC
VTD BRUSHY FORK
VTD COVE CREEK
VTD ELK
VTD LAUREL CREEK
VTD MEAT CAMP
VTD NEW RIVER I
VTD NEW RIVER II
VTD NEW RIVER III
VTD NORTH FORK
VTD SHAWNEEHAW
VTD STONY FORK
VTD WATAUGA

District 94

County Alexander NC

County Wilkes NC
VTD BOOMER
VTD BRUSHY MOUNTAIN
VTD CRICKET
VTD FAIRPLAINS
VTD FERGUSON
VTD MILLERS CREEK
VTD MORAVIAN FALLS
VTD MOUNT PLEASANT
VTD MULBERRY
VTD MULBERRY 1
VTD NORTH WILKESBORO
VTD REDDIES RIVER
VTD ROCK CREEK 1
VTD ROCK CREEK 2
VTD TRAPHILL 1
VTD UNION
VTD WALNUT GROVE
VTD WILKESBORO 1
VTD WILKESBORO 2
VTD WILKESBORO 3

District 95

County Iredell NC
VTD BARRINGER
  Block 061302:

2002	2003	2010	2011	2012	2013	2014	2015	2016	2017	3009	3010
3011	3012	3013	3014	3015	3016	3017	3019	3020	3021	3022	3023
3024	3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035
3036	3037	3038	3039	3040	3041	3042	3043	3044	3045		

  Block 061303:

1000	1001	1002	1003	1015	1016	1018	1019	1020	1021	1022	1035
1036	1037	1038	1039	1040	1041	1043	1057	2000	2001	2002	2003

Plan Components (Short) Optimized State House Map

District 95

County Iredell NC

VTD BARRINGER

Block 061303:

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2027	2028
2048	2049	2066									

Block 061304:

2002

VTD CODDLE CREEK 1

VTD CODDLE CREEK 2

VTD CODDLE CREEK 3

VTD CODDLE CREEK 4

VTD DAVIDSON 1-A

VTD DAVIDSON 1-B

VTD DAVIDSON 2-A

VTD DAVIDSON 2-B

District 96

County Catawba NC

VTD BANOAK

VTD BLACKBURN

Block 011702:

2022	2030	2031	2032	2035	2036	2037	2038	2039	2040	2041	2054
2055	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097
2115	2116	2117	2118	2119	2120	2121	2122	2124	2125	2130	

Block 011801:

2011	2013	2021	2022	2023

Block 011802:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
3024	3025	3026	3033	4000	4001	4002	4003	4004	4005	4006	4007
4008	4009	4010	4011	4012	4013	4014	4015	4016	4017	4018	4019
4020	4021	4022	4023	4024	4025	4026	4027	4028	4029	4030	4031
4032	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042	4043
4044	4045	4047									

VTD BROOKFORD

VTD COLLEGE PARK

VTD CONOVER WEST

Block 010204:

2062	2064	2065	2069	3054	3055	3077	3079	3080

VTD FALLING CREEK

VTD GREENMONT

VTD HIGHLAND

VTD KENWORTH

VTD LONGVIEW NORTH

VTD LONGVIEW SOUTH

VTD MOUNTAIN VIEW 1

VTD MOUNTAIN VIEW 2

Plan Components (Short) Optimized State House Map

District 96

County Catawba NC

    VTD NORTHWEST

    VTD OAKLAND HEIGHTS

    VTD OAKWOOD

    VTD RIDGEVIEW

    VTD SANDY RIDGE

    VTD SPRINGS

    VTD ST STEPHENS 1

    VTD ST STEPHENS 2

    VTD STARTOWN

      Block 011701:

       2016   2017   2018

    VTD SWEETWATER

    VTD VIEWMONT 1

    VTD VIEWMONT 2

District 97

County Lincoln NC

District 98

County Mecklenburg NC

    VTD 127

    VTD 133

    VTD 134

      Block 006212:

2003	2004	2005	2006	2007	2008	2009	2010	2011	2015	2016	2017
2019											

      Block 006214:

       2007

      Block 006224:

1003	1004	1014	1015	1016	1029	1079	1080	1081

    VTD 142

      Block 006209:

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2021	3018	3019	3020	3021	3022	3023	3027	3028	3029	3030	3031
3041	3042	3043	3044	3045	3046	3047	3048	3049	3050	3051	3058
3059	3060	3061									

      Block 006210:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029						

      Block 006211:

       1009

      Block 006219:

       1021

    VTD 143

    VTD 202

    VTD 206

    VTD 207

Plan Components (Short)

District 98

County Mecklenburg NC

VTD 208

VTD 240

VTD 241

Block 006224:

1000	1001	1002	1005	1006	1007	1008	1009	1013

Block 006305:

1000	1001	1002	1003	1004	1005	1006	1064	1065	1066	1067	1068
1069	1070	1071	1072	1073						

Block 006306:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030				

Block 006307:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059
1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071
1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083
1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095
1096	1097	1098	1099	1100	2000	2001	2002	2008	2009	2010	2018
2019	2020	2021	2022	2024	2025	2026				

VTD 242

District 99

County Mecklenburg NC

VTD 003

VTD 004

VTD 083

Block 001916:

1000	1001

Block 001917:

1002	1003	1004	1009	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009									

Block 005718:

1002

VTD 104

Block 001507:

1000	1004	2000	2001	2002	2003	2004	3000	3001	3002	3003	3004
3005	3006	3007								

Block 001510:

1004	1013

VTD 116

Block 001922:

1000	1002	2000	2002	2012	2013	2014

Block 005626:

District 99

County Mecklenburg NC

VTD 116

Block 005626:

1014

VTD 123

VTD 124

Block 001508:

2019   2020   2021   2024

Block 001609:

1000   1001   1002   1003   1004   1007

Block 001922:

1001   1003   1004   1005   1006   1008   1009

Block 001925:

2000   2001   2002   2003   2004   2005   2006   2007   2008

Block 005626:

1015   1016

VTD 201

VTD 203

VTD 216

VTD 218

VTD 219

VTD 220

VTD 221

VTD 234

VTD 235

VTD 236

District 100

County Mecklenburg NC

VTD 006

Block 001918:

1001   1002   1006   1007   1008   1009   1010   3003   3004   3005

Block 001919:

2000   3000

VTD 034

Block 001914:

1001   1002   1003   1004

VTD 036

Block 002005:

1013   1014   1015   2000   2001   2002   2003   2004

Block 002006:

2009   2011   2012   2013   2014   2015   2016   2017   2018   2019   2020   2021

VTD 062

VTD 063

VTD 064

VTD 065

VTD 066

Block 002006:

Plan Components (Short)

District 100

County Mecklenburg NC

  VTD 066
    Block 002006:

1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016
1017	1018	1019									

  VTD 067
  VTD 068
  VTD 069
    Block 003013:
    2000
  VTD 070
  VTD 071
    Block 002903:
    2006
    Block 002907:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009

  VTD 083
    Block 001916:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1014
1015	1016	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009

    Block 001917:
    1001
  VTD 085
  VTD 094
  VTD 095
  VTD 096
    Block 005811:

1000	1001	1003	1004	1015	1016	2000	2001	2002	2003	2004	2005

    Block 005865:
    1000
  VTD 099
  VTD 102
  VTD 103
    Block 003015:

1000	1001	1002	1003	1006	2000	2001	2011

  VTD 106
  VTD 108
  VTD 115
  VTD 116
    Block 001922:

2001	2003	2004	2005	2006	2007	2008	2009	2011

  VTD 117
  VTD 119
  VTD 124
    Block 001922:

1007	1010	1011	1012	1013

    Block 001923:

Plan Components (Short)

District 100

County Mecklenburg NC

VTD 124
　　Block 001923:
　　2000
VTD 125
VTD 130

District 101

County Mecklenburg NC

VTD 016
VTD 039
　　Block 003903:

1010	1011	1012	1013	1014	2015	2016	2017	2018	2019	2020	2021
2022											

　　Block 005920:
　　2029　2031
　　Block 005928:
　　1003
　　Block 980100:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1035	1036	1037	1038	1039	1040	1041
1042	1043										

VTD 040
VTD 041
　　Block 004302:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012											

　　Block 004400:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025
1026	1027	1028	1029	1030	1031	1032	1033	1035	1036	1037	3030
3031	3032	3033									

　　Block 006016:

1015	1016	2000	2001	2007	2008	2009	2010	2011	2012	2013	2014
2015	2021										

VTD 053
　　Block 004000:

4010	4011	4012	4013	4016	4017	4018	4019	4020	4021	4022	4023
4024	4025	4026	4037	4038	4039	4040	4041	4042	4043	4044	4045
4046											

　　Block 004303:
　　1021　1022
　　Block 004306:

1001	1002	1003	1004	1005	1006	2000	2001	2002	2003	2004	2005
2006	2007	2008									

　　Block 005919:

2000	2030	2031	2032	2033

VTD 079

Plan Components (Short)

District 101

County Mecklenburg NC

VTD 080
VTD 081
VTD 089
VTD 150
VTD 200
VTD 209

   Block 006103:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013										

VTD 210

   Block 005406:

1002	1003	2004	2005

VTD 211

   Block 006105:

   1032

VTD 222
VTD 223.1
VTD 224
VTD 230

   Block 005921:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013
1014	1015	1016	1017	1018	1019	1020	1022	1023	1025	1026	1027
1028	1029	1032	1034	1050	1051	1067					

   Block 005928:

1000	1001	1002	1004	1005	1006	1007	1008	1009

District 102

County Mecklenburg NC

VTD 002

   Block 002400:

1000	1001	1002	1003	1004	1005	1008	1010	1012	1013	1016	1017
1018											

   Block 002500:

1010	1011	1012	1013	1017

VTD 005
VTD 006

   Block 001702:

4008	4009	4010

   Block 001918:

1000	1003	1004	1005	2000	2001	2002	2003	2004	2005	2006	2007
2008	3000	3001	3002								

VTD 009

   Block 000302:

1000	2000

VTD 011

   Block 000503:

2000	2005	2007	2008	2009	2012	2013

District   102

County Mecklenburg NC

VTD 011

  Block 005200:

3031	3048

VTD 013

  Block 000101:

2001	2002	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
2014	2015	2016	2022	2023	2024	2025					

  Block 000104:

1003	1004	1005	1006	1007	1008	1020	1021	1022	1023	1024	1025
1026	1027	1028	1029	1030	1031	1032					

  Block 000503:

2010	2011	2015	2016	2017	2018	2019	2020

  Block 000600:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2013	2014	2015	2017	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016
3017	3018	3019	3020	3021							

  Block 000700:

2003	2010	2011	2012	2013	2017	2018	2019	2020	2021	2022	2024
2025	2026	2027	2028								

  Block 000800:

1032	1033	2000	2001	2002	2006	2007	2008

  Block 002500:

2005	2006	2008	2009	2010

  Block 005200:

3039	3040

  Block 980300:

1000	1001	1002	1003	1004	1005

VTD 014

VTD 015

VTD 017

  Block 001801:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	2000	2001	2002	2003	2004	2005	2006	2007	2008		

  Block 001802:

1001

  Block 002300:

1000	2003

VTD 027

  Block 005200:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1014	2001	2002	2003	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	3000	3001	3002	3003	3004	3005	3006	3007
3008	3010	3012	3013	3014	3016	3017	3018	3019	3020	3021	3022

Plan Components (Short)

District 102

County Mecklenburg NC

  VTD 027

    Block 005200:

3023	3025	3028	3029	3030	3038	3042	3043	3044	3045	3046

    Block 005301:

1000	1002	1003	1005	1006	1010	1011	1012	1013	1014	1022	1023
1024	1025	1026	1027	1034							

  VTD 028

  VTD 029

  VTD 030

  VTD 033

  VTD 034

    Block 001802:

1000	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2027	2028	2029	2030			

    Block 001914:

1000	1005	1006

  VTD 043

  VTD 044

  VTD 045

  VTD 046

  VTD 060

    Block 001509:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	2004	2005	2006	2007	2008	2010	2011	2012	2013	2014	2015
2016											

    Block 005306:

2001	2008	2009

  VTD 061

  VTD 084

  VTD 104

    Block 001510:

1008	1009	1014	1015	1016	1017	1018	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010						

  VTD 109

  VTD 124

    Block 001609:

1005	1006

  VTD 132

    Block 005306:

2006

District 103

Plan Components (Short)

District 103

County Mecklenburg NC

VTD 069

Block 003013:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
2031											

VTD 090

VTD 091

VTD 096

Block 005811:

1002	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014

Block 005865:

1001	1007	1008	1009	1010	1016

VTD 100

VTD 103

Block 003015:

1004	1005	1007	2002	2003	2004	2005	2006	2007	2008	2009	2010
2012	2013	2014	2015	2016	3000	3001	3002	3003	3004		

VTD 112

VTD 113

VTD 118

VTD 121

VTD 131

VTD 136

VTD 137

VTD 215

VTD 217

VTD 226

Block 005815:

1007	1012	1013

Block 005852:

1000	1001	1010

VTD 227

VTD 232

Block 005816:

2000	2005	2006	2007

Block 005845:

2005	2006	2011

Block 005861:

2000	2002	2010

Block 005862:

1000	1001	1002	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1021							

VTD 233

District 104

Plan Components (Short)

District 104

County Mecklenburg NC

VTD 001

VTD 002

    Block 002400:

1006	1007	1009	1014	1015	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	3000	3001	3002	3003	3004	3011	3012	3018
3019											

    Block 002500:

1014	1015	1016	2017	2021	2022	2023	2024	2025	2027	2028

    Block 002600:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1030	1031	1032				

VTD 007

VTD 008

VTD 009

    Block 000301:

1000	1001	1004

    Block 002701:

3000	3006

    Block 003500:

1013	1014	1015	1016

VTD 013

    Block 000600:

2012	2016	2018

    Block 980300:

1006	1007	1008	1009

VTD 017

    Block 002300:

1001	1002	1003	1004	1005	1006	2000	2001	2002	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018

VTD 018

VTD 019

VTD 020

    Block 002702:

1000	1001	1002	2001	2002	2003	2027

    Block 003402:

1000	1001	1002	1003	1004	1005	1006	1007	1016	1017	1018	1019

VTD 032

VTD 035

VTD 036

    Block 002005:

1007	1008	1009	1010

    Block 002006:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2010

VTD 037

    Block 003110:

Plan Components (Short)

District 104

County Mecklenburg NC

VTD 037
   Block 003110:
      1019   1020   1021
   Block 003111:
      3006   3011   3012   3013   3014   3015   3016
VTD 047
VTD 048
VTD 049
VTD 050
   Block 003102:
      1004   1005   1015   2000   2001   2004   2012   2013   2019   2020
   Block 003110:
      1032   1033   1034   1035   1036   1037   1038
   Block 003111:
      2000   2001   2002   2003   2004   2005   2006   2007
VTD 057
VTD 058
VTD 059
VTD 066
   Block 002006:
      1000   1001   1002   1003   1004   1020   1021   1022   1023   1024
VTD 071
   Block 002903:
      2001   2002   2003   2004   2005   2007   2008   2009   2010   2011   2013   2014
      2015   2016   2017   2018
VTD 072
VTD 073
VTD 074
VTD 075
VTD 076
VTD 086
VTD 092
   Block 003012:
      1000   1001   1002   1003   1004   1005   1006   1007   1008   1009   1010   2000
      2001
VTD 093
   Block 003020:
      3004   3005   3006   3007   3008   3009
VTD 101
   Block 003008:
      1000   1001   1002   1004   1005   1006
VTD 110
VTD 111
VTD 114
   Block 005828:
      3000   3001   3002

Plan Components (Short)

District 104

County Mecklenburg NC

VTD 120

  Block 003108:

1000	1001	2002	2007	2011	2013

District 105

County Mecklenburg NC

VTD 069

  Block 003013:

1018	1019	1020	1021	1022	1023	1024

VTD 077

  Block 005824:

1011	1012	1020	1021	1022	1023	1024	1025	1027	1028	1029	1030
1031	1032	1033	1034	1037	1041						

  Block 005916:

2002	2003	2005	2013	2015

VTD 087

VTD 088

VTD 092

  Block 003012:

2002	2003	2004	2005	2006	2007	2008	2009

VTD 093

  Block 003008:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015								

VTD 097

VTD 101

  Block 003008:

1003	1007	1008	1009	1010	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012						

VTD 114

  Block 005828:

1000	1001	1002	1003	1004	1005	1006	2000	2001	2002	2003

  Block 005829:

1001	1002	1003	1004	1010

VTD 120

  Block 003108:

1002

  Block 003109:

1000	1001	1002	1003	1004	1005	2000	2001

VTD 122

  Block 980200:

1013	1014	1015	1016	1045

VTD 129

VTD 139.1

VTD 140

VTD 144

VTD 148

Plan Components (Short)

District 105

County Mecklenburg NC

VTD 225

VTD 226

   Block 005839:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009										

   Block 005852:

1002	1003	1004	1005	1006	1007	1008	1009	1011

VTD 228

   Block 980200:

1005	1006	1007	1008	1009	1010	1011	1012	1047	1049	1050	1051
1052	1053										

VTD 231

VTD 232

   Block 005816:

2001	2002	2003	2004

   Block 005861:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
2001	2003	2004	2005	2006	2007	2008	2009	2011			

   Block 005862:

1017	1018	1019	1020

District 106

County Mecklenburg NC

VTD 027

   Block 005301:

1001	2001	2002	2003	2004	2011	2012

VTD 042

VTD 060

   Block 001505:

1006	2026

   Block 001509:

2000	2002	2003	2009

VTD 082

VTD 104

   Block 001510:

1000	1001	1002	1003	1005	1006	1007	1010	1011	1012	1019

VTD 105

VTD 126

   Block 005536:

3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015
3016	3019	3023	3024	3025	3026	3027	3028	3029	3031	3032	3033
3034	3035	3036	3037	3038	3039	4028					

VTD 132

   Block 001505:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017

Plan Components (Short)

District 106

County Mecklenburg NC

VTD 132

  Block 001505:

2018	2019	2020	2021	2022	2023	2024	2025	2027	2028	2029	2030
2031											

  Block 005306:

2007

VTD 141

VTD 149

VTD 204.1

VTD 205

VTD 212

  Block 005531:

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
2030	2031	2032	2033	2034	2035	2036	2037	2038	2039		

  Block 005532:

1000	1001	1002	1003	1004	1005	1006	1007	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021							

  Block 005534:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	3000
3001	3002	3005	3006	3007							

VTD 237

District 107

County Mecklenburg NC

VTD 107.1

VTD 126

  Block 005535:

2002

  Block 005536:

1002	1003	1004	1005	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	3000	3001	3003	3017	3018	3020	3021	3022	3030	3040
3041	3042	3043	3044	3045	4000	4001	4002	4005	4006	4021	4022
4027											

VTD 128

VTD 135

  Block 005403:

1000

  Block 005510:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	2010	2011	2012	2013	3000	3001	3002	3003	3004
3005	3006	3007	3008	3009	3010						

Plan Components (Short)

District 107

County Mecklenburg NC

VTD 135

  Block 005511:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	2000	2001	2002	2003	2004	2005	2006	2007	2008
3000	3001	3002	3003	3004	3005	3006	3007				

  Block 005512:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1012
2000	2001	2002	2003	2007							

  Block 006109:

1000

VTD 145

VTD 146

VTD 151

VTD 211

  Block 005508:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1017	1018	1019	1020	1021	1022	1023	1024
1025	1026	1027	1028								

  Block 006112:

2001	2004	2012	2013	2014	2015	2016	2017	2018	2021	2022

  Block 006115:

2000	2001	2002	2003	2016	2017	2018

VTD 212

  Block 005519:

2000	2001	2002	2003	2004

  Block 005520:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2000	2001	2002	2003	2004	2005	2006
2007	2008	2009	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014						

  Block 005531:

1000	2000

  Block 005532:

2000

  Block 005533:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1018	1019	1020	1021	1022			

  Block 005534:

3003	3004

VTD 214

VTD 238.1

VTD 239

VTD 241

  Block 006305:

1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030

Plan Components (Short)

District 107

County Mecklenburg NC

VTD 241

Block 006305:

1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042
1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054
1055	1056	1057	1058	1059	1060	1061	1062	1063	1074	1075	1076
1077	1078	1079

Block 006306:

| 1031 | 1032 | 1033 |

Block 006307:

2003	2004	2005	2006	2007	2011	2012	2013	2014	2015	2016	2017
2023	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037
2038	2039	2040	2041	2042	2043	2044	2045	2046

District 108

County Gaston NC

VTD ALEXIS

VTD ASHBROOK

Block 032201:

| 2018 | 2019 | 2020 | 2021 |

VTD BELMONT 1

VTD BELMONT 2

VTD BELMONT 3

VTD CATAWBA HEIGHTS

VTD CRAMERTON

VTD DALLAS 2

Block 030302:

| 2000 | 2003 | 2007 | 2008 | 2009 | 2010 | 2016 | 3004 |

Block 030902:

| 2005 | 3000 | 3001 | 3005 | 3007 | 3016 | 3017 | 3019 | 3020 | 3021 | 3022 | 3023 |
| 3024 |

VTD FLINT GROVES

VTD LOWELL

VTD LUCIA

VTD MCADENVILLE

VTD MOUNT HOLLY 1

VTD MOUNT HOLLY 2

VTD NEW HOPE

VTD RANLO

VTD SOUTH POINT

VTD STANLEY 1

VTD STANLEY 2

District 109

County Gaston NC

VTD ARMSTRONG

VTD ASHBROOK

Block 031303:

| 2012 | 2013 | 2014 | 2018 | 2019 | 2020 | 2023 | 2032 | 2033 | 2034 |

Plan Components (Short)

District 109

County Gaston NC

VTD ASHBROOK

Block 032201:

2014	2015	2016	2017	2028	2029	2034	2035	2036

Block 032505:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016							

Block 032506:

1000	1001	1002	1003	1004	1005	1006	1007	1008

Block 032507:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015								

Block 032600:

2004	2005	2006	2007	2008	2009	3000	3001	3002	3003	3004	3005
3006	3007	3008	3011	3012	3014	3015	3016	3017	3018	3019	4000
4001	4007	4008	4009	4010	4011	4012	4013	4014	4015	4016	4020
4021	4022	4023									

VTD BESSEMER CITY 2

Block 031600:

4021	4022	4023	4024	4025	4026

Block 031703:

1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013
1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1029	1030
1031	1032	1033	1034	1035	1038	1039	1040	1041	1044	1045	1046
2000	2001	2002									

Block 031704:

1001

Block 031800:

4007	4008	4009	4017	4018	4019

Block 033100:

2009	2010

VTD CROWDERS MOUNTAIN

Block 031600:

1000

Block 031703:

1024	1025	1026	1027	1028	1036	1037	1042	1043	2003	2004	2005
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024	2025	2026	2028	2029	2030	2031	2034		

Block 031704:

1000	1002	1003	1004	1005	1006	1012	1013	1014	1015	1016	1017

Block 031705:

1005	1006	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
2010	2011	2012	2013	2014	2017	2018	2019	2020	2021	2022	2023
2025											

Block 031706:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1016
1017	1027	1028	1029	1030	1032	1033	1034	1035	1036	1037	1038

Plan Components (Short)

District 109

County Gaston NC

VTD CROWDERS MOUNTAIN

  Block 031706:

1039	1041	1042	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2012	2014	2018	2019					

VTD FOREST HEIGHTS

VTD GARDNER PARK

VTD GASTON DAY

VTD GRIER

VTD MYRTLE

VTD PLEASANT RIDGE

VTD ROBINSON 1

VTD ROBINSON 2

VTD SHERWOOD

VTD SOUTH GASTONIA

VTD UNION

VTD VICTORY

VTD YORK CHESTER

District 110

County Cleveland NC

VTD BETHWR

  Block 950601:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
3000	3001	3002	3003	3004	3005	3006	3009	3010	3011	3012	3013
3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024	3025
3026	3027	3028	3029	3030	3031	3032	3033				

  Block 950604:

2000	2001	2002

VTD GROVER

VTD KM N

VTD KM S

VTD OAKGRV

VTD S 5

  Block 950701:

1000	1001	1002	1003	1004	1009	1011	1012	1013	3020	3021	3022
3023	3024										

  Block 950800:

1006	1007	1008	1009	1011	1012	1013	1014	1015	1016	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1028			

VTD WACO

County Gaston NC

VTD BESSEMER CITY 1

VTD BESSEMER CITY 2

  Block 031600:

1002	1013	1014	1020	1021	1022	1023	2000	2001	2002	2003	2004
2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028

District　110

County Gaston NC

VTD BESSEMER CITY 2

　Block 031600:

2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024
3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036
3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047	3048
3049	3050	3051	4001	4002	4003	4004	4005	4006	4007	4008	4009
4010	4011	4012	4013	4014	4015	4016	4017	4018	4027	4028	4035
4036											

　Block 031703:

1000	1001

VTD CHERRYVILLE 1

VTD CHERRYVILLE 2

VTD CHERRYVILLE 3

VTD CROWDERS MOUNTAIN

　Block 031600:

1001	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1015
1016	1017	1018	1019	1024	1025	1026	1027	1028	1029	1030	1031
1032	1033	1034									

　Block 031706:

1011	1012	1013	1014	1015	1018	1019	1020	1021	1022	1023	1024
1025	1026	1031	1040								

VTD DALLAS 1

VTD DALLAS 2

　Block 030301:

3035	3036	3037	3041

　Block 030302:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	2001	2002	2004	2005	2006	3007	3008
3009	3010	3011	3012	3014	3015	3016	3017				

　Block 030901:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
2000	2001	2002	2003	2004	3000	3001					

　Block 030902:

1000	1001	1002	1003	1004	1005	1006	2000	2001	2002	2003	2004
2006	2007	3002	3003	3004	3006	3008	3009	3010	3011	3012	3013
3014	3015	3018	3025	3026	3027	3028	3029	3030	3031	3032	3033
3034	3035	3036	3037	3038	3039	3040	3041	3042			

VTD HEALTH CENTER

VTD HIGH SHOALS

VTD HIGHLAND

VTD LANDERS CHAPEL

VTD TRYON

Plan Components (Short)

District 110

County Gaston NC

    VTD WOODHILL

District 111

County Cleveland NC

    VTD BETHWR

      Block 950601:

3007	3008

    VTD BROAD RIVER

    VTD CASAR

    VTD FALSTN

    VTD KINGST

    VTD LATT

    VTD LAWNDL

    VTD MRB-YO

    VTD MULLS

    VTD POLKVL

    VTD RIPPY

    VTD S 5

      Block 950701:

1005	1006	1007	1008	1010	1014	1015	1016	1017	1018	1019	1020
1021	1022	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009
3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3025	3026
3027	3028	3029									

      Block 950800:

1027

    VTD SHANGI

    VTD Shelby 4

    VTD Shelby Central

    VTD Shelby South

County Rutherford NC

    VTD BOSTIC-SUNSHINE

      Block 960101:

1080	1088	1092	1093

      Block 960102:

1005	1007	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020
1021	1023	1027	1028	1029	1031	1032	1033	1037	1038	1039	1040
1041	1042	1043	1044	1045	1049	1050					

      Block 960103:

1000	1001	1002	1004	1005	1006	1007	1008	1009	1010	1011	1012
1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024
1025	1028	1029	1030	1031	1036	1037	1038	1039	1042	1043	1049
1050											

      Block 960700:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1041	1042	1043	1047				

Plan Components (Short)

District	111

County Rutherford NC

   VTD BOSTIC-SUNSHINE

    Block 961001:

1004	1010	3000	3004

   VTD CAROLEEN-CLIFFSIDE

   VTD DUNCAN CREEK-GOLDEN VALLEY

   VTD ELLENBORO

   VTD FOREST CITY 2

    Block 960103:

1044	2039

    Block 960700:

2000	2006	2007	4007

    Block 960900:

1003	1008

    Block 961104:

1007	1008	1009	1010	1013	1014	1016

   VTD HAYNES

   VTD SANDY MUSH

    Block 960900:

1004	1005	1006	1011	1012	1013	1014	1015	1016	1017	1018	1019
1020	1021	1022	1023	2000	2001	2002	2003	2004	2005	2006	2007
2008	2009	2010	2011	2012	2013	2014	2021	2022	3012	3018	3020
3033	3034	3036	3038	3050	3051	3052	3053	3057	3058	3059	3060
3061	3062	3063	3064	3066	3067	3068	3069	3071	3074		

    Block 961104:

1011	1012	1017	1018	1019	1020	1021	1050	1087

    Block 961200:

2012

District	112

County Mecklenburg NC

   VTD 011

    Block 000102:

1000	1001	1004	1005	1009

    Block 000103:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012											

    Block 000104:

1000	1001	1002	1009	1010	1011	1012	1013	1014	1015	1016

    Block 000501:

1006	1008

    Block 000502:

1000	1001	1002	1003	1004	1005	1008	1009	1010	1011	1012

    Block 000503:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	2001
2002	2003	2004	2006	2014							

    Block 005200:

3032

District	112

County Mecklenburg NC

VTD 013

　Block 000101:

　2000

　Block 000104:

　1017　1018　1019

VTD 025

VTD 026

VTD 027

　Block 005301:

　1007　2000　2005　2006　2007　2008

VTD 041

　Block 004400:

　1012　1013　1034

　Block 004500:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1015									

VTD 054

VTD 055

VTD 056

VTD 134

　Block 006210:

　2026

　Block 006212:

　2012　2013　2014　2018　2020　2021　2022　2023

　Block 006214:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	2000	2001	2002	2003	2004	2005	2008	2009
2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
2022	2023	2024									

　Block 006221:

1013	1014	1015	1017	1018	1019	1020	1021	1022	1023	1024	1025
1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045
1046	1047	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064
1065	1066	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077
1079	1082										

　Block 006224:

1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028
1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041
1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053
1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065
1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077
1078	1082	1083	1084	1085	1086	1087	1088	1089	1097	1099	1100
1101	1102	1103	1104	1106	1107	1109	1111				

VTD 135

　Block 005403:

　2002　2003

Plan Components (Short)

District 112

County Mecklenburg NC

VTD 135

  Block 006109:

  1001   1002

VTD 142

  Block 006210:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2024	2025	2027	2028	2029	2030	2031	2032				

  Block 006220:

1010	1011	1012	1013	1014	1015	1016	1017	1019	1020	1021	1022
1023											

  Block 006221:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1016	1026	1027	1028	1029	1030	1031	1032	1033	1048	1049
1050	1051	1052	1053	1054	1067	1078	1080	1081			

  Block 006222:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1028	1029	1030	1031	1032	1033	1034	1035	2001
2002											

VTD 209

  Block 006105:

1000	1001	1002	1003	1004	1005	1007	1033

  Block 006222:

1027	2000	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060
2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072
2073	2074	2075	2076	2077							

  Block 006223:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059

  Block 006224:

1094	1095	1096	1098	1105	1110

VTD 210

  Block 005406:

1000	1001	2000	2001	2002	2003	2006	2007	2017

  Block 006108:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	2000	2001
2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013

Plan Components (Short)   Optimized State House Map

District 112

County Mecklenburg NC

VTD 210

  Block 006108:

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
2026											

  Block 006109:

1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014
1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026
1027	1028	1029	1030	1031	1032	1033					

VTD 211

  Block 006105:

1006	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018
1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031											

  Block 006112:

1000	1001	1002	1003	1004	1005	1006	1007	2000	2002	2003	2005
2006	2007	2008	2009	2010	2011	2019	2020	2023	2024	2025	2026
2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
2039											

  Block 006113:

1000	1001	1002	1003	1004	1005	2000	2001	2002	2003	2004	2005
2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
2018	2019										

  Block 006114:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	2000	2001	2002	2003	2004	2005	2006	2007	2008
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
2021	2022	2023	2024	2025	2026						

  Block 006115:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2019										

VTD 213

VTD 241

  Block 006224:

1010	1011	1012	1090	1091	1092	1093	1108

District 113

County Henderson NC

VTD CRAB CREEK

VTD EAST FLAT ROCK

  Block 931401:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047
1051	1052	2017	2018	2020	2022	2023	2024	2025	2026	2027	2028
2029	2030										

District 113

County Henderson NC

  VTD EAST FLAT ROCK

    Block 931402:

2020	2021	2022	2023	2025	2026	2046	2047	2053	2054	2055

    Block 931500:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1019	1020
1024	1025	1026	1027	1037						

    Block 932000:

1038	1039	1040	1041	2000

  VTD ETOWAH SOUTH

  VTD ETOWAH VALLEY

  VTD GREEN RIVER

  VTD NORTH MILLS RIVER

    Block 930701:

1000	1001	1002	1003	1004	1005	1006	1010	1011	1013	1014	1015
1016	1017	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028
1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052
1053	1054	1055	1056	1057	1058	1059	1060	1061	2000	2001	2002
2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
2027	2028	2029	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020
3021	3022	3023	3024	3025	3026	3027	3028	3029	3030	3031	

    Block 930702:

1015	2000	2001	2002	2003	2005	2006	2007	2012	2013	2014	2015
2016	2017	2018	2054							

    Block 980100:

1000	1001	1002	1003	1004	1006

  VTD RAVEN ROCK

  VTD SOUTH MILLS RIVER

County McDowell NC

  VTD GLENWOOD

    Block 970902:

1003	1004	1005	1006	1007	1025	1026	1027	1028	1029	1030	1031
1032	1033	2000	2001	2002	2003	2004	2005	2006	2008	2009	2010
2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
2024	2025	2026	2028							

    Block 970903:

1057	1058	1060	1061	1065	1066	1068	1069	2015	2016	2017	2021
2022	2026	2027	2028	2029	2030	2033	2048	2049	2050	2051	3000
3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012
3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023	3024
3025	3026	3027	3028	3029	3030	3031	3032	3033	3034	3035	3036
3037	3038	3039	3040	3041	3042	3043	3044	3045	3046	3047	3048
3049	3050									

  VTD MONTFORD COVE

Plan Components (Short)

District 113

County Polk NC

County Rutherford NC

VTD BOSTIC-SUNSHINE

Block 960700:

1040	1044	1046

VTD CAMP CREEK-MT VERNON

VTD CHIMNEY ROCK

VTD DANIELTOWN-SULPHUR SPRINGS

VTD FOREST CITY 1

VTD FOREST CITY 2

Block 960700:

2001	2002	2003	2004	2005	2008	2009	2010	2011	2012	2013	2014
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038
2039	2040	2041	2042	2043	2044	2045					

Block 960800:

3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011
3012	3013	3014	3015	3016	3017	3018	3019	3020	3021	3022	3023
3024	3025	3026	4000	4001	4002	4003	4004	4005	4006	4007	4008
4009	4010	4011	4012	4013	4014	4015	4016	4017	4018	4019	4020
4021	4022	4023	4024	4025	4026	4027	4028	5000	5001	5002	5003
5004	5005	5006	5007	5008	5009	5010	5011	5012	5013	5014	5015
5016	5017	5018	5019	5020	5021	5022	5023	5024	5025	5026	5027
5028	5029	5030	5031	5032	5033	5034	5035	5036			

Block 960900:

1000	1001	1002	3039	3040	3041	3042	3043	3044	3045	3046	3048
3049											

Block 961001:

3002

Block 961104:

1002	1003	1004	1005

VTD GILKEY-MORGAN

VTD GREEN HILL

VTD RUTHERFORDTON 1

VTD RUTHERFORDTON 2

VTD SANDY MUSH

Block 960900:

1007	1009	1010	3000	3001	3002	3003	3004	3005	3006	3007	3008
3009	3010	3011	3013	3014	3015	3016	3017	3019	3021	3022	3023
3024	3025	3026	3027	3028	3029	3030	3031	3032	3035	3065	3070

VTD SPINDALE

VTD UNION

District 114

County Buncombe NC

VTD ASHEVILLE APOSTOLIC CHURCH

Block 001801:

1002	1009	1011	1016	1017	1025	1026	1027

Plan Components (Short)   Optimized State House Map

District 114

County Buncombe NC

    VTD BEAVERDAM COMMUNITY CENTER

    VTD BETH ISRAEL SYNAGOGUE

    VTD BLACK MOUNTAIN 1 - OWEN MIDDLE SCHOOL

        Block 003002:

1002	1037	1038	1039	1042						

        Block 003103:

1029	1035	1037	1038	1041	1042	1063	1064	1065	1066	1069	1070
1075											

        Block 003107:

1000	1001	1002	1003	1004	1005	1010	1025	2003	2004	2005	2006
2007	2010	2011									

        Block 003108:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1020	1021	1029	1030	1032	1033	1034	1040	1046	

    VTD BLACK MOUNTAIN 3 - LAKE TOMAHAWK

    VTD BLACK MOUNTAIN 4 - CARVER COMMUNITY CENTER

    VTD BLACK MOUNTAIN 5 - MONTREAT CTR WALKUP BLDG

    VTD BLACK MOUNTAIN ELEMENTARY SCHOOL

    VTD BLACK MOUNTAIN PRIMARY SCHOOL

    VTD CHARLES C BELL SCHOOL

    VTD COVENANT REFORMED PRESBYTERIAN

    VTD EVERGREEN CHARTER SCHOOL

    VTD FLAT CREEK - NORTH BUNCOMBE ELEMENTARY

    VTD FRENCH BROAD FIRE DEPT

    VTD HAW CREEK ELEMENTARY SCHOOL

    VTD IRA B JONES SCHOOL AUDITORIUM

    VTD IVY 1 - BARNARDSVILLE SCHOOL

    VTD NORTH ASHEVILLE COMMUNITY CENTER

    VTD NORTH BUNCOMBE - MIDDLE SCHOOL

    VTD NORTH WINDY RIDGE SCHOOL

    VTD REEMS CREEK FIRE DEPARTMENT

    VTD RICEVILLE 1 - RICEVILLE COMMUNITY CENTER

    VTD RICEVILLE 2 - GRASSY BRANCH BAPTIST

    VTD ST EUGENES CHURCH

    VTD ST MARKS LUTHERAN CHURCH

    VTD SWANNANOA 2 - WILLIAMS ELEMENTARY

    VTD SWANNANOA 3 - WWC - KITTRIDGE THEATRE

    VTD TRINITY PRESBYTERIAN CHURCH

    VTD WEAVERVILLE TOWN HALL

    VTD WOODFIN COMMUNITY CENTER

    VTD WOODLAND HILLS - BAPTIST CHURCH

District 115

County Buncombe NC

    VTD ASHEVILLE APOSTOLIC CHURCH

        Block 000800:

1000	1001	1002	1003	1004	1005	1007	1008	1009	1010	1011	1012

District   115

County Buncombe NC

VTD ASHEVILLE APOSTOLIC CHURCH

   Block 000800:

    1013   1018   1019

   Block 001801:

    1019   1020   1021

VTD ASHEVILLE SENIOR OPPORTUNITY CENTER

VTD AVERYS CREEK COMMUNITY CENTER

VTD AVERYS CREEK ELEMENTARY SCHOOL

VTD BILTMORE FOREST TOWN HALL

VTD BLACK MOUNTAIN 1 - OWEN MIDDLE SCHOOL

   Block 003002:

    1040   2000   2001   2002   2003   2016   2017

   Block 003103:

    1024   1025   1032   1043   1044   1045   1046   1047   1048   1067   1068   1072

    1073

VTD BROAD RIVER COMMUNITY CENTER

VTD CANE CREEK MIDDLE SCHOOL

VTD COVENANT COMMUNITY CHURCH

VTD FAIRVIEW COMMUNITY CENTER

VTD FAIRVIEW VOLUNTEER FIRE DEPT

VTD FAITH TABERNACLE CHRISTIAN CENTER

VTD FIRST BAPTIST OF SWANNANOA

VTD KENILWORTH PRESBYTERIAN CHURCH

VTD LIMESTONE 2 - GLEN ARDEN SCHOOL

VTD LIMESTONE 3 - ARDEN FIRST BAPTIST

VTD LIMESTONE 4 - SKYLAND FIRE BISHOP SUBSTATION

VTD LOWER HOMINY 1 - OAK FOREST PRESBYTERIAN

   Block 001200:

    5026

   Block 002305:

    2019   2020   2021   2022   2023   2025   2026   2027

   Block 002306:

    2002   2008   2017   2018   2019   2020   2022   2023   2024   2025   2026   2027

    2028   2029   2030   2031   2032   2033   2034   2035   2036   2037   2038   2042

    2043   2044   2045   2047   2050   2065

VTD LOWER HOMINY 3 - ARBORETUM MAIN BLDG ROOM 1

VTD LUTHERAN CHURCH OF THE NATIVITY

VTD MURPHY-OAKLEY COMMUNITY CENTER

VTD NEW HOPE PRESBYTERIAN

VTD REYNOLDS FIRE DEPARTMENT

VTD SHILOH COMMUNITY CENTER

VTD SKYLAND FIRE DEPARTMENT

VTD STEPHENS LEE COMMUNITY CENTER

VTD TC ROBERSON HIGH SCHOOL

VTD TRINITY OF FAIRVIEW CHURCH

VTD W C REID RECREATION CENTER

Plan Components (Short)

District 116

County Buncombe NC
 VTD ASHEVILLE PRE-SCHOOL
 VTD ASHEVILLE SCHOOL ATHLETIC CENTER
 VTD CROSSROADS ASSEMBLY
 VTD ELIADA HOME - PAUL AMOS REC CENTER
 VTD ENKA MIDDLE SCHOOL
 VTD HALL FLETCHER SCHOOL
 VTD HAZEL 1 - EMMA ELEMENTARY SCHOOL
 VTD HAZEL 2 - JOHNSTON SCHOOL
 VTD HOMINY VALLEY ELEMENTARY
 VTD LEICESTER 1 - LEICESTER SCHOOL
 VTD LEICESTER 2 - COMMUNITY CENTER
 VTD LOWER HOMINY 1 - OAK FOREST PRESBYTERIAN
  Block 001200:

5000	5001	5010	5011	5025

  Block 002305:

1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011
1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023
1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035
1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	2000
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2024

  Block 002306:

1001	1008	1015	1016	1017	1018	1019	1020	1021	1022	1025	1026
1027	1028	1029	1031	1032	1033	1034	2021				

  Block 002402:

1019	1020	1021	1022	1023	2005

  Block 002506:

1023	1024

 VTD MONTFORD COMMUNITY CENTER
 VTD SANDY MUSH COMMUNITY CENTER
 VTD UPPER HOMINY 1 - PISGAH ELEMENTARY
 VTD UPPER HOMINY 3 - POLE CREEK BAPTIST
 VTD VANCE ELEMENTARY SCHOOL
 VTD WEST ASHEVILLE CHURCH OF GOD
 VTD WEST ASHEVILLE LIBRARY
 VTD WEST BUNCOMBE 1 - WEST BUNCOMBE SCHOOL
 VTD WEST BUNCOMBE 2 - FIRE TRAIN CENTER

District 117

County Henderson NC
 VTD ARMORY
 VTD ATKINSON
 VTD BAT CAVE
 VTD BRICKTON
 VTD CLEAR CREEK
 VTD EAST FLAT ROCK
  Block 931401:

2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011

Plan Components (Short)

District 117

County Henderson NC

    VTD EAST FLAT ROCK

      Block 931401:

       2012   2013   2014   2015   2016   2019   2021

      Block 931500:

       1010   1012   1013   1018   1036

    VTD EDNEYVILLE

    VTD FLAT ROCK

    VTD FLETCHER

    VTD GRIMESDALE

    VTD HENDERSONVILLE-1

    VTD HENDERSONVILLE-2

    VTD HENDERSONVILLE-3

    VTD HOOPERS CREEK

    VTD HORSE SHOE

    VTD LAUREL PARK

    VTD LONG JOHN MOUNTAIN

    VTD MOORES GROVE

    VTD NORTH BLUE RIDGE

    VTD NORTH MILLS RIVER

      Block 930701:

       1007   1008   1009   1012   1018

    VTD NORTHEAST

    VTD NORTHWEST

    VTD PARK RIDGE

    VTD PISGAH VIEW

    VTD RUGBY

    VTD SOUTH BLUE RIDGE

    VTD SOUTHEAST

    VTD SOUTHWEST

District 118

County Haywood NC

County Madison NC

District 119

County Jackson NC

County Swain NC

County Transylvania NC

District 120

County Cherokee NC

County Clay NC

County Graham NC

County Macon NC

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, et al.,

Plaintiffs,

vs.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House
Standing Committee on Redistricting, et al.,

Defendants.

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2021 DEC -2 P 12: 2 1 CVS 015426

WAKE CO., C.S.C.

BY

AFFIDAVIT OF SEAN P. TRENDE

Now comes affiant Sean P. Trende, having been first duly cautioned and sworn, deposes

and states as follows:

1.   I am over the age of 18 and am competent to testify regarding the matters

discussed below.

2.   I currently reside at 1146 Elderberry Loop, Delaware, OH 43015. My e-mail is

trende.3@buckeyemail.osu.edu.

3.   I have been retained in this matter by the Legislative Defendants, and am being

compensated at $400.00 per hour for my work in this case.

4.   My *curriculum vitae* is attached to this report as Exhibit 1.

EXPERT CREDENTIALS

5.   I am currently enrolled as a doctoral candidate in political science at The Ohio

State University. I have completed all of my coursework and have passed comprehensive

examinations in both methods and American Politics. My coursework for my Ph.D. and

1

M.A.S. included, among other things, classes on G.I.S. systems, spatial statistics, issues in contemporary redistricting, machine learning, non-parametric hypothesis tests and probability theory. I expect to receive my Ph.D. in May of 2021. My dissertation focuses on applications of spatial statistics to political questions.

6.   I joined RealClearPolitics in January of 2009. I assumed a fulltime position with RealClearPolitics in March of 2010. My title is Senior Elections Analyst. RealClearPolitics is a company of around 40 employees, with offices in Washington D.C. It produces one of the most heavily trafficked political websites in the world, which serves as a one-stop shop for political analysis from all sides of the political spectrum and is recognized as a pioneer in the field of poll aggregation. It produces original content, including both data analysis and traditional reporting. It is routinely cited by the most influential voices in politics, including David Brooks of *The New York Times*, Brit Hume of *Fox News*, Michael Barone of *The Almanac of American Politics*, Paul Gigot of *The Wall Street Journal*, and Peter Beinart of *The Atlantic*.

7.   My main responsibilities with RealClearPolitics consist of tracking, analyzing, and writing about elections. I collaborate in rating the competitiveness of Presidential, Senate, House, and gubernatorial races. As a part of carrying out these responsibilities, I have studied and written extensively about demographic trends in the country, exit poll data at the state and federal level, public opinion polling, and voter turnout and voting behavior.

8.   In particular, understanding the way that districts are drawn and how geography and demographics interact is crucial to predicting United States House of Representatives races, so much of my time is dedicated to that task.

9.   I am currently a Visiting Scholar at the American Enterprise Institute, where my publications focus on the demographic and coalitional aspects of American Politics. My first paper focused on the efficiency gap, a metric for measuring the fairness of redistricting plans.

10.   I am the author of *The Lost Majority: Why the Future of Government is up For Grabs and Who Will Take It.* In this book, I explore realignment theory. It argues that realignments are a poor concept that should be abandoned. As part of this analysis, I conducted a thorough analysis of demographic and political trends beginning in the 1920s and continuing through the modern times, noting the fluidity and fragility of the coalitions built by the major political parties and their candidates.

11.   I co-authored the 2014 *Almanac of American Politics*. The Almanac is considered the foundational text for understanding congressional districts and the representatives of those districts, as well as the dynamics in play behind the elections. PBS's Judy Woodruff described the book as "the oxygen of the political world," while NBC's Chuck Todd noted that "[r]eal political junkies get two *Almanacs*: one for the home and one for the office." My focus was researching the history of and writing descriptions for many of the newly-drawn districts, including tracing the history of how and why they were drawn the way that they were drawn.

12.   I have spoken on these subjects before audiences from across the political spectrum, including at the Heritage Foundation, the American Enterprise Institute, the CATO Institute, the Bipartisan Policy Center, and the Brookings Institution. In 2012, I was invited to Brussels to speak about American elections to the European External Action Service, which is the European Union's diplomatic corps. I was selected by the United States Embassy in Sweden to discuss the 2016 elections to a series of audiences there, and was selected by the United

States Embassy in Spain to fulfil a similar mission in 2018. I was invited to present by the United States Embassy in Italy, but was unable to do so because of my teaching schedule.

13.   In the winter of 2018, I taught American Politics and the Mass Media at Ohio Wesleyan University. I taught Introduction to American Politics at The Ohio State University for three semesters from Fall of 2018 to Fall of 2019. In the Springs of 2020 and 2021, I taught Political Participation and Voting Behavior at The Ohio State University. This course spent several weeks covering all facets of redistricting: How maps are drawn, debates over what constitutes a fair map, measures of redistricting quality, and similar topics.

14.   It is my policy to appear on any major news outlet that invites me, barring scheduling conflicts. I have appeared on both Fox News and MSNBC to discuss electoral and demographic trends. I have been cited in major news publications, including *The New York Times*, *The Washington Post*, *The Los Angeles Times*, *The Wall Street Journal*, and *USA Today*.

15.   I sit on the advisory panel for the "States of Change: Demographics and Democracy" project. This project is sponsored by the Hewlett Foundation and involves three premier think tanks: The Brookings Institution, the Bipartisan Policy Center, and the Center for American Progress. The group takes a detailed look at trends among eligible voters and the overall population, both nationally and in key states, to explain the impact of these changes on American politics, and to create population projections, which the Census Bureau abandoned in 1995. In 2018, I authored one of the lead papers for the project: "In the Long Run, We're All Wrong," available at https://bipartisanpolicy.org/wp-content/uploads/2018/04/BPC-Democracy-States-of-Change-Demographics-April-2018.pdf.

16.   I previously authored an expert report in *Dickson v. Rucho*, No. 11-CVS-16896 (N.C. Super Ct., Wake County), which involved North Carolina's 2012 General Assembly and

Senate maps. Although I was not called to testify, it is my understanding that my expert report was accepted without objection. I also authored an expert report in *Covington v. North Carolina*, Case No. 1:15-CV-00399 (M.D.N.C.), which involved almost identical challenges in a different forum. Due to what I understand to be a procedural quirk, where my largely identical report from *Dickson* had been inadvertently accepted by the plaintiffs into the record when they incorporated parts of the *Dickson* record into the case, I was not called to testify.

17.   I authored two expert reports in *NAACP v. McCrory*, No. 1:13CV658 (M.D.N.C.), which involved challenges to multiple changes to North Carolina's voter laws, including the elimination of a law allowing for the counting of ballots cast in the wrong precinct. I was admitted as an expert witness and testified at trial. My testimony discussed the "effect" prong of the Voting Rights Act claim. I did not examine the issues relating to intent.

18.   I authored reports in *NAACP v. Husted*, No. 2:14-cv-404 (S.D. Ohio), and *Ohio Democratic Party v. Husted*, Case 15-cv-01802 (S.D. Ohio), which dealt with challenges to various Ohio voting laws. I was admitted and testified at trial in the latter case (the former case settled). The judge in the latter case ultimately refused to consider one opinion, where I used an internet map-drawing tool to show precinct locations in the state. Though no challenge to the accuracy of the data was raised, the judge believed I should have done more work to check that the data behind the application was accurate.

19.   I served as a consulting expert in *Lee v. Virginia Board of Elections*, No. 3:15-cv-357 (E.D. Va. 2016), a voter identification case. Although I would not normally disclose consulting expert work, I was asked by defense counsel to sit in the courtroom during the case and review testimony. I would therefore consider my work *de facto* disclosed.

20.   I filed an expert report in *Mecinas v. Hobbs*, No. CV-19-05547-PHX-DJH (D. Ariz. 2020). That case involved a challenge to Arizona's ballot order statute. Although the judge ultimately did not rule on a motion in limine in rendering her decision, I was allowed to testify at the hearing.

21.   I authored two expert reports in *Feldman v. Arizona*, No. CV-16-1065-PHX-DLR (D. Ariz.). Plaintiffs in that case challenged an Arizona law prohibiting the collection of voted ballots by third parties that were not family members or caregivers and the practice of most of the state's counties to require voters to vote in their assigned precinct. My reports and testimony were admitted. Part of my trial testimony was struck in that case for reasons unrelated to the merits of the opinion; counsel for the state elicited it while I was on the witness stand and it was struck after Plaintiffs were not able to provide a rebuttal to the new evidence.

22.   I authored an expert report in *Smith v. Perrera*, No. 55 of 2019 (Belize). In that case I was appointed as the court's expert by the Supreme Court of Belize. In that case I was asked to identify international standards of democracy as they relate to malapportionment claims, to determine whether Belize's electoral divisions (similar to our congressional districts) conformed with those standards, and to draw alternative maps that would remedy any existing malapportionment.

23.   I authored expert reports in *A. Philip Randolph Institute v. Smith*, No. 1:18-cv-00357-TSB (S.D. Ohio), *Whitford v. Nichol*, No. 15-cv-421-bbc (W.D. Wisc.), and *Common Cause v. Rucho*, NO. 1:16-CV-1026-WO-JEP (M.D.N.C.), which were efficiency gap-based redistricting cases filed in Ohio, Wisconsin and North Carolina.

24.   I also authored an expert report in the cases of *Ohio Organizing Collaborative, et al v. Ohio Redistricting Commission, et al* (No. 2021-1210); *League of Women Voters of Ohio, et al v. Ohio Redistricting Commission, et al* (No. 2021-1192); *Bria Bennett, et al v. Ohio Redistricting Commission, et al* (No. 2021-1198). These cases are pending in original action before the Supreme Court of Ohio.

25.   I currently serve as one of two special masters appointed by the Supreme Court of Virginia to redraw the districts that will elect the commonwealth's representatives to the House of Delegates, state Senate, and U.S. Congress.

SUMMARY OF WORK PERFORMED

26.   I certify that the images attached as Exhibit 2 are true and correct copies of images that I created and that I describe below.

27.   To create these images, I first downloaded county-level shapefiles from the United States Census Bureau. Using R, a widely utilized statistical programming tool, I joined county-level vote totals for U.S. presidential races in 2012, 2016 and 2020.

28.   Attached as Exhibit 2-A are maps I generated with counties colored red if the Republican candidate won that county, and blue if the Democratic candidate won that county.

29.   I then centered these results on national popular vote results for the respective years, an accepted mechanism that is used to enable analysts to compare results that occur in differing electoral environments. *See, e.g.*, Bernard Fraga, "Candidates or Districts? Reevaluating the Role of Race in Voter Turnout," 60 *Am. Jrnl. Pol. Sci.* 97, 115 (2016). Because the national popular vote reflected reasonably close Democratic wins in all four years, the effect of doing this computation is marginal.

7

30.   Attached as Exhibit 2-B are maps I generated with counties colored red if the Republican candidate performed better in the county than they did nationally, and blue if the Republican candidate performed worse in the county that they did nationally. If the Republican candidate performed better in the county than they did nationally, I refer to that performance as "leaning" Republican.

31.   As shown in Table 1 below, in 2012, the Republican presidential candidate won 70 of North Carolina's 100 counties. In 2016, the Republican presidential candidate won 76 counties, and in 2020, the Republican presidential candidate won 75 counties.

32.   As shown in Table 1 below, in 2012, the number of counties in North Carolina that leaned[1] Republican in the Presidential Election was 73 out of 100, in 2016 that figure was 77 out of 100, and in 2020 that figure was 80 out of 100.

TABLE 1

Election Year	# of N.C. Counties that voted Republican	# of N.C. Counties that leaned Republican
2012	70/100	73/100
2016	76/100	77/100
2020	75/100	80/100

---

[1] "Leaned" is as defined in ¶ 30.

Executed on December 1, 2021

DocuSigned by:

Sean P. Trende

D329B1A55F6D4B4...

Sean P. Trende

Sworn or affirmed before me and subscribed in the presence the __1st__ day of December, 2021, in

the state of Texas and County of __Harris__
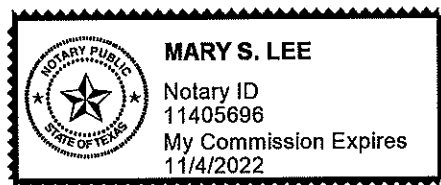
DocuSigned by:

Mary S. Lee

2FAD7787555D439...

Notary Public

MARY S. LEE
Notary ID
11405696
My Commission Expires
11/4/2022

9

Exhibit 1

SEAN P. TRENDE
1146 Elderberry Loop
Delaware, OH 43015
strende@realclearpolitics.com

EDUCATION

Ph.D., The Ohio State University, Political Science, expected 2022.

M.A.S. (Master of Applied Statistics), The Ohio State University, 2019.

J.D., Duke University School of Law, *cum laude*, 2001; Duke Law Journal, Research Editor.

M.A., Duke University, *cum laude*, Political Science, 2001. Thesis titled *The Making of an Ideological Court: Application of Non-parametric Scaling Techniques to Explain Supreme Court Voting Patterns from 1900-1941*, June 2001.

B.A., Yale University, with distinction, History and Political Science, 1995.

PROFESSIONAL EXPERIENCE

Law Clerk, Hon. Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit, 2001-02.

Associate, Kirkland & Ellis, LLP, Washington, DC, 2002-05.

Associate, Hunton & Williams, LLP, Richmond, Virginia, 2005-09.

Associate, David, Kamp & Frank, P.C., Newport News, Virginia, 2009-10.

Senior Elections Analyst, RealClearPolitics, 2009-present.

Columnist, Center for Politics Crystal Ball, 2014-17.

Gerald R. Ford Visiting Scholar, American Enterprise Institute, 2018-present.

BOOKS

Larry J. Sabato, ed., *The Blue Wave*, Ch. 14 (2019).

Larry J. Sabato, ed., *Trumped: The 2016 Election that Broke all the Rules* (2017).

Larry J. Sabato, ed., *The Surge:2014's Big GOP Win and What It Means for the Next Presidential Election*, Ch. 12 (2015).

Larry J. Sabato, ed., *Barack Obama and the New America*, Ch. 12 (2013).

Barone, Kraushaar, McCutcheon & Trende, *The Almanac of American Politics 2014* (2013).

The Lost Majority: Why the Future of Government is up for Grabs – And Who Will Take It (2012).

PREVIOUS EXPERT TESTIMONY

Dickson v. Rucho, No. 11-CVS-16896 (N.C. Super. Ct., Wake County) (racial gerrymandering).

Covington v. North Carolina, No. 1:15-CV-00399 (M.D.N.C.) (racial gerrymandering).

NAACP v. McCrory, No. 1:13CV658 (M.D.N.C.) (early voting).

NAACP v. Husted, No. 2:14-cv-404 (S.D. Ohio) (early voting).

Ohio Democratic Party v. Husted, Case 15-cv-01802 (S.D. Ohio) (early voting).

Lee v. Virginia Bd. of Elections, No. 3:15-cv-357 (E.D. Va.) (early voting).

Feldman v. Arizona, No. CV-16-1065-PHX-DLR (D. Ariz.) (absentee voting).

A. Philip Randolph Institute v. Smith, No. 1:18-cv-00357-TSB (S.D. Ohio) (political gerrymandering).

Whitford v. Nichol, No. 15-cv-421-bbc (W.D. Wisc.) (political gerrymandering).

Common Cause v. Rucho, No. 1:16-CV-1026-WO-JEP (M.D.N.C.) (political gerrymandering).

Mecinas v. Hobbs, No. CV-19-05547-PHX-DJH (D. Ariz.) (ballot order effect).

Fair Fight Action v. Raffensperger, No. 1:18-cv-05391-SCJ (N.D. Ga.) (statistical analysis).

Pascua Yaqui Tribe v. Rodriguez, No. 4:20-CV-00432-TUC-JAS (D. Ariz.) (early voting).

COURT APPOINTMENTS

Appointed as Voting Rights Act expert by Arizona Independent Redistricting Commission

Appointed redistricting expert by the Supreme Court of Belize in *Smith v. Perrera*, No. 55 of 2019 (one-person-one-vote).

INTERNATIONAL PRESENTATIONS AND EXPERIENCE

Panel Discussion, European External Action Service, Brussels, Belgium, *Likely Outcomes of 2012 American Elections*.

Selected by U.S. Embassies in Sweden, Spain, and Italy to discuss 2016 and 2018 elections to think tanks and universities in area (declined Italy due to teaching responsibilities).

Selected by EEAS to discuss 2018 elections in private session with European Ambassadors.

TEACHING

American Democracy and Mass Media, Ohio Wesleyan University, Spring 2018.

Introduction to American Politics, The Ohio State University, Autumn 2018, 2019, 2020, Spring 2018.

Political Participation and Voting Behavior, Spring 2020, Spring 2021.

REAL CLEAR POLITICS COLUMNS

Full archives available at http://www.realclearpolitics.com/authors/sean_trende/

Exhibit 2

Exhibit 2-A

Republican Wins and Losses, County-Level Two-Party Presidential Vote in NC, 2012

Republican Wins and Losses, County-Level Two-Party Presidential Vote in NC, 2016

Republican Wins and Losses, County-Level Two-Party Presidential Vote in NC, 2020

Exhibit 2-B

Republican Share of the Centered County-Level
Two-Party Presidential Vote in NC, 2012
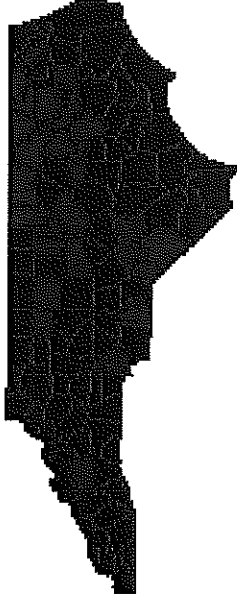
Republican Share of the Centered County-Level
Two-Party Presidential Vote in NC, 2016
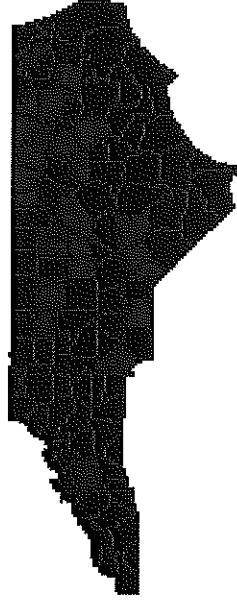
Republican Share of the Centered County-Level
Two-Party Presidential Vote in NC, 2020
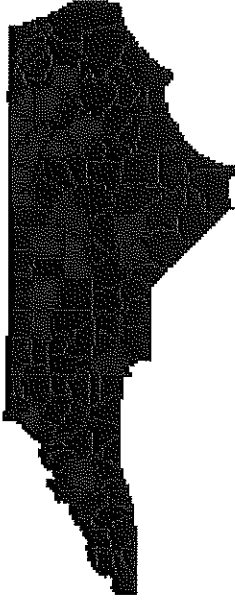
STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 15426

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC. et al.,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House Standing
Committee on Redistricting, et al.

Defendants.

**STATE BOARD DEFENDANTS'
RESPONSE TO PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

NOW COME Defendants the North Carolina State Board of Elections and its members

(collectively, the "State Board" or "State Board Defendants"), by and through the undersigned

counsel, to hereby submit this response to Plaintiffs' motion for preliminary injunction.

INTRODUCTION

State Board Defendants take no position on the merits of Plaintiffs' claims.

Rather, this response is provided to inform the Court and the parties of the State Board's

administrative considerations and concerns. Should the Court reach consideration of granting

the requested relief, the State Board Defendants note that while such relief would impose a

significant burden on the State Board's and county boards' administration of the upcoming

elections, moving the election schedule as requested to allow time for redistricting issues to be

decided would not be insurmountable or impossible if the considerations outlined below by the

State Board regarding relevant limitations and deadlines are taken into account.

FACTUAL BACKGROUND

A. Current Election Schedule

On March 8, 2022, North Carolina is scheduled to hold its 2022 statewide primary election. *See* Affidavit of Karen Brinson Bell, ¶ 3. Contests on the ballot include the U.S. Senate and House of Representatives, the N.C. General Assembly, state judicial contests at all levels, district attorneys, county offices, and some municipal offices. *Id.* For the non-municipal contests, if no candidate reaches the vote share necessary to become the party nominee after the first primary (at least 30% of the vote plus one), a second primary may be held on April 26, or May 17 if a federal office is involved. *See* N.C.G.S. § 163-111. For some municipal contests, a second election will occur on the date of the second primary. Bell Aff., ¶3.

B. State Board Implementation Considerations

In our state, the county boards of elections administer elections in each county, including, among other things, providing for the distribution of voting systems, ballots, and pollbooks, training elections officials, conducting absentee and in-person voting, and tabulation and canvassing of results. *Id.*, ¶4. The State Board is responsible for development and enhancement of our Statewide Elections Information Management System ("SEIMS"), which includes managing functions that assign voters to their relevant voting districts, a process known as "geocoding." *Id.*

The geocoding process starts as soon as the State Board receives legislative district shapefiles, which include geographic data setting the boundaries for legislative districts. *Id.*, ¶ 5. The State Board's staff then works with county board staff to use the shapefiles to update the voting jurisdictions that are assigned to particular addresses in SEIMS. *Id.* The State Board estimates that geocoding would likely take at least 21 days (including holidays and weekends)

for the districts at issue in the 2022 primary. *Id.*, ¶ 6.

Ballot preparation and proofing can begin only after geocoding is complete and candidate filing closes. *Id.*, ¶ 7. For the 2022 primary elections, candidate filing occurs between noon on December 6, 2021, and noon on December 17, 2021. *See* N.C.G.S. § 163-106.2(a). Generating and proofing ballots is complex and involves multiple technical systems and quality-control checkpoints that precede ballot printing and the coding of voting machines. *Id.* This includes proofing each ballot style for content and accuracy, ballot printing, and delivery of all ballot materials to county boards. *Id.* Based on prior experience, the State Board estimates that ballot preparation and proofing would likely take between 17 and 21 days (including holidays and weekends) for the 2022 primary, depending on the number of ballot styles to prepare, which largely depends on the degree of change to intra-county district lines, and the number of contested nominations. *Id.*

While not ideal, geocoding and candidate filing may occur concurrently. *Id.*, ¶ 8. However, geocoding and ballot preparation must occur consecutively. *Id.*, ¶ 9. Ballots cannot be prepared until the proper geographical boundaries for voting districts are set in SEIMS and the candidates are known after the candidate-filing period closes. *Id.* Therefore, the total time required for geocoding and ballot preparation is likely between 38 and 42 days (including holidays and weekends). *Id.* This work must be completed before the beginning of the absentee by mail voting period.

The State Board is required by statute to begin mailing absentee ballots 50 days prior to the primary election day or 45 days under limited exceptions pursuant to N.C.G.S. § 163-227.10(a). *Id.*, ¶ 10. The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires mailing 45 days before a primary election, *see* 52 U.S.C. § 20302(a)(8)(A),

unless Executive Director Bell requests a waiver of this requirement based on a legal contest delaying the preparation of ballots (or another enumerated hardship), and that waiver is granted by the federal official designated to administer UOCAVA, *see id.* § 20302(g). Bell Aff., ¶ 10. As a result, the current deadline by which county boards must be prepared to begin distributing absentee ballots is January 14, 2022, or January 21, 2022 if the period is shortened as provided above. *Id.* In order to maintain the current deadlines for the March 8, 2022 primary, the State Board's assessment is that it must receive map shapefiles for geocoding and ballot preparation no later than December 3–7, 2021, or December 10–14, 2021, if the absentee mailing period is shortened. *Id.*, ¶ 11.

If the absentee mailing period were shortened, the State Board would then need to take into account the impact on preparations for in-person voting. Currently, in-person early voting is set to begin on February 17, 2022 for the 2022 primary. *Id.,* ¶ 12. Before in-person voting occurs, the State Board must work with county boards to prepare voting tabulation machines, and the county boards must conduct logic and accuracy testing of the equipment. *Id.,* ¶ 13. The State Board estimates that this would likely take the counties 14 days. *Id.* Then the State Board and county boards conduct a mock election day followed by two weeks to remedy any technical problems identified during the mock election. *Id.* Accordingly, regardless of when the absentee ballot distribution deadline falls, the State Board estimates it would require 29 days after ballots have been prepared in order for staff to prepare for in-person election voting. *Id.,* ¶ 14.

Finally, for reasons more thoroughly explained in the Affidavit of Executive Director Bell, the delay of any contest currently scheduled for the March 8, 2022 primary, would, as a practical matter, necessitate the delay of all contests scheduled for that date. *Id.,* ¶ 15-21. For instance, if only the contests subject to legislative redistricting were delayed, this would create a

different set of administrative requirements caused by blackout periods in which the geocoding process must be halted for 30 days while in-person voting is occurring and county boards canvass results in the other contests that do not involve redistricting. *Id.*, ¶¶ 16-17. In order to accommodate the second primary for the other contests allowed to proceed on March 8, 2022 (including certain municipal contests that are certain to occur), this would create a second blackout period further disrupting preparation for the delayed races. *Id.*, ¶ 17. This represents an interruption in geocoding of another 30 days, resulting in the work of geocoding and ballot preparation not being completed until approximately May 26-30, 2022, at the earliest. *Id.*

When the blackout periods are combined with the need to have absentee ballots prepared for distribution 50 days (or 45 if shortened) before the election date pursuant to N.C.G.S. § 163-227.10(a), the earliest that a separate primary could occur is 45 days later, which would result in a primary election day of Tuesday, July 12, 2022. *Id.*, ¶¶ 17-18.

The absentee distribution deadline is not the only consideration. One-stop early voting is required to begin 20 days before the primary election day under N.C.G.S. § 163-227.2(b). Accordingly, all of the administrative processes that must occur before in-person voting begins (geocoding, ballot preparation, burning media, preparing touch-screen ballots, logic and accuracy testing, mock election, and technical fix period, among other things), which are estimated by State Board staff to take between 67 and 71 days total, would need to occur between March 19, 2022, and 20 days before the date of the separate primary. Bell Aff., ¶19. A second primary in the unchallenged contests will cause this period to be extended by an additional 30 day delay caused by the second blackout period as described above. *Id.*, ¶¶ 16-17. Therefore, even putting aside absentee ballot distribution deadlines, and only accounting for the in-person voting timelines, the earliest that separate first primary for the challenged contests could occur is, again,

5

Tuesday, July 12, 2022. *Id.,* ¶ 19.

Such a late date for a first primary would make any second primary infeasible if triggered and requested under N.C.G.S. § 163-111. *Id.,* ¶ 20. If that occurs, a second primary under this scenario would occur on either August 30, 2022 or September 20, 2022 (*i.e.,* 7 or 10 weeks after the initial primary, depending on whether there was a federal contest involved) pursuant to N.C.G.S. § 163-111(e). *Id.* This would interfere with the August 19 to August 23 deadline to begin preparing ballots for the general election because absentee ballots must be mailed out for the general election on September 9, 2022 pursuant to N.C.G.S. § 163-227.10(a), and staff require 17-21 days to prepare those ballots. *Id.*

Separate primaries also incur more practical administrative challenges for counties, including added difficulty recruiting poll workers, securing voting locations, and associated costs. *Id.,* ¶ 21.

Thus, enjoining and delaying only the challenged primary contests would result in significantly greater administrative burden on the boards of election, could result in significant voter confusion, and could potentially lead to an administratively infeasible timeline in late summer. *Id.,* ¶ 22. In contrast, if all currently scheduled contests set for March 8, 2022 were moved to a later date, this would still raise significant administrative burdens, but it would be more feasible to implement. This is because geocoding of any new shapefiles can begin immediately upon receipt by the State Board, without blackout interruptions, and voters would not need to keep track of multiple primary dates for the 2022 elections. *Id.*

Under those circumstances, keeping in mind all of the estimates of time needed to prepare for the elections outlined above, and backtracking from the earliest relevant deadline for the general election—the ballot preparation deadline of August 19 to August 23—the State

Board staff's assessment is that the second primary would need to occur no later than Tuesday, July 26, 2022, and the first primary by no later than Tuesday, May 17, 2022. That, in turn, would require that the State Board be provided with any new shapefiles no later than February 14 to 18, 2022. *Id.*, ¶ 23, and Fn 3-6.

LEGAL ARGUMENT

Legal Standard

In considering a motion for preliminary injunction, the Court must "engage in a balancing process, weighing potential harm to the plaintiff if the injunction is not issued against the potential harm to the defendant[s] if injunctive relief is granted." *Williams v. Greene*, 36 N.C. App. 80, 86, 243 S.E.2d 156, 160 (1978). "A preliminary injunction should not be granted if a serious question exists in respect of the defendant's right to do what the plaintiffs seek to restrain and the granting thereof would work greater injury to the defendant than is reasonably necessary for the protection *Pendente lite* of the plaintiffs' rights." *Setzer v. Annas*, 286 N.C. 534, 540, 212 S.E.2d 154, 157–58 (1975).

I.   **Administrative Burdens, Considerations, and Important Deadlines.**

Should this Court choose to grant the relief requested by Plaintiffs, and delay the March 8, 2022 to a date in May of 2022, it would impose significant burdens on the State Board, but it would be administratively feasible so long as certain considerations and deadlines are set.

The affidavit of State Board Executive Director Karen Brinson Bell, which has been filed contemporaneously with the service of this brief, provides a detailed discussion of the relevant administrative processes that the State Board and county boards carry out in preparation for an election. It identifies the amount of time required to accomplish each process that occurs after the State Board receives map shapefiles, and before absentee ballots are distributed and in-person

voting can begin. *See* Bell Aff. ¶¶ 4-14. Certain time estimates are provided as ranges due to certain contingencies, as explained in the affidavit. *Id.* The affidavit further explains the administrative difficulties that would be triggered if a separate primary were ordered for only the races challenged in this action and why that is likely not administratively feasible. *Id.,* ¶¶ 15–21.

Rather than restate the contents of Ms. Bell's affidavit, which appear above in detail in the facts section of this response, State Defendants highlight the two primary issues most relevant to the Court's consideration of Plaintiffs' requested relief.

First, if the Court decides that any contests scheduled for the March 8, 2022 primary should be delayed, then all contests scheduled for that date should be delayed. Delaying a portion of the contests would result in significantly greater administrative burdens for the State Board, could create significant voter confusion, and could impact the deadlines required to carry out the general election in the fall of 2022. *Id.,* ¶ 22.
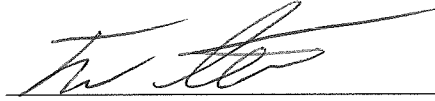
Second, if all races are delayed from the March 8, 2022 to latest date deemed practicable by the State Board, May 17, 2022, and new maps are ordered by this Court, then the new shapefiles must be received by the State Board no later than February 14-18, 2022 in order for them to be implemented ahead of that delayed primary. *Id.,* ¶ 23. It should be noted that the State Board's assessment is that these are dates of last resort that provide the maximum amount of time to resolve any redistricting issues the Court determines to address, before the burden would likely become administratively infeasible for the State Board to conduct orderly elections in 2022.

CONCLUSION

State Board Defendants ask that the Court consider the administrative issues above. State Board staff are available to answer any further questions from the Court regarding administrative considerations relevant to the Court's determination of the motion.

Respectfully submitted this 2nd day of December, 2021.

N.C. DEPARTMENT OF JUSTICE

Terence Steed
Special Deputy Attorney General
State Bar No. 52809

Amar Majmundar
Senior Deputy Attorney General
State Bar No. 24668

Stephanie A. Brennan
Special Deputy Attorney General
State Bar No. 35955

North Carolina Dept. of Justice
Post Office Box 629
Raleigh, N.C. 27602
Emails: amajmundar@ncdoj.gov
sbrennan@ncdoj.gov
tsteed@ncdoj.gov
Tel: (919) 716-6900
Fax: (919) 716-6763

Attorneys for State Board Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing document in the above titled action upon all parties to this cause by via email and addressed as follows:

ROBINSON, BRADSHAW & HINSON, P.A.

Stephen D. Feldman
434 Fayetteville St.
Suite 1600
Raleigh, NC 27601
sfeldman@robinsonbradshaw.com

Adam K. Doerr
101 North Tryon St.
Suite 1900
Charlotte, NC 28246
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
1450 Raleigh Rd.
Suite 100
Chapel Hill, NC 27517
ezimmerman@robinsonbradhsaw.com

JENNER & BLOCK, LLP

David J. Bradford
353 North Clark Street
Chicago, IL 60654
dbradford@jenner.com

Sam Hirsch
Jessica Ring Amunson
Kali Bracey
Zachary C. Schauf
Karthik P. Reddy
Urga Mittal
1099 New York Ave., NW
Suite 900
Washington, DC 20001
shirsch@jenner.com
zschauf@jenner.com

Counsel for Plaintiffs

NELSON MULLINS RILEY & SCARBOROUGH LLP

Phillip J. Strach
Tom Farr
Alyssa Riggins
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
Glenlake One, Suite 200
4140 Parklake Avenue
Raleigh, NC 27612

BAKER HOSTETLER

Mark Braden
Kate McNight
Richard Raile
MBraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com
1050 Connecticut Avenue, NW
Suite 1100
Washington, D.C. 20036

Counsel for Defendants Philip E. Berger, Timothy K. Moore, Ralph E. Hise, Jr., Warren Daniel, Paul Newton, and Destin Hall

This the 2nd day of December, 2021.

Terence Steed
Special Deputy Attorney General

STATE OF NORTH CAROLINA   FILED   IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
COUNTY OF WAKE   2021 DEC -2 P 1: 03   21 CVS 15426

WAKE CO. C.S.C.

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC. et al., Plaintiffs, v. REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al. Defendants.	**NOTICE OF FILING:** **AFFIDAVIT OF KAREN BRINSON BELL**

NOW COME Defendants the North Carolina State Board of Elections and its members

(collectively, the "State Board Defendants"), by and through the undersigned counsel, to hereby

submit the attached Affidavit of Karen Brinson Bell, previously filed in the matter of *North*

Carolina State Conference of the NAACP, et al. v. Berger, et al., 21 CVS 14476, and filed here

in support of State Board Defendants' Response to Plaintiffs' Motion for Preliminary Injunction.

A copy of that Memorandum is being delivered to the Court via email.

Respectfully submitted this 2nd day of December, 2021.

N.C. DEPARTMENT OF JUSTICE

Terence Steed
Special Deputy Attorney General
State Bar No. 52809

Amar Majmundar
Senior Deputy Attorney General
State Bar No. 24668

Stephanie A. Brennan
Special Deputy Attorney General
State Bar No. 35955

North Carolina Dept. of Justice
Post Office Box 629
Raleigh, N.C. 27602
Emails: amajmundar@ncdoj.gov
sbrennan@ncdoj.gov
tsteed@ncdoj.gov
Tel: (919) 716-6900
Fax: (919) 716-6763

Attorneys for State Board Defendants

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing document in the above titled action upon all parties to this cause by via email and addressed as follows:

ROBINSON, BRADSHAW & HINSON, P.A.

Stephen D. Feldman
434 Fayetteville St.
Suite 1600
Raleigh, NC 27601
sfeldman@robinsonbradshaw.com

Adam K. Doerr
101 North Tryon St.
Suite 1900
Charlotte, NC 28246
adoerr@robinsonbradshaw.com

Erik R. Zimmerman
1450 Raleigh Rd.
Suite 100
Chapel Hill, NC 27517
ezimmerman@robinsonbradhsaw.com

JENNER & BLOCK, LLP

David J. Bradford
353 North Clark Street
Chicago, IL 60654
dbradford@jenner.com

Sam Hirsch
Jessica Ring Amunson
Kali Bracey
Zachary C. Schauf
Karthik P. Reddy
Urga Mittal
1099 New York Ave., NW
Suite 900
Washington, DC 20001
shirsch@jenner.com
zschauf@jenner.com

Counsel for Plaintiffs

NELSON MULLINS RILEY & SCARBOROUGH LLP

Phillip J. Strach
Tom Farr
Alyssa Riggins
phil.strach@nelsonmullins.com
tom.farr@nelsonmullins.com
alyssa.riggins@nelsonmullins.com
Glenlake One, Suite 200
4140 Parklake Avenue
Raleigh, NC 27612

BAKER HOSTETLER

Mark Braden
Kate McNight
Richard Raile
MBraden@bakerlaw.com
kmcknight@bakerlaw.com
rraile@bakerlaw.com
1050 Connecticut Avenue, NW
Suite 1100
Washington, D.C. 20036

Counsel for Defendants Philip E. Berger, Timothy K. Moore, Ralph E. Hise, Jr., Warren Daniel, Paul Newton, and Destin Hall

This the 2nd day of December, 2021.

Terence Steed
Special Deputy Attorney General

STATE OF NORTH CAROLINA

WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21 CVS 14476

NORTH CAROLINA STATE
CONFERENCE OF NAACP, et al.,

       Plaintiffs,

v.

PHILLIP E. BERGER, et al.,

       Defendants.

)
)
)
)
)
)
)
)
)
)
)
)
)
)

**AFFIDAVIT OF
KAREN BRINSON BELL**

I, Karen Brinson Bell, swear under penalty of perjury, that the following information is true to the best of my knowledge and state as follows:

1. I am over 18 years old, I am competent to give this affidavit, and have personal knowledge of the facts set forth in this affidavit. I have consulted with senior staff at the State Board in the preparation of this affidavit.

2. I currently serve as the Executive Director of the North Carolina State Board of Elections (the "State Board"). I became Executive Director of the State Board effective June 1, 2019. My statutory duties as Executive Director include staffing, administration, and execution of the State Board's decisions and orders. I am also the Chief State Elections Official for the State of North Carolina under the National Voter Registration Act of 1993 and N.C.G.S. § 163-27. As Executive Director, I am responsible for the administration of elections in the State of North Carolina. The State Board has supervisory responsibilities for the 100 county boards of elections, and as Executive Director, I provide guidance to the directors of the county boards.

3. On March 8, 2022, North Carolina is scheduled to hold its 2022 statewide primary election. Contests on the ballot include the U.S. Senate and House of Representatives, the N.C.

General Assembly, state judicial contests at all levels, district attorneys, and county offices.

Additionally, voters in roughly a third of North Carolina's counties will have municipal contests

on their ballot, due to special legislation delaying certain municipal contests due to delays in

receiving U.S. Census data. *See* N.C. Sess. Law 2021-56. For the non-municipal contests, if no

candidate reaches the vote share necessary to become the party nominee after the first primary

(at least 30% of the vote plus one), a second primary may be held on April 26, or May 17 if a

federal office is involved. *See* N.C.G.S. § 163-111. For municipal contests that use the primary-

and-election or election-and-runoff methods of voting, the second municipal election will be held

on April 26, unless a second primary is being held in a federal contest, in which case the

municipal second election will also be held on May 17.[1]

4. In our state, the county boards of elections administer elections in each county,

including, among other things, providing for the distribution of voting systems, ballots, and

pollbooks, training elections officials, conducting absentee and in-person voting, and tabulation

and canvassing of results. The State Board is responsible for development and enhancement of

our Statewide Elections Information Management System ("SEIMS"), which includes managing

functions that assign voters to their relevant voting districts, a process known as "geocoding."

The State Board also supports the county boards and their vendors in the preparation and

proofing of ballots.

5. For North Carolina electoral districts, the geocoding process starts when the State

Board receives district shapefiles from the legislature, which include geographic data setting the

boundaries for legislative districts. The State Board's staff then works with county board staff to

---

[1] North Carolina municipalities conduct elections using one of four election methods: nonpartisan plurality, nonpartisan election and runoff, nonpartisan primary and election, and partisan primary and election. *See* N.C.G.S. §§ 163-291, -292, -293, -294.

use the shapefiles to update the voting jurisdictions that are assigned to particular addresses in SEIMS. This process then allows the State Board to work with county board staff and ballot-preparation vendors to prepare ballots. The State Board must perform an audit of the geocoding to ensure its accuracy before ballot preparation.

6. The amount of time required for geocoding generally corresponds with the number of district boundaries that are redrawn within the counties. In this case, most counties will experience changes to their districts following decennial redistricting—including state legislative, congressional, and local jurisdiction districts—and a significant number of those counties are likely to have newly drawn district boundaries within the counties' borders. Staff estimates that, given what we currently know, geocoding would likely take at least 21 days (including holidays and weekends) for the 2022 primary.

7. Ballot preparation and proofing can begin after geocoding is complete and candidate filing closes. For the 2022 primary elections, candidate filing occurs between noon on December 6, 2021, and noon on December 17, 2021. *See* N.C.G.S. § 163-106.2(a). The process of generating and proofing ballots is complex and involves multiple technical systems and quality-control checkpoints that precede ballot printing and the coding of voting machines. This includes proofing each ballot style for content and accuracy, ballot printing, and delivery of all ballot materials to county boards. Staff estimates that, given what we currently know, ballot preparation and proofing would likely take between 17 and 21 days (including holidays and weekends) for the 2022 primary, depending on the number of ballot styles to prepare, which largely depends on the degree of change to intracounty district lines, and the number of contested nominations.

8. Geocoding and candidate filing may occur concurrently, although that is not ideal

because the completion of geocoding permits candidates and county boards to verify if a candidate desiring to file for election lives in a particular district. It is possible, however, to check candidate eligibility while geocoding is still taking place.

9.   In contrast, geocoding and ballot preparation must occur consecutively. Ballots cannot be prepared until the proper geographical boundaries for voting districts are set in SEIMS and the candidates are known after the candidate-filing period closes. Additionally, the end-of-year holidays could pose difficulties for available staff time for the State Board, county boards, and vendors. Therefore, the total time required for geocoding and ballot preparation is likely between 38 and 42 days (including holidays and weekends).

10.   Under N.C.G.S. § 163-227.10(a), the State Board must begin mailing absentee ballots 50 days prior to the primary election day, unless the State Board authorizes a reduction to 45 days or there is "an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal." The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires that absentee ballots that include elections for federal office be made available by 45 days before a primary election, *see* 52 U.S.C. § 20302(a)(8)(A), unless I request a waiver of this requirement based on a legal contest delaying the preparation of ballots (or another enumerated hardship), and that waiver is granted by the federal official designated to administer UOCAVA, *see id.* § 20302(g). The state requesting a waiver must present a comprehensive plan that provides absentee UOCAVA voters sufficient time to receive and submit absentee ballots they have requested in time to be counted in the federal election.[2] Based on the current primary date of March 8, 2022, 50 days before the primary election falls on January 17, 2022; but because that

---

[2] https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

day is a holiday, the county boards must be prepared to begin distributing absentee ballots on the prior business day, which is January 14, 2022. The 45-day federal deadline falls on January 22, 2022 for the primary election; but because that day is a Saturday, in practice, the federal ballot distribution deadline is Friday, January 21, 2022.

11.   In sum, the State Board would need to receive the shapefiles for geocoding and ballot preparation between now and 38 to 42 days before the deadline for distributing absentee ballots. Currently, that deadline is January 14, 2022, which means any new shapefiles must arrive between now and December 3–7, 2021. If that deadline were moved to January 21, 2022, new shapefiles would need to arrive between now and December 10–14, 2021.

12.   If the deadlines for distributing absentee ballots were extended beyond what is required by UOCAVA, the State Board would also have to factor in additional administrative steps that must be prepared before in-person voting occurs. Currently, in-person early voting is set to begin on February 17, 2022 for the 2022 primary.

13.   Before in-person voting occurs, the State Board must work with county boards to load data onto physical media cards that are placed in voting tabulation machines, a process called "burning media." The media cards ensure that the tabulators anticipate the layout of ballots and properly attribute votes based on the ballot markings. The county boards must also conduct logic and accuracy testing to ensure that tabulation machines accurately read ballots and to correct any errors in coding. Staff estimates that burning media, preparing ballot marking devices and tabulators, and logic and accuracy testing would likely take the counties 14 days. After that process, the State Board works with the county boards to conduct a mock election, which takes one day, and generally affords two weeks thereafter to remedy any technical problems identified during the mock election. That two-week period could be reduced, but the

5

State Board generally believes that the two-week period fully insures against risks associated with technical problems that may be identified in the mock election.

14. Accordingly, regardless of when the absentee ballot distribution deadline falls, allowing 29 days after ballots have been prepared to prepare for in-person election voting is preferable. Under the current deadlines for distributing absentee ballots, which falls roughly a month before early voting begins, these processes can be accommodated. The time requirements for these processes would only become relevant if the absentee distribution deadline is shortened to less than what is currently required by statute.

15. If the Court were to order a separate primary for the challenged contests, a different set of administrative requirements would be triggered that could ultimately lead to disruption of the general election in the fall.

16. First, it is not technically possible to perform geocoding while in-person voting is occurring, and it is difficult to perform geocoding during the canvass period after the election. This is because making changes in SEIMS related to geocoding inhibits the actual voting process. County canvass takes place 10 days following an election. Generally, at that point, geocoding may begin, assuming no recount has been ordered. Accordingly, we recommend that geocoding for any delayed primary not begin any earlier than March 19, 2022. Relying on the aforementioned estimates, it would take between 38 and 42 days to geocode and prepare ballots for a separate primary. Candidate filing could occur before or simultaneous with geocoding.

17. However, if this Court chose to delay only the contests challenged by this action and allowed the other races to proceed on March 8, 2022 (judicial, prosecutorial, county, and municipal races), in order to accommodate a second primary or second municipal election for those races (see paragraph three above) on April 26 or May 17, the geocoding time period would

be interrupted as there will be a second blackout period for geocoding from April 7 to May 6 (if the election is April 26), or April 28 to May 27 (if the election is May 17). This represents an interruption in geocoding of 30 days, resulting in the work of geocoding and ballot preparation not being completed until approximately May 26-30, 2022, at the earliest. At that point, absentee ballots could be distributed pursuant to N.C.G.S. § 163-227.10(a).

18.   Second, state law regarding the deadline for distributing absentee ballots would again require 50 days' time prior to the primary election day, unless the State Board reduced that time to 45 days or there is "an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal." N.C.G.S. § 163-227.10(a). The federal UOCAVA deadline would not apply if the primary did not involve federal offices. Therefore, accounting for absentee ballot distribution deadlines, the earliest that a separate primary could occur is 45 days later, which would result in a primary election day of Tuesday, July 12, 2022.

19.   Third, one-stop early voting would have to begin 20 days before the primary election day under N.C.G.S. § 163-227.2(b). Accordingly, all of the administrative processes that must occur before in-person voting begins (geocoding, ballot preparation, burning media, preparing touch-screen ballots, logic and accuracy testing, mock election, and technical fix period, among other things), which are estimated to take between 67 and 71 days total, would need to occur between March 19, 2022, and 20 days before the date of the separate primary, with an additional 30 day delay caused by the blackout period around the second primary as described in paragraph 17 above. Therefore, even putting aside absentee ballot distribution deadlines and then accounting for in-person voting timelines, the earliest that separate primary could occur is, again, Tuesday, July 12, 2022.

7

20. Such a late date for a primary would make any second primary, if triggered and requested under N.C.G.S. § 163-111, infeasible. A second primary under this scenario would occur on either August 30, 2022 or September 20, 2022 (i.e., 7 or 10 weeks after the initial primary, depending on whether there was a federal contest involved). This would interfere with the August 19 to August 23 deadline to begin preparing ballots for the general election. Absentee ballots must be mailed out for the general election on September 9, 2022 pursuant to N.C.G.S. § 163-227.10(a), and staff require 17-21 days to prepare those ballots ahead of that date as described in paragraph 7 above.

21. Fourth, there are additional administrative challenges that counties would face if a separate primary were held. Among these challenges would be recruiting poll workers and securing voting locations, along with the associated costs. Increasingly, county elections officials have found it necessary to spend more time recruiting early voting and election day poll workers, especially because of statutorily mandated early voting hours and technological advances in many counties that require elections workers to be familiar with computers. Additionally, a large portion of precinct voting locations in the state are housed in places of worship or in schools, with still others located in privately owned facilities. Identifying and securing appropriate precinct voting locations and one-stop early voting sites requires advance work by county board staff and coordination with the State Board.

22. In sum, enjoining and delaying only the challenged primary contests would result in significantly greater administrative burden on the boards of elections, could result in significant voter confusion, and could potentially lead to an administratively infeasible timeline in late summer. In contrast, if all currently scheduled contests set for March 8, 2022 were moved to a later date, this would still raise significant administrative burdens, but it would be possible to

8

implement as geocoding of any new shapefiles can begin immediately upon receipt by the State Board, without blackout interruptions, and voters would not need to keep track of multiple primary dates for the 2022 elections.

23.   Under those circumstances, and backtracking from the earliest relevant deadline for the general election—the ballot preparation deadline of August 19 to August 23[3]—the second primary can occur no later than Tuesday, July 26, 2022,[4] and the first primary can occur no later than Tuesday, May 17, 2022,[5] which in turn requires that the State Board be provided with any new shapefiles no later than February 14 to 18, 2022.[6]

---

[3] Absentee ballots must be mailed out for the general election on September 9, 2022 pursuant to N.C.G.S. § 163-227.10(a), and staff require 17-21 days to prepare those ballots ahead of that date as described in paragraph 7 above.
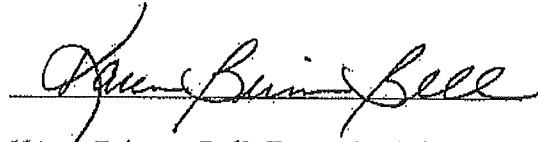
[4] 21 days are required by the State Board to complete statewide canvass and certify the election results, which must be completed prior to preparing ballots. This results in a date range of Friday, July 29 to Sunday, August 2, with Tuesday, July 26 being the nearest feasible day to hold the election.

[5] The allowance of 10 weeks is required between the first and second primaries, pursuant to N.C.G.S. § 163-111(e).

[6] 38 to 42 days to geocode and prepare ballots plus the 50 days before the election when absentee ballots must be mailed.

This concludes my affidavit.

This the 23rd day of November, 2021.

Karen Brinson Bell, Executive Director
N.C. State Board of Elections

Sworn to and subscribed before me this 23rd day of November, 2021.
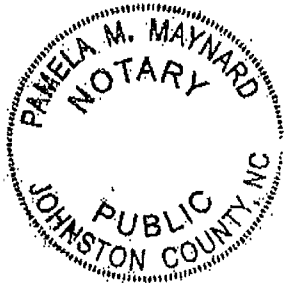
(Notary Public)

My commission expires: 11-2-23

No. _____   TENTH JUDICIAL DISTRICT

NORTH CAROLINA COURT OF APPEALS

****

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, INC.; HENRY M. MICHAUX, JR., et al.,	
Petitioners,	
v.	<u>From Wake County</u> 21 CVS 015426
REPRESENTATIVE DESTIN HALL, in his official capacity as Chair of the House Standing Committee on Redistricting, et al.,	
Respondents.	

****

ADDENDUM TO PETITION FOR WRIT OF SUPERSEDEAS OR PROHIBITION AND MOTION FOR TEMPORARY STAY

****

i

CONTENTS OF ADDENDUM

2019 WL 4569584 (N.C.Super.) (Trial Order)
Superior Court of North Carolina.
Wake County

COMMON CAUSE, et al., Plaintiffs,

v.

Representative David R. LEWIS, in his official capacity as Senior Chairman
of the House Select Committee on Redistricting, et al., Defendants.

No. 18 CVS 014001.
September 3, 2019.

Judgment

Paul C. Ridgeway, Judge.
Joseph N. Crosswhite, Judge.
Alma L. Hinton, Judge.

TABLE OF CONTENTS

FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY CLAUSES ... 317A. North Carolina's Constitution Protects the Rights of Free Speech and Assembly Independently from the Federal Constitution ... 318B. Voting, Banding Together in a Political Party, and Spending on Elections Are Protected Expression and Association ... 320C. The 2017 Plans Burden Protected Expression and Association ... 3221. The 2017 Plans Burden Protected Expression Based on Viewpoint by Making Democratic Votes Less Effective ... 3222. The 2017 Plans Burden Plaintiffs' Ability to Associate ... 3263. The 2017 Plans Burden the NCDP's Expression Through Financial Support for Candidates ... 328D. The 2017 Plans Fail Strict Scrutiny—and Indeed Any Scrutiny ... 328E. The 2017 Plans Impermissibly Retaliate Against Voters Based on Their Exercise of Protected Speech ... 329V. PARTISAN GERRYMANDERING CLAIMS ARE JUSTICIABLE UNDER THE NORTH CAROLINA CONSTITUTION ... 331VI. ANY LACHES DEFENSE LACKS MERIT ... 342VII. DEFENDANTS' FEDERAL DEFENSES LACK MERIT ... 343A. The *Covington* Remedial Order Does Not Bar Changes to the 2017 Plans ... 343B. There Is No Conflict with Federal Civil Rights Laws ... 344C. Granting Relief Will Not Violate the Fundamental Right to Vote ... 346VIII. THE COURT WILL ENJOIN USE OF THE 2017 PLANS IN FUTURE ELECTIONS AND THE GENERAL ASSEMBLY IS TO IMMEDIATELY BEGIN THE PROCESS OF REDRAWING THE RELEVANT DISTRICTS ... 347A. The Court Will Require the Redrawing of Specific County Groupings ... 347B. The Court Will Require the Use of the Adopted Criteria, with certain exceptions, and Prohibit the Use of Other Criteria in Redrawing the Districts ... 348C. The Court Will Not Stay the Remedial Process Pending Appeal ... 351D. The Court Retains Discretion to Move the Primary Dates ... 352DECREE ... 352

 *1 The People of North Carolina have delegated, through the State's Constitution, the drawing of the State's legislative districts to the General Assembly. The delegation of this task, however, is not so unconstrained that legislative discretion is unfettered. Rather, the power entrusted by the People to the General Assembly to draw districts is constrained by other constitutional provisions that the People have also ordained. Some of these constitutional constraints are explicit—for example, the Whole County Provision of the Constitution limits a mapmaker's discretion to traverse county boundaries. But other constitutional constraints that limit the legislative process of map drawing are not explicit or limited in applicability only to map drawing—some constraints apply to all acts of the General Assembly, and indeed all acts of government. These principles include the obligation that our government provide all people with equal protection under law, that our government not restrict all peoples' rights of association and political expression, and that our government allow for free elections. Plaintiffs in this case challenge the legislative districts enacted by the General Assembly in 2017 and assert that the General Assembly has exceeded the map drawing discretion afforded to it by the People by creating maps that impermissibly infringe upon the equal protection, speech, association, and free election rights of citizens.

The People of North Carolina have also entrusted, through the State's Constitution, the task of reviewing acts of other branches of government to the judicial branch. While it is solely the province of the General Assembly to make law reflecting the policy choices of the People, it is the province—and indeed the duty—of the courts of our State through judicial review to ensure that enacted law comports with the State's Constitution. The Court cannot indiscriminately wield this power because the Court is also appropriately constrained by long-standing principles of law. Significantly, the Court must presume the constitutionality of acts of the General Assembly and must declare acts unconstitutional only when such a conclusion is so clear that no reasonable doubt can arise or the statute cannot be upheld on any ground.[1]

[1]   "It is well settled in this State that the courts have the power, and it is their duty in proper cases, to declare an act of the General Assembly unconstitutional—but it must be plainly and clearly the case. If there is any reasonable doubt, it will be resolved in favor of the lawful exercise of their powers by the representatives of the people." *City of Asheville v. State*, 369 N.C. 80, 87-88, 794 S.E.2d 759, 766 (2016) (quoting *Glenn v. Bd. of Educ.*, 210 N.C. 525, 529-30, 187 S.E. 781, 784 (1936)); *State ex rel. Martin v. Preston*, 325 N.C. 438, 449, 385 S.E.2d 473, 478 (1989).

The voters of this state, since 2011, have been subjected to a dizzying succession of litigation over North Carolina's legislative and Congressional districts in state and federal courts. Today marks the third time this trial court has entered judgment. Two times, the North Carolina Supreme Court has spoken. Eight times, the United States Supreme Court has ruled. Yet, as we near the end of the decade, and with another decennial census and round of redistricting legislation ahead, the litigation rages on with little clarity or consensus. The conclusions of this Court today reflect the unanimous and best efforts of the undersigned trial

judges—each hailing from different geographic regions and each with differing ideological and political outlooks—to apply core constitutional principles to this complex and divisive topic. We are aided by advances in data analytics that illuminate the evidence; we are aided by learned experts who inform our analysis; and, we are aided by skilled lawyers who have masterfully advanced the positions of their clients. But, at the end, we are guided, and must be guided, by what we conclude the North Carolina Constitution requires.

*2 The issue before the Court is distilled to simply this: whether the constitutional rights of North Carolina citizens are infringed when the General Assembly, for the purpose of retaining power, draws district maps with a predominant intent to favor voters aligned with one political party at the expense of other voters, and in fact achieves results that manifest this intent and cannot be explained by other non-partisan considerations. In this case, as is set out in detail below, the Court finds as fact that Plaintiffs have met their burden of proof on several critical points. Plaintiffs have established that:

- the General Assembly, in enacting the 2017 legislative maps, had a partisan intent to create legislative districts that perpetuated a Republican-controlled General Assembly;

- the General Assembly deployed this intent with surgical precision to carefully craft maps that grouped many voters into districts predominantly based upon partisan criteria by packing and cracking Democratic voters to dilute their collective voting strength, thereby creating partisan gerrymandered legislative maps;

- the 2017 legislative maps throughout the state and on a district-by-district level, when compared on a district-by-district level to virtually all other possible maps that could be drawn with neutral, non-partisan criteria, are, in many instances, "extreme outliers" on a partisan scale to the advantage of the Republican party;

- partisan intent predominated over all other redistricting criteria resulting in extreme partisan gerrymandered legislative maps; and,

- the effect of these carefully crafted partisan maps is that, in all but the most unusual election scenarios, the Republican party will control a majority of both chambers of the General Assembly.

In other words, the Court finds that in many election environments, it is the carefully crafted maps, and not the will of the voters, that dictate the election outcomes in a significant number of legislative districts and, ultimately, the majority control of the General Assembly. Faced with these facts, as proven by the evidence, the Court must now say whether this conduct violates the constitutional guarantees afforded to all citizens—Democrats, Republicans, and others—of equal protection, the right to associate, to speak freely through voting, and to participate in free elections.

Recently, the United States Supreme Court, in *Rucho v. Common Cause,* 139 S. Ct. 2484 (2019), held that even where enacted maps – *i.e.*, North Carolina's 2016 Congressional Map – were "blatant examples of partisanship driving districting decisions," challenges of partisan gerrymandering were "beyond the reach of the federal courts" because the federal Constitution provides no "constitutional directive or legal standard" to guide the courts. *Id.* at 2507-08. However, the Supreme Court added that "our conclusion does not condone excessive partisan gerrymandering" and does not "condemn complaints about redistricting to echo into a void." *Id.* at 2507. Rather, the Supreme Court observed that provisions of "state constitutions can provide standards and guidance for state courts to apply." *Id.* The case before this Court asserts only North Carolina constitutional challenges to the enacted legislative maps. Hence, this Court considers whether the North Carolina Constitution provides the "standards and guidance" necessary to address extreme partisan gerrymandering.

Of particular significance to this Court is Article I, § 10 of the North Carolina Constitution. This provision, originally enacted in 1776 and contained in the "Declaration of Rights" of our Constitution, simply states that "[a]ll elections shall be free." The North Carolina Supreme Court has long and consistently held that "our government is founded on the will of the people," that "their will is expressed by the ballot," *People ex rel. Van Bokkelen v. Canady,* 73 N.C. 198, 220 (1875), and "the object of all elections is to ascertain, fairly and truthfully the will of the people," *Hill v. Skinner*, 169 N.C. 405, 415, 86 S.E. 351, 356 (1915)

(quotation omitted). The Court has also held that it is a "compelling interest" of the state "in having fair, honest elections." *State v. Petersilie*, 334 N.C. 169, 184, 432 S.E.2d 832, 840 (1993). This Court concludes, for these and other reasons more fully set out below, that the Free Elections Clause of the North Carolina Constitution guarantees that all elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the People and that this is a fundamental right of North Carolina citizens, a compelling governmental interest, and a cornerstone of our democratic form of government.

 *3 Our understanding of the Free Elections Clause shapes the application of the Equal Protection Clause, N.C. Const. art. I, § 19, the Freedom of Speech Clause, *id.* at art. I, § 12, and the Freedom of Assembly Clause, *id.* at art. I, § 14, to instances of extreme partisan gerrymandering. In the context of the constitutional guarantee that elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the People, these clauses provide significant constraints against governmental conduct that disfavors certain groups of voters or creates barriers to the free ascertainment and expression of the will of the People.

Six years ago, this three-judge panel observed, perhaps presciently, the competing principles that are at the heart of the case before it today: "Political losses and partisan disadvantage are not the proper subject for judicial review, and those whose power or influence is stripped away by shifting political winds cannot seek a remedy from courts of law, but they must find relief from courts of public opinion in future elections." *Dickson v. Rucho*, No. 11 CVS 16896 (N.C. Super Ct. July 8, 2013). This, the Court believes, is as true today as it was then. It is not the province of the Court to pick political winners or losers. It is, however, most certainly the province of the Court to ensure that "future elections" in the "courts of public opinion" are ones that freely and truthfully express the will of the People. All elections shall be free—without that guarantee, there is no remedy or relief at all.

This Court is acutely aware that the process employed by the General Assembly in crafting the 2017 Enacted House and Senate maps is a process that has been used for decades—albeit in less precise and granular detail—by Democrats and Republicans alike. However, long standing, and even widespread, historical practices do not immunize governmental action from constitutional scrutiny. *See, e.g., Citizens United v. FEC*, 558 U.S. 310, 365, 130 S. Ct. 876, 913 (2010); *Reynolds v. Sims*, 377 U.S. 533, 582, 84 S. Ct. 1362, 1392 (1964) (holding that malapportionment of state legislative districts violates the Equal Protection Clause, notwithstanding that malapportionment was widespread in the Nineteenth and early Twentieth Centuries).

With this as our guide, this Court, in exercising its duty of reviewing acts of other branches of government to ensure that those governmental acts comport with the rights of North Carolina citizens guaranteed by the North Carolina Constitution, concludes that the 2017 Enacted House and Senate Maps are significantly tainted in that they unconstitutionally deprive every citizen of the right to elections for members of the General Assembly conducted freely and honestly to ascertain, fairly and truthfully, the will of the People. The Court bases this on the inescapable conclusion that the 2017 Enacted Maps, as drawn, do not permit voters to freely choose their representative, but rather representatives are choosing voters based upon sophisticated partisan sorting. It is not the free will of the People that is fairly ascertained through extreme partisan gerrymandering. Rather, it is the carefully crafted will of the map drawer that predominates. This Court further concludes that the 2017 Enacted Maps are tainted by an unconstitutional deprivation of all citizens' rights to equal protection of law, freedom of speech, and freedom of assembly. These conclusions are more fully set out in the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

A. Republicans Drew the 2017 Plans to Maximize Their Political Power

1. Republican Mapmakers Drew the 2011 Plans

 *4 1. In the 2010 elections, as part of a national Republican effort to flip state legislative chambers in order to gain control of redistricting after the 2010 Census, Republicans won majorities in the North Carolina House of Representatives and the North Carolina Senate for the first time since 1870. PX587 ¶ 5; Tr. 867.

2. With their newfound control of both chambers of the General Assembly, Republican legislative leaders set out to redraw the boundaries of the State's legislative districts. In North Carolina, legislative redistricting is performed exclusively by the General Assembly. The Governor cannot veto redistricting bills. N.C. Const. art. II, § 22(5)(b),(c).

3. Legislative Defendant Representative David Lewis and Senator Robert Rucho oversaw the drawing of the 2011 state House and state Senate plans (the "2011 Plans"). PX587 ¶ 8 (Leg. Defs.' Responses to Requests for Admission); Tr. 95:17-21 (Sen. Blue). They hired Dr. Thomas Hofeller to draw the plans. *Id.* ¶ 7; Tr. 95:8-9. Dr. Hofeller and his team drew the plans at the North Carolina Republican Party's headquarters in Raleigh using mapmaking software licensed by the North Carolina Republican Party. PX587 ¶¶ 10-11.

4. Legislative Defendants did not make Dr. Hofeller available to Democratic members of the General Assembly during the 2011 redistricting process, nor did Dr. Hofeller communicate with any Democratic members in developing the 2011 Plans. PX587 ¶¶ 12-13. No Democratic member of the General Assembly saw any part of any draft of the 2011 Plans before they were publicly released. *Id.* ¶ 14.

5. Legislative Defendants have stated in court filings that the 2011 Plans were "designed to ensure Republican majorities in the House and Senate." PX575 at 55 (Defs.-Appellees' Br. on Remand, *Dickson v. Rucho*, No. 201PA12-3, 2015 WL 4456364 (N.C. July 13, 2015)); *see id.* at 16 ("Political considerations played a significant role in the enacted [2011] plans."). Legislative Defendants asserted that they were "perfectly free" to engage in constitutional partisan gerrymandering, and that they did so in constructing the 2011 Plans. PX574 at 60 (Defs.-Appellees' Br., *Dickson v. Rucho*, No. 201PA12-2, 2013 WL 6710857 (N.C. Dec. 9, 2013)).

6. To "ensure Republican majorities in the House and Senate," PX575 at 55, Legislative Defendants and Dr. Hofeller used prior election results to construct the district boundaries to advantage Republicans. PX587 ¶¶ 6, 17. "[T]he recommendation of Tom Hofeller" was to "create a master database that would contain all [statewide] NC elections from the past decade … , each processed into a form that matches up with the 2010 VTD geography." PX769 at 3 (Jan. 14, 2011 memorandum to Senator Rucho). Legislative Defendants obtained Census block-level election results from "all statewide election contests for each general election [from] 2004-2010." PX760.

7. When reviewing the draft plans, all members of the General Assembly had access to a "Stat Pack" containing data on how the districts would perform using the results of prior statewide elections. Tr. 98:4-99:9 (Sen. Blue). Specifically, the Stat Pack showed the partisan vote share for each drafted district for each specific prior election. *Id.* Members of the General Assembly viewed the Stat Pack as containing "pretty reliable predictors of how [draft] districts would perform in the future based on how they performed in the past." Tr. 99:6-9 (Sen. Blue).

 *5 8. In July 2011, the General Assembly enacted the 2011 Plans. N.C. Sess. Laws 2011-404 (House), 2011-402 (Senate). No Democrat voted for either plan, and only one Republican voted against them. PX587 ¶¶ 23-24.

9. In the 2012 elections, the parties' vote shares for the House were nearly evenly split across the state, with Democrats receiving 48.4% of the two-party statewide vote. Joint Stipulation of Facts ("JSF") ¶ 41. But Democrats won only 43 of 120 seats (36%). *Id.* ¶ 42. Republicans thus won a veto-proof majority in the state House—64% of the seats (77 of 120)—despite winning just a bare majority of the statewide vote. In the Senate, Democrats won nearly half of the statewide vote (48.8%) but won only 17 of 50 seats (34%). *Id.* ¶¶ 44-45.

10. In 2014, Republican candidates for the House won 54.4% of the statewide vote, and again won a super-majority of seats (74 of 120, or 61.6%). JSF ¶ 66. In the 2014 Senate elections, Republicans won 54.3% of statewide vote and 68% of the seats (34 of 50). *Id.* ¶ 66.

11. In 2016, Republicans again won 74 of 120 House seats, or 61.6%, this time with 52.6% of the statewide vote. *Id.* ¶ 66. In the 2016 Senate elections, Republicans won 55.9% of the statewide vote and 70% of the seats (35 of 50). *Id.* ¶ 66.

2. The *Covington* Court Struck Down Certain 2011 Districts as Unconstitutional Racial Gerrymanders

12. On May 19, 2015, a group of individual plaintiffs initiated a lawsuit—*Covington v. North Carolina*, No. 1:15-CV-00399 (M.D.N.C.)—against the State Board of Elections, Speaker Timothy Moore, President Pro Tempore Philip Berger, Chair of the Senate Redistricting Committee, Robert Rucho, and Chair of the House Redistricting Committee, David Lewis challenging 28 total House and Senate districts under the 2011 Plans as unconstitutional racial gerrymanders. This case was referenced at trial, the related briefs, and in these findings as the "*Covington* case" or "*Covington* litigation."

13. On August 11, 2016, the federal district court ruled for the plaintiffs as to all of the challenged districts. *Covington v. North Carolina*, 316 F.R.D. 117 (M.D.N.C. 2016). The *Covington* court found that racial considerations rather than political considerations "played a primary role" with respect to the specific 28 "challenged districts" in *Covington*. 316 F.R.D. at 139. The *Covington* litigation did not involve any of the districts drawn in 2011 that are at issue in the present case.

14. Following appeal, on June 5, 2017, the U.S. Supreme Court summarily affirmed the district court's decision invalidating the 28 challenged districts as racial gerrymanders. 137 S. Ct. 2211 (mem.).

15. The district court subsequently ordered briefing on whether to order enactment of remedial maps under a timeline that would enable special elections in 2017. Ultimately, the court declined to order special elections in 2017 and instead allowed a longer timeline for the General Assembly to enact remedial plans. *Covington v. North Carolina*, 267 F. Supp. 3d 664 (M.D.N.C. 2017).

3. The General Assembly Enacted the 2017 Plans

16. On June 30, 2017, Senator Berger appointed 15 senators—10 Republicans and 5 Democrats—to the Senate Committee on Redistricting. PX587 ¶ 44. Senator Hise was appointed Chair. *Id.* Also on June 30, 2017, Representative Moore appointed 41 House members—28 Republicans and 13 Democrats—to the House Select Committee on Redistricting. PX629 at 4-5. Representative Lewis was appointed Senior Chair. PX587 ¶ 45.

 *6 17. On July 26, 2017, the Senate Redistricting Committee and the House Select Committee on Redistricting met jointly ("Redistricting Committee") for organizational and informational purposes. *Covington v. North Carolina*, 1:15-cv-00399, ECF No. 184-7 at 3-4. At the meeting, Representative Lewis and Senator Hise stated that Republican leadership would again employ Dr. Hofeller to draw the new plans. PX601 at 23:3-6; *see* PX587 ¶¶ 46-47. When Democratic Senator Van Duyn asked whether Dr. Hofeller would "be available to Democrats and maybe even the Black Caucus to consult," Representative Lewis answered "no." PX601 at 22:24-23:6. Representative Lewis explained that, "with the approval of the Speaker and the President Pro Tem of the Senate," "Dr. Hofeller is working as a consultant to the Chairs," *i.e.*, as a consultant only to Legislative Defendants. *Id.* at 23:3-6; Tr. 101:6-18 (Sen. Blue).

18. In explaining the choice of Dr. Hofeller to draw the 2017 Plans, Representative Lewis stated that Dr. Hofeller was "very fluent in being able to help legislators translate their desires" into the district lines using "the [M]aptitude program." PX590 at 36:17-19.

19. On August 4, 2017, at another joint meeting of the Redistricting Committees, Representative Lewis and Senator Hise advised Committee members that the *Covington* decision invalidating 28 districts on federal constitutional grounds had rendered a large number of additional districts invalid under the Whole County Provision of the North Carolina Constitution, and those districts would also have to be redrawn. PX602 at 2:14-11:23.

20. At the same August 4, 2017, meeting, the Redistricting Committees allowed 31 citizens to speak for two minutes each. PX602 at 28:3-68:23. All speakers urged the members to adopt fair maps free of partisan bias. *See id.*

21. At another joint meeting on August 10, 2017, the House and Senate Redistricting Committees voted on criteria to govern the creation of the new plans. PX603 at 4:23-5:5.

22. Representative Lewis proposed as one criterion, "election data[:] Political consideration[s] and election results data may be used in drawing up legislative districts in the 2017 House and Senate plans." PX603 at 132:10-13. Representative Lewis provided no further explanation or justification for this proposed criterion, stating only: "I believe this is pretty self-explanatory, and I would urge members to adopt the criteria." *Id.* at 132:13-15.

23. Democratic members pressed Representative Lewis for details on how Dr. Hofeller would use elections data and for what purpose. Democratic Senator Ben Clark asked: "You're going to collect the political data. What specifically would the Committee do with it?" PX603 at 135:11-13. Representative Lewis answered that "the Committee could look at the political data as evidence to how, perhaps, votes have been cast in the past." *Id.* at 135:15-17. When Senator Clark inquired why the Committees would consider election results if not to predict future election outcomes, Representative Lewis stated only that "the consideration of political data in terms of election results is an established districting criteria, and it's one that I propose that this committee use in drawing the map." *Id.* at 141:12-16.

24. Representative Lewis had also stated that Dr. Hofeller used ten specific prior statewide elections in drawing the 2017 Plans: the 2010 U.S. Senate election, the 2012 elections for President, Governor, and Lieutenant Governor, the 2014 U.S. Senate election, and the 2016 elections for President, U.S. Senate, Governor, Lieutenant Governor, and Attorney General. PX603 at 137:22-138:3.

25. The House and Senate Redistricting Committees adopted Representative Lewis's "election data" criterion on a straight party-line vote. PX603 at 141-48.

26. Senator Clark proposed an amendment that would prohibit the General Assembly from seeking to maintain or establish a partisan advantage for any party in redrawing the plans. PX603 at 166:9-167:3. Representative Lewis opposed the amendment, stating he "would not advocate for [its] passage." *Id.* at 167:10-11. The Redistricting Committees rejected Senator Clark's proposal, again on a straight party-line vote. *Id.* at 168-74.

 *7 27. As explained in extensive detail below, Dr. Hofeller's own files establish that he used prior elections results and partisanship formulas to draw district boundaries to maximize the number of seats that Republicans would win in the House and the Senate, and to ensure that Republicans would retain majorities in both chambers. PX123 at 48-76 (Chen Rebuttal Report); PX329 at 3-35 (Cooper Rebuttal Report); PX153, PX166; PX167; PX168; PX170; PX171; PX172; PX241; PX244; PX246; PX248; PX330; PX332; PX333; PX334; PX335; PX336; PX337; PX340; PX342; PX344; PX345; PX346; PX347; PX350; PX352; PX353; PX354; PX724; PX730; PX731; PX732; PX733; PX734; PX735; PX736; PX738; PX739; PX742; PX744; PX746; PX748; PX753; PX754; PX755; PX756.

28. As a further criterion, Representative Lewis proposed incumbency protection—namely that "reasonable efforts and political considerations may be used to avoid pairing incumbent members of the House or Senate with another incumbent in legislative districts drawn in 2017 House and Senate plans. The Committee may make reasonable efforts to ensure voters have a reasonable opportunity to elect non-paired incumbents of either party to a district in the 2017 House and Senate plans." PX603 at 119:9-17. He clarified that the second sentence of this proposed criterion meant "simply" that "the map makers may take reasonable efforts not to pair incumbents unduly." *Id.* at 122:16-18; *see* PX606 at 9:24-10:1 (Sen. Hise: "The Committee adopted criteria pledging to make reasonable efforts not to double-bunk incumbents.").

29. The House and Senate Redistricting Committees adopted Representative Lewis's incumbency-protection criterion, once more on a straight-party line vote. PX603 at 125-32.

30. The Redistricting Committees also adopted as criteria, yet again on straight party-line votes, that they (1) would make "reasonable efforts" to "improve the compactness of the current districts," PX603 at 24:24-25:2; (2) would make "reasonable efforts" to "split fewer precincts" than under the 2011 Plans, *id.* at 79:8-12; and (3) "may consider municipal boundaries" in drawing the new districts, *id.* at 66:15-16; *see id.* at 98-104, 112-19 (adopting criteria). Representative Lewis clarified that these criteria meant "trying to keep towns, cities and precincts whole where possible." PX607 at 10:5-6; *see, e.g.,* PX603 at 66:22-23 (Rep. Lewis explaining that the Committees would "consider not dividing municipalities where possible").

31. As a final criterion, Representative Lewis proposed prohibiting the consideration of racial data in drawing the new plans. PX603 at 148:11-15.

32. The full criteria adopted by the Committees for the 2017 Plans (the "Adopted Criteria") read as follows:
Equal Population. The Committees shall use the 2010 federal decennial census data as the sole basis of population for drawing legislative districts in the 2017 House and Senate plans. The number of persons in each legislative district shall comply with the +/- 5 percent population deviation standard established by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002).

Contiguity. Legislative districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

County Groupings and Traversals. The Committees shall draw legislative districts within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*) and *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*.

 *8 *Compactness*. The Committees shall make reasonable efforts to draw legislative districts in the 2017 House and Senate plans that improve the compactness of the current districts. In doing so, the Committees may use as a guide the minimum Reock ("dispersion") and Polsby-Popper ("perimeter") scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, "Bizarre Districts," and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).

Fewer Split Precincts. The Committees shall make reasonable efforts to draw legislative districts in the 2017 House and Senate plans that split fewer precincts than the current legislative redistricting plans.

Municipal Boundaries. The Committees may consider municipal boundaries when drawing legislative districts in the 2017 House and Senate plans.

Incumbency Protection. Reasonable efforts and political considerations may be used to avoid pairing incumbent members of the House or Senate with another incumbent in legislative districts drawn in the 2017 House and Senate plans. The Committees may make reasonable efforts to ensure voters have a reasonable opportunity to elect non-paired incumbents of either party to a district in the 2017 House and Senate plans.

Election Data. Political considerations and election results data may be used in the drawing of legislative districts in the 2017 House and Senate plans.

No Consideration of Racial Data. Data identifying the race of individuals or voters shall not be used in the drawing of legislative districts in the 2017 House and Senate plans.

PX587 ¶ 53; LDTX007.

33. On August 11, 2017, Representative Lewis and Senator Hise notified Dr. Hofeller of the criteria adopted by the redistricting committees and "directed him to utilize those criteria when drawing districts in the 2017 plans." PX629 at 7. The criteria were also placed on legislative websites for the public to view and comment. *Covington v. North Carolina*, 1:15-cv-00399, ECF No. 184-9 at 193.

34. Dr. Hofeller drew the 2017 Plans under the direction of Legislative Defendants and without consultation with any Democratic members. PX587 ¶¶ 48-51, 55-56. Representative Lewis claimed that he "primarily … directed how the [House] map was produced," and that he, Dr. Hofeller, and Republican Representative Nelson Dollar were the only "three people" who had even "seen it prior to its public publication." PX590 at 40:14-21. None of Legislative Defendants' meetings with Dr. Hofeller about the 2017 redistricting were public. PX587 ¶ 51. Legislative Defendants did not make Dr. Hofeller available to Democratic members during the 2017 redistricting process, nor did Dr. Hofeller communicate with any Democratic members in developing the 2017 Plans. PX587 ¶¶ 48-49; Tr. 126:16-18 (Sen. Blue). No Democratic member of the General Assembly saw any part of any draft of the 2017 Plans before they were publicly released. PX587 ¶ 50.

35. On August 19, 2017, the proposed 2017 House plan was released on the General Assembly website. PX629 at 7. The House Redistricting Committee made only minor adjustments to Dr. Hofeller's draft, swapping precincts between a few districts. PX605 at 16:2-17:16.

36. On August 20, 2017, the proposed 2017 Senate plan was released on the General Assembly website. PX629 at 7. At a Senate Redistricting Committee hearing on August 24, 2017, Senator Van Duyn asked Senator Hise how prior elections data had been used in drawing the proposed maps. PX606 at 26:4-6. Senator Hise replied that the mapmaker, Dr. Hofeller, "did make partisan considerations when drawing particular districts." *Id.* at 26:9-10.

 *9 37. The Senate Redistricting Committee adopted only two minor amendments to the district boundaries drawn by Dr. Hofeller. One change, proposed by Senator Clark, moved a small population from Senate District 19 to District 21. PX606 at 49:20-52:9. The other change, proposed by Democratic Senator Daniel Blue, swapped a few precincts between Senate Districts 14 and 15, two heavily Democratic districts in Wake County. *Id.* at 52:19-53:19. Senator Blue's amendment passed by a unanimous vote. *Id*. at 67:13-19.

38. As in 2011, Stat Packs measuring the partisan performance of the draft districts under recent elections were made available to members of the Redistricting Committees. Tr. 113:17-115:15 (Sen. Blue). The Stat Packs, released on August 21, 2017, *see* PX629 at 7, contained information for each proposed district based on the ten statewide elections that Representative Lewis had claimed would be used in drawing the 2017 Plans. PX591; PX597.

39. Following the public release of the draft House and Senate maps, Legislative Defendants held public meetings on August 22, 2017, in Raleigh and at six satellite locations across the state. PX607 at 7:22-8:11, 9:1-3. Many citizens spoke at the meetings and expressed grave concerns about the draft maps. As Senator Blue testified, "overwhelmingly they were saying that they wanted districts drawn that were not partisan in nature." Tr. 105:8-12.

40. On August 24, 2017, the Senate Redistricting Committee adopted the Senate plan drawn by Dr. Hofeller with the minor modifications discussed above. PX606 at 131:10-23. The next day, the House Redistricting Committee adopted Dr. Hofeller's proposed House plan, also with the minor modifications discussed above. PX605 at 120:2-125:25.

41. During a Floor Session Hearing on August 28, 2017, Representative Lewis proposed an amendment to modify several House districts in Wake County. PX590 at 30:13-32:2. The amendment passed on a straight party-line vote. *Id.* at 31:18-32:2.

42. On August 31, 2017, the General Assembly passed the House plan (designated HB 927) and the Senate plan (designated SB 691), with only a few minor modifications from the versions passed by the Committees. PX629 at 8-9; *see* PX627 (HB 927); PX628 (SB 691). No Democratic Senator voted in favor of either plan. PX587 ¶ 71. The lone Democratic member of the House who voted for the plans was Representative William Brisson, who switched to become a Republican several months later. *Id.*

43. The 2017 Plans altered 79 House districts and 35 Senate districts from the 2011 Plans. JSF ¶¶ 169-70.

4. The *Covington* Special Master Redrew Several Districts That Remained Racially Gerrymandered

44. On September 15, 2017, the *Covington* plaintiffs filed an objection to the 2017 draft plans, alleging that Senate Districts 21 and 28 and House Districts 57 and 21 were still racial gerrymanders. *Covington v. North Carolina*, 283 F. Supp. 3d 410, 429 (M.D.N.C. 2018). The *Covington* Court agreed. *Id.* at 429-42. The court further held that the General Assembly's changes to five House districts (36, 37, 40, 41, and 105) violated the North Carolina Constitution's prohibition on mid-decade redistricting. *Id.* at 443-45.

45. The court appointed Dr. Nathaniel Persily as a Special Master to assist in redrawing the districts for which the court had sustained the plaintiffs' objections. To cure the racially gerrymandered districts, the Special Master made adjustments to certain neighboring districts as well. *Covington*, ECF No. 220 at 46, 64. The court adopted the Special Master's recommended changes to all of these districts. 283 F. Supp. 3d at 458.

 *10 46. The Special Master also restored the districts that the court had found were redrawn in violation of the ban on mid-decade redistricting to the 2011 versions of those districts. *Covington*, 283 F. Supp. 3d at 456-58. The court adopted these changes as well. *Id.*

47. On June 28, 2018, the U.S. Supreme Court affirmed the district court's adoption of the Special Master's remedial plans for House Districts 21 and 57 (and the adjoining districts, 22, 59, 61, and 62) and Senate Districts 21 and 28 (and the adjoining districts, 19, 24, and 27). *North Carolina v. Covington*, 138 S. Ct. 2548, 2553-54 (2018). But the U.S. Supreme Court reversed the district court's adoption of the Special Master's plans for the districts allegedly enacted in violation of the mid-decade redistricting prohibition, holding that the court's remedial authority was limited to curing the racial gerrymanders and nothing more. *Id.* at 2554-55.

48. Ultimately, the Special Master's Final Report altered the following districts: Senate Districts 19, 21, 24, 27, 28; House Districts 21, 22, 57, 59, 61. LDTX159. The Special Master also reviewed the 2017 Enacted Plan and chose to keep the General Assembly's version of House Districts 58 and 60 in his recommended changes. *Id.*

49. Plaintiffs in this case do not challenge the following districts that were altered by the *Covington* Special Master: House Districts 21, 22, 57, 61, 62; Senate Districts 19, 21, 24, 28.

B. The 2017 Plans Were Designed Intentionally and Effectively to Maximize Republican Partisan Advantage on a Statewide Basis

1. Legislative Defendants Admitted That They Were Drawing the 2017 Plans for Partisan Gain

50. At trial, there was little meaningful dispute that Legislative Defendants drew the 2017 Plans to advantage Republicans and reduce the effectiveness of Democratic votes.

51. The 2017 Adopted Criteria expressly provided for the use of "election data" in drawing the 2017 Plans. LDTX007. The Joint Select Committee on Redistricting considered results from 10 statewide elections, captured in Stat Packs available to legislators when they considered whether to adopt Dr. Hofeller's draft House and Senate plans. Tr. 113:17-115:15. The Stat

Packs demonstrated that, under those 10 statewide elections, Republicans would be expected to win between 72 and 82 seats in the House and between 31 and 35 seats in the Senate. PX591; PX597. In other words, Republicans would win a supermajority in both chambers of the General Assembly under each and every one of the 10 statewide elections used to evaluate the 2017 Plans (72 seats provides a supermajority in the House and 30 seats does in the Senate).

52. As Senator Blue testified, the election data used by Legislative Defendants— and in particular the performance of the proposed House and Senate plans under the range of 10 prior statewide elections—revealed that the plans were "designed specifically to preserve the supermajority" that the Republican Party had gained under the 2011 Plans. Tr. 115:19-22.

53. At the Senate Redistricting Committee hearing on August 24, 2017, Senator Hise confirmed that the mapmaker, Dr. Hofeller, "did make partisan considerations when drawing particular districts" in 2017. PX606 at 26:9-10. And as discussed above, Legislative Defendants stated in prior court filings that the districts drawn in 2011 were "designed to ensure Republican majorities in the House and Senate." PX575 at 16, 55 (*Dickson v. Rucho*, No. 201PA12-3, 2015 WL 4456364 (N.C. July 13, 2015)).

2. Dr. Hofeller's Files Establish That the Predominant Goal Was to Maximize Republican Partisan Advantage

 *11 54. Files from Dr. Hofeller's storage devices provide direct evidence of Dr. Hofeller's predominant focus on maximizing Republican partisan advantage in creating the 2017 Plans. The Court specifically finds, based upon the direct and circumstantial evidence of record, that the partisan intent demonstrated in Dr. Hofeller's files, as detailed below, is attributable to Legislative Defendants inasmuch that Dr. Hofeller, at all relevant times, worked under the direction of, and in concert with, Legislative Defendants. *See, e.g.,* FOF § F.7.

55. Plaintiffs obtained this evidence through a subpoena to Dr. Hofeller's daughter. PX676; PX781 (S. Hofeller deposition). Plaintiffs issued the subpoena to Ms. Hofeller on February 13, 2019 and provided notice to all other parties the same day. PX676. After no party objected to the subpoena, on March 13, 2019, Ms. Hofeller produced 22 electronic storage devices that had belonged to her father and that her mother gave her after Dr. Hofeller's death. PX781 at 1-43. The Hofeller files admitted into evidence at trial all came from these storage devices. PX123 at 2, 39, 48 (Chen Rebuttal Report); PX329 at 3-4 (Cooper Rebuttal Report).[2]

2   The Court at trial allowed the parties to admit expert reports as "corroborative evidence"—*i.e.*, as evidence that "tends to add weight or credibility" to the experts' testimony. *State v. Garcell*, 363 N.C. 10, 40, 678 S.E.2d 618, 637 (2009); *see* Tr. 537:8-538:7.

56. This Court granted Plaintiffs' pretrial motion *in limine* to admit the relevant files from Dr. Hofeller's storage devices, finding sufficient evidence of authenticity and chain of custody. As the Court suggested in its pretrial ruling, and now holds, these files are public records pursuant to N.C. Gen. Stat. § 120-133(a) and Dr. Hofeller's contract with the General Assembly to draw the 2017 Plans. PX641. The Court denied Legislative Defendants' motion *in limine* to exclude the Hofeller files based on purported misconduct by Plaintiffs or their counsel.

57. Dr. Hofeller maintained two folders related to the 2017 redistricting, titled "NC 2017 Redistricting" and "2017 Redistricting." Tr. 449:20-450:5. Plaintiffs' expert Dr. Chen reviewed the entire contents of these two folders and found that, other than verifying that draft districts met the equal population and county grouping requirements, the files exhibited a consistent focus on partisan considerations. PX123 at 76 (Chen Rebuttal Report); Tr. 450:6-13. Among the hundreds of files in these two folders, there were a "few files" that report on VTD and county splits, "[b]ut beyond these few files," these hundreds of files focused overwhelmingly on each party's expected vote share in the draft districts and on the identities and party affiliations of the incumbent members in each district. PX123 at 76 (Chen Rebuttal Report). The fact that these folders focused overwhelmingly on partisan considerations is persuasive evidence that partisan intent predominated in the drawing of the 2017 Plans.

a. *Dr. Hofeller's partisanship formulas*

58. The specific contents of the two folders confirm Dr. Hofeller's focus on Republican partisan advantage. In the folders, Dr. Hofeller had three partisanship formulas. First, as reflected in a Microsoft Word document titled "FORMULA FOR POLITICAL ANALYSIS OF LEGISLATIVE DISTRICTS," Dr. Hofeller used a formula that measured the average Republican vote share in each VTD across nine statewide elections from 2008 to 2014. Tr. 450:24-451:15; PX123 at 49-52 (Chen Rebuttal Report). These nine elections were different from the ten elections Representative Lewis claimed would be used. Tr. 451:20-452:6. Dr. Hofeller used this partisanship formula based on 2008-2014 elections to measure the partisanship of his draft districts through at least July 2017, Tr. 452:7-10, by which point he had already substantially completed drawing preliminary drafts for most of the final districts, FOF § F.7. Plaintiffs' Exhibit 153 is a screenshot of Dr. Hofeller's Microsoft Word document containing this partisanship formula:

 *12 Dr. Hofeller's "FORMULA FOR POLITICAL ANALYSIS OF LEGISLATIVE DISTRICTS.doc"

FORMULA FOR POLITICAL ANALYSIS OF LEGISLATIVE DISTRICTS USING 2-PARTY VOTE

(G08P_RV+ G08G_RV+ G08S_RV+ G08K_RV+ G12P_RV+ G12G_RV+ G12O_RV_ G10S_RV+ G14S_RV)/ (G08P_DV+ G08P_RV+ G08G_DV+ G08S_DV+ G08S_DV+ G08S_RV+ G08K_DV+ G08K_RV+ G12P_DV+ G12P_RV+ G12G_DV+ G12G_RV+ G12O_DV+ G12O_RV+ G10S_DV+ G10S_RV+ G14S_DV+ G14S_RV)

2008	President
2008	Governor
2008	U.S. Senate
2008	insurance Commissioner
2010	U. S. Senate
2012	President
2012	Governor
2012	Commissioner of Labor
2014	U.S. Senate

59. Dr. Hofeller's second partisanship formula was based on the ten statewide elections from 2010-2016 that Representative Lewis claimed would be used in 2017. Tr. 452:12-453:21. Dr. Hofeller did not employ this formula, however, in the Excel worksheets where he analyzed the partisanship of his draft districts. Tr. 453:12-17.

60. Dr. Hofeller's final partisanship formula, titled "Off Year," was based on the results of statewide elections during non-Presidential election years, namely 2010 and 2014. Tr. 453:22-454:9; PX123 at 65 (Chen Rebuttal Report). It is apparent that Dr. Hofeller used this formula to evaluate how his districts might perform in non-Presidential years. Tr. 454:10-17.

61. Dr. Hofeller's "NC 2017 Redistricting" and "2017 Redistricting" folders contain numerous Microsoft Excel spreadsheets analyzing partisan considerations, using his partisanship formulas, for the draft House and Senate plans that he was developing and modifying from November 2016 through June 2017. *See* PX123 at 53-64 (Chen Rebuttal Report).

62. First, Dr. Hofeller placed a special focus on how many of his draft House and Senate districts had an average Republican vote share of 53% or higher using his partisanship formulas. For instance, in a spreadsheet last modified on November 26, 2016, analyzing a draft Senate plan, Dr. Hofeller wrote "23 Under 53%" at the bottom to indicate the number of draft districts for which Democrats had less than a 53% vote share and Republicans had a 53% or higher vote share. Tr. 456:14-20; PX248 at 2. In other words, as shown in Plaintiffs' Exhibit 248 below, Dr. Hofeller projected that 27 of the 50 districts in this draft Senate plan would have a Republican vote share at or above 53%.

Dr. Hotelier's Draft Plan File: "Senate Minimum-Partisan-Members.xlsx" (November 26, 2016)

New 2016 Senate Plan

Group Type	Dist	Avg R	Incumbent	Pty	Note	Old Ave R
New	1	52.70%	Cook	R		
Old	2	60.16%	Sanderson	R		
New	3	35.11%	Smith-Ingram	D		
New	4	37.39%	Horner	R		
New	5	45.94%	Davis	D		
Old	6	59.16%	Brown	R		
New	7	50.94%	Pate	R		
Old	S	54.69%	Rabon	R		
Old	9	53.05%	Lee	R		
New	10	55.32%	Jackson	R		
New	11	54.35%	Bryant	D		
New	12	56.83%	Rabin	R		
Old	13	41.09%	Britt	R		
Wake-Franklin	14	24.66%	Blue	D		
Wake-Franklin	15	52.45%	Alexander	R		
Wake-Franklin	16	40.50%	Chaudhuri	D		
Wake-Franklin	17	54,36%	Barringer	R		
Wake-Franklin	18	52.70%	Barefoot	R		
Cumberland	19	50.64%	Meredith	R		
New	20	27.50%	McKissick	D		

Cumberland	21	29.64%	Clark	D	
New	22	33.39%	Woodard	D	
Old	23	34.84%	Foushee	D	
New	24	56.91%	Gunn	R	
New	25	51.51%	McInnis	R	
New	26	59.18%	Berger	R	
New	27	58.05%	Wade	R	
New	28	23.67%	Robinson	D	
New	29	***13** 50.90%	Tillman	R	
New	30	60.87%	Randleman, Ballard	R,R	#
New	31	64.87%	Brock, Krawiec	R,R	#
New	32	30.42%	Lowe	D	
Old	33	55.39%	Dunn	R	
New	34	66.29%	Vacant	R	#
Old	35	65.63%	Tucker	R	
Old	36	61.81%	Newton	R	
Mecklenburg	37	32.84%	Vacant	D	#
Mecklenburg	38	26.55%	Jackson	D	
Mecklenburg	39	63.97%	Bishop	R	
Mecklenburg	40	28.50%	Waddell	D	
Mecklenburg	41	49.66%	Ford, Tarte	D,R	#
Old	42	65.81%	Wells	R	
New	43	62.82%	Jarromgtpm	R	
New	44	62.81%	Curtis	R	
New	45	64.46%	Vacant	R	#
New	46	63.85%	Danniel	R	
Old	47	59.28%	Hise	R	
Old	48	58.81%	Edwards	R	

Old	49	40.90%	Van Duyn		D	
Old	50	56.29%	Davis		R	

Notes: # = Double Bunk or Vacant, ## = Partisan Mismatch

23 Under 53%

63. In subsequent June 2017 spreadsheets analyzing draft House and Senate plans, Dr. Hofeller color-coded the districts to differentiate between districts that had slightly-under and slightly-over a 53% expected Republican vote share. Dr. Hofeller shaded the ''Avg R'' column yellow for draft districts with an expected Republican vote share of 50-53%, and shaded cells in the column a peach color for districts with an expected Republican vote share of 53-55%. Tr. 460:6-461:8, 464:19-465:11; PX244; PX241; PX246; PX123 at 66 (Chen Rebuttal Report).

64. Dr. Hofeller stratified all of the Republican-leaning districts in his draft House and Senate plans using highly granular gradations. Tr. 461:1-8, 463:6-25, 465:16-466:20; PX241 at 3; PX244 at 2; PX246 at 3. As illustrated in Plaintiffs' Exhibits 244 below, Dr. Hofeller counted how many districts in each draft House and Senate plan had between a 50-53%, 53-55%, 55-60%, 60-65%, and 65%-100% expected Republican vote share. *Id.* In contrast, Dr. Hofeller did not analyze Democratic-leaning districts with such granularity. Whereas Dr. Hofeller analyzed the Republican-leaning districts in five different bands, he analyzed Democratic-leaning districts in just two bands of 0-45% Republican vote share and 45-50% Republican vote share. Tr. 466:1-20; PX241 at 3; PX244 at 2; PX246 at 3.

Dr. Hotelier's Draft Plan File: "NC Senate Minimum Partisan J-2" (June 13, 2017)

New 2016 Senate Plan

Group Type	Dist	Avg R	14 Sen %	Incumbent	Pty	Note	Old Ave R	11 ti 17
New	1	47.94%	52.31%	Cook	R		53.54%	-5.60%
Old	2	60.16%	63.13%	Sanderson	R		60.16%	0.00%
New	3	40.10%	43.10%	Smith-Ingram	D		34.18%	5.93%
New	4	37.39%	39.24%	Horner	R	##	31.88%	5.51%
New	5	45.94%	48.68%	Davis	D		36.80%	9.15%
Old	6	59.16%	64.83%	Brown	R		59.16%	0.00%
New	7	50.94%	53.60%	Pate	R		59.37%	-8.43%
Old	8	54.69%	56.14%	Rabon	R		54.69%	0.00%
Old	9	53.05%	51.05%	Lee	R		53.05%	0.00%
New	10	54.75%	57.91%	Jackson	R		57.13%	-2.38%

New	11	54.47%	56.42%	Bryant	D	##	57.61%	-3.13%
New	12	57.19%	58.83%	Rabin	R		57.19%	0.00%
Old	13	41.09%	47.12%	Britt	R	##	41.09%	0.00%
Wake-Franklin	14	25.37%	22.89%	Blue	D		25.54%	-0.17%
Wake-Franklin	15	53.04%	49.97%	Alexander			53.32%	-0.28%
Wake-Franklin	16	39.77%	35.22%	Chaudhuri	D		38.80%	0.97%
Wake-Franklin	17	54.36%	51.52%	Barringer	R		53.45%	0.91%
Wake-Franklin	18	52.57%	53.26%	Barefoot	R		52.76%	-0.19%
Cumberland	19	50.79%	53.27%	Meredith	R		49.30%	1.48%
New	20	20.93%	18.06%	McKissick	D		24.15%	-3.23%
Cumberland	21	29.52%	29.98%	Clark	D		30.53%	-1.01%
New	22	40.57%	39.77%	Woodard	D		37.71%	2.86%
Old	23	34.84%	31.50%	Foushee	D		34.84%	0.00%
New	24	56.91%	58.10%	Gunn	R		59.06%	-2.14%
New	25	51.51%	54.18%	McInnis	R		55.19%	-3.68%
New	26	59.18%	62.59%	*14 Berger	R		57.51%	1.67%
New	27	57.95%	56.89%	Wade	R		55.06%	2.90%
New	28	22.97%	22.18%	Robinson	D		18.65%	4.32%
New	29	60.90%	64.77%	Tillman	R		67.04%	-6.14%
New	30	60.87%	63.71%	Randleman,Ballard	R,R	#	66.15%	-5.28%
New	31	64.87%	65.07%	Brock, Krawiec	R,R	#	62.71%	2.16%
New	32	30.42%	29.53%	Lowe	D		31.20%	-0.78%
Old	33	65.39%	68.87%	Dunn	R		65.39%	0.00%
New	34	66.29%	67.96%	Vacant	R	#	63.53%	2.76%
Old	35	65.63%	65.84%	Tucker	R		65.36%	0.27%
Old	36	61.81%	60.28%	Newton	R		62.18%	-0.38%
Mecklenburg	37	31.35%	29.21%	Vacant	D	#	37.87%	-6.52%
Mecklenburg	38	28.06%	23.76%	Jackson	D		23.36%	4.70%

Mecklenburg	39	63.96%	59.63%	Bishop	R		61.93%	2.03%
Mecklenburg	40	29.05%	25.80%	Waddell	D		20.96%	8.09%
Mecklenburg	41	49.59%	45.44%	Ford, Tarte	D,R	# ##	57.53%	-7.94%
Old	42	65.81%	67.05%	Wells	R		65.81%	0.00%
New	43	62.82%	63.14%	Jarromgtpm	R		62.82%	0.00%
New	44	62.81%	64.31%	Curtis	R		65.66%	-2.85%
New	45	64.46%	65.33%	Vacant	R	#	61.05%	3.41%
New	46	63.85%	63.85%	Danniel	R		58.59%	5.26%
Old	47	59.28%	61.81%	Hise	R		59.28%	0.00%
Old	48	58.81%	58.70%	Edwards	R		58.81%	0.00%
Old	49	40.90%	38.15%	Van Duyn	D		40.90%	0.00%
Old	50	56.29%	58.76%	Davis	R		56.29%	0.00%

Pressure Points for GOP Incumbents:

1. Sen. Cook in District 1 (Northeast Coast) is now in a toss-up district

2. Sentors Randleman & Ballard are double-bunked in a strong GOP District 30 (Northwest of State).

3.Senators Brock & Krawiec are double-bunked in a strong GOP District 31(Davie & Forsyth)

4. Senators Tate [R] & Ford [D] are double-bunked in a leaning-Dem. District 41 (N. Mecklenburg).

5. There are 2 strong GOP and 1 Strong Dem vacant districts (34, 37 and 45).

6. 34% (12) of Republican Incumbents do not have to run in a Special Election.

7. 12% (2) Democrats do not have to run in a Special Election.

Notes: # = Double Bunk or Vacant, ## = Partisan Mismatch

Average Republican

65-100	4	4
60-65	10	14
55-60	8	22

53-55	6	28
50-53	4	32
45-50	3	35
0-45	15	50
	50	

2014 Republican Senate

65-100	7	7
60-65	9	16
55-60	9	25
53-55	4	29
50-53	3	32
45-50	4	36
0-45	14	50
	50	

65. The Court finds that Dr. Hofeller's granular sorting and analysis of Republican-leaning districts—and his particular emphasis on districts with an over-53% expected Republican vote share—provide substantial evidence of the partisan intent and effects of the 2017 plans. The evidence establishes that Dr. Hofeller drew the 2017 Plans very precisely to create as many "safe" Republican districts as possible, so that Republicans would maintain their supermajorities, or at least majorities even in a strong election year for Democrats. Tr. 456:21-457:25. For instance, Dr. Hofeller's June 13, 2017, spreadsheet above estimated that 28 of 50 draft Senate districts had an expected Republican vote share above 53%, PX244 at 2, and Dr. Hofeller's June 14, 2017 spreadsheet for a draft House map estimated that 74 of 120 districts in the draft House plan had an expected Republican vote share above 53%, PX246 at 3. The Court is persuaded that Dr. Hofeller drew the maps with an intent to preserve Republicans' control of the House and Senate.

66. As further evidence of partisan intent, using his partisanship formula, Dr. Hofeller calculated the difference in the Republican vote share between the new draft version of each district and the prior 2011 version of that district, showing precisely how his draft plans would alter the partisanship of each district. Tr. 459:8-460:5; PX241; PX244; PX246; PX248.

 *15 67. Dr. Hofeller's spreadsheets also highlighted in yellow many of North Carolina's largest and most-Democratic counties, such as Wake, Mecklenburg, Cumberland, Forsyth, and Guilford Counties. Tr. 461:9-462:2, 468:9-20; PX244; PX246. As Dr. Chen explained, the spreadsheets show Dr. Hofeller's specific focus on trying to "squeeze out" as many Republican-leaning districts as he could in these counties. *Id.*

68. For both his draft House and Senate plans, Dr. Hofeller analyzed what he described as "Pressure Points for GOP Incumbents." Tr. 462:3-463:5, 467:7-468:8; PX244 at 2; PX246 at 2. He analyzed draft districts that could create concerns or vulnerabilities for Republican incumbents. *Id.* Dr. Chen did not find any comparable analysis by Dr. Hofeller of "pressure points" for Democratic incumbents. *Id.* Dr. Hofeller's spreadsheets contradict Legislative Defendants' contention at trial that the 2017 Plans sought

to place *all* incumbents in politically favorable districts. It is clear from Dr. Hofeller's files that the mapmaker predominantly focused on benefitting and electorally protecting Republican incumbents and not Democratic incumbents.

69. Dr. Hofeller's spreadsheets also reveal that he evaluated the partisanship of draft maps created by Campbell University Law students at an exercise by Common Cause. In 2017, Common Cause invited two Campbell Law students to draw new legislative maps without using political data. Bob Phillips, the Executive Director of Common Cause North Carolina, testified that the purpose of the exercise was to raise awareness and show how a nonpartisan redistricting process could occur. Tr. 53:17-54:14.

70. Emails introduced at trial reveal that, in late June 2017, an aide to Legislative Defendants asked the General Assembly's legislative services office for copies of the "block assignments files" for the simulated maps created by the Campbell Law students. PX757. Common Cause had the Campbell Law students create the maps using the General Assembly's public computer because it had Maptitude installed on it. Tr. 55:18-56:17. Within roughly a week, Dr. Hofeller had created Excel spreadsheets analyzing the partisanship of the Campbell Law students' simulated districts. Tr. 471:6-472:15; PX167; PX170; PX123 at 70-75 (Chen Rebuttal Report). In spreadsheets last modified on July 5 and 8, 2017, Dr. Hofeller scored every one of the Campbell Law students' House and Senate districts using his partisanship formula derived from the 2008-2014 statewide elections. *Id.* Dr. Hofeller then evaluated, for every district, whether Republicans could obtain a "Better Possible" district than the version the Campbell Law students had drawn, with Dr. Hofeller writing "No," "Yes," or "Little" for each district. Tr. 473:8-474:6; PX168; PX123 at 70-71 (Chen Rebuttal Report).

71. The final enacted 2017 House plan contains two county groupings, with four districts in total, that match the districts in those county groupings drawn by the Campbell Law students. Tr. 474:7-475:23; PX123 at 71. Those two groupings—Nash-Franklin and Granville-Person-Vance-Warren—are two small groupings for which there are a very limited number of ways to draw the groupings, and the Campbell Law students happened to draw these groupings in the way that is most favorable to Republicans. *Id.*

72. Dr. Chen thus concluded that Dr. Hofeller evaluated the partisanship of all of the Campbell Law students' districts and then included in the 2017 maps four districts for which the students happened to draw the districts in the way maximally favorable to Republicans. *Id.* The Court agrees with Dr. Chen's assessment, which went unrebutted by Legislative Defendants at trial.

b. *Dr. Hofeller's Maptitude files*

*16 73. Dr. Hofeller's Maptitude files from his storage devices further demonstrate that partisanship considerations were "front and center" in his drafting of the relevant districts in both 2011 and 2017. Tr. 944:5-15, 968:4-5 (Dr. Cooper). The Maptitude files remove any doubt that Dr. Hofeller "was clearly working with partisan data on the same maps at the same time that he [was] drawing lines for our state," all to maximize Republican partisan advantage. Tr. 945:4-11.

74. As Dr. Cooper explained, the Maptitude files indicate that Dr. Hofeller used partisanship formulas, along with multiple color-coding systems to visually depict partisanship on his draft maps, in order to deliberately pack and crack Democratic voters into particular districts with precision. Tr. 939:1-940:12, 944:9-945:8; PX329 at 3-4 (Cooper Rebuttal Report).

75. In the "NC Senate J-24" Maptitude file last modified in July 2017, Dr. Hofeller calculated the Republican vote share for each North Carolina VTD based on his formula using nine statewide elections from 2008-2014. PX330; Tr. 939:9-940:2, 942:22-943:2; PX565. Dr. Hofeller then color-coded the VTDs on the "Map" window based on this partisanship formula, using more granular stratifications for competitive and Republican-leaning VTDs than for Democratic-leaning VTDs, just as he had done in his Excel spreadsheets assessing district-wide partisanship. Tr. 944:16-21. Dr. Hofeller used a "traffic light" color-coding scheme, in which he shaded Democratic-leaning VTDs pink and red, Republican-leaning VTDs green, and more competitive VTDs yellow. Tr. 940:23-941:4. Plaintiffs' Exhibit 335 below is one example of Dr. Hofeller's use of this color-coding scheme. As is apparent in the example below and discussed in more detail with respect to additional county groupings discussed below, Dr. Hofeller drew district boundaries based on this color-coded partisanship data with remarkable precision.

Figure 6: Partisan Targeting in Senate Districts 31 and 32

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

76. Dr. Hofeller used the same partisanship formula in his Maptitude files containing draft 2017 House districts. Tr. 979:6-19; PX337; PX329 at 13 (Cooper Rebuttal Report). Dr. Hofeller also employed a color-coding system to visually represent the partisanship scores for each VTD in his 2017 House plan, but with the more familiar red coloring for Republican-leaning VTDs, blue for Democratic-leaning VTDs, and yellow and green for more competitive VTDs. Tr. 979:20-980:19; PX329 at 13 (Cooper Rebuttal Report). For example, Dr. Hofeller's Maptitude file labeled "NC House J-25," which he created on June 26, 2017, and last modified on August 7, 2017, depicted boundaries (in red) of House Districts 8, 9, and 12 in the Pitt-Lenoir House county grouping. Tr. 981:2-5; PX340; PX562. Plaintiffs' Exhibit 340 below shows that Dr. Hofeller used his color-coding system to pack the bluest VTDs in Pitt County into House District 8. Tr. 982:1-7, 983:5-984:7; PX340; PX329 at 16 (Cooper Rebuttal Report).

Figure 11: Partisan Targeting in House Districts 8, 9, and 12

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

77. Dr. Hofeller similarly used a partisanship formula and color-coding scheme in drawing the districts at issue in this case enacted in 2011 and kept unchanged in 2017. Tr. 991:9-992:6, 994:4-996:11; PX347; PX350; PX352; PX329 at 23, 27, 30 (Cooper Rebuttal Report). For example, Dr. Hofeller's Maptitude file titled "NC House w New Raleigh - June 28," which was last modified on June 30, 2011, contained Dr. Hofeller's drafts of the 2011 House districts at issue in this case. Tr. 995:20-997:11; PX329 at 30-35; PX564. There, Dr. Hofeller scored the partisanship of each VTD using the results of the 2008 Presidential election and then colored each VTD based on those results, with Democratic-leaning VTDs shaded blue, Republican-leaning VTDs shaded red, and competitive VTDs shaded yellow and tan. *Id.* Plaintiffs' Exhibit 353 below is an example of Dr. Hofeller's use of this partisanship data to draw the 2011 House districts—in this example, to crack Democratic voters across House Districts 55, 68, and 69.

Figure 25: Partisan Targeting in House Districts 55, 68, and 69

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *17 78. Legislative Defendants offered no additional files from Dr. Hofeller's storage devices to rebut Dr. Chen's and Dr. Cooper's analyses. They offered no plausible alternative explanation of Dr. Hofeller's intent as he drew the State's House and Senate districts in 2011 and 2017.

**3. Plaintiffs' Experts Established that the Plans Are Extreme
Partisan Gerrymanders Designed to Ensure Republican Control**

79. The analysis and conclusions of Plaintiffs' experts further establish that the 2017 Plans are extreme partisan outliers intentionally and carefully designed to maximize Republican advantage and to ensure Republican majorities in both chambers of the General Assembly. Three of Plaintiffs' experts—Drs. Chen, Mattingly, and Pegden—employed computer simulations to generate alternative House and Senate plans to serve as a baseline for comparison to each enacted plan. Even though these experts employed different methodologies, each expert found that the enacted plans are extreme outliers that could only have resulted from an intentional effort to secure Republican advantage on a statewide basis. Plaintiffs' fourth expert, Dr. Christopher Cooper, explained how this gerrymandering was carried out across the State. The Court gives great weight to the analysis and conclusions, to the extent set forth below, of each of Plaintiffs' experts individually, and the Court finds that the

consistent findings of each of these experts, using different methodologies, powerfully reinforce that the 2017 Plans are extreme, intentional, and effective partisan gerrymanders.

a. *Dr. Jowei Chen*

80. Plaintiffs' expert Jowei Chen, Ph.D., is an Associate Professor in the Department of Political Science at the University of Michigan, Ann Arbor. Tr. 237:6-9. Dr. Chen has extensive experience in redistricting matters. Tr. 238:2-239:3 (Dr. Chen). By the admission of Intervenor Defendants' own expert, Dr. Chen is one of the "foremost political science scholars on the question of political geography" and how it can impact the partisan composition of a legislative body. Tr. 2220:14-18 (Dr. Barber). Dr. Chen also helped pioneer the methodology of using computer simulations to evaluate the partisan bias of a redistricting plan, and he has published four peer-reviewed articles employing this approach since 2013. Tr. 240:1-241:2; PX2. The Court accepted Dr. Chen in this case as an expert in redistricting, political geography, and geographic information systems ("GIS"). Tr. 245:4-8.

81. Dr. Chen has presented expert testimony regarding his simulation methodology in numerous prior partisan gerrymandering lawsuits, and his analysis has been consistently credited and relied upon by the courts in these cases. Tr. 241:15-242:19; *see League of Women Voters v. Commonwealth*, 178 A.3d 737, 818 (Pa. 2018) (finding "Dr. Chen's expert testimony" to be "[p]erhaps the most compelling evidence" in invalidating Pennsylvania's congressional plan as an unconstitutional partisan gerrymander); *Raleigh Wake Citizens Ass'n v. Wake Cty. Bd. of Elecs.*, 827 F.3d 333, 344 (4th Cir. 2016) ("[T]he district court clearly and reversibly erred in rejecting Dr. Chen's expert testimony."); *League of Women Voters of Mich. v. Benson*, 373 F. Supp. 3d 867, 907 (E.D. Mich. 2019) ("[T]he Court has determined that Dr. Chen's data and expert findings are reliable."); *Common Cause v. Rucho*, 279 F. Supp. 3d 587, 666 (M.D.N.C.), *vacated on other grounds*, 138 S. Ct. 2679 (2018) ("Dr. Mattingly's and Dr. Chen's simulation analyses not only evidence the General Assembly's discriminatory intent, but also provide evidence of the 2016 Plan's discriminatory effects."); *City of Greensboro v. Guilford Cty. Bd. of Elecs.*, 251 F. Supp. 3d 935, 943 (M.D.N.C. 2017) (relying upon the "computer simulations by Dr. Jowei Chen" to find impermissible partisan intent).

 *18 82. Using his simulation methodology, Dr. Chen analyzed whether partisan intent predominated in the drawing of the 2017 Plans and subordinated the traditional nonpartisan districting principles of compactness and avoiding the splitting of municipalities and VTDs. Tr. 245:13-17, 248:6-18. Dr. Chen further analyzed the effects of the 2017 Plans on the number of Democratic-leaning House and Senate districts statewide. Tr. 247:6-10.

83. Based on his analysis, Dr. Chen concluded that partisan intent predominated over the traditional districting criteria in drawing the current House and Senate districts, that the Republican advantage under the 2017 Plans cannot be explained by North Carolina's political geography, and that the effect of the 2017 Plans is to produce fewer Democratic-leaning districts than would exist if the map-drawing process had followed traditional districting principles. Tr. 246:18-22, 247:12-18, 248:20-249:1; PX1 at 3-4 (Chen Report). With respect to the effects in particular, Dr. Chen found that the gap between the enacted 2017 Plans and the nonpartisan simulated plans in terms of Democratic-leaning districts gets wider in electoral environments more favorable to Democrats, and is widest around the point when Democrats would win majorities in the House or Senate under the simulated nonpartisan plans. Tr. 247:25-248:3, 296:7-24, 330:17-23. The Court gives great weight to Dr. Chen's findings and, to the extent set forth below, adopts his conclusions.

84. In what Dr. Chen described as his Simulation Set 1, Dr. Chen programmed his algorithm to follow the traditional districting principles embodied within the Adopted Criteria. Tr. 281:12-16. In addition to following the equal population and contiguity requirements, as well as conforming to the same county groupings and number of county aatraversals that exist under the 2017 Plans, Dr. Chen programmed his algorithm to prioritize the traditional districting principles set forth in the Adopted Criteria of compactness, avoiding splitting municipalities, and avoiding splitting VTDs. Tr. 251:18-259:10; PX1 at 10-18 (Chen report).

85. Dr. Chen explained that, other than the county traversals requirement, his algorithm did not attempt to "maximize or optimize" any one criterion. Tr. 262:24-263:3. Rather, the algorithm equally weighted the criteria of compactness, avoiding splitting municipalities, and avoiding splitting VTDs. Tr. 263:4-12. In creating districts within each county grouping, the

algorithm considered thousands of random iterations, measuring for each proposed iteration whether the change would make the districts in the grouping better or worse on net across these three criteria. Tr. 261:18-263:19. The algorithm accepted a change only if it would improve the districts across these three criteria on net. *Id.*

86. In his Simulation Set 1, Dr. Chen ran the algorithm 1,000 times for each House county grouping and 1,000 times for each Senate county grouping, producing 1,000 unique statewide maps for both the House and the Senate. Tr. 263:23-264:16.

87. Beginning with the House, Dr. Chen compared the 1,000 simulated plans in his House Simulation Set 1 to the enacted 2017 House plan along a number of measures. First, Dr. Chen compared the number of municipalities that the simulated and enacted plans split. The enacted House plan splits 79 municipalities. Tr. 266:22-269:15; PX1 at 38, 41 (Chen Report). The 1,000 plans in House Simulation Set 1 split a range of only 38 to 55 municipalities, with most splitting just 43 to 48 municipalities. *Id.* From this, Dr. Chen concluded with over 99.9% statistical certainty that the enacted House plan subordinates the traditional districting criterion of following municipal boundaries, and splits substantially more municipalities than would be split if the map-drawing process had prioritized, and not subordinated, this traditional districting principle. Tr. 269:21-270:4; PX1 at 38 (Chen Report).

 *19 88. Plaintiffs' Exhibit 15 depicts the number of municipalities split under the enacted plan and the 1,000 simulations in House Simulation Set 1:

Figure 5:

House Simulation Set 1 (Following Only Non-Partisan Redistricting Criteria):

Split Municipalities in 2017 House Plan Versus 1,000 Simulated Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

89. The Court finds that the enacted House plan subordinates to partisanship the traditional districting principle of avoiding the unnecessary splitting of municipalities. The Court finds that the current House plan splits substantially more municipalities than would be split if the map-drawing process had not subordinated to partisanship this traditional districting principle.

90. Dr. Chen also compared the number of VTDs split in the enacted 2017 House plan and the 1,000 simulations in House Simulation Set 1. Dr. Chen found that, while the simulated House plans split between 6 and 18 VTDs, the enacted House plan splits 48 VTDs, more than four times as many as the vast majority of the simulations. Tr. 270:6-271:3; PX1 at 38, 42 (Chen Report). From this, Dr. Chen concluded with over 99.9% statistical certainty that the enacted House plan subordinates the traditional districting criterion of following VTD boundaries, and splits far more VTDs than is reasonably necessary. Tr. 271:5-12.

91. Plaintiffs' Exhibit 16 depicts the number of VTDs split under the enacted House plan and the 1,000 simulations in House Simulation Set 1:

Figure 6:

House Simulation Set 1 (Following Only Non-Partisan Redistricting Criteria):

Split VTDs in 2017 House Plan Versus 1,000 Simulated Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

92. The Court finds that the enacted House plan subordinates to partisanship the traditional districting principle of avoiding the unnecessary splitting of VTDs. The Court finds that the current House plan splits substantially more VTDs than would be split if the map-drawing process had not subordinated to partisanship this traditional districting principle.

93. Dr. Chen found the enacted House plan is also less compact than all 1,000 of his simulations in House Simulation Set 1. Dr. Chen employed the measures of compactness set forth in the Adopted Criteria, known as Reock and Polsby-Popper scores. Tr. 271:16-273:15; PX1 at 38 (Chen Report). For both measures, a higher score indicates that a plan's districts are more compact. *Id.* Dr. Chen found that, as measured by both Reock and Polsby-Popper scores, the compactness of the enacted House plan is outside the range of scores produced by the 1,000 simulated House plans. *Id.* From this, Dr. Chen concluded with over 99% statistical certainty that the enacted House plan subordinates the traditional districting criterion of compactness, and that the current districts are less compact than they would be under a map-drawing process that prioritizes and follows the traditional districting criteria. Tr. 273:18-274:4.

94. Plaintiffs' Exhibit 14 depicts the compactness of the enacted House plan and the 1,000 simulations in House Simulation Set 1:

Figure 4:

House Simulation Set 1 (Following Only Non-Partisan Redisricting Criteria):

Comparison of 2017 House Plan Versus 1,000 Simulated Plans on Compactness

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

95. The Court finds that the enacted House plan subordinates to partisanship the traditional districting principle of compactness. The Court finds that the current House districts are less compact than they would be under a map-drawing process that had not subordinated to partisanship this traditional districting criteria.

 *20 96. To compare the partisanship of his simulated plans to the enacted House and Senate plans, Dr. Chen used Census Block-level election results from recent statewide elections in North Carolina. Tr. 274:5-275:20; PX1 at 19-20 (Chen Report). For most of his analysis, Dr. Chen used the following ten statewide elections: 2010 U.S. Senate, 2012 U.S. President, 2012 Governor, 2012 Lieutenant Governor, 2014 U.S. Senate, 2016 U.S. President, 2016 U.S. Senate, 2016 Governor, 2016 Lieutenant Governor, and 2016 Attorney General. *Id.* Dr. Chen provided several reasons for his choice of these ten statewide elections.

97. First, Representative Lewis indicated at an August 10, 2017, hearing that these ten statewide elections would be the elections that the Joint Redistricting Committees would use to evaluate the 2017 Plans. Tr. 275:8-11; PX1 at 20 (Chen Report).

98. Second, Dr. Chen testified that it is well-accepted in academic literature and in redistricting practice that statewide elections, rather than legislative elections, provide the best basis for measuring the partisanship of a district and for comparing the partisanship of districts across alternative possible plans. Tr. 276:3-27:18; PX1 at 19-20 (Chen Report). Dr. Chen explained that legislative elections, such as state House and state Senate elections, do not provide a sound basis for measuring the partisanship of Census Blocks and districts because the results of legislative elections can be skewed by various factors. *Id.* For instance, if districts are gerrymandered or otherwise uncompetitive, the results of the legislative elections can be biased by the district boundaries in a way that they would not be under an alternative plan. *Id.* As Dr. Chen noted, the General Assembly did not have Dr. Hofeller use legislative elections to measure partisanship in drawing the 2017 Plans. Tr. 277:9-14.

99. Third, Dr. Chen testified he did not use party registration to measure the partisanship of districts because it is well-known in academic literature and in the redistricting community that party registration is not a reliable indicator of actual partisan voting behavior. Tr. 277:19-278:10. That is particularly true in southern states such as North Carolina, where many registered Democrats now consistently vote for Republicans. *Id.* As Dr. Chen again noted, Legislative Defendants did not have Dr. Hofeller use party registration to measure partisanship in drawing the 2017 Plans. Tr. 278:11-15.

100. The Court finds the use of statewide elections by Plaintiffs' experts to measure the partisanship of simulated and enacted districts is a reliable methodology.

101. To measure the partisanship of his simulated districts and the enacted districts, Dr. Chen determined the set of Census Blocks that comprise each district. Tr. 278:24-283:10; PX1 at 20-22 (Chen Report). Dr. Chen then aggregated the elections results from the ten 2010-2016 statewide elections for that set of Census Blocks. *Id.* In other words, Dr. Chen calculated the total votes cast for Democratic candidates in those ten 2010-2016 statewide elections across the relevant set of Census Blocks and the total votes cast for Republican candidates in that set of Census Blocks. *Id.* If there were more votes in aggregate for the Democratic candidates, Dr. Chen classified the district as a Democratic district, and if there were more votes for the Republican candidates, Dr. Chen classified the district as a Republican district. *Id.*

102. Using this measure of partisanship, Dr. Chen compared the number of Democratic districts under the enacted 2017 House plan and under the 1,000 simulated plans in his House Simulation Set 1. While the enacted House plan has 42 Democratic districts using the 2010-2016 statewide elections, not a single one of the 1,000 simulated plans produce so few Democratic districts. Tr. 285:15-287:8; PX1 at 29-30 (Chen Report). The vast majority of simulated plans produce 46 to 51 Democratic districts using the 2010-2016 statewide elections, with the two most common outcomes in the simulations being 46 or 47 Democratic districts—*i.e.*, four or five more Democratic districts than exist under the enacted House plan. *Id.* From these results, Dr. Chen concluded with over 99% statistical certainty that the current House plan is an extreme partisan outlier, and one that could not have occurred under a districting process that adhered to the traditional districting criteria. Tr. 287:2-8; PX1 at 29 (Chen Report).

*21 103. Plaintiffs' Exhibit 9 depicts the distribution of Democratic seats under the enacted House plan and under the 1,000 simulations in Dr. Chen's House Simulation Set 1:

Figure 2:

House Simulation Set 1 (Following Only Non-Partisan Redistricting Criteria):

Democratic-Favoring Districts in 2017 House Plan Versus 1,000 Simulated Plans

(Measured Using 2010-2016 Election Composite)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

104. Dr. Chen explained that the number of Democratic districts estimated for his simulated plans is depressed by the fact that the 2010-2016 statewide elections he used were relatively favorable for Republicans. Tr. 284:1-285:12; PX1 at 29 (Chen Report). Three of the four elections cycles in this period—2010, 2014, and 2016—were favorable for Republicans nationally. *Id.* Consequently, the aggregate Democratic share of the two-party vote across the ten statewide elections in the 2010-2016 composite used by Dr. Chen was just 47.92%. *Id.*

105. Dr. Chen also measured the number of Democratic districts that would exist under his simulated plans and the enacted House plan under electoral environments that are more neutral or even favorable to Democrats. Tr. 287:15-22. First, Dr. Chen analyzed the number of Democratic districts using only the 2016 Attorney General election, which was a near tie. Tr. 287:19-289:14; PX1 at 29 (Chen Report). Using the 2016 Attorney General results, the enacted House plan produces 44 Democratic districts, while the 1,000 simulated House plans produce 48 to 55 Democratic districts, with the most common outcome being 52 Democratic districts. Tr. 287:24-289:14; PX119; PX1 at 29, 174, A1. The gap between the enacted House plan and the simulated plans therefore grows to eight Democratic seats in the most common outcome under the neutral electoral environment that was the 2016 Attorney General election. *Id.*

106. Dr. Chen also performed a "uniform swing" analysis to compare the enacted plan and the simulated plans under different electoral environments. Uniform swing analysis is a common technique used in academic literature and the redistricting community to measure how districts would perform under varying electoral conditions. Tr. 289:25-290:8. For his uniform swing analysis, Dr. Chen started with the Democratic vote share in every enacted and simulated district using the 2010-2016 statewide elections, and then increased or decreased the Democratic vote share uniformly in every district in 0.5% increments. Tr. 290:4-296:3.

107. Dr. Chen's uniform swing analysis revealed a "striking trend." Tr. 296:7. As the uniform swing increases in the direction of more favorable Democratic performance, the gap between the number of Democratic districts under the enacted plan and the simulated plans grows more and more. Tr. 296:7-20. In other words, "in electoral environments that are more favorable to Democrats, the gap between the enacted plan and all of the computer-simulated plans is widened." Tr. 296:18-20.

108. Plaintiffs' Exhibit 10 below depicts Dr. Chen's uniform swing analysis for House Simulation Set 1. The starting point is the row on the vertical axis for "47.92%," which represents the statewide Democratic vote share under the ten 2010-2016 statewide elections. Tr. 290:23-296:3; PX1 at 31-33 (Chen Report). Each row above this point represents the results when increasing the Democratic vote share in every enacted and simulated district by increments of 0.5%. *Id.* The red stars in each row represent the number of Democratic districts under the enacted 2017 House plan, and the numbers to the right of each red star represent the number of simulations (out of 1,000) that produce the number of Democratic districts found on the horizontal axis below. *Id.* For instance, for the starting row of a 47.92% statewide Democratic vote share, the enacted plan (the red star) produces 42 Democratic districts, six simulated plans produce 43 Democratic districts, 48 simulated plans produce 44 Democratic districts, 172 simulated plans produce 45 Democratic districts, and so on. *Id.*

Figure U1: Number of Democratic Districts Under Alternative Uniform Swings in House Simulation Set 1 Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *22 109. Dr. Chen found that the gap between the enacted and simulated plans not only grew as the electoral environment became more favorable for Democrats, but the gap is "widest" at the point when Democrats would start winning a majority of House seats under the simulated plans. Tr. 296:20-297:21. Plaintiffs' Exhibit 11 (Figure U2) below depicts Dr. Chen's results for a uniform swing corresponding to a statewide Democratic vote share of 52.42%. In this scenario, the enacted House plan contains only 48 Democratic districts, but roughly one-third of the 1,000 simulations produce 60 or more Democratic districts, with a 60-60 tie being the second most common outcome. Tr. 298:2-299:7. Plaintiffs' Exhibit 12 (Figure U3) below depicts Dr. Chen's results for a uniform swing corresponding to a statewide Democratic vote share of 52.92%. In this scenario, there are 60 or more Democratic districts in nearly two-thirds of the simulations, and Democrats would win a majority (61 or more seats) in more than 40% of the simulations. Tr. 299:16-301:12. But Democrats would hold just 51 districts under the enacted House plan. *Id.*

Figure U2:

**Number of Democratic House Districts Measured Using the 2010-2016 Election Composite
With a +4.5% Uniform Swing, Corresponding to a 52.42% Statewide Democratic Vote Share**

(House Simulation Set 1)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Figure U3:

**Number of Democratic House Districts Measured Using the 2010-2016 Election Composite
With a +5% Uniform Swing, Corresponding to a 52.92% Statewide Democratic Vote Share**

(House Simulation Set 1)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

110. Dr. Chen analyzed the type of electoral environment that would produce 55 Democratic districts under the enacted House plan, which is the number of House districts that Democrats won in 2018. Tr. 301:16-302:14. Dr. Chen found that, in the type of electoral environment that would produce 55 Democratic districts under the enacted plan in his uniform swing analysis, Democrats would win *60 or more* House districts in over 99% of his simulated plans, and would win a majority of districts in over 98% of the simulated plans. *Id.*; PX10. In other words, while Democrats improved their seat share in 2018, they may well have won a majority had a nonpartisan plan been in place.

111. The Court finds Dr. Chen's uniform swing analysis to be substantial evidence of the intent and effects of Legislative Defendants' partisan gerrymander. The analysis establishes that the effects of the gerrymander are most extreme in electoral environments that are better for Democrats, specifically in electoral environments where Democrats could win a majority of House seats under a nonpartisan map. Dr. Chen's uniform swing analysis is persuasive evidence the enacted House plan was designed specifically to ensure that Democrats would not win a majority of House seats under any reasonably foreseeable electoral environment.

112. The Court further gives weight to Dr. Chen's overall conclusions from his House Simulation Set 1. Dr. Chen concluded with over 99% statistical certainty that partisanship predominated in the drawing of the enacted House plan and subordinated the traditional districting criteria of compactness, avoiding splitting municipalities, and avoiding splitting VTDs. Tr. 307:12-24. The Court adopts these conclusions and finds the current House districts, regardless of whether they were drawn in 2017 or 2011, subordinated these three traditional districting criteria in order to accomplish Legislative Defendants' predominant partisan goals.

113. In his House Simulation Set 2, Dr. Chen programmed his algorithm to add avoiding pairing incumbents as an additional criterion. Dr. Chen performed this analysis to determine whether a hypothetical, nonpartisan effort to avoid pairing the incumbents in place at the time each of the relevant districts was drawn could account for the extreme partisan bias and subordination of traditional districting principles that Dr. Chen found in his Simulation Set 1. Tr. 308:15-21. Dr. Chen programmed his algorithm in Simulation Set 2 to avoid pairing the maximum number of incumbents possible who were in office at the time of the relevant redistrictings, and to ensure that the very same incumbents who were not paired with another incumbent under the enacted plans were not paired in the simulations. Tr. 308:3-14, 310:21-311:16; PX1 at 43 (Chen Report).

*23 114. The method by which Dr. Chen avoided pairing incumbents in Simulation Set 2 is consistent with the Adopted Criteria's incumbency protection provision. The Court gives no weight to Legislative Defendants' contention that the Adopted Criteria required incumbency protection beyond merely avoiding pairing incumbents; namely, that the Adopted Criteria required creating districts politically favorable to incumbents. As Representative Lewis stated, this criterion was interpreted as simply an intent to avoid pairing incumbents. *See* FOF ¶ 28. At the time of the 2017 redistricting, Republicans held supermajorities in both chambers of the General Assembly. Hence, seeking to enhance the reelection chances of every incumbent, Democrat and Republican alike, would have been a means of seeking to lock-in the Republican supermajorities. It would also have been particularly inappropriate to seek to preserve the "core" of the existing districts, as Legislative Defendants' expert Dr. Brunell suggested, since many of the existing districts had been found to constitute illegal racial gerrymanders.

115. In addition, the Court finds that Legislative Defendants did not seek to protect Democratic and Republican incumbents alike in a neutral manner. For example, in Buncombe County, the enacted plan paired two Democratic incumbents who were in office at the time these House districts were drawn in 2011, but Dr. Chen's algorithm was able to avoid pairing these two

Democratic incumbents in all 1,000 of his simulations. Tr. 312:14-313:9; PX1 at 45, 47 (Chen Report). Legislative Defendants thus unnecessarily paired these two Democratic incumbents in creating the Buncombe County House districts, ensuring that one of the two would not be reelected. *Id.* Dr. Hofeller's Excel files further show that, in 2017, Dr. Hofeller focused solely on concerns for Republican incumbents and not Democratic incumbents. FOF § B.2.a. Dr. Hofeller analyzed "Pressure Points for GOP Incumbents" in both the House and the Senate, but performed no similar analysis for Democratic incumbents. *Id.*

116. Based on his House Simulation Set 2 analysis, Dr. Chen found that a nonpartisan effort to avoid pairing incumbents cannot explain the extreme partisan bias of the enacted House plan or its subordination of traditional districting criteria. Dr. Chen found that the enacted House plan is an extreme outlier with respect to the number of Democratic districts it produces, the number of municipalities and VTDs it splits, and the compactness of its districts compared to the 1,000 simulated plans in House Simulation Set 2. Tr. 313:11-317:24; PX7; PX18; PX23; PX1 at 44-56 (Chen Report). The Court gives weight to Dr. Chen's findings in House Simulation Set 2 and finds that a nonpartisan effort to protect incumbents cannot explain the extreme partisan bias and subordination of traditional districting principles in the enacted House plan.

117. For the Senate, Dr. Chen ran two sets of 1,000 simulations just as he did for the House. Tr. 318:11-319:9. Dr. Chen's Senate Simulation Set 1 applied the same algorithm used for House Simulation Set 1, prioritizing and equally weighting the traditional districting principles within the Adopted Criteria of compactness and avoiding splitting municipalities and VTDs.[3] Dr. Chen ran his algorithm 1,000 times for each Senate county grouping, producing 1,000 unique statewide plans in Senate Simulation Set 1. Tr. 319:10-320:10.

[3] Dr. Chen used the same Senate county groupings that exist under the enacted Senate plan, minimized the number of county traversals, and applied the Adopted Criteria's equal population and contiguity requirements. Tr. 318:11-319:9.

118. With respect to municipal splits, Dr. Chen found the enacted Senate plan splits 25 municipalities, while the 1,000 simulated plans in Senate Simulation Set 1 split between just 8 and 12 municipalities. Tr. 320:12-321:9; PX1 at 69, 71 (Chen Report). From this, Dr. Chen concluded with over 99.9% statistical certainty that the enacted Senate plan subordinates the traditional districting criterion of following municipal boundaries, and splits far more municipalities than is reasonably necessary. Tr. 321:12-17.

 *24 119. Plaintiffs' Exhibit 34 depicts the number of municipalities split under the enacted Senate plan and the 1,000 simulations in Senate Simulation Set 1:

Figure 17:

Senate Simulation Set 1 (Following Only Non-Partisan Redisricting Criteria):

Split Municipalities in 2017 Senate Plan Versus 1,000 Simulated Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

120. The Court finds the enacted Senate plan subordinates to partisanship the traditional districting principle of avoiding the unnecessary splitting of municipalities. The Court finds the current Senate districts split substantially more municipalities than would be split if the map-drawing process had not subordinated to partisanship this traditional districting principle.

121. With respect to VTDs, Dr. Chen found the enacted Senate plan splits 5 VTDs, while his simulations split between 0 and 3 VTDs. Tr. 321:19-322:9; PX1 at 69, 72 (Chen Report). From this, Dr. Chen concluded with over 99.9% statistical certainty that the enacted Senate plan subordinates the traditional districting criterion of following VTD boundaries, and splits more VTDs than is reasonably necessary. Tr. 322:12-15.

122. Plaintiffs' Exhibit 35 depicts the number of VTDs split under the enacted Senate plan and the 1,000 simulations in Senate Simulation Set 1:

Figure 18:

Senate Simulation Set 1 (Following Only Non-Partisan Redistricting Criteria):

Split VTDs in 2017 Senate Plan Versus 1,000 Simulated Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

123. The Court finds the enacted Senate plan subordinates to partisanship the traditional districting principle of avoiding the unnecessary splitting of VTDs. The Court finds the current Senate districts split more VTDs than would be split if the map-drawing process had not subordinated to partisanship this traditional districting principle.

124. Dr. Chen found the enacted Senate plan is also less compact than all 1,000 of his Senate simulations. Using both the Reock and Polsby-Popper measures of compactness, all 1,000 simulated plans in Senate Simulation Set 1 are more compact than the enacted Senate plan. Tr. 322:17-324:3; PX1 at 67-69 (Chen Report). From this, Dr. Chen concluded with over 99% statistical certainty that the enacted Senate plan subordinates the traditional districting criterion of compactness, and that the current districts are less compact than they would be under a map-drawing process that prioritizes and follows the traditional districting criteria. Tr. 324:6-15.

125. Plaintiffs' Exhibit 33 depicts the compactness of the enacted Senate plan and the 1,000 simulations in Senate Simulation Set 1:

Figure 16:

Senate Simulation Set 1 (Following Only Non-Partisan Redistricting Criteria):

Comparison of 2017 Senate Plan Versus 1,000 Simulated Plans on Compactness

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

126. The Court finds the enacted Senate plan subordinates to partisanship the traditional districting principle of compactness. The Court finds the current Senate districts are less compact than they would be under a map-drawing process that had not subordinated to partisanship this traditional districting criteria.

127. As with the House, Dr. Chen compared the partisanship of his simulated Senate plans to the partisanship of the enacted Senate plan using the same ten statewide elections from 2010-2016 that Representative Lewis stated would be used. Tr. 324:16-325:5.

 *25 128. Using the 2010-2016 statewide elections, Dr. Chen found that the enacted Senate plan produces 18 Democratic districts. Tr. 325:7-326:11; PX1 at 57, 60 (Chen Report). In contrast, none of the 1,000 simulated plans produce such an outcome. *Id.* The simulated Senate plans produce 19 to 21 Democratic districts using the 2010-2016 statewide elections, with the most common outcome in the simulations being 20 Democratic districts—*i.e.*, two more Democratic districts than exist under the enacted Senate plan. *Id.* From these results, Dr. Chen concluded with over 99% statistical certainty that the current Senate plan is an extreme partisan outlier, and one that could not have occurred under a districting process that adhered to the traditional districting criteria. Tr. 326:12-21; PX1 at 59 (Chen report).

129. Plaintiffs' Exhibit 28 depicts the distribution of Democratic seats under the enacted Senate plan and under the 1,000 simulations in Senate Simulation Set 1:

Figure 14:

Senate Simulation Set 1 (Following Only Non-Partisan Redisricting Criteria):

Democratic-Favoring Districts in 2017 Senate Plan Versus 1,000 Simulated Plans

(Measured Using 2010-2016 Election Composite)

130. Like he did for the House, Dr. Chen measured the number of Democratic districts that would exist under his simulated plans and the enacted plan under electoral environments that are more neutral or even favorable to Democrats. Dr. Chen again analyzed the number of Democratic districts when using just the 2016 Attorney General election, which was a near tie. Tr. 327:8-11; PX121; PX1 at 59, 61, A3 (Chen Report). Dr. Chen found that the enacted Senate plan produces 20 Democratic districts using the 2016 Attorney General results, while the 1,000 simulated Senate plans most commonly produce 23 Democratic districts under the 2016 Attorney General results. Tr. 328:1-13. The gap between the enacted Senate plan and the simulated plans therefore grows to three Democratic seats in the most common outcome under the neutral electoral environment of the 2016 Attorney General election. *Id.*

131. Dr. Chen also performed a uniform swing analysis to compare the enacted Senate plan to the simulated Senate plans under different electoral environments. Just as he did for the House, in his uniform swing analysis for the Senate, Dr. Chen started with the Democratic vote share in every enacted and simulated district using the 2010-2016 statewide elections and then increased or decreased the Democratic vote share uniformly in every district in 0.5% increments. Tr. 328:25-329:7.

132. Dr. Chen found the same trend in his uniform swing analysis of the Senate that he found for the House. Tr: 330:7-23. He found that as he increases the uniform swing in the more Democratic direction, the gap between the number of Democratic districts under the enacted Senate plan and the simulated plans grows. *Id.* And the gap again becomes widest around the points where Democrats would come close to gaining a majority or would actually gain a majority under the nonpartisan simulated plans. *Id.*

133. Plaintiffs' Exhibit 29 below depicts Dr. Chen's uniform swing analysis for the Senate. The red stars again reflect the number of Democratic districts under the enacted Senate plan and the numbers to the right of the red stars reflect the number of simulations (out of 1,000) that produce the number of Democratic districts listed on the horizontal axis.

Figure U7: Number of Democratic Districts Under Alternative Uniform Swings in Senate Simulation Set 1 Plans

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

134. Plaintiffs' Exhibit 30 (Figure U8) below depicts Dr. Chen's Senate results for a uniform swing corresponding to a statewide Democratic vote share of 51.92%. The figure reveals that, in this scenario, the enacted Senate plan contains only 22 Democratic districts, but the vast majority of simulations would give Democrats a tie or an outright majority in the Senate. Tr. 331:2-332:23. Plaintiffs' Exhibit 31 (Figure U9) below depicts Dr. Chen's Senate results for a uniform swing corresponding to a statewide Democratic vote share of 52.42%. In this environment, Democrats would win half or more of the districts in over 95% of the simulations and would win an outright majority in over 62% of the simulations. Tr. 333:7-334:2. Yet, under the enacted Senate plan, Democrats would hold just 22 Senate districts in this scenario. *Id.*

Figure U8:

**Number of Democratic Senate Districts Measured Using the 2010-2016 Election Composite
With a +4% Uniform Swing, Corresponding to a 51.92% Statewide Democratic Vote Share**

(Senate Simulation Set 1)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Figure U9:

**Number of Democratic Senate Districts Measured Using the 2010-2016 Election Composite
With a +4.5% Uniform Swing, Corresponding to a 52.42% Statewide Democratic Vote Share**

(Senate Simulation Set 1)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *26 135. Dr. Chen also analyzed the type of electoral environment that would produce 21 Democratic districts under the enacted plan, which is the number of Senate districts that Democrats won in 2018. Tr. 334:3-335:7. Dr. Chen found that, in the type of environment that would produce 21 Democratic districts under the enacted plan in his uniform swing analysis, Democrats would win *25 or more* Senate districts in the vast majority of simulations. *Id.*; PX29. In other words, while Democrats improved their seat share in 2018, they may well have won a majority had a nonpartisan plan been in place.

136. The Court again finds Dr. Chen's uniform swing analysis to be substantial evidence of the intent and effects of the partisan gerrymander. Dr. Chen's analysis establishes that the effects of the gerrymander are most extreme in electoral environments that are better for Democrats, and in particular in environments under which Democrats could win a majority of Senate seats under a nonpartisan map. Dr. Chen's uniform swing analysis is persuasive evidence that the enacted Senate plan was designed specifically to ensure that Democrats would not win a majority of Senate seats under any reasonably foreseeable electoral environment.

137. The Court further gives weight to Dr. Chen's overall conclusions from his Senate Simulation Set 1. Dr. Chen concluded with over 99% statistical certainty that partisanship predominated in the drawing of the enacted Senate plan and subordinated the traditional districting criteria of compactness, avoiding splitting municipalities, and avoiding splitting VTDs. Tr. 336:22-337:7. The Court adopts these conclusions and finds the current Senate districts, regardless of whether they were drawn in 2017 or 2011, subordinated these three traditional districting criteria in order to accomplish Legislative Defendants' predominant partisan goals.

138. Dr. Chen generated 1,000 more simulated plans in his Senate Simulation Set 2, adding the same incumbency criteria he used for the House. Dr. Chen found that a hypothetical, nonpartisan effort to avoid pairing the incumbents in place at the time each of the relevant districts was drawn could not explain the extreme partisan bias of the enacted Senate plan and its subordination of traditional districting principles. Tr. 341:18-342:8. Dr. Chen found the enacted Senate plan is an extreme outlier with respect to the number of Democratic districts it produces, the number of municipalities and VTDs it splits, and the compactness of its districts compared to the 1,000 simulated plans in Senate Simulation Set 2. Tr. 337:8-341:22, 26, 37, 42; PX1 at 73-85 (Chen Report). The Court gives weight to Dr. Chen's findings in Senate Simulation Set 2 and finds a nonpartisan effort to protect incumbents cannot explain the extreme partisan bias and subordination of traditional districting principles in the enacted Senate plan.

139. The Court also gives weight to and adopts Dr. Chen's conclusions that the partisan bias of the 2017 House and Senate Plans cannot be explained by North Carolina's political geography, meaning the geographic locations of Republican and Democratic voters. Tr. 307:3-11, 336:11-19. Political geography can create a natural advantage for Republicans in winning seats where, for example, Democratic voters are clustered in urban areas. Tr. 304:9-18; PX1 at 7-8 (Chen Report). But Dr. Chen designed his

simulations with the specific purpose of accounting for North Carolina's political geography and any other built-in advantages either party may have in redistricting. Tr. 304:19-305:19; *see* PX1 at 7-8 (Chen Report). The simulations build districts using the *same* Census geographies and population data that existed when the enacted plans were drawn; thus, the simulated plans capture any natural advantage one party may have had based on population patterns when the General Assembly passed the enacted plans. *Id.*

 *27 140. Dr. Chen found that Republicans may have a small degree of natural advantage in winning districts in both the House and Senate; Dr. Chen's analysis suggests that even under his nonpartisan plans, Democrats may win less than 50% of the seats when they win 50% of the votes. Tr. 305:21-307:2, 335:17-336:10; PX1 at 36, 66 (Chen Report). But Dr. Chen concluded, and the Court finds, that the enacted House and Senate plans are extreme partisan outliers compared to Dr. Chen's simulations that account for political geography and any other built-in advantages Republicans may have, and thus political geography and other built-in advantages cannot explain the enacted plans' extreme partisan bias. Tr. 307:3-11, 336:11-19.

141. The Court also rejects Legislative Defendants' critiques of the way in which Dr. Chen's simulation algorithm applied the traditional districting principles of compactness and avoiding splitting municipalities and precincts.

142. Dr. Chen's interpretation and application of the traditional districting principles is fully consistent with the guidance provided by Legislative Defendants at the time of the 2017 redistricting. At the first public hearing after the draft plans were unveiled, Representative Lewis explained the Adopted Criteria meant "trying to keep towns, cities and precincts whole where possible." PX607 at 10:5-6. Representative Lewis made similar statements at the committee hearing where the Adopted Criteria were proposed and debated; he asserted, for example, that the criterion regarding municipal splits "says that the map drawer may and rightfully should consider municipality boundaries when they can." PX603 at 67:16-18. Representative Lewis added that "municipality, precinct lines are things that are all community-of-interest-type things that we're going to seek to preserve." *Id.* at 77:12-14. Representative Lewis did not qualify in these statements that the Redistricting Committees would seek only to promote these traditional principles up to a point, or would seek to intentionally split some *minimum* number of municipalities and VTDs.

143. The Court further gives weight to Dr. Chen's testimony that his application of these criteria is consistent with generally accepted redistricting principles and practice. Dr. Chen testified that no jurisdiction in the country prefers to split a *higher* number of municipalities or VTDs or wants *less* compact districts. Tr. 603:2-605:21, 774:5-21. Nor does any jurisdiction seek to split some *minimum* number of municipalities or VTDs or impose a *cap* on how compact the districts should be. *Id.*

144. Legislative Defendants did not introduce persuasive evidence of nonpartisan reasons why the enacted plans split particular municipalities or VTDs or made particular districts less compact.

145. The Court also rejects any suggestion that Dr. Chen should not have applied these traditional districting criteria in simulating county groupings that were drawn in 2011 because these principles were not expressly stated as official criteria during the 2011 redistricting process. *See* Tr. 629:19-636:12. The principles of compactness and avoiding split municipalities and VTDs were traditional districting criteria since well before 2011. Tr. 776:8-777:8; *see, e.g.*, *Stephenson v. Bartlett*, 355 N.C. 354, 371, 562 S.E.2d 377, 389 (2002). That the General Assembly did not list these traditional districting principles as official criteria in 2011 does not change the fact that Legislative Defendants subordinated these principles to partisan considerations in drawing the 2011 districts at issue in this case. *Id.* And the fact that the General Assembly reenacted these districts without change in 2017 does not mean these districts no longer subordinate traditional districting principles to partisan considerations. *Id.*

 *28 146. Dr. Chen's analysis demonstrates the current districts subordinate these nonpartisan traditional principles to partisan intent.

b. *Dr. Mattingly*

147. Jonathan Mattingly, Ph.D., is a North Carolina native, the chairman of the Duke University Mathematics Department, and the James B. Duke Professor of Mathematics at Duke University. Tr. 1080:7-20. He also is a professor in the Duke Statistics Department. *Id.* Dr. Mattingly was accepted as an expert in applied mathematics, probability, and statistical science. Tr. 1083:1-10.

148. Dr. Mattingly developed his method of evaluating partisan gerrymandering in his academic research. Tr. 1086:20-24. He has since created a project at Duke called "Quantifying Gerrymandering." Tr. 1084:9-1085:4. In the one previous case in which Dr. Mattingly testified, a federal partisan gerrymandering case relating to North Carolina's congressional districts, the federal court credited Dr. Mattingly's testimony and concluded his analysis "provide[d] strong evidence" of partisan gerrymandering. *Rucho*, 279 F. Supp. 3d at 644. The court found his simulations "not only evidence[d] the General Assembly's discriminatory intent, but also provide[d] evidence of the 2016 Plan's discriminatory effects." *Id.* at 666.

149. For this case, Dr. Mattingly generated a collection, or "ensemble," of nonpartisan, alternative redistricting maps using the Markov chain Monte Carlo computer algorithm, which is a well-established algorithm dating back at least to the Manhattan Project. Tr. 1089:11-24; Tr. 1090:19-22. Dr. Mattingly generated approximately 1.1×10^{108} statewide maps in the House (of which 6.6×10^{86} were unique), and approximately 3.7×10^{93} statewide maps in the Senate (of which 5.3×10^{30} were unique). Tr. 1090:1-14; PX359 at 4. The number of maps that Dr. Mattingly generated is greater than the number of atoms in the known universe. Tr. 1090:12-14.

150. To generate the maps, Dr. Mattingly used all of the nonpartisan redistricting criteria identified by the General Assembly in its Adopted Criteria. The Markov chain Monte Carlo algorithm that Dr. Mattingly employed ensured that the collection of maps was a random and representative sample from the distribution of nonpartisan maps that adhere to North Carolina's political geography and nonpartisan redistricting criteria. Tr. 1094:5-1095:3. All of Dr. Mattingly's simulated maps followed North Carolina's Whole County Provision and split no counties that were kept whole under the enacted plans; he ensured population deviations were within the 5% threshold; he required contiguity; and he tuned his algorithm to ensure that the nonpartisan qualities of the simulated maps were similar to the nonpartisan qualities of the enacted map with respect to compactness and the number of counties, municipalities, and precincts split. Tr. 1091:3-1093:1; PX359 at 3-4. Dr. Mattingly did not try to optimize or maximize any particular criterion such as compactness; instead, he took a random, representative sample of the distribution of all maps that are comparable to the enacted maps in terms of compactness and municipal splits. Tr. 1091:3-23.

 *29 151. The Court finds that Dr. Mattingly's simulated maps provide a reliable and statistically accurate baseline against which to compare the 2017 Plans. Tr. 1089:11-24. Dr. Mattingly's collection of nonpartisan maps tracked all the nonpartisan criteria adopted by the Committees. By comparing Dr. Mattingly's simulated plans to the enacted plans, the Court can reliably assess whether the characteristics and partisan outcomes under the enacted plans could plausibly have resulted from a nonpartisan process or be explained by North Carolina's political geography. The Court can also reliably assess whether the enacted plans reflect extreme partisan gerrymanders. The partisan bias Dr. Mattingly identified by comparing the enacted plans to his nonpartisan ensemble of plans could not be explained by political geography or natural packing. Tr. 1095:9-1096:8. Moreover, Dr. Mattingly's analysis did not rest on any assumption about proportional representation. Tr. 1132:6-1133:5; Tr. 1103:24-1104:5.

152. After creating a representative sample of hundreds of trillions of nonpartisan maps, Dr. Mattingly used votes from 17 prior North Carolina statewide elections to compare the partisan performance and characteristics of the 2017 Plans to the simulated plans. Dr. Mattingly chose all major statewide elections from 2008-2016 that were available to him, and those 17 elections demonstrated a range of Democratic support and Republican support and a range of spatial structures and vote patterns. Tr. 1097:8-1098:8; PX487 at 5.

153. The elections Dr. Mattingly considered and their statewide Democratic vote share are listed in the table below (PX778 at 7; Tr. 1097:8-1098:8):

17 Elections	**Democratic Vote Share**

AG08	61.06%
USS08	54.32%
CI08	53.57%
LG08	52.64%
CI12	51.81%
GV08	51.70%
AG16	50.20%
PR08	50.11%
GV16	50.04%
LG12	49.87%
USS14	49.16%
PR12	48.91%
PR16	48.02%
USS16	46.97%
LG16	46.58%
GV12	44.13%
USS10	43.98%

154. Dr. Mattingly concluded that the 2017 Plans displayed a "systematic, persistent bias toward the Republican Party, both on the statewide level and on the county cluster level." Tr. 1087:22-25. He concluded that the enacted plans were "extreme partisan outlier[s]" when compared to maps that respect the political geography of North Carolina and are similar to the enacted plans in terms of the nonpartisan Adopted Criteria such as compactness and splitting municipalities. Tr. 1088:1-7. He concluded that the "extreme partisan bias" was durable and persisted across a broad range of possible voting patterns and election results. Tr. 1088:1-7. He concluded that the gerrymander was particularly effective at preventing Democrats from breaking the Republican supermajority in both chambers when they would expect to do so under a nonpartisan plan, and from breaking the Republican majority in both chambers when they would expect to do so under a nonpartisan plan. Tr. 1088:8-11. And Dr. Mattingly concluded that the probability that the General Assembly would have enacted the 2017 Plans without intentionally searching for such a biased plan was "astronomically small." Tr. 1088:12-14, Tr. 1158:3-8. The Court gives great weight to those conclusions.

155. With respect to the Senate, Dr. Mattingly concluded that the enacted Senate plan shows a systematic bias toward the Republican Party. Tr. 1110:22-1111:3. In 15 of the 17 elections he considered, the enacted Senate plan produces an atypical bias toward the Republican Party with respect to the number of expected Democrat and Republican seats using the results of these prior statewide elections. Tr. 1116:2-12. The probability of seeing such a consistent pro-Republican bias across so many elections was 0.005%, Tr. 1116:18-21; PX487 at 23, meaning that the chance the General Assembly would have picked such a partisan map if it were not looking for it is five in a million, Tr. 1116:22-1117:2.

156. Dr. Mattingly concluded that the enacted Senate plan is an extreme outlier not just with respect to how consistently it favors Republicans, but with respect to the *amount* by which it favors Republicans. PX363 (Mattingly Report Figure 3). The enacted map caused Democrats to lose between 2 to 3 seats in the Senate in 13 of the 17 elections that Dr. Mattingly analyzed. *Id.* The Court finds this seat deviation to be significant. Tr. 1106:12-15.

 *30 157. Dr. Mattingly concluded that the 2017 Senate Plan's extreme partisan bias was responsible for creating firewalls protecting the Republican supermajority and majority in the Senate. He plotted the results of the statewide elections using the enacted Senate plan and his nonpartisan simulations (PX362). Tr. 1106:17-1110:4. He ordered the elections vertically from bottom (most Republican vote share) to top (most Democratic vote share), and then plotted the number of seats that Democrats would expect to receive under the nonpartisan plans using blue histograms. *Id.* Using nonpartisan maps, the Democratic seat count would be expected to fall in the tallest part of the blue histogram. Tr. 1108:7-24. Dr. Mattingly used purple dots to report how many seats Democrats would win in the Senate using the results of each statewide election under the enacted Senate plan. Tr. 1109:3-10. Dr. Mattingly then used three vertical dotted lines to represent the point at which Democrats would break the Republican supermajority, the Republican majority, or win a supermajority themselves. Tr. 1111:5-24.[4] If the enacted plan is a pro-Republican outlier, the purple dot is to the left of the blue histogram (meaning the enacted plan elects fewer Democratic seats). If a purple dot is to the left of the Republican supermajority or majority line, and the bulk of the blue histogram is to the right, that is an election in which the enacted plan protects the Republican supermajority or majority where Democrats would break the firewalls in a nonpartisan plan. Tr. 1111:5-1112:24.

[4]   Dr. Mattingly plotted only 13 of the 17 elections he considered in PX362 for visual clarity reasons, Tr. 1115:1-12, but he provided all the data for all 17 elections in Figure 3 (PX363) and Table 3 of his report (PX417).

158. Plaintiffs' Exhibit 362 is reproduced below:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

159. Dr. Mattingly's analysis demonstrates that the enacted Senate plan creates two "firewalls," protecting Republican supermajorities and majorities which Democrats would break under a nonpartisan plan. Dr. Mattingly testified that, in elections where Democrats win enough votes that they would typically be expected to break the Republican supermajority under nonpartisan plans, the Republicans win the supermajority in the enacted plan. Tr. 1112:8-24. This is visually demonstrated by Plaintiffs' Exhibit 362, which shows that the Democratic seat count in the enacted plan consistently stays to the left of the supermajority line even as the Democratic vote share rises and the nonpartisan plans break through the Republican supermajority line. PX362. In many cases the enacted plan is completely outside the distribution of nonpartisan plans. Tr. 1112:8-24.

160. The results of the Attorney General 2016 election illustrate Dr. Mattingly's conclusion that the enacted map is an extreme, pro-Republican partisan gerrymander. Tr. 1114:9-11. This was a relatively even election where Democrats won 50.20% of the statewide vote, and in 99.999% of the nonpartisan maps, the Democrats broke the Republican supermajority. But, using the results of this election, the enacted map preserves the Republican supermajority. Tr. 1112:25-1114:11.

161. Overall, in 5 of the 17 elections that Dr. Mattingly considered, the Democrats would have almost certainly broken the Republican supermajority in the nonpartisan plans but failed to do so under the enacted plan (the 2012 Lieutenant Governor; 2016 President, 2008 President, 2016 Governor, and 2016 Attorney General elections). PX363; PX487 at 25 (Mattingly Rebuttal Report). In two others (the 2014 U.S. Senate and 2012 President elections), the Democrats would have had a chance of breaking the Republican supermajority in the nonpartisan plans, but never do in the enacted plan. PX362; PX417. In all seven of those elections where the Democrats would be expected to break the supermajority under nonpartisan plans, the enacted plan is an "extreme outlier." *See* PX363 (fifth column).

162. In elections where the Democrats won so many votes that the enacted Senate plan's Republican supermajority firewall breaks, Dr. Mattingly showed that the enacted Senate plan creates a second firewall preventing the Democrats from breaking the Republican majority. Tr. 1114:14-25. Using the results of the 2008 Commissioner of Insurance and 2008 Lieutenant Governor elections—both elections in which the Democrats won over 52.5% of the statewide vote—the enacted plan protects a Republican majority even where the overwhelming majority of nonpartisan plans would break its majority. *Id.*; PX362.

163. Dr. Mattingly found similar results for the House. Tr. 1087:22-25. Once again, in 15 of the 17 elections he considered, the enacted House Plan produced an atypical bias toward the Republican Party with respect to the number of Democrat and Republican seats. Tr. 1121:23-1122:5. The probability of seeing such a consistent pro-Republican bias across so many elections was 1.4%, Tr. 1122:6-13; PX359 at 11 (Mattingly Report), making it extremely unlikely that the General Assembly would have picked such a partisan map if it were not looking for it, Tr. 1122:14-17.

 *31 164. Dr. Mattingly concluded that the enacted House plan is an extreme outlier not just with respect to how consistently it favors the Republicans, but with respect to the *amount* by which it favors the Republicans. PX359 at 11 ("We never see any plans that favor the Republican Party to the same extent" in terms of seats); PX366 (Mattingly Report Figure 6). The House plan becomes a greater and greater pro-Republican outlier under elections that have more Democratic votes, and becomes an "incredibly extreme outlier" in such elections. Tr. 1120:4-11; Tr. 1119:14-20. The enacted map caused Democrats to lose between 2 and 11 seats in the House in 13 of the 17 elections that Dr. Mattingly analyzed. PX366. The Court finds this seat deviation to be significant.

165. Dr. Mattingly concluded that the enacted House plan's extreme partisan bias is responsible for creating firewalls protecting the Republican supermajority and majority in the House. Tr. 1120:15-1121:18. As with the Senate, Dr. Mattingly plotted the results of various statewide elections using the enacted House plan and his nonpartisan simulations in Figure 5 of his report (PX365). Tr. 1118:5-1120:14.

166. Plaintiffs' Exhibit 365 is reproduced below:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

167. As Dr. Mattingly testified, Plaintiff's Exhibit 365 illustrates how the enacted House plan becomes a greater and greater pro-Republican outlier as Democrats win more votes statewide, and how the enacted House plan creates firewalls protecting the Republican supermajority and majority which Democrats would break under a nonpartisan plan. Tr. 1120:4-1121:18. In the elections in the lower left of the figure where the Republicans have more statewide votes and have a supermajority even in the nonpartisan plans, the enacted plan is generally within the distribution of nonpartisan plans. PX365 (see, *e.g.*, the 2016 Lieutenant Governor and 2016 U.S. Senate elections). Dr. Mattingly explained that this makes sense from the mapmaker's perspective, because the mapmaker would not design the map for environments where Republicans are assured a "commanding supermajority" no matter what. Tr. 1123:17-24.

168. Plaintiffs' Exhibit 365 shows that in elections where the Democrats begin to break the Republican supermajority in the nonpartisan plans, the enacted plan becomes an outlier and consistently protects the Republican supermajority. Tr. 1120:15-1121:8. Dr. Mattingly testified that the enacted map "has a firewall that retards the advance of the Democratic Party particularly when they're about to break through and break the Republican supermajority." Tr. 1121:6-8.

169. Overall, in 4 of the 17 elections that Dr. Mattingly considered, the Democrats would have almost certainly broken the Republican supermajority in the nonpartisan plans but failed to do so under the enacted plan (2008 President, 2012 Lieutenant Governor, 2016 Attorney General, 2016 Governor). *See* PX366 (Mattingly Report Figure 6). By contrast, the enacted map never creates a Democratic supermajority in the House when one would not be expected under the nonpartisan ensemble. PX359 at 13-14.

170. In elections where the Democrats win so many votes that the enacted House plan's Republican supermajority firewall breaks, Dr. Mattingly showed that the enacted House plan creates a second firewall preventing the Democrats from breaking the Republican majority. Tr. 1119:14-20; Tr. 1121:9-18. Using the results of the 2008 U.S. Senate, 2008 Lieutenant Governor, or 2008 Commissioner of Insurance elections, where the Democrats virtually always have a majority in the collection of hundreds of trillions of nonpartisan plans and sometimes have a supermajority, the Democrats never win a majority under the enacted plan. Tr. 1121:11-18; PX365 (Mattingly Report Figure 5); PX359 at 13.

 *32 171. In a race like the 2008 U.S. Senate election—where the Democrats won 54.32% of the statewide vote—the enacted map is a particularly extreme pro-Republican outlier. Tr. 1121:11-18. Using that election, the Republicans win 11 more seats in the enacted House plan than they would expect to win under the nonpartisan collection of plans. PX366 (Mattingly Report Figure 6). In more than 40.1% of the plans in the nonpartisan collection, Democrats actually win a supermajority, but the Democrats do not even win a majority under the enacted plan. PX359 at 14; PX418 (Mattingly Report Table 4). By contrast, there were no historical elections under which the Republicans would have been expected to receive a majority under the nonpartisan House plans but would not receive a majority in the enacted House plan. PX359 at 13.

172. Dr. Mattingly also performed a uniform swing analysis that confirmed the enacted plan's persistent, durable, and extreme bias toward the Republican party. Tr. 1123:25-1131:5. Using six different historical elections ranging from very pro-Republican (e.g., 2012 Governor, where the Democrats won 44.13% of the statewide vote) to very pro-Democratic (e.g., 2008 U.S. Senate, where the Democrats won 54.32% of the statewide vote), Dr. Mattingly showed that the House plan's gerrymandered protection of the Republican supermajority and majority was highly robust over many different electoral structures and statewide vote fractions. Tr. 1127:15-18; Tr. 1129:5-1131:5; PX488 (Mattingly Rebuttal Report Figure 1). Each of the elections end up looking "remarkably the same" as the Democratic vote share increases; in all of the elections, the enacted map creates a firewall protecting the Republican supermajority and majority. Tr. 1129:11-1130:2; Tr. 1130:23-1131:5. Dr. Mattingly concluded on the basis of his uniform swing analysis that the House plan was "designed" to "consistently protect" the Republican supermajority and majority across all of the "very different" elections he studied, which contain many different "spatial vote patterns" and "historical voting patterns from the state of North Carolina." Tr. 1130:23-1131:5.

173. In particular, under the nonpartisan maps, the Republicans do not win a supermajority when the Democratic statewide vote share rises above 50 percent, but in the enacted plan, the Republicans do. Tr. 1130:7-19. And the uniform swing analysis shows that the enacted plan becomes an especially extreme outlier whenever the Democrats would win a majority of seats under the ensemble of nonpartisan plans. Tr. 1128:12-1129:4; Tr. 1130:3-6. Dr. Mattingly's uniform swing analysis shows that the enacted map prevents Democrats from winning a majority of the seats in the House unless they have around 55% of the statewide vote. Tr. 1131:6-16. That is well more than the Democrats would need in a non-gerrymandered plan to win a majority of House seats. *See* PX488 (Mattingly Rebuttal Report Figure 1).

174. Plaintiffs' Exhibit 488 (Mattingly Rebuttal Report Figure 1) shows Dr. Mattingly's uniform swing analysis of the House plans:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
FIGURE 1. Purple dots show the enacted plan; the green dots show a plan in the ensemble. The dashed line at 60 seats shows the majority, and the dashed line at 48.5 seats shows the Republican supermajority threshold. The number of Democrats elected in the Senate which has a total of 120 seats.

175. Dr. Mattingly preferred to compare the enacted plan to nonpartisan plans election-by-election, because taking an average seat shift across a set of elections can obscure a gerrymander's effect in close elections where control of the Senate or House is at issue. Tr. 1214:8-13, 1216:16-19, 1216:22-1217:3. Even considering the average, however, Dr. Mattingly found that the enacted plan is an extreme pro-Republican outlier. Tr. 1216:4-12. Comparing the enacted Senate plan to the median Senate plan in the ensemble for each of the 17 elections, the enacted plan causes Democrats to lose on average 1.94 seats in the Senate

across all 17 elections. PX363. Not a single one of Dr. Mattingly's 3.7 x 10^{93} statewide maps in the Senate favors the Republican Party as much as the enacted plan under this metric. PX363 (bottom right image); PX487 at 23 (Mattingly Rebuttal Report). Similarly, comparing the enacted House plan to the median House plan in the ensemble for each of the 17 elections, the enacted plan causes Democrats to lose on average 3.35 seats in the House across all 17 elections. Not a single one of Dr. Mattingly's 1.1 x 10^{108} statewide maps in the House favors the Republican Party as much as the enacted plan under this metric. PX366 (bottom right image); PX359 at 11 (Mattingly Report) (noting that the average seat difference in favor of the Republicans across all 17 elections is "greater than all plans in the ensemble").

*33 176. Dr. Mattingly's separate analysis of the structure of the enacted House and Senate plans provided further confirmation that both plans are extreme partisan gerrymanders, even putting aside the effect on seat count in any particular election. He demonstrated that the General Assembly cracked and packed Democratic voters for partisan gain across the House and the Senate plans, with a particular focus on cracking Democratic voters out of the middle seats that determine supermajority and majority control of both Chambers.

177. Dr. Mattingly ordered the 120 districts in the House in his ensemble of nonpartisan plans from lowest to highest based on the Democratic vote fraction in each district. He did this for each of the 17 statewide elections he analyzed. Tr. 1159:4-15; PX483.

178. Below is an example of Dr. Mattingly's structural analysis of the 120 districts in the House using the votes from the 2016 Attorney General's Election. *See* PX483 at 13; PX778 at 33 (Mattingly PowerPoint presentation).

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

179. The purple dots in the ranked-ordered box plots from Plaintiffs' Exhibit 483 represent the Democratic vote fraction in the enacted plan for each district ordered from least to most Democratic; the boxes represent the Democratic vote fraction across Dr. Mattingly's ensemble of nonpartisan plans. Tr. 1159:4-1162:1. The key in the top left-hand corner shows the statewide election and the Democratic statewide vote fraction in that election.

180. Dr. Mattingly explained that in the 40 seats in the middle—between the 40th most Democratic seat and the 80th most Democratic seat—the Democratic vote fraction in the enacted plan is far below the boxes representing the nonpartisan plans. Tr. 1162:7-25. Those "are the seats that determine who has a supermajority and who has the majority," and they are the "critical seats for the structure of the House." Tr. 1162:19-25. But in the most Democratic districts, beginning around the 99th least Democratic seat, the Democratic vote fraction is much higher in the enacted plan. Tr. 1162:7-12. In other words, across the map, Democrats have been cracked out of the districts that determine control of the House and packed into districts they would win anyway. Tr. 1162:7-25. In the 2016 Attorney General election, this structural gap between the Democratic vote share in the enacted plan and the nonpartisan plans in the critical districts means that the Republicans kept the supermajority even though they would have lost it under the ensemble of nonpartisan plans. Tr. 1163:3-25.

181. An examination of the dis tricts between the 40th least Democratic district and the 80th least Democratic district in the House using the 2016 Attorney General election further demonstrates the cracking of Democratic voters in these critical seats. (PX485 at 13; PX778 at 34):

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

182. Dr. Mattingly testified that the large gap between the Democratic vote fraction in the enacted plan and in the ensemble at the 72-seat marker is the structural feature of the House map that is responsible for the firewall protecting the Republican supermajority. Tr. 1164:1-9.

183. Dr. Mattingly's ranked-ordered box plot using the results of the 2012 Presidential election revealed that same structural anomaly (PX485 at 11; PX778 at 35):

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

184. Using the results of the 2012 Presidential election, Dr. Mattingly testified that again the enacted map shows a "huge depletion of Democratic voters" in these districts that matter for supermajority and majority control. Tr. 1164:17-1165:7; PX485 at 11. Dr. Mattingly explained that, although the Presidential 2012 election was a fairly Republican election where the Republicans would win a House majority even under the nonpartisan plans, the significant deviation in the Democratic vote fraction in the seats that matter most will have a "dramatic effect" in elections where the Democrats get more votes statewide. Tr. 1166:1-17.

 *34 185. Plaintiffs' Exhibit 484 contains Dr. Mattingly's ranked-ordered box plots for the Senate. Dr. Mattingly ordered all 50 Senate districts in his ensemble from lowest to highest based on the Democratic vote fraction in each district. He did this for each of the 17 statewide elections he analyzed. PX484. Below is an example of Dr. Mattingly's structural analysis of the 50 Senate districts using the 2016 Lieutenant Governor election. PX484 at 15; PX778 at 40.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

186. The ranked-ordered box plot using the 2016 Lieutenant Governor results demonstrates the same significant suppression of Democratic votes in the enacted plan in the districts that matter most—the 25th most Democratic district, which determines who wins the majority in the Senate, and the 29th least Democratic district, which the Democrats need to win to break the supermajority. Tr. 1175:12-24; PX484 at 15. Dr. Mattingly testified that the gap between the enacted plan and the ensemble around the 25th and 29th/30th district shows that the enacted plan is an "extreme outlier." Tr. 1176:5-9. In turn, in the most Democratic districts, the enacted plan has significantly more Democrats than in the nonpartisan ensemble, PX484 at 15— representing packing of Democrats into these districts. Tr. 1175:4-9.

187. As noted, Dr. Mattingly performed this same structural analysis of the House and Senate enacted plans using all 17 of his statewide elections. PX483, PX484. He testified that all 34 of his ranked-ordered box plots overwhelmingly show the same gaps between the enacted plan and the ensemble in the Democratic vote fraction in the seats that matter most in the Senate and the House, and overwhelmingly show the firewalls protecting the Republican supermajorities and majorities. Tr. 1176:10-23. Dr. Mattingly testified that it would "almost be impossible to build this structure" in the absence of an intentional choice to do so. Tr. 1176:24-1177:2. The Court gives great weight to this conclusion.

188. In his report, Dr. Mattingly conducted a statistical analysis to quantify the statewide cracking and packing of Democratic voters in the House and Senate plans that the ranked-ordered box plots from Plaintiffs' Exhibits 483 and 484 visually illustrate. That analysis confirms to a high degree of statistical significance that the structure of the enacted plans reflects extreme bias in favor of the Republicans that will persist in election after election.

189. Specifically, in the House, Dr. Mattingly analyzed the 48th to the 72nd least Democratic districts (again, the range that determines majority and supermajority control). PX359 at 13 (Mattingly Report). Dr. Mattingly found that in 15 of the 17 elections, there is less than a 0.0005% chance of finding a plan in the ensemble that had fewer Democratic votes across those districts than did the enacted plan. *Id.*; PX359 at 13. In the remaining 2 elections, there was less than a 0.02% and 0.3% chance of finding a plan in the ensemble with as much cracking of Democrats out of the middle districts as the enacted plan. *Id.*

190. Dr. Mattingly's statewide quantification of the Senate showed the same extreme cracking of Democrats out of the districts that determine majority and supermajority control. For the Senate, Dr. Mattingly considered the 20th to 30th least Democratic districts. PX359 at 9. He found that in 14 of the 17 statewide elections, there is less than a 0.0005% chance of finding an ensemble plan with fewer Democratic votes across those districts than the enacted plan. *Id.* In two other elections, the enacted plan was still an extreme outlier, at the 0.1% level. *Id.*

*35 191. Dr. Mattingly also created video animations of his uniform swing analysis using six different elections in both the House and Senate. PX772 (video animations). In the videos, the blue histograms represent the distribution of seats using Dr. Mattingly's nonpartisan plans; the "enacted" marker represents the enacted plan, and the three vertical lines represent the Republican supermajority, Republican majority, and Democratic supermajority lines. *Id.* Dr. Mattingly played two of the videos for the Court, representing uniform swing analysis in the House using the results of the 2012 Presidential election and 2016 Lieutenant Governor election. Tr. 1168:4-8, 1169:17-1172:15; PX778 at 37, 38 (PowerPoint slides); PX772 (video animations). The 2012 Presidential election video showed that the enacted plan started out looking fairly typical of the ensemble of nonpartisan plans; that is the video starts with a 45% Democratic vote share where Republicans retain the supermajority under the nonpartisan plans as well. Tr. 1169:17-25. As the Democratic vote fraction increases, the blue histograms representing the nonpartisan plans shifts to the right and the number of seats that Democrats win increase. Tr. 1169:25-1170:9. But the enacted plan begins to lag "dramatically" behind the nonpartisan plans. Tr. 1170:6-13. In particular, at the Republican supermajority and majority lines, the enacted plan "sticks" on the Republican side of the line even as the blue histogram representing the nonpartisan plans move completely past those lines. Tr. 1171:8-21. The gerrymander is sometimes so effective that it retains a Republican supermajority in the enacted plan even where the Democrats win a majority in the nonpartisan plans. Tr. 1172:6-10.

192. Dr. Mattingly's video animation of a uniform swing analysis of the 2016 Lieutenant Governor election showed the same thing, Tr. 1172:17-1174:20, as do Dr. Mattingly's four remaining videos, PX772.

193. The Court finds that these video animations provide significant evidence confirming Dr. Mattingly's conclusions that the enacted House and Senate maps exhibit extreme partisan bias and create partisan firewalls protecting the Republican supermajority and majority. The Court finds that Dr. Mattingly's uniform swing videos are also significant evidence that the gerrymanders cause the enacted House and Senate maps to be largely nonresponsive to the actual votes cast in North Carolina's elections. Moreover, as Dr. Mattingly explained, the ranked-ordered box plots that he created using all 17 statewide elections showing the systematic suppression of Democratic vote fractions in the districts that matter most for the House and Senate demonstrate—without any need to conduct uniform swing analysis—that the enacted plan will be nonresponsive to the votes actually cast in North Carolina elections. Tr. 1174:25-1176:9.

194. Dr. Mattingly's findings regarding the firewall to protect the Republican majorities in the General Assembly are significantly similar to Dr. Chen's findings. Dr. Chen, like Dr. Mattingly, found that the gap between the number of Democratic districts under the enacted plans and under his simulated plans gets wider in electoral environments that are better for Democrats, and are at their widest around the point where Democrats would win a majority of seats in the House or Senate in his simulated plans. The independent findings of Drs. Chen and Mattingly strengthen and reinforce the conclusion that Legislative Defendants drew the enacted House and Senate plans with the specific goal of making it extremely difficult, if not impossible, for Democrats to take control of either chamber of the General Assembly.

195. Dr. Mattingly's county-grouping analysis, discussed in greater detail below, also allowed him to draw statistically significant conclusions about the intent of the mapmaker in creating the statewide Senate and House plans. Tr. 1157:24-1158:8. In particular, he explained that the design of each county grouping in the House and Senate plans represented an independent choice by the mapmaker, because "how you redistrict one county cluster does not affect how you redistrict the next one since you can't cross county cluster lines." Tr. 1157:17-23. Dr. Mattingly found that numerous county groupings in the House and Senate were extreme pro-Republican partisan outliers at the 100% or 99% level. PX778 at 29-30. He testified that the probability that the extreme partisan bias in the enacted maps was unintentional was "astronomically small," because the chance of making so many independent choices "with such extreme bias" in one map was "astronomically small if you are not looking for it." Tr. 1158:3-8.

196. Dr. Mattingly conducted a secondary analysis in which he only considered plans that preserved incumbents "to the same extent, or better, than they are preserved" in the enacted plan in each grouping. PX359 at 81. Dr. Mattingly found that accounting for the effects of incumbency did not change his conclusion that the enacted plans are extreme pro-Republican gerrymanders. Tr. 1093:21-1094:3. Defendants failed to offer evidence sufficient to rebut Dr. Mattingly's conclusion that the enacted plan's extreme bias could not be explained by a nonpartisan effort to avoid pairing incumbents.

*36 197. Dr. Mattingly performed extensive robustness checks establishing that his results were insensitive to the choices he made and criteria he used to generate the distribution of nonpartisan plans. Among other things: Dr. Mattingly went through every district in every grouping he analyzed to confirm that the compactness and municipal splits in the ensemble tracked those qualities in the enacted plan. PX359 at 57-80 (Mattingly Report). He performed a secondary analysis considering only plans that were equal to or better than the enacted plan along the dimension of compactness and municipal splits and found that it did not affect his results. PX359 at 82; PX468, 472-473. He created different collections of nonpartisan maps using six different sets of weights for compactness and other nonpartisan criteria and confirmed that changing the weights did not change the results. PX487 at 11 (Mattingly Rebuttal Report). And when Defendants' experts raised various speculative critiques in their reports— asking whether changing one criterion or another would make a difference—Dr. Mattingly performed a follow-up analysis in his rebuttal report confirming that it did not. *Id.* at 6-11.

198. The Court finds that none of Legislative Defendants' objections to Dr. Mattingly's analysis calls into question its persuasive value. The fact that, in a few individual elections, the enacted plan is not an extreme outlier relative to the ensemble of plans in terms of seat count alone does not undermine Dr. Mattingly's conclusion that the enacted plans are extreme partisan gerrymanders designed to protect Republican supermajorities and majorities. Tr. 1117:9-11 (Senate); Tr. 1122:18-1123:24 (House). First, Dr. Mattingly explained that the underlying structure of the enacted plans reflected a trade-off. To crack Democrats out of districts where it matters, the mapmaker had to pack Democrats into other districts. Tr. 1123:5-24. Under certain circumstances—*i.e.*, in Republican wave elections—the packing of Democratic voters in the enacted plan causes Republicans to lose districts that they would have won in nonpartisan plans that did not pack Democratic voters into these districts. But such an electoral environment is one in which Republicans would already win a commanding supermajority. *Id.* As Dr. Mattingly explained, someone gerrymandering a map would happily hold the supermajority or the majority in elections where their control is at risk, even if the cost is a few less seats in elections where they will always have a commanding supermajority anyway. *Id.*

199. The 2012 Governor election—a highly Republican election where the Republicans win a supermajority in Dr. Mattingly's nonpartisan plans—provides an example. When Dr. Mattingly conducted a uniform swing analysis using the 2012 Governor election, the enacted map became an "extreme outlier in favor of the Republican Party" as the statewide vote swings to the Democrats and the Democrats approached the point where they would break the Republican supermajority and majority under his nonpartisan plans. Tr. 1126:7-1127:9; PX488. Although the 2012 Governor election may not appear to be a partisan outlier for the Republicans, Dr. Mattingly testified that in fact "it is." Tr. 1127:19-1128:11.

200. During Dr. Mattingly's cross examination, Legislative Defendants suggested that he should have included other purportedly nonpartisan criteria in his simulated plans beyond the ones listed in the adopted criteria. The Court, however, gives no weight to Legislative Defendants' suggestions that secret and undisclosed nonpartisan agreements between "representatives of different political parties" might explain the partisan bias that Dr. Mattingly identified. *E.g.*, Tr. 1204:11-14. The Court also gives no weight to the suggestion that Dr. Mattingly should have accounted for "communities of interest" in a manner other than by avoiding splitting counties, cities, and towns, *see, e.g.*, Tr. 1192:19-1193:4, considering Legislative Defendants expressly declined to include "communities of interest" as a criterion for the 2017 Plans. Tr. 1223:8-1224:1; *see* PX603 at 67:14-25 (Rep. Lewis stating that "communities of interest" is not a "criteria that we have proposed" because the Committee "couldn't find a concise definition"); *id.* at 73:16-20 (Rep. Lewis stating that he opposed listing "communities of interest" as a criteria because "municipalities are defined and understood" but the Committee couldn't "agree[]" on what a community of interest was beyond that); *id.* at 77:3-25 (Rep. Lewis again rejecting the use of "communities of interest"); *id.* at 106:10-11 (Rep. Lewis stating that "I don't believe [communities of interest] belongs in this criteria").

*37 201. When asked by interrogatory to "identify and describe all criteria that were considered or used in drawing or revising districting boundaries for the 2017 Plans," Legislative Defendants made a binding concession that the only "criteria used to draw the 2017 plans is the criteria adopted by the Redistricting Committees." PX579 at 13. As such, the Court gives little

credence to Legislative Defendants' critique that Plaintiffs' experts failed to include criteria not in the Adopted Criteria, or a claim that other considerations purportedly explain the contours of the 2017 Plans.

c. *Dr. Pegden*

202. Wesley Pegden, Ph.D., is an Associate Professor in the Department of Mathematical Sciences at Carnegie Mellon University, and testified as an expert in probability. Tr. 1294:19-21, 1302:6-12; PX509. Dr. Pegden has published numerous papers on discrete mathematics and probability in high-impact, peer-reviewed journals, and has been awarded multiple prestigious grants, fellowships, and awards. Tr. 1295:4-20; PX509. He has been appointed by the Governor of Pennsylvania to that state's Redistricting Reform Commission. Tr. 1301:24-1302:5.

203. Dr. Pegden's academic work on redistricting involves Markov chains. A Markov chain is "a random walk around some abstract space." Tr. 1295:23-1296:1. For example, if a person walks around a city, and whenever she reaches an intersection, she chooses which way to turn at random, her position over time "would evolve as a Markov chain." Tr. 1296:5-7. In the context of redistricting, one can imagine taking a random walk "over the space of maps." Tr. 1296:8-14.

204. In 2017, before Dr. Pegden had ever served as an expert in redistricting litigation, he published a peer-reviewed article (PX510) entitled "Assessing Significance in a Markov Chain Without Mixing" in the Proceedings of the National Academy of Sciences—a top-ranked, science-wide journal. Tr. 1295:13-17, 1296:24-1297:1. This article provides a new way to demonstrate that a given object is an outlier compared to a set of possibilities. Tr. 1297:2-7.

205. Dr. Pegden explained that there are three ways to show that a given object is an outlier. The first, most basic way is simply to examine every single member of the entire set of possibilities, and then determine whether the object in question is different than all or most of those possibilities. The second form of outlier analysis is to take a random sample from the set of possibilities, and then compare the object in question to that sample. This type of analysis is the basis of most modern statistics, and is the form of outlier analysis used by Drs. Chen and Mattingly in generating nonpartisan simulated plans and comparing the enacted plans to those random nonpartisan plans. Tr. 1297:10-1298:11, 1309:10-18.

206. The third form of outlier analysis, developed by Dr. Pegden and his co-authors, is a kind of "sensitivity analysis" that begins with the object in question, uses a Markov chain to make a series of small, random changes to the object, and then compares the objects generated by making the small changes to the original object. Tr. 1298:16-1299:4. Dr. Pegden's article illustrates this methodology using a redistricting plan. Tr. 1299:8-18. The article demonstrates that, by using an existing plan as a starting point and then making small random changes to the district boundaries, one can prove the extent to which the existing plan is an outlier compared to all possible maps meeting certain criteria. Dr. Pegden's article proves mathematical theorems showing that this approach can establish a redistricting plan's outlier status in a way that is "completely statistically rigorously grounded in mathematics." Tr. 1299:1-4.

*38 207. In mid-2018, before this case was filed, Dr. Pegden began working on a new article entitled "Practical Tests for Significance in Markov Chains." Tr. 1300:8-1301:4; PX511. This article further develops this new, third form of outlier analysis with new, more powerful statistical tools. Tr. 1301:5-12. Though unpublished, this second article has been vetted by the mathematical community, including through detailed presentations Dr. Pegden gave at the Duke Statistical and Applied Mathematical Sciences Institute and the Harvard Center for Mathematical Sciences and Applications. Tr. 1300:13-23.

208. In this case, Dr. Pegden used this new, third form of outlier analysis to evaluate whether and to what extent the 2017 Plans were drawn with the intentional and extreme use of partisan considerations. Tr. 1302:24-1303:1. To do so, using a computer program, Dr. Pegden began with the enacted plans, made a sequence of small random changes to the maps while respecting certain nonpartisan constraints, and then evaluated the partisan characteristics of the resulting comparison maps. Tr. 1304:1-1306:21. As explained in further detail below, Dr. Pegden found that the enacted House and Senate plans are more favorable to Republicans than 99.999% of the comparison maps his algorithm generated by making small random

changes to the enacted plans. Tr. 1304:14-18, 1342:10-18, 1344:18-1345:3; PX515; PX519. And based on these results, Dr. Pegden's theorems prove that the enacted House and Senate maps are more carefully crafted to favor Republicans than at least 99.999% of all possible maps of North Carolina satisfying the nonpartisan constraints imposed in his algorithm. Tr. 1342:13-25, 1344:18-1345:7; PX515; PX519.

209. Dr. Pegden's analysis proceeded in several steps. He began with the enacted House or Senate map. His computer program then randomly selected a geographic unit on the boundary line between two districts and attempted to move or "swap" the unit from the district it is in into the neighboring district. Tr. 1309:19-24, 1311:1-5; PX508 at 9 (Pegden Report).

210. Dr. Pegden's method uses two different geographic units, VTDs and geounits. Tr. 1309:25-1310:2; PX508 at 9 (Pegden Report). His method uses VTDs when analyzing enacted maps that split few or no VTDs. Such maps include the enacted Senate map and the Senate county groupings Dr. Pegden analyzed. Tr. 1310:3-6; PX508 at 9 (Pegden Report). When analyzing enacted maps that split many VTDs—including the enacted House map and certain House county groupings Dr. Pegden analyzed—Dr. Pegden's method uses a sub-VTD geographic unit known as a "geounit." Tr. 1310:3-11; PX508 at 9 (Pegden Report). Created by a computer program, geounits are compact collections of census blocks that lie entirely within one VTD and one district, containing roughly 500-1000 people. There are roughly six or seven geounits per VTD. Tr. 1310:12-25; PX508 at 9 (Pegden Report).

211. When attempting to swap a randomly selected VTD or geounit from one district to another, Dr. Pegden allowed the swap to occur only if certain constraints were satisfied. Tr. 1311:1-8; PX508 at 7-8 (Pegden Report). These constraints were based on the 2017 Adopted Criteria, and were designed to ensure that the comparison maps generated by Dr. Pegden's algorithm are "good, reasonable comparisons to the enacted map." Tr. 1311:9-12, 1317:25-1318:25. The constraints that Dr. Pegden imposed included contiguity, population deviation, compact districts, county preservation, municipality preservation, precinct preservation, and incumbency protection. Tr. 1311:13-1317:10; PX508 at 7-8 (Pegden Report). Dr. Pegden also froze boundary lines redrawn by the Special Master in 2017. Tr. 1319:1-22.

*39 212. Dr. Pegden applied these constraints in a conservative way, so as to "accept choices the mapmaker made." Tr. 1312:19-22. For example, with respect to population deviation, while the 2017 enacted criteria allows districts to vary between plus-or-minus 5% from the ideal district population, the actual enacted House map does not use all of that range, and instead varies between plus 5% to minus 4.97% from ideal. Dr. Pegden accepted that choice by the mapmaker and required all of his comparison maps to fall within that slightly narrower range. Tr. 1312:1-22; PX508 at 8 (Pegden Report). Similarly, with respect to county preservation, Dr. Pegden's algorithm not only respected North Carolina's county groupings, capped the number of county traversals, and preserved the same number of counties as in the enacted map—his algorithm also preserved whole the very same counties preserved whole in the enacted plan. Tr. 1314:9-1315:3. Likewise, with respect to municipality preservation, Dr. Pegden's algorithm not only preserved the same number of municipalities preserved in the enacted map, but also preserved the very same municipalities, and preserved them within the very same districts as in the enacted plan. Tr. 1315:4-19.

213. Dr. Pegden's conservative application of these constraints "ties [his] comparisons very strongly to the enacted map itself." Tr. 1315:22-24. This makes it all the more remarkable that the enacted maps are such outliers in his analysis, even against this very similar comparison set. Tr. 1315:24-1316:2, 1331:6-10.

214. Dr. Pegden also constrained the compactness of his comparison maps. In his main analysis, Dr. Pegden required that the average compactness score for each comparison map not exceed the corresponding average for the enacted plan, with an error of up to 5%. Tr. 1312:23-1313:5; PX508 at 8 (Pegden Report). Dr. Pegden also ran robustness checks using several other compactness constraints—a 10% error, a 0% error, and a completely different measure based on total district perimeter—and found that altering the compactness constraint did not affect his results. Tr. 1313:6-1314:8; PX508 at 32-34 (Pegden Report).

215. For some county groupings, because of Dr. Pegden's conservative application of his constraints, it was impossible for his algorithm to find a swap that satisfied all of the constraints. Tr. 1319:25-1320:10. When this occurred, Dr. Pegden ran a modification of his algorithm allowing multiple swaps in one step. Tr. 1320:11-25; PX508 at 9-10 (Pegden Report).

216. For some county groupings, even with multi-move swaps, Dr. Pegden's algorithm still was unable to generate any comparison maps—or only a very small number—meeting all of his constraints. Where this occurred, Dr. Pegden was unable to draw any conclusions about the county groupings in question. Tr. 1321:1-16. Dr. Pegden, however, credibly explained that this does not mean that the maps in those groupings were *not* drawn with the intentional use of partisanship. For example, partisan considerations could have predominated in choosing which municipalities to preserve whole in which districts, a choice Dr. Pegden's comparison maps took as a given. Tr. 1321:17-25, 1349:11-1350:4; PX508 at 10-11 (Pegden Report).

217. Once Dr. Pegden's algorithm made a swap satisfying his constraints, his algorithm evaluated the partisan characteristics of the comparison map that resulted from the swap. Tr. 1322:1-6. For his main analysis, Dr. Pegden used data from the 2016 Attorney General race to analyze the whole House and Senate maps, the subset of House and Senate districts redrawn in 2017, and any House or Senate county grouping last changed in 2017. Dr. Pegden then used data from the 2008 Commissioner of Insurance race to analyze the subset of House and Senate districts last changed in 2011, as well as any House or Senate county grouping last changed in 2011. Dr. Pegden used these particular elections because they were reasonably close, statewide, down-ballot elections that were available to the General Assembly at the relevant times. Tr. 1322:7-24. Dr. Pegden explained that the "point of [his] analysis is really to get at the intent of the legislature," to "understand the decisions they made with information available to them at the time." Tr. 1322:25-1323:3.

 *40 218. Dr. Pegden also re-ran his analysis using four additional elections—the 2016 Governor election, the 2014 U.S. Senate election, the 2012 Presidential election, and the 2012 Lieutenant Governor election. Tr. 1323:4-12; PX508 at 35-36 (Pegden report). Using these different historical elections did not alter Dr. Pegden's conclusions. Tr. 1323:13-15.

219. To evaluate the partisan characteristics of each comparison map, Dr. Pegden's algorithm calculates the number of seats Republican candidates would win, on average, if a random uniform swing were repeatedly applied to the historical voting data being used. This metric captures how a given comparison map would perform over a range of electoral environments centered around the base election being used (i.e., the 2016 Attorney General's election for Dr. Pegden's primary analysis). Tr. 1324:8-1326:20.

220. Dr. Pegden also re-ran his analysis using a different partisan metric, which measures the Republican vote share in the 61st-most Republican House district, or the 26th-most Republican Senate district. This metric captures, for a given comparison map, how comfortably Republicans would win the seat that would give them the majority in the relevant chamber of the General Assembly. Put differently, this metric captures how large of a Democratic wave election the Republican House or Senate majority could withstand. Tr. 1326:21-1327:20.

221. In his rebuttal report, in response to certain criticisms by Legislative Defendants' experts, Dr. Pegden also re-ran his analysis yet again, this time using a third partisanship metric. In this analysis, Dr. Pegden's algorithm simply measured the number of seats Republicans would have won in an election precisely mirroring the 2016 Attorney General election, without any uniform swing or rank-ordering of districts by Republican vote share. Tr. 1327:21-1328:10.

222. Dr. Pegden's analysis is statistically robust across three different partisanship metrics, none of which altered his conclusions. Tr. 1326:21-1327:15.

223. Dr. Pegden's algorithm repeats the foregoing steps billions or trillions of times in sequence. The algorithm begins with the enacted map, makes a small random change complying with certain constraints, and uses historical voting data to evaluate the partisan characteristics of the resulting map. The algorithm then repeats those steps, each time using the comparison map generated by the previous change as the starting point. By repeating this process many times, Dr. Pegden's algorithm generates

a large number of comparison maps in sequence, each map differing from the previous map only by one small random change. Tr. 1328:22-1329:12.

224. Each sequence of billions or trillions of small changes in Dr. Pegden's analysis is one "run." His algorithm performs multiple runs for each map being analyzed, with each run beginning with the enacted plan as the starting point. Dr. Pegden ran his algorithm with a sufficient number of steps and runs in order to generate results that are statistically significant but capable of being replicated within a reasonable time. Tr. 1329:3-22.

225. The comparison maps generated by Dr. Pegden's algorithm are not intended to provide a baseline for what neutral, nonpartisan maps of the North Carolina House or Senate should look like. Instead, Dr. Pegden's comparison maps are intended to be similar to the enacted map in question with respect to each map's relevant nonpartisan characteristics, in order to assess how carefully created the enacted plan is to maximize partisan advantage. Tr. 1308:4-12, 1309:10-18, 1329:23-1330:6, 1362:23-1363:6, 1369:25-1370:4.

 *41 226. Dr. Pegden performed two levels of analysis on the comparison maps generated by his algorithm. Dr. Pegden's first-level analysis simply "report[s] what happened" in each run when his algorithm made random swaps to the enacted plan's district boundaries. Tr. 1332:8-16. For the enacted House and Senate maps, Dr. Pegden reports that—in every run—the enacted map was more favorable to Republicans than 99.999% of the comparison maps generated by his algorithm making small random changes to the district boundaries. PX515; PX519.

227. Dr. Pegden's first-level analysis provides clear, intuitive evidence that the 2017 Plans were meticulously crafted for Republican partisan advantage.

228. Dr. Pegden provided a stark illustration from his first-level analysis of how precisely the enacted plans are drawn to maximize partisan advantage. Dr. Pegden explained that, in his runs for the Wake-Franklin county grouping in the Senate, after "the first fraction of a second," his algorithm "never again" encountered a "single comparison map as advantageous to the Republican Party as the enacted plan itself." Tr. 1308:15-1309:7.

229. Dr. Pegden's second-level analysis provides mathematically precise calculations of how "carefully crafted" the 2017 Plans are—that is, how precisely the district boundaries align with partisan voting patterns so as to advantage Republicans— when compared not just to the comparison maps generated in each run of his algorithm, but to *all possible maps of North Carolina* that satisfy his constraints. Tr. 1332:24-1335:20. In other words, Dr. Pegden is able to determine—to a mathematical certainty— the extent to which the enacted plan is an outlier relative to every single other possible House or Senate map of North Carolina that could exist meeting the contiguity, equal population, compactness, political subdivision, and Special Master constraints that his algorithm applies. For the enacted House and Senate maps, Dr. Pegden reports that under this second-level analysis the enacted map is more carefully crafted for Republican partisan advantage than at least 99.999% of all possible maps of North Carolina satisfying his constraints. PX515; PX519.

230. The results of Dr. Pegden's second-level analyses follow from his theorems, which have been validated by other mathematicians. Tr.1337:9-18. And the results of Dr. Pegden's second-level analyses are intuitive. In effect, Dr. Pegden's analysis shows that the 2017 Plans not only are quite advantageous to Republicans, but also are surrounded in the space of maps by a plethora of other maps that are *less* advantageous to Republicans. It is simply not possible, even in principle, for a typical map of North Carolina (or any other state) to be favorable to Republicans and be surrounded by maps that are less favorable. The only explanation is that the map drawer intentionally crafted the district boundaries to maximize partisan advantage. Tr. 1337:9-1340:8; *see* PX508 at 7 ("In other words, it is mathematically impossible for any state, with any political geography of voting preferences and any choice of districting criteria, to have the property that a significant fraction of the possible districtings of the state satisfying the chosen districting criteria appear carefully crafted.")

231. For both the House and the Senate, Dr. Pegden performed three different analyses. First, using voting data from the 2016 Attorney General election, Dr. Pegden analyzed the entire House and Senate maps. Second, again using voting data from the 2016 Attorney General election, Dr. Pegden analyzed only the districts that were redrawn in 2017, while freezing the districts that were last changed in 2011. Third, using voting data from the 2008 Commissioner of Insurance election, Dr. Pegden analyzed only the districts that were last changed in 2011, while freezing the districts that were redrawn in 2017. Tr. 1340:14-1341:15.

*42 232. Dr. Pegden's statewide analyses conclusively show that the pertinent districts drawn in 2011, the districts drawn in 2017, and the maps as a whole were all drawn with the intentional and extreme use of partisan considerations. The following demonstrative chart summarizes Dr. Pegden's statewide results:

Map Analyzed	First-level Analysis (% of algorithm maps less partisan than enacted map)	Second-level Analysis (% of all maps less carefully crafted than enacted map)
House		
Whole state	99.99984%	99.9991%
2017 districts only	99.9982%	99.99%
2011 districts only	99.9999988%	99.999993%
Senate		
Whole state	99.99999983%	99.999999%
2017 districts only	99.99999975%	99.9999985%
2011 districts only	99.9995%	99.997%

Sources: Plaintiffs' Exhibits 515-517, 519-521

PX904; *see also* PX515-517, 519-521; Tr. 1341:18-1346:16.

233. These results cannot be explained by North Carolina's political geography. Dr. Pegden's algorithm compares the enacted map to other maps of North Carolina, with the very same political geography. And Dr. Pegden's theorems do not depend on any aspect of North Carolina's political geography—the theorems are mathematically valid for any state with any political geography. Indeed, Dr. Pegden's theorems are mathematically valid not just for redistricting plans, but for any abstract space on which one could imagine taking a random walk using a Markov chain. Tr. 1333:14-24, 1401:9-1402:5.

234. The results of Dr. Pegden's statewide analyses also conclusively show that it is possible for a North Carolina map drawer to make intentional and extreme use of partisan considerations even within the Whole County Provision and the other constraints set forth in the 2017 Adopted Criteria. All of Dr. Pegden's comparison maps respect the Whole County Provision and the other constraints set forth in the 2017 Adopted Criteria. And in his algorithm, Dr. Pegden applied those constraints in a very conservative way that respects the choices made by the map drawer with respect to compactness and the divisions and preservation of particular counties and municipalities. Even within those tight constraints, there were many different maps for a map drawer to choose from, and the enacted maps demonstrate that the map drawer intentionally chose maps that were more carefully crafted for Republican partisan advantage than at least 99.999% of all possible alternatives. Tr. 1402:15-1403:8; PX515; PX519.

235. The Court gives great weight to Dr. Pegden's testimony, analysis, and conclusions.

d. *Dr. Cooper*

236. Christopher A. Cooper, Ph.D., has resided in North Carolina for 17 years and is the Robert Lee Madison Distinguished Professor and Department Head of Political Science and Public Affairs at Western Carolina University. Tr. 848:18-849:7. Dr. Cooper was accepted as an expert in political science with a specialty in the political geography and political history of North Carolina. Tr. 861:21-862:5.

237. As Dr. Cooper explained, North Carolina is a "purple state" that, on the whole, is politically moderate. Tr. 862:21-22. In statewide elections, which are not susceptible to gerrymandering, Democratic candidates perform as well as Republican candidates. Tr. 859:14-18, 864:1-8, 865:5-18. Dr. Cooper's analysis demonstrated that North Carolina is a "two-party" state where Democrats can compete and succeed with respect to U.S. Presidential elections, Tr. 863:2-864:8; PX255; PX253 at 5-6 (Cooper Report), and elections for North Carolina's Council of State, Tr. 864:21-865:18; PX256; PX253 at 6-7 (Cooper Report).

 *43 238. Dr. Cooper also analyzed the aggregate vote share of Democratic and Republican candidates in General Assembly elections since 2012, finding that Democrats received close to or over 50% of the vote in each election. Tr. 865:23-866:16; PX257. But over the same period, Republicans controlled the North Carolina General Assembly, winning supermajorities in both chambers from 2012-2016 and majorities in 2018. Tr. 866:24-868:12; PX259. Despite winning close to or more than 50% of the statewide vote in General Assembly elections since 2012, Democrats have "never approached" a roughly corresponding percentage of seats, a sign of "gross disproportionality." Tr. 868:4-12; PX257; PX259; PX264; PX253 at 8, 11 (Cooper Report).

Percent of Republican Two-Party Vote Share in NCGA Elections 2012-2018

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Percentage of Seats Held by Democrats in the NCGA 2001-2018

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

239. Dr. Cooper also used the results of the 2018 elections to show how, under the enacted House and Senate plans, Democratic votes translate to seats far less efficiently than Republican votes. Consistent with the packing and cracking of Democratic voters, when Democrats win seats in the House and Senate, they win by large margins, meaning that many votes tend to be "wasted." Republicans win by significantly narrower margins. Tr. 869:23-871:3; PX262; PX263; PX253 at 14-16 (Cooper Report).

NC State Senate Election Margins 2018

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

NC State House Election Margins 2018

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

240. The Court finds Dr. Cooper's analysis of the 2018 elections to be persuasive and consistent with Plaintiffs' experts' findings regarding the packing and cracking of Democratic voters within individual county groupings, described below.

C. The 2017 Plans Were Designed Intentionally and Effectively to Maximize Republican Partisan Advantage Within Specific County Groupings

241. Each of Plaintiffs' four experts analyzed seven county groupings in the Senate and 16 county groupings in the House. Plaintiffs' experts concluded that partisan gerrymandering and bias in these groupings was responsible for the extreme partisan bias that they found in their statewide analysis of the House and Senate. Tr. 1134:1-5 (Dr. Mattingly).

1. Senate County Groupings

a. *Mecklenburg*

242. The Mecklenburg Senate county grouping contains Senate Districts 37, 38, 39, 40, and 41. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

243. For each House and Senate county grouping that Plaintiffs' experts analyzed, Dr. Cooper produced a map showing the district boundaries within the grouping and the partisanship of every VTD within the grouping using the results of the 2016 Attorney General election. In each map, darker red shading indicates a larger Republican vote share in the VTD, darker blue shading indicates a larger Democratic vote share in the VTD, and lighter colors indicate VTDs that were closer to evenly split in Democratic and Republican vote shares.

244. Plaintiffs' Exhibit 285 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

245. As Dr. Cooper explained, the mapmaker packed Democratic voters into Senate Districts 37, 38, and 40 to make Senate Districts 39 and 41 as favorable for Republicans as possible. Tr. 901:16-20; PX253 at 47 (Cooper Report).

246. Senate District 41 stretches from the farthest northern boundaries of Mecklenburg County all the way to the farthest south, traversing two narrow passageways. One passageway is so narrow that the district's contiguity is maintained only by the Martin Marietta Arrowood Quarry, which is less than a mile wide. Tr. 902:22-903:4; PX287; PX253 at 48 (Cooper Report). The Court is persuaded that the clear intent of this elongated district is to connect the Republican areas north of Charlotte with the Republican-leaning areas in the southern tip of Charlotte. Tr. 902:5-8.

 *44 247. Senate District 39 contains the Republican-leaning VTDs in the southern portion of Charlotte, which resemble a "pizza slice" in Dr. Cooper's maps. Tr. 901:11-15, 902:7-10; PX285; PX286. Those Republican VTDs in Charlotte are grouped with the Republican-leaning areas in the south of Mecklenburg County, outside of Charlotte, so that Senate District 39 is more favorable to Republicans. Tr. 901:18-20; PX253 at 47.

248. Dr. Cooper also illustrated the packing and cracking of Democratic voters in this grouping by focusing just on the division of Charlotte. As illustrated in Plaintiffs' Exhibit 286 below, the enacted plan places Charlotte's most Democratic VTDs in Senate Districts 37, 38, and 40, while placing all of Charlotte's Republican-leaning VTDs in Senate Districts 39 and 41. Tr. 902:1-9; PX253 at 47 (Cooper Report). As Dr. Cooper explained, with large municipalities such as Charlotte, the mapmaker's partisan intent is not apparent from the mere fact that a municipality is split, but rather from "where do those municipal splits take place and what are the partisan effects." Tr. 900:12-21; *see* Tr. 877:24-25. In the Mecklenburg Senate county grouping, the Court is persuaded the mapmaker split Charlotte strictly along partisan lines for partisan gain.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

249. Legislative Defendants' expert Dr. Johnson offered alternative explanations for the configuration of this grouping. While Dr. Johnson admitted that he had no personal knowledge as to why Dr. Hofeller or the General Assembly drew the districts this way, Tr. 1972:18-1973:6, Dr. Johnson stated that Senate District 41 was "drawn to capture as much of" the Charlotte suburbs as

possible into a single district, Tr. 1844:11-12, and that Senate 39 similarly reflected an effort to "unite[] the southern suburbs" of Charlotte, LDTX289 at 4; Tr. 1845:4-9.

250. The Court rejects Dr. Johnson's explanations as it appears to be purely speculative, and in any event his speculation does not withstand minimal scrutiny. Rather than seeking to create a "suburban" district, Senate District 41 stretches to Mecklenburg County's southern tip in order to pick up areas of the City of Charlotte itself, and specifically Republican-leaning VTDs in Charlotte. Tr. 1972:7-1974:15. In so doing, Senate District 41 *avoids* suburban areas north of Charlotte, with those suburbs packed into Senate District 38 instead because they are Democratic-leaning. *Id.* Similarly, Senate District 39 cuts into the heart of Charlotte, taking all of Charlotte's most Republican-leaning areas, while avoiding suburbs in southeast Mecklenburg County. Tr. 1975:5-1976:14. The Court finds Dr. Johnson's speculative alternative explanations for the configuration of the Mecklenburg Senate county grouping not credible.

251. Dr. Johnson also opined at trial that the enacted plan version of this county grouping is not the most favorable possible configuration of this grouping for Republicans. Dr. Johnson created an alternative version of this grouping that he asserted would be even more favorable for Republicans. Tr. 1840:17-1841:19. However, Dr. Johnson's alternative map suffered from a critical error: it paired the two Republican incumbents who were in office at the time of the 2017 redistricting. Tr. 1977:2-1978:7. Clearly, the most favorable possible configuration of this grouping for Republicans would not pair the only two Republican incumbents together, and Dr. Johnson conceded that he did not analyze whether the enacted plan represents the most favorable possible configuration of this grouping possible that would not have paired those two Republican incumbents. *Id.*

 *45 252. The simulations of Plaintiffs' other experts confirm and independently establish that this county grouping is an extreme partisan gerrymander.

253. Dr. Chen analyzed individual county groupings by comparing the most Democratic district in the grouping under the enacted plan with the most Democratic district in the grouping under the simulated plans, comparing the second most Democratic district in the grouping under the enacted plan with the second most Democratic district in the grouping under the simulated plans, and so on.

254. Using this methodology, Dr. Chen found that the Mecklenburg Senate county grouping has four districts in the enacted plan that are extreme partisan outliers. PX098; *see* Tr. 377:8-14. Dr. Chen found that Senate Districts 39 and 41 have a lower Democratic vote share than their corresponding districts in all 1,000 of his simulated plans of this grouping, and that Senate Districts 37 and 40 have a higher Democratic vote share than 99.99% and 100% than their corresponding districts in his simulations. Dr. Chen's findings show the packing of Democratic voters into certain districts in this grouping and the cracking of Democratic voters in Senate Districts 39 and 41, in an effort to create two districts as favorable for Republicans as possible. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 98 below:[5]

5   Unless otherwise noted, Dr. Chen's results for individual House and Senate county groupings were materially the same for his Simulation Set 2 as for his Simulation Set 1. Tr. 349:12-18.

Figure 78: Senate Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Mecklenburg County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

255. Dr. Mattingly analyzed individual county groupings by plotting the Democratic vote fraction in each district in the grouping, ordered from least to most Democratic. He conducted this analysis for the enacted plan (represented by a black dot in his county-grouping-level figures) and for his ensemble of nonpartisan plans (represented by the blue histograms), using six prior statewide elections. Tr. 1134:14-1138:6. If the black dot representing the enacted plan is above the dotted black line at 50%, the Democrats

win that district under the enacted plan. Tr. 1135:23-1136:6. If all or the bulk of the blue histogram representing the ensemble is above the dotted black line at 50%, the Democrats would expect to win that district under the ensemble. Tr. 1137:8-1138:6. Dr. Mattingly labeled the historical election whose statewide vote counts he was using in the upper left corner of the plots. Black dots that are at the bottom of the corresponding blue histogram represent districts that Democrats have been cracked out of, because the enacted plan has many fewer Democrats than would be expected in the nonpartisan plans; black dots that are at the top of the corresponding blue histogram represent districts that Democrats have been packed into. Tr. 1138:14-1139:4.

256. Plaintiffs' Exhibit 370 shows Dr. Mattingly's analysis of the Mecklenburg Senate county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

257. As the figure above shows, Democrats were cracked out of the two most Republican districts in this grouping, and packed into heavily Democratic districts. In the enacted plan, there is a significant jump in Democratic vote share between: (i) the two least Democratic districts (Senate Districts 39 and 41), and (ii) the three most Democratic districts (Senate Districts 40, 37, and 38). PX370; PX 359 at 16 (Mattingly Report). Dr. Mattingly testified that the jump signifies intentional gerrymandering —he called it "signature gerrymandering"—and means that elections in the grouping will be nonresponsive to the votes cast. Tr. 1139:19-21; *see* 1146:13-21; *see* PX 359 at 14-15 (Mattingly Report). As the figure above shows, the gerrymander cost Democrats one or two seats in certain electoral environments, because the black dots for Senate Districts 39 and 41 often fall below the 50% line while the blue histograms often rise above it. Tr. 1142:22-1143:1.

 *46 258. Dr. Mattingly mathematically quantified the "jump"—*i.e.*, the cracking and packing in this grouping—using all 17 statewide elections he studied. Specifically, Dr. Mattingly calculated the average Democratic vote share in the two least Democratic districts and the average Democratic vote share in the three most Democratic districts, for both the enacted plans and his ensemble plans. PX 359 at 16 (Mattingly Report). He found that the two least Democratic districts in the enacted plan had fewer Democratic voters than 100% of the comparable districts in the nonpartisan ensemble, while the three most Democratic districts in the enacted plan had more average Democratic votes than 100% of the comparable Democratic districts in the nonpartisan ensemble, meaning that *not a single plan* in his nonpartisan ensemble showed as much of a jump—*i.e.*, as much cracking and packing—as the enacted plan. Tr. 1143:2-20. Dr. Mattingly concluded that the Mecklenburg Senate grouping is an extreme pro-Republican partisan gerrymander, Tr. 1143:21-24, and the Court gives weight to his conclusion.

259. Dr. Pegden found that the Mecklenburg Senate county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.9985% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.995% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1356:25; PX540. The Court gives weight to Dr. Pegden's analysis and conclusions.

260. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme and intentional partisan gerrymander.

b. *Franklin-Wake*

261. The Franklin and Wake Senate county grouping contains Senate Districts 14, 15, 16, 17, and 18. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

262. Plaintiffs' Exhibit 276 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

263. As Dr. Cooper testified and is clear from a visual inspection, this grouping packs Democratic voters into Senate Districts 14, 15, and 16 in order to make Senate Districts 17 and 18 as favorable for Republicans as possible. Tr. 892:11-13; PX253 at 36 (Cooper Report).

264. Senate District 18 includes Franklin County and the only Republican-leaning VTDs within Raleigh, near the center of the city. Tr. 892:13-23; PX278; PX253 at 37-38 (Cooper Report).

265. As with Charlotte, the fact that Raleigh is split is not itself revealing, but how and "where Raleigh is split" illustrates the partisan intent behind the districts in this grouping. Tr. 893:16-894:21; PX253 at 37-38. Plaintiffs' Exhibit 278, reproduced below, shows how the mapmaker put the most Democratic VTDs in Raleigh in Senate Districts 14, 15, and 16, and put all of Raleigh's moderate and Republican-leaning VTDs in Senate District 18. *Id.*

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
266. Senate District 17 includes all of the Republican VTDs in southern Wake County while carefully avoiding heavily Democratic areas. PX276; PX253 at 36 (Cooper Report).

267. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of Senate Districts 17 and 18. At trial, Legislative Defendants focused on an amendment that Democratic Senator Daniel Blue introduced that altered this grouping, but that amendment did *not* affect the contours of Senate Districts 17 and 18. Senator Blue testified that he was told by Republican leadership that he could not change the boundaries of Senate Districts 17 and 18, but instead could only shift population between the heavily Democratic districts in this grouping. Tr. 155:20-156:15. Senator Blue's amendment did just that, as it only shifted population between Senate Districts 14 and 15, both of which had been packed with Democratic voters. Tr. 150:5-8; PX619. Senator Blue's amendment did not result in, and cannot explain, the composition of Senate Districts 17 and 18 and their extreme partisan outlier status.

 *47 268. The simulations of Plaintiffs' other experts confirm and independently establish that this county grouping is an extreme partisan gerrymander.

269. Dr. Chen found that this county grouping contains three districts that are extreme partisan outliers. Tr. 381:2-18. Senate District 14 has a higher Democratic vote share than its corresponding district in all of the simulations, while Senate Districts 17 and 18 have lower Democratic vote shares than their corresponding districts in all of the simulations. *Id.*; PX97. Dr. Chen's findings show the packing of Democratic voters into districts in this grouping in an effort to create two districts (Senate Districts 17 and 18) that are as favorable for Republicans as possible. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 97 below.

Figure 77: Senate Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-
Simulated Districts Within the Franklin-Wake County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
270. Plaintiffs' Exhibit 372 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
271. Dr. Mattingly's analysis shows that Democrats were cracked out of the two least Democratic districts in this grouping (Districts 17 and 18), and packed into heavily Democratic districts. PX372; Tr. 1145:2-7. In the enacted plan, there is a significant jump between the Democratic vote share in the least two Democrats districts and the three most Democratic districts. PX372.

Dr. Mattingly found that not a single plan in his ensemble showed as much of a jump between these sets of districts as the enacted plan, Tr. 1145:11-14, and concluded that this grouping showed more pro-Republican advantage than 100% of the maps in his ensemble. Tr. 1153:24-1154:4. As the figure above shows, the gerrymander causes Democrats to lose two seats in this grouping in many electoral environments, because the black dots for Senate Districts 17 and 18 fall below the 50% line while the blue histograms often rise above it. *See* Tr. 1142:22-1143:1. Dr. Mattingly concluded that the Wake-Franklin Senate grouping is an extreme pro-Republican partisan gerrymander, Tr. 1153:17-23, and the Court gives weight to his conclusion.

272. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.99999995% of the maps that his algorithm encountered by making small changes to the district boundaries. Tr. 1356:23-24; PX539. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.99999985% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. *Id.* Dr. Pegden also testified that the changes made by Senator Blue to the boundaries between Senate Districts 14 and 15 cannot explain his results for this county grouping. *See* Tr. 1352:2-1354:22. The Court gives weight to Dr. Pegden's analysis and conclusions.

273. The analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

c. *Nash-Johnston-Harnett-Lee-Sampson-Duplin*

 *48 274. The Nash-Johnston-Harnett-Lee-Sampson-Duplin Senate county grouping contains Senate Districts 10, 11, and 12. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

275. Plaintiffs' Exhibit 274 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

276. Dr. Cooper explained how the district boundaries connect the most Republican VTDs in Johnston County with the Democratic stronghold of Rocky Mount in Senate District 11, ensuring that those Rocky Mount Democratic voters are separated from the moderate and Democratic-leaning VTDs in Johnston County, diluting the voting strength of these various Democratic voters. Tr. 890:4-891:17; PX253 at 33 (Cooper Report). Dr. Hofeller's Maptitude files further illustrate this intentional cracking of Democratic voters. Dr. Hofeller's file, below in Plaintiffs' Exhibit 332, reveals how he drew these districts with "remarkable precision" by "building a fence" around the moderate and Democratic-leaning VTDs in central Johnston County—shaded yellow and red in the image below—making sure to keep these VTDs in Senate District 10 separate from Rocky Mount's voters in Senate District 11. Tr. 968:12-969:8.

Figure 3: Partisan Targeting in Senate Districts 10, 11, and 12

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

277. Dr. Hofeller's Microsoft Excel files provide evidence that Dr. Hofeller placed special attention on this country grouping and its partisan composition. In a file titled "Johnston Senate Switch," Dr. Hofeller compared two alternative drafts of this county grouping and the expected Republican performance of the three districts in this grouping under each of the two alternatives. Tr. 469:5-470:3; PX166; PX123 at 68-69 (Chen Rebuttal Report). The file analyzed no information other than partisanship considerations, demonstrating Dr. Hofeller's predominant partisan intent in constructing the districts in this grouping. *Id.*

278. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

279. The simulations of Plaintiffs' other experts confirm and independently establish that this county grouping was gerrymandered to favor Republicans.

280. Dr. Chen found that all three districts in this county grouping are extreme partisan outliers. Tr. 375:14-25. Senate District 11 has a lower Democratic vote share than its corresponding district in all the simulations, while Senate Districts 10 and 12 have a higher Democratic vote share than their corresponding districts in all the simulations. PX96. Dr. Chen's findings demonstrate the cracking of Democratic voters across all three districts in this grouping to ensure that all three districts are safe Republican seats. The most Democratic district in this grouping would be far more competitive or even Democratic-leaning under a nonpartisan plan, particular in electoral environments that are more neutral or favorable for Democrats than the 2010-2016 statewide elections. Tr. 376:1-8. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 96 below:

Figure 76: Senate Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-Simulated Districts
Within the Duplin-Harnett-Johnston-Lee-Nash-Sampson County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *49 281. Plaintiffs' Exhibit 382 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
282. Dr. Mattingly concluded that this grouping reflects a pro-Republican partisan bias, Tr. 1154:20-1155:1, and the Court gives weight to Dr. Mattingly's conclusion. Dr. Mattingly's analysis shows that, in this grouping, the number of Democrats in the districts was flattened or squeezed to advantage the Republicans. PX778 at 29; Tr. 1154:20-22. Squeezing represents pure cracking, Tr. 1150:22-1151:2. Here, Democrats were cracked out of the most Democratic district and placed in the two least Democratic districts where their presence would not affect the results. When Dr. Mattingly mathematically quantified the cracking in this grouping using all 17 statewide elections, he found that the least two Democratic districts in the enacted plan had more Democratic voters than 77.21% of the comparable districts in the nonpartisan ensemble. Although Dr. Mattingly did not label this grouping an "outlier" because he used a 90% threshold, he explained that the pro-Republican bias evidence in this grouping still contributed to the extreme pro-Republican bias he found statewide. Tr. 1151:21-1153:2, 1154:23-1155:1. Because the lines in each county grouping are independent of each other, if the mapmaker time after time makes choices that systematically bias each grouping to one party, that effect accumulates across the map. Tr. 1151:21-1153:2.

283. Moreover, while Dr. Mattingly's "jump" analysis evaluated the districts in this grouping using all 17 statewide elections, analyzing the most Democratic district in this grouping based on the more recent elections depicted in the figure above reveals the intent and effects of the gerrymander. Dr. Mattingly's figure shows that the most Democratic district in this grouping under the enacted plan, which is Senate District 11 in most of the elections shown, has less Democrats than the most Democratic district in almost all of his simulations under these more recent six statewide elections. PX382.

284. Dr. Pegden found evidence that this county grouping is an extreme partisan gerrymander. Due to Dr. Pegden's conservative methodology, his algorithm was only able to generate 18 comparison maps for this Senate county grouping. Tr. 1355:5-23; PX542. Of those 18 maps, Dr. Pegden found that the enacted map for this county grouping is more favorable to Republicans than every single one. Tr. 1356:3-8. The Court gives weight to Dr. Pegden's analysis and conclusions.

285. The analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

d. *Guilford-Alamance-Randolph*

286. The Guilford-Alamance-Randolph Senate county grouping contains Senate Districts 24, 26, 27, and 28.

287. Plaintiffs' Exhibit 281 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

288. For this county grouping, the *Covington* court tasked the Special Master with redrawing Senate District 28 because the General Assembly's enacted version of Senate District 28 did not cure the racial gerrymander. 2017 WL 11049096, at *1-2 (M.D.N.C. Nov. 1, 2017). In redrawing Senate District 28, the Special Master also made changes to Senate District 24. *See* LDTX159 at 19; *Covington*, ECF No. 220 at 34. Plaintiffs do not challenge Senate Districts 24 and 28 in this case and do not seek relief with respect to them.

 *50 289. Unlike Senate Districts 24 and 28, the Special Master did *not* make any changes to the General Assembly's enacted version of Senate District 26. *See Covington*, ECF No. 220 at 34 ("2017 Enacted Senate District 26 remains untouched"); Tr. 378:9-16. The Special Master made certain changes to Senate District 27 in carrying out his assignment to redraw Senate District 28, but in so doing, the Special Master did not alter any part of the border between Senate Districts 27 and 26. *See* Chen Demonstrative D6 at 3; LDTX159 at 19. According to estimates presented at trial by Legislative Defendants' expert Dr. Johnson, of the current population of Senate District 27, 77% of the population was put into the district by the General Assembly under the enacted 2017 Senate plan.

290. In drawing Senate District 26, the mapmaker cracked Democratic voters in Guilford County, placing the Democratic stronghold of High Point in Senate District 26 and separating these voters from Democratic voters in the Greensboro suburbs. Tr. 895:15-896:25; PX254 at 42-43 (Cooper Report). This has the effect of "washing out" the influence of High Point's Democratic voters, who are joined with the heavily Republican Randolph County in a safe Republican district (Senate District 26), preventing them from influencing the competitive Senate District 27 and thereby making Senate District 27 more favorable for Republicans. *Id.*

291. Dr. Hofeller's Maptitude files confirm that he was using VTD-level partisanship data in constructing the districts in this and other county groupings. Tr. 971:16-18; 975:2-5. For example, Dr. Hofeller drew the boundaries of Senate District 26 to grab only the most Democratic VTDs on the border of Randolph County. Tr. 975:10-13, 974:19-975:5. The partisan implications of which are illustrated by Dr. Hofeller's draft map, which is Plaintiffs' Exhibit 334:

Figure 5: Partisan Targeting in Senate Districts 24, 26, 27, and 28

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

292. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the decision to place High Point's most-Democratic VTDs in Senate District 26.

293. The simulations of Plaintiffs' other experts confirm and independently establish that Senate Districts 26 and 27 are extreme partisan gerrymanders.

294. Drs. Chen, Mattingly, and Pegden all froze Senate Districts 24 and 28 in this grouping. Tr. 378:17-379:19; PX359 at 23 (Mattingly Report); PX508 at 30 (Pegden Report).

295. Dr. Chen explained in unrebutted testimony that his simulations of the Alamance-Guilford-Randolph House county grouping did not make any changes to the portion of Senate District 27 added by the *Covington* Special Master, and instead

altered only the southwest portion of Senate District 27 that borders Senate District 26. Tr. 773:8-22; Chen Demonstrative D6 at 4, 5; PX1 at 18-19 (Chen Report). The Court finds that because Dr. Chen's simulations altered only portions of Senate District 27 drawn by the mapmaker, and did not touch the portions of the district added by the Special Master, the mapmaker necessarily is responsible for the extreme partisan bias that Dr. Chen finds for Senate District 27.

296. Dr. Chen found that both districts in this county grouping that he did not freeze are extreme partisan outliers. Senate District 26 has a higher Democratic vote shares than its corresponding district in all of the simulations, while Senate District 27 has a lower Democratic vote share that its corresponding district in all of the simulations. Tr. 380:1-18; PX94. Dr. Chen's findings show the mapmaker's intentional placing of High Point's Democratic voters into Senate District 26 to make Senate District 27 as favorable for Republicans as possible. The Court gives weight to Dr. Chen's findings and analysis for this grouping, which are reflected in Plaintiffs' Exhibit 94 below:

Figure 74: Senate Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated
Districts Within the Alamance-Guilford-Randolph County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *51 297. Plaintiffs' Exhibit 380 shows Dr. Mattingly's analysis of the Guilford-Alamance-Randolph Senate county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
298. Setting aside the frozen districts, Dr. Mattingly's analysis shows that Democrats were cracked between the grouping's two remaining districts—an example of what Dr. Mattingly called flattening or squeezing. PX380; PX778 at 29; PX359 at 23. Not a single plan in Dr. Mattingly's nonpartisan ensemble showed as much cracking of Democratic voters in the grouping as was present in the enacted plan, PX359 at 23, and thus the grouping has more pro-Republican advantage than 100% of the maps in his nonpartisan ensemble. Tr. 1153:24-1154:4. Dr. Mattingly concluded that this grouping is an extreme pro-Republican partisan gerrymander, Tr. 1153:17-23; PX778 at 29; PX359 at 23, and the Court gives weight to this conclusion.

299. Dr. Pegden found that this Senate county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.95% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.85% of all possible districtings of this grouping that satisfy the criteria Dr. Pegden used. Tr. 1357:1; PX543. The Court gives weight to Dr. Pegden's analysis and conclusions.

300. The analyses of Plaintiffs' experts independently and together demonstrate that Senate Districts 26 and 27 are extreme partisan gerrymanders.

e. *Davie-Forsyth*

301. The Davie-Forsyth Senate county grouping contains Senate Districts 31 and 32. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

302. Plaintiffs' Exhibit 282 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

303. Dr. Cooper explained what is apparent from the above map: the mapmaker packed Democratic voters into Senate District 32, thereby ensuring that Senate District 31 would be a safe Republican district. Tr. 897:9-24; PX253 at 44 (Cooper Report).

304. This packing occurred not only at the grouping-level, but within Winston-Salem. The map packs all of Winston-Salem's most Democratic VTDs into Senate District 32, and puts almost all of the city's Republican-leaning VTDs in Senate District 31. Tr. 898:1-16; PX283; PX253 at 44 (Cooper Report). As shown in Plaintiffs' Exhibit 283 below, Senate District 31 wraps around Winston-Salem to avoid the Democratic-leaning VTDs in the city, while taking in the Republican-leaning VTDs on the western, northern, and eastern sides of the city:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

305. Dr. Hofeller's Maptitude files confirm his predominant partisan intent in drawing this grouping. The district boundaries are drawn "almost perfectly" so that the green areas on the map, which reflect Republican VTDs, are all placed in Senate District 31. Tr. 976:24-977:4; PX335; PX329 at 11 (Cooper Rebuttal Report). The "bite mark" on the west side of Winston-Salem, where Republican-leaning VTDs were carved out of Senate District 32, is evident on Dr. Hofeller's draft map of these districts, which is Plaintiffs' Exhibit 335:

Figure 6: Partisan Targeting in Senate Districts 31 and 32

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *52 306. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

307. The simulations of Plaintiffs' other experts confirm and independently establish that the Davie-Forsyth county grouping is an extreme partisan gerrymander.

308. Dr. Chen found that both districts in this grouping are extreme partisan outliers. Tr. 373:18-374:12. Senate District 32 has a far higher Democratic vote share than its corresponding district in all of the simulations, while Senate District 31 has a far lower Democratic vote share than its corresponding district in all of the simulations. PX95. Dr. Chen's findings demonstrate the packing of Democratic voters into Senate District 32 in order to make Senate District 31 a safe Republican seat. As Dr. Chen explained, the less Democratic district in this grouping would be far more competitive for Democrats under a nonpartisan plan, particularly in electoral environment that are more neutral or favorable for Democrats than the 2010-2016 statewide elections. Tr. 374:13-23. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 95 below:

Figure 75: Senate Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Davie-Forsyth County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

309. Plaintiffs' Exhibit 374 shows Dr. Mattingly's analysis of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

310. Dr. Mattingly's analysis shows that Democrats were cracked out of the most Republican district in this county grouping, and packed into the most Democratic district. PX374; PX778 at 29. Dr. Mattingly found that not a single plan in his nonpartisan ensemble showed as much packing of Democratic voters in the Davie-Forsyth Senate grouping as was present in the enacted plan, PX359 at 18, and thus the grouping has a more pro-Republican advantage than 100% of the maps in his nonpartisan

ensemble, Tr. 1153:24-1154:4. Dr. Mattingly concluded that this grouping is an extreme pro-Republican partisan gerrymander, Tr. 1153:17-23; PX778 at 29; PX359 at 18, and the Court gives weight to his conclusion.

311. Dr. Pegden found that this county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of the grouping is more favorable to Republicans than 99.993% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that the grouping is more carefully crafted to favor Republicans than at least 99.98% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1356:25; PX538. The Court gives weight to Dr. Pegden's analysis and conclusions.

312. The analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

f. *Bladen-Pender-New Hanover-Brunswick*

313. The Bladen-Pender-New Hanover-Brunswick Senate county grouping, drawn in 2011 and left unchanged in 2017, contains Senate Districts 8 and 9. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

 *53 314. Plaintiffs' Exhibit 272 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

315. In this grouping, the population of New Hanover County is slightly too large to fit into one Senate district, and thus the mapmaker had to place a small portion of New Hanover in Senate District 8. Tr. 887:8-9. The mapmaker chose to take heavily Democratic VTDs in Wilmington, separating them from the rest of Wilmington (which is in Senate District 9) and grouping them instead with heavily Republican areas in Bladen, Pender, and Brunswick counties. Tr. 887:5-888:8; PX253 at 29-31 (Cooper Report). As Dr. Cooper explained, the clear intent and effect of this decision was to waste the votes of the Democratic voters in these Wilmington VTDs, placing them in a heavily Republican district (Senate District 8) and removing them from a highly competitive district (Senate District 9) where their votes could make a difference. *Id.* Plaintiffs' Exhibit 273 provides a zoomed-in view of the cracking of the Democratic voters in these two VTDs, which has come to be known as the "Wilmington Notch":

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

316. Dr. Cooper credibly testified that the enacted plan is the most maximally favorable construction of the grouping possible for Republicans. Tr. 887:24-25. This grouping illustrates Dr. Cooper's conclusion about all of the groupings he analyzed: "whenever there's discretion to be exercised, that discretion tended to go in favor of one party, in this case the Republican Party, and against the other party, in this case the Democrat party." Tr. 889:22-25.

317. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts. While they noted that some portion of New Hanover County must be placed in Senate District 9 for equal population purposes, Legislative Defendants failed to rebut the fact that alternative ways to draw the grouping would not split municipalities in the manner that the enacted plan does. Over 97% of Dr. Mattingly's simulations of this county grouping do not split Wilmington. PX429.

318. The simulations of Plaintiffs' other experts confirm that the Bladen-Brunswick-New Hanover-Pender Senate county grouping is an outlier.

319. Because this county grouping was drawn in 2011 and remained unchanged in 2017, in analyzing this individual county grouping, Dr. Chen used the statewide elections from 2004 to 2010 that the General Assembly used during the 2011 redistricting

process, rather than the 2010-2016 statewide elections. Tr. 366:8-367:1, 382:23-383:11; PX720. Dr. Chen used these 2004-2010 statewide elections because, to assess the question of partisan intent, he wanted to use the same elections data that the mapmaker had available and was considering when it drew this grouping in 2011. Tr. 367:2-23; PX1 at 21-24 (Chen Report).

320. Dr. Chen found that both districts in this county grouping are extreme partisan outliers. Tr. 384:2-386:19. Senate District 9 has a lower Democratic vote share than all of its corresponding districts in all of the simulations, while Senate District 8 has a higher Democratic vote share than all of its corresponding districts in all of the simulations. *Id.*; PX100. Dr. Chen's analysis demonstrates that the moving of Democratic voters in the Wilmington Notch into Senate District 8 made Senate District 9 as favorable for Republicans as possible. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 100 below:

Figure 80: Senate Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-Simulated Districts
Within the Bladen-Brunswick-New Hanover-Pender County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *54 321. Dr. Mattingly similarly concluded that the Bladen-Pender-New Hanover-Brunswick Senate grouping was "certainly an outlier" but when on to state that "there were some features of [the Bladen] district that meant that the type of analysis that [he] had initially chosen was not as illuminating in that district. So [he] couldn't say something is conclusive." Tr. 1154:11-16. When he mathematically quantified cracking in the Bladen grouping across all 17 statewide elections, he found that the most Democratic district in the Bladen grouping had fewer Democrats than in 92.46% of plans in the nonpartisan ensemble. PX359 at 19-20 (Mattingly Report); PX778 at 29.[6]

---

[6]   Dr. Pegden was unable to generate any comparison districtings of this county grouping due to his conservative methodology. Tr. 1357:12-23; PX544. As Dr. Pegden testified, the fact that his algorithm does not generate any comparison districtings for a given county grouping does *not* mean that the mapmaker did not make extreme and intentional use of partisan considerations in that county grouping. *See* Tr. 1321:17-25, 1349:11-1350:4.

322. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme and intentional partisan gerrymander.

g. *Buncombe-Henderson-Transylvania*

323. The Buncombe-Henderson-Transylvania Senate county grouping, drawn in 2011 and left unchanged in 2017, contains Senate Districts 48 and 49. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

324. Plaintiffs' Exhibit 288 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

325. Dr. Cooper explained how these district boundaries combine the heavily Democratic VTDs in Asheville with Democratic VTDs in Black Mountain, packing those Democratic voters to create a safe Democratic district in Senate District 49, allowing Senate District 48 to comfortably favor Republicans. Tr. 903:23-904:13; PX253 at 50 (Cooper Report).

326. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

327. The simulations of Plaintiffs' other experts confirm and independently establish that this county grouping is an extreme partisan gerrymander.

328. Dr. Chen found that both districts in this county grouping are extreme partisan outliers. Tr. 383:12-19.[7] Senate District 49 has a higher Democratic vote share than its corresponding district in nearly all of the simulations, while Senate District 48 has a lower Democratic vote share than its corresponding district in nearly all of the simulations. PX99. Dr. Chen's findings demonstrate the packing of Democratic voters into Senate District 49 to make Senate District 48 a safe Republican seat. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 99 below:

[7]   Because this county grouping was drawn in 2011, Dr. Chen used the 2004 to 2010 statewide elections to analyze this county grouping. Tr. 383:16-22; PX99.

Figure 79: Senate Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-Simulated Districts
Within the Buncombe-Henderson-Transylvania County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

329. Plaintiffs' Exhibit 378 shows Dr. Mattingly's analysis of the Buncombe-Transylvania-Henderson Senate county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

330. Dr. Mattingly's analysis shows that Democrats were cracked out of Senate District 48 and packed into Senate District 49. PX378; PX778 at 29; Tr. 1153:7-1154:9. Dr. Mattingly found that the least Democratic district in the enacted plan has fewer Democratic votes than in 95.44% of the plans in his ensemble, meaning that the grouping showed more pro-Republican partisan advantage than 95.44% of the nonpartisan plans. PX778 at 29; PX359 at 21-22. Dr. Mattingly concluded that this grouping reflects a pro-Republican partisan gerrymander, Tr. 1154:6-10; PX778 at 29; PX359 at 21-22, and the Court gives weight to his conclusion.

 *55 331. Dr. Pegden found that this county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of the grouping is more favorable to Republicans than 99.8% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that the grouping is more carefully crafted to favor Republicans than at least 99.4% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1357:2; PX541. The Court gives weight to Dr. Pegden's analysis and conclusions.

332. The analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

2. House County Groupings

a. *Robeson-Columbus-Pender*

333. The Robeson-Columbus-Pender House county grouping contains House Districts 16, 46, and 47. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

334. Plaintiffs' Exhibit 301 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

335. Dr. Cooper explained that House District 47 packs as "many … Democratic voters as possible" into that district, including in Lumberton and the area around UNC Pembroke. The packing of Democrats in House District 47 makes House Districts 16 and 46 more favorable to Republicans. Tr. 912:19-913:3; PX253 at 70 (Cooper Report).

336. Dr. Hofeller's Maptitude files confirm he "had full knowledge of the partisan effects of drawing those lines exactly where they were drawn, essentially drawing a fence between districts 47 and 46 … between Democratic and Republican voters." Tr. 985:15-19; PX342; PX329 at 18 (Cooper Rebuttal Report). In the files for his draft House plan, Dr. Hofeller shaded more Democratic VTDs darker blue, more Republican VTDs red and orange, and moderate VTDs green and yellow. Tr. 979:20-980:19. As shown in Plaintiffs' Exhibit 342, Dr. Hofeller placed all of the Republican-leaning VTD near Lumberton (shaded orange and red) on the right side of the red line, in House District 46, rather than in House District 47:

Figure 13: Partisan Targeting in House Districts 16, 46, and 47

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

337. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of the districts in this county groupings.

338. The simulations of Plaintiffs' other experts independently establish that the Columbus-Pender-Robeson county grouping is an extreme partisan gerrymander.

339. Dr. Chen found that all three House districts in this county are extreme partisan outliers. Dr. Chen found that House District 47 has a higher Democratic vote share than the corresponding districts in all of Dr. Chen's simulated plans. Tr. 346:4-347:14. Dr. Chen found that House District 46 has a lower Democratic vote share than the corresponding districts across all of Dr. Chen's simulations, while House District 16 has a higher Democratic vote share than the corresponding districts in all of Dr. Chen's simulations. Tr. 347:16-348:7. Dr. Chen's findings demonstrate the packing of Democratic voters into House District 47 and the cracking of Democratic voters across House Districts 16 and 46. Dr. Chen finds that, as a result of this packing and cracking, almost all of his simulations would produce two Democratic-leaning districts in this county grouping, while the enacted House plan produces just one such district in this grouping. Tr. 348:8-23. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 47 below:

Figure 27: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated
Districts Within the Columbus-Pender-Robeson County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *56 340. Plaintiffs' Exhibit 388 shows Dr. Mattingly's analysis of the Columbus-Pender-Robeson House county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

341. Dr. Mattingly's analysis shows that Democrats were cracked in the two least Democratic districts in this grouping (Districts 16 and 46) and packed into the most Democratic district (District 47). PX388; PX359 at 28; PX778 at 30. There is a significant jump between the number of Democratic votes in the two least and the most Democratic districts in the enacted plan. *Id.* Dr. Mattingly found that the two least Democratic districts in the enacted plan have fewer Democratic voters than 97.98% of the comparable districts in the nonpartisan ensemble. *Id.* As the figure above shows, the gerrymander causes Democrats to lose a

seat in this grouping in certain electoral environments. Dr. Mattingly concluded that this grouping reflects a clear pro-Republican partisan gerrymander, PX778 at 30; Tr. 1155:17-21; PX359 at 28, and the Court gives weight to Dr. Mattingly's conclusion.

342. Dr. Pegden found that this county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 98.7% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 96% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:8; PX526. The Court gives weight to Dr. Pegden's analysis and conclusions.

343. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

b. *Cumberland*

344. The Cumberland House county grouping contains House Districts 42, 43, 44, and 45. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

345. Plaintiffs' Exhibit 305 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

346. Dr. Cooper described how House District 45 has a "backwards C-shape" that is "a very clear attempt to connect these Republican leaning [VTDs] all together and avoid … the Democratic leaning VTDs." Tr. 917:7-14. In such a way, the district boundaries make House District 45 more favorable for Republicans, while packing the Democratic-leaning VTDs in the Fayetteville area into House Districts 42 and 43. Tr. 917:14-16; PX253 at 76 (Cooper Report).

347. The district boundaries in this grouping, shown below in Plaintiffs' Exhibit 306, divide Fayetteville between all four districts in a way that does not correspond to Fayetteville's boundaries of or any other municipality. Tr. 917:23-918:5; PX253 at 76 (Cooper Report).

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

348. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

349. The simulations of Plaintiffs' other experts independently establish that the Cumberland county grouping is an extreme partisan gerrymander.

 *57 350. Dr. Chen found that this county grouping contains three districts that are extreme partisan outliers. Dr. Chen found that House Districts 42 and 43 have a higher Democratic vote shares than their corresponding districts in all or almost all of Dr. Chen's simulated plans, while House District 45 has a much lower Democratic vote share that the corresponding district in all of the simulations. Tr. 350:2-12. Dr. Chen's findings demonstrate the packing of Democratic voters into House Districts 42 and 43 in order to make House District 45 as favorable for Republicans as possible. Indeed, the least Democratic district in this grouping would be very competitive or even Democratic-leaning in Dr. Chen's simulations. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 48 below:

Figure 28: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Cumberland County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

351. Plaintiffs' Exhibit 390 shows Dr. Mattingly's analysis of the Cumberland House county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

352. Dr. Mattingly's analysis shows that the least Democratic district (District 45) show cracking of Democrats, while the two most Democratic districts (District 43 and 42) show extreme packing of Democrats, in comparison to the nonpartisan plans. PX390; PX778 at 30; PX359 at 29. He found that the two most Democratic districts in the enacted plan have more Democratic votes than 99.79% of the comparable Democratic districts in the nonpartisan ensemble. *Id.* As the figure above shows, the gerrymander causes Democrats to lose a seat in this grouping in certain electoral environments, because the black dot in House District 45 always falls below the 50% line while the blue histogram often rises above it. Dr. Mattingly concluded that the Cumberland House grouping is an extreme pro-Republican partisan gerrymander, Tr. 1155:5-16; PX778 at 30; PX359 at 29; PX390, and the Court gives weight to Dr. Mattingly's conclusion.

353. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 98.3% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 95% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:9; PX529. The Court gives weight to Dr. Pegden's analysis and conclusions.

354. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

c. *Person-Granville-Vance-Warren*

355. The Person-Granville-Vance-Warren House county grouping contains House Districts 2 and 32.

356. Plaintiffs' Exhibit 289 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

357. Several of Plaintiffs' experts testified that there are only a limited number of possible ways to draw this county grouping. Tr. 359:4-360:2 (Dr. Chen), 905:17-19 (Dr. Cooper); 1156:25-1157:16 (Dr. Mattingly). Because of the Whole County Provision, the only differences between the alternative ways to draw this grouping involve which of Granville County's few VTDs are placed in each of the two districts. *See id.*

358. This county grouping is one of two drawn by Campbell Law students and ultimately adopted by Dr. Hofeller. Tr. 474:7-475:23; PX123 at 71. The evidence from Dr. Hofeller's files suggests that Dr. Hofeller intentionally chose to include this configuration because it most favored Republicans, to the detriment of Democratic voters. *See* Tr. 905:21-906:8.

359. However, because of the limited possible configurations for this county grouping, and the limited statistical evidence that could be generated by Plaintiffs' experts, the Court does not find that this grouping, or the districts contained therein, constitute an extreme partisan gerrymander. *See* PX051 (Dr. Chen Figure 31 showing Democratic vote share of each district well below his extreme partisan outlier threshold); Tr. 1156:25-1157:16 (Dr. Mattingly found very few possible unique maps for this grouping that satisfied his criteria); Tr. 1349:11-1350:4; PX536 (Dr. Pegden was unable to generate any comparison districtings of this House county grouping due to his conservative methodology).

*58 360. The Court, though, does find that this county grouping does reflect a clear pro-Republican partisan tilt that can contribute to the extreme pro-Republican bias statewide.

d. *Franklin-Nash*

361. The Franklin-Nash House county grouping contains House Districts 7 and 25. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

362. Plaintiffs' Exhibit 293 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

363. These district boundaries avoid grouping the more Democratic-leaning and competitive VTDs on Nash County's western border in House District 7, instead stretching House District 7 into the southeast corner of Nash County to grab the heavily Republican VTDs there. The placement of this district boundary made House District 7 more favorable to Republicans. As Dr. Cooper explained, if the mapmaker had included "any other VTD" in House District 7 from Nash County, House District 7 would have been less favorable to Republican candidates. Tr. 907:4-13; PX253 at 59 (Cooper Report).

364. The Court gives little weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts. They noted that the enacted version of this county grouping matches the draft drawn by the Campbell Law students, but the mapmaker adopted these districts because they were maximally favorable for Republicans, FOF § B.2.a., and as the simulations of Plaintiffs' experts Dr. Chen and Dr. Mattingly confirm and independently establish, the Nash-Franklin House county grouping is indeed an extreme partisan gerrymander.

365. Dr. Chen found that both districts in county grouping are extreme partisan outliers. Dr. Chen found that House District 25 has a higher Democratic vote share than its corresponding district in all of Dr. Chen's simulated plans, while House District 7 has a lower Democratic vote share that the corresponding district in all of the simulations. Tr. 356:8-17. Dr. Chen's findings demonstrate the packing of Democratic voters into House Districts 25 in order to make House District 7 a safe Republican seat. In Dr. Chen's simulations, the less Democratic district in this grouping would be more competitive for Democrats, particularly in a more favorable electoral environment for them than the 2010-2016 statewide elections. Tr. 356:18-357:1. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 50 below:

Figure 30: House Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-
Simulated Districts Within the Franklin-Nash County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

366. Plaintiffs' Exhibit 402 shows Dr. Mattingly's analysis of the Nash-Franklin House county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

367. Dr. Mattingly concluded that the most Democratic district shows extreme packing of Democrats, while the most Republican district shows extreme cracking of Democrats, in comparison to the nonpartisan plans. Tr. 1149:2-9. He found that the least Democratic district in the enacted plan has fewer Democratic voters than 95.58% of the comparable districts in the nonpartisan ensemble, demonstrating packing. PX778 at 30; PX359 at 36-37. As the figure above shows, the gerrymander could cause the Democrats to lose a seat in this grouping in certain electoral environments, because the black dot for House District 7 falls

below the 50% line while the blue histogram sometimes rises above it or gets very close. Dr. Mattingly concluded that the Nash-Franklin House grouping is a pro-Republican partisan gerrymander, PX778 at 30; Tr. 1155:17-21; PX359 at 36-37, and the Court gives weight to Dr. Mattingly's conclusion.[8]

---

[8]   Dr. Pegden was unable to generate any comparison districtings of this House county grouping due to his conservative methodology. Tr. 1351:22-1352:10; PX537.

*59 368. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

e. *Pitt-Lenoir*

369. The Pitt-Lenoir House county grouping contains House Districts 8, 9, and 12. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

370. Plaintiffs' Exhibit 294 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

371. The districts in this county grouping split Greenville between all three House districts and even bisect East Carolina University's campus. The district lines pack the most Democratic-leaning VTDs in Greenville into House District 8, while placing all but one of the Republican-leaning VTDs into House District 9. Tr. 908:3-8, 909:23-910:8; PX253 at 61 (Cooper Report). Plaintiffs' Exhibit 295 below shows the municipalities within this county grouping and how the districts split Greenville. Tr. 908:16-23.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

372. The Maptitude files from Dr. Hofeller's hard drive confirm he used VTD-level partisanship data with "surgical precision" to construct the districts in this grouping. Tr. 983:5-984:7; PX340; PX329 at 16 (Cooper Rebuttal Report). Dr. Hofeller's Maptitude file, reproduced below in Plaintiffs' Exhibit 340, demonstrates how Dr. Hofeller meticulously packed all of Greenville's bluest VTDs into House District 8 (on the left side of the red line), in order to make House Districts 9 and 12 favorable for Republicans.

Figure 11: Partisan Targeting in House Districts 8, 9, and 12

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

373. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of the districts in this county grouping.

374. The simulations of Plaintiffs' other experts independently establish that the Lenoir-Pitt county grouping is an extreme partisan gerrymander.

375. Dr. Chen found that House District 8 has a higher Democratic vote shares than its corresponding districts in all Dr. Chen's simulated plans, while House District 9 has a lower Democratic vote share than the corresponding district in all of the simulations. PX52; Tr. 360:16-22. Dr. Chen further found that the remaining district in this grouping, House District 12, is less Democratic than over 81% of the corresponding districts across Dr. Chen's simulations. *Id.* Dr. Chen's findings demonstrate the packing of Democratic voters into House District 8 and the cracking of Democratic voters in House Districts 9 and, to some extent, 12. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 52 below:

Figure 32: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Lenoir-Pitt County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

376. Plaintiffs' Exhibit 408 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

377. Dr. Mattingly concluded that the two most Republican districts show extreme cracking of Democrats, while the most Democratic shows extreme packing of Democrats, as evidence by the "jump" between these sets of districts. PX408; PX778 at 30; PX359 at 41. Dr. Mattingly found that the two least Democratic districts in the enacted plan have fewer Democratic voters than 99.98% of the comparable districts in the nonpartisan ensemble, while the most Democratic district in the enacted plan has more Democratic votes than 99.95% of the comparable Democratic districts in the ensemble. PX778 at 30; PX359 at 43. As the figure above shows, the gerrymander causes the Democrats to lose one or possibly two seats in this grouping in certain electoral environment, because the black dot in House Districts 9 and 12 often falls below the 50% line while the blue histograms rise above it. Dr. Mattingly concluded that the Pitt-Lenoir House grouping is an extreme pro-Republican partisan gerrymander, Tr. 1155:5-16; PX778 at 30; PX359 at 41; PX408, and the Court gives weight to Dr. Mattingly's conclusion.

*60 378. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.97% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.91% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:6; PX532. The Court gives weight to Dr. Pegden's analysis and conclusions.

379. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

f. *Guilford*

380. The Guilford House county groupings contains House Districts 57, 58, 59, 60, 61, and 62. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

381. This grouping contains several districts that were altered by the *Covington* Special Master. The *Covington* court tasked the Special Master with redrawing House District 57 after the court found that the enacted House plan did not cure the racial gerrymander of the district. *Covington*, 2017 WL 11049096, at *1-2. In directing the Special Master to redraw House District 57, the court further directed that "the redrawn lines shall also ensure that the unconstitutional racial gerrymanders in 2011 Enacted House Districts 58 and 60 are cured." *Id.* at *2. The *Covington* court did *not* direct the Special Master to redraw House District 59, and did not even mention House District 59 in its order.

382. Consistent with the court's guidance, the Special Master redrew House District 57, and in so doing, also made substantial changes to House District 61 and 62. Tr. 351:14-25; *see* LDTX 159 at 27-29 (Special Master's Recommend Plan). In redrawing these three districts, the Special Master also made what he described as "minor changes" to House District 59 to equalize population. *Covington*, ECF No. 220 at 46. The Special Master explained that he altered House District 59 "only a little." LDTX 159 at 28. Specifically, the Special Master moved one precinct from the enacted District 59 into the Special Master's District 57, and added "two additional precincts" to the northwest corner of House District 59 to equalize population. *Covington*, ECF No.

220 at 46; *see* Chen Demonstrative D5 at 3; Tr. 352:1-21. According to estimates presented at trial by Legislative Defendants' expert Dr. Johnson, of the current population of House District 59, 92% of the population was put into the district by the General Assembly under the enacted House plan. LDTX314; Tr. 1978:19-22. The Special Master did not make any changes at all to House Districts 58 and 60. Plaintiffs do not bring allegations, and do not seek relief, with respect to the three House districts that the Special Master substantially redrew, House Districts 57, 61, and 62.

383. Plaintiffs' Exhibit 310 is Dr. Cooper's map for this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

384. The mapmaker packed Democratic voters into House Districts 58 and 60 to make House District 59 favorable to Republicans. Tr. 923:3-23; PX253 at 82 (Cooper Report). House District 58 has "boot-like appendages" to grab Democratic VTDs and ensure these voters could not make House District 59 competitive or Democratic-leaning. *Id.*

385. The Maptitude files from Dr. Hofeller's hard drive confirm Dr. Hofeller drew this grouping with extreme partisan intent. Tr. 986:13-987:9. Specifically, Dr. Hofeller drew the boundaries of House Districts 58, 59, and 60 "almost like a fence" "separating [Republican voters] from the Democratic voters" in the southern portion of Guilford County. Tr. 987:20-988:5; PX344; PX329 at 20 (Cooper Rebuttal Report). Plaintiffs' Exhibit 344 depicts the Dr. Hofeller's Maptitude file showing the Guilford grouping.

Figure 15: Partisan Targeting in House Districts 58, 59, and 60

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *61 386. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries the mapmaker drew for House Districts 58, 59, and 60.

387. The simulations of Plaintiffs' other experts independently establish that the Guilford county grouping is an extreme partisan gerrymander.

388. Drs. Chen, Mattingly, and Pegden all froze three districts in this grouping that were substantially redrawn by the *Covington* Special Master: House Districts 57, 61, and 62. Tr. 352:24-353:3; PX359 at 33 (Mattingly Report); PX508 at 19 (Pegden Report).

389. Dr. Chen explained in unrebutted testimony that his simulations of the Guilford House grouping did not make any changes to the portion of House District 59 added by the Special Master. Tr. 770:12-771:12; Chen Demonstrative D5 at 4. The Court finds that because Dr. Chen's simulations altered only portions of House District 59 drawn by the mapmaker, and did not touch the very small portions of the district added by the Special Master, the mapmaker necessarily is responsible for the extreme partisan bias that Dr. Chen finds for House District 59.

390. Dr. Chen found that all three districts in the Guilford grouping that he did not freeze are extreme partisan outliers. He found that House Districts 58 and 60 have higher Democratic vote shares than their corresponding districts in all of Dr. Chen's simulations, while House District 59 has a much lower Democratic vote share that the corresponding district in all of the simulations. Tr. 353:17-21; PX45. Dr. Chen's findings demonstrate the packing of Democratic voters into House Districts 58 and 60 to make House District 59 favorable for Republicans. Indeed, the least Democratic district in this grouping would be competitive or Democratic-leaning in Dr. Chen's simulations, whereas House District 59 under the enacted plan is much less favorable for Democrats using the 2010-2016 statewide elections. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 45 below.

Figure 25: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Guilford County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

391. Plaintiffs' Exhibit 398 shows Dr. Mattingly's analysis of the Guilford grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

392. Setting aside the frozen districts, Dr. Mattingly concluded that the least Democratic district (House District 59) shows extreme cracking of Democrats, while the remaining two districts (House Districts 58 and 60) shows extreme packing of Democrats, in comparison to the nonpartisan plans. PX398; PX778 at 30; PX359 at 33-34. Dr. Mattingly found that House 59 has fewer Democratic voters than 99.89% of the comparable districts in the nonpartisan ensemble, while House Districts 58 and 60 have more average Democratic votes than 99.86% of the comparable Democratic districts in the nonpartisan ensemble. PX778 at 30; PX359 at 33-34; PX398. As the figure above shows, the gerrymander could cause the Democrats to lose a seat in this grouping in certain electoral environments, because the black dot for House District 59 falls below the 50% line while the blue histogram sometimes rises above it or gets very close. Dr. Mattingly concluded that the Guilford House grouping is an extreme pro-Republican partisan gerrymander, Tr. 1155:5-16; PX778 at 30; PX359 at 33-34; PX398, and the Court gives weigh to Dr. Mattingly's conclusion.

*62 393. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 93.9% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 82% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:10; PX527. The Court gives weight to Dr. Pegden's analysis and conclusions.

394. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

g. *Davie-Rowan-Cabarrus-Stanly-Montgomery-Richmond*

395. The Davie-Rowan-Cabarrus-Stanly-Montgomery-Richmond House county grouping contains House Districts 66, 67, 76, 77, 82, and 83. The Court gives weight to the analysis of Plaintiffs' experts and finds that significant portions of this county grouping are an extreme partisan gerrymander.

396. Plaintiffs' Exhibit 314 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

397. This county grouping cracks Democratic voters across its districts. In particular, Dr. Cooper explained how the mapmaker "maximize[d] partisan advantage" by splitting municipalities in "critical ways" that crack Democratic voters. Tr. 926:18-24. The cities of Kannapolis and Concord are both split across House Districts 82 and 83, cracking the Democratic voters across these districts to dilute their voting power. Tr. 926:23-927:24; PX253 at 87-88 (Cooper Report). The Democratic voters from both of these cities are kept separate from the Democratic voters in Salisbury, which is placed in House District 76. *Id.* Plaintiffs Exhibit 315 depicts the splitting and treatment of these municipalities (Concord is shaded green, Kannapolis is pink, and Salisbury is yellow).

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

398. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

399. Dr. Chen found that, in his House Simulation Set 1, one of the districts in this grouping, House District 83, is an extreme partisan outlier, as it has a lower Democratic vote than its corresponding district in nearly all of the simulations. Tr. 363:6-12; PX46. Dr. Chen further found, however, that this grouping has three districts (House Districts 76, 82, and 83) that are partisan outliers in his House Simulation Set 2 that avoided pairing the incumbents in office in 2017. Tr. 363:14-364:10; PX70. Dr. Chen's findings demonstrate the cracking of Democratic voters across the districts in this grouping, particularly given Legislative Defendants' representations that the General Assembly sought to avoid pairing incumbents in 2017. *See* Tr. 364:11-22. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 70 below.

Figure 50: House Simulation Set 2:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Cabarrus-Davie-Montgomery-Richmond-Rowan-Stanly County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
400. Plaintiffs' Exhibit 392 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
401. When Dr. Mattingly mathematically quantified cracking in this grouping across all 17 statewide elections, he found that the four most Democratic districts in the Davie grouping had more Democrats than in 97.38% of plans in the nonpartisan ensemble. PX359 at 30; PX778 at 30; PX392.[9] Dr. Mattingly concluded that this grouping reflects an "anomalous structure," Tr. 1156:1-16, and the Court gives weight to that conclusion.

[9] Dr. Pegden's conservative methodology resulted in comparison maps that are very similar to the enacted plan for this grouping. Tr. 1351:17-1352:10. In particular, Dr. Pegden's conservative choice to allow his algorithm to split the same municipalities that are split under the enacted plan results in his comparison maps frequently splitting the Democratic strongholds of Kannapolis and Concord. PX535; PX508 at 24 (Pegden Report).

*63 402. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that significant portions of this county grouping are an extreme partisan gerrymander that was drawn to dilute the votes of Democratic voters and maximize the number of Republican districts in this grouping.

h. *Yadkin-Forsyth*

403. The Yadkin-Forsyth House County grouping contains House Districts 71, 72, 73, 74, and 75. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

404. Plaintiffs' Exhibit 316 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
405. Legislative Defendants packed Democratic voters into House Districts 71 and 72. Tr. 928:20-21; PX253 at 90 (Cooper Report). Legislative Defendants then cracked the remaining Democratic voters in this grouping across the remaining districts, where those Democratic voters' influence is washed out by heavily Republican VTDs. House District 73 includes all of Republican-leaning Yadkin County and just two Democratic-leaning VTDs on the west side of Winston-Salem, ensuring that

it will be a safe Republican district. House Districts 74 and 75 include Democratic-leaning VTDs on the northern and southern sides of Winston-Salem, respectively, but both of those districts wrap around the city to include Republican-dominated VTDs on either side of Forsyth County. Indeed, in order to join Republican VTDs, House District 75 traverses an extremely narrow passageway on the border of Forsyth County. Tr. 928:5-21; PX253 at 90-91 (Cooper Report).

406. The Maptitude files from Dr. Hofeller's hard drive illustrate the "anatomy of this gerrymander." Tr. 988:17-989:4; PX345; PX329 at 21 (Cooper Rebuttal Report). They show Dr. Hofeller's intentional packing of all of the most Democratic VTDs in Forsyth County into House Districts 71 and 72, while putting all of the moderate and Republican-leaning VTDs (shaded tan, yellow, light green, and red) into House Districts 73, 74, and 75. *Id.* Plaintiffs' Exhibit 345 shows Dr. Hofeller's Maptitude file containing this county grouping:

Figure 16: Partisan Targeting in House Districts 71 72, 73, 74, and 75

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

407. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

408. The simulations of Plaintiffs' other experts independently establish that the Forsyth-Yadkin county grouping is an extreme partisan gerrymander.

409. Dr. Chen found that, in his House Simulation Set 1, two of the districts in this grouping (House Districts 71 and 75) are extreme partisan outliers above the 95% level, and another two districts in the grouping (House Districts 72 and 74) have higher or lower Democratic vote shares than over 80% of their corresponding districts. Tr. 354:1-20; PX49. Dr. Chen further found, however, that all four of these districts are extreme partisan outliers in his House Simulation Set 2 that avoided pairing the incumbents in office in 2017. Tr. 355:1-18. In Simulation Set 2, House Districts 71 and 72 have higher Democratic vote shares than nearly all of their corresponding districts in the simulations, while House Districts 74 and 75 have lower Democratic vote shares than nearly all of their corresponding districts in the simulations. *Id.* Dr. Chen's findings demonstrate the packing of Democratic voters into House Districts 71 and 72 and the cracking of Democratic voters in the remaining districts in this grouping, particularly given Legislative Defendants' representations that the General Assembly sought to avoid pairing incumbents in 2017. *See* Tr. 355:19-356:4. The Court gives weight to Dr. Chen's findings for this county grouping, which are reflected in Plaintiffs' Exhibit 67 below.

Figure 47: House Simulation Set 2:

**Democratic Vote Share of the Enacted and Computer-
Simulated Districts Within the Forsyth-Yadkin County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *64 410. Plaintiffs' Exhibit 414 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
411. Dr. Mattingly concluded that the three least Democratic districts show extreme cracking of Democrats while the two most Democratic districts shows extreme packing of Democrats, as evidenced by the significant jump between these sets of districts. Tr. 1144:3-9. Dr. Mattingly's analysis showed that the three least Democratic districts in the enacted plan had fewer average Democratic votes than 99.46% of the comparable districts in the nonpartisan ensemble, while the two most Democratic districts in the enacted plan had more average Democratic votes than 99.84% of the comparable Democratic districts in the nonpartisan

ensemble. PX778 at 30; PX359 at 44. As the figure above shows, the gerrymander causes the Democrats to lose one, possibly two, seats in this grouping in certain electoral environments, because the black dots for House District 74 and 75 always below the 50% line while the blue histograms sometimes rise above it. Tr. 1144:6-9. Dr. Mattingly concluded that the Yadkin-Forsyth grouping is an extreme pro-Republican partisan gerrymander, Tr. 1144:13-16, and the Court gives weight to his conclusion.

412. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.7% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.1% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:7; PX530. The Court gives weight to Dr. Pegden's analysis and conclusions.

413. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

i. *Mecklenburg*

414. The Mecklenburg House County grouping contains House Districts 88, 92, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

415. Plaintiffs' Exhibit 319 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

416. Dr. Cooper detailed how House Districts 88, 92, and 101 pack Democratic voters on the western side of Mecklenburg County while House Districts 99, 100, 102, and 106 pack Democratic voters on the eastern and central portions of the county. There is not a single Republican-leaning VTD included in any of these packed House Districts. Tr. 930:13-24; PX253 at 93 (Cooper Report).

417. House Districts 103, 104, and 105, meanwhile, include all of the Republican-leaning VTDs on the southern side of Mecklenburg County, allowing those districts to be "as competitive as possible for Republicans." Tr. 930:25-931:7; PX253 at 93 (Cooper Report).

418. House District 98, on the northern boundary of Mecklenburg County, includes almost all Republican-leaning VTDs, avoiding the Democrat-heavy VTDs that are packed into House Districts 106 and 107. Tr. 931:7; PX253 at 93 (Cooper Report).

 *65 419. As depicted in Plaintiffs' Exhibit 320, these district boundaries split Charlotte between 11 House Districts but manage to place every Republican-leaning VTD within the city—the "red pizza" slice—into House Districts 103, 104, and 105. Tr. 932:1-17; PX320; PX253 at 93 (Cooper Report).

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

420. Dr. Hofeller's Maptitude files confirm he drew the districts in this grouping to maximize partisan gain. The "pizza slice" that contains the Republican-leaning VTDs within Charlotte is evident in Dr. Hofeller's color-coded draft map, which groups those Republican-leaning VTDs into three House Districts and packs almost all of the Democratic VTDs into other districts. Tr. 990:4-21; PX329 at 22 (Cooper Rebuttal Report). Plaintiffs' Exhibit 346 shows Dr. Hofeller's Maptitude files containing this county grouping:

Figure 17: Partisan Targeting in House Districts 88, 92, 98, 99, 101, 102, 103, 104, 105, 106, and 107.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

421. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

422. The simulations of Plaintiffs' other experts independently establish that the Mecklenburg county grouping is an extreme partisan gerrymander.

423. Dr. Chen found that this county grouping contains six districts that are extreme partisan outliers above the 95% outlier level, and another three districts that are outliers above the 90% level. Tr. 361:20-22; PX53. The enacted plan packs Democratic voters into a number of districts in order to create four districts—House Districts 98, 103, 104, and 105—that are less Democratic than all of nearly of their corresponding districts in Dr. Chen's simulations. PX53. Dr. Chen's findings demonstrate the packing and cracking of Democratic voters in this grouping. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which is reflected in Plaintiffs' Exhibit 53 below.

Figure 33: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Mecklenburg County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

424. As Dr. Chen explained at trial, the fact that Democrats won House Districts 98, 103, 104, and 105 by small or extremely small margins in 2018 does not contradict his findings. Tr. 362:2-363:2; *see* JSF ¶¶ 125, 132-35. Rather, Dr. Chen's simulations suggest that Democrats very likely would have won each of these districts by larger margins if not for the gerrymander. *Id.* Moreover, Dr. Hofeller's own assessment of these districts demonstrates that he believed these districts to be Republican-leaning, and that it took the Democratic wave of 2018 to squeak out wins in them. Dr. Hofeller estimated that House District 98 would have a 62.76% Republican vote share and he characterized it as a "strong Rep. district in Mecklenburg." PX246 at 3. Dr. Hofeller similarly estimated that House Districts 103, 104, and 105 would have 62% to 64% Republican vote shares. *Id.* Dr. Hofeller's spreadsheets evidence the partisan intent behind the creation of these districts and the strong possibility that Democratic could lose them in the next election under the current district lines intended to produce that result.

425. Plaintiffs' Exhibit 400 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

426. Dr. Mattingly concluded that the four most Republican districts showed extreme cracking of Democrats while the next four districts showed extreme packing of Democrats, as evidenced by the significant jump between these sets of districts. Tr. 1138:7-1139:4. Dr. Mattingly found that the least four Democratic districts in the enacted plan had fewer average Democratic votes than 99.9% of the comparable districts in the nonpartisan ensemble, while the eight most Democratic districts in the enacted plan had more average Democratic votes than 99.5% of the comparable Democratic districts in the nonpartisan ensemble. Tr. 1141:8-25; PX778 at 30; PX359 at 34-35. As the figure above shows, the gerrymander causes the Democrats to lose up to three, possibly four, seats in this grouping in certain electoral environments, because the black dots for House Districts 98, 103, 104, and 105 often fall below the 50% line while the blue histograms rise above it. Tr. 1140:12-1140:25. Dr. Mattingly concluded that this grouping is an extreme pro-Republican partisan gerrymander, Tr. 1142:1-4, and the Court gives weight to his conclusion.

 *66 427. Like Dr. Chen, Dr. Mattingly explained that the fact that Democrats won all the seats in the Mecklenburg grouping in the 2018 election does not undermine his conclusion that the grouping is an extreme pro-Republican partisan gerrymander.

Tr. 1142:5-14. That the Democrats did well in one election and were able to prevail over the gerrymander does not change the fact that the grouping provides an extreme and atypical structural advantage to the Republicans that could cause the Democrats to lose seats in the next election. Tr. 1142:10-17.

428. Dr. Pegden found that this county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.994% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.98% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:5-6; PX531. The Court gives weight to Dr. Pegden's analysis and conclusions.

429. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

j. *Wake*

430. The Wake House county grouping contains House Districts 11, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 49.[10]

[10]   Plaintiffs presented evidence at trial that the enacted 2017 version of the Wake House county grouping was a partisan gerrymander, but Plaintiffs presented no evidence regarding this grouping as revised pursuant to this Court's ruling in *North Carolina State Conference of NAACP Branches, et al. v. David Lewis, et al.* Plaintiffs do not seek a remedy for the current, revised version of this grouping. However, the analysis and findings of Plaintiffs' experts with respect to the 2017 version of this county grouping is evidence of Legislative Defendants' intentional and systematic gerrymandering across the State during the 2017 redistricting.

431. Plaintiffs' Exhibit 297 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

432. The 2017 versions of House Districts 11, 33, 38, and 49 packed Democratic voters to allow House Districts 35, 36, 37, and 40, on the north and south sides of Wake County to be more favorable to Republicans. Tr. 911:15-912:16; PX253 at 65 (Cooper Report).

433. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these 2017 districts.

434. The simulations of Plaintiffs' other experts independently establish that the 2017 enacted House plan version of the Wake grouping was an extreme partisan gerrymander.

435. Dr. Chen found that the 2017 version of this county grouping contained three districts that were extreme partisan outliers above the 95% outlier level. Tr. 365:15-366:1; PX54. The Court gives weight to Dr. Chen's analysis and findings for this county grouping.

436. Dr. Mattingly's analysis showed that the four most Republican districts in the 2017 version of this grouping show extreme cracking of Democrats, while the next four districts show extreme packing of Democrats, in comparison to the nonpartisan plans. PX412; PX778 at 30; PX359 at 43. His analysis showed that the least Democratic districts in the enacted plan had fewer Democratic voters than 99.98% of the comparable districts in the nonpartisan ensemble, while the most Democratic districts in the enacted plan had more average Democratic votes than 99.99% of the comparable Democratic districts in the ensemble. PX778 at 30; PX359 at 43; PX412. The Court gives weight to Dr. Mattingly's analysis and conclusions for this grouping.

*67 437. Dr. Pegden found that the 2017 version of this grouping constituted an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.9997% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.9991% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:4; PX533. The Court gives weight to Dr. Pegden's analysis and conclusions.

438. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that the 2017 version of this county grouping was an extreme partisan gerrymander. While Plaintiffs do not challenge any individual House districts in Wake County as currently drawn, the Court gives weight to the findings and conclusions of Plaintiffs' experts in regard to the consistency of the partisan intent throughout the statewide map.

k. *New Hanover-Brunswick*

439. The New Hanover-Brunswick House county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 17, 18, 19, and 20. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

440. Plaintiffs' Exhibit 302 is Dr. Cooper's map of this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
441. As Dr. Cooper testified, House District 18 packs the most Democratic-leaning VTDs in this grouping into that district, thereby making House Districts 17, 19, and 20 more favorable to Republicans. Tr. 913:17-914:7; PX253 at 72 (Cooper Report).

442. Wilmington is split between House Districts 18, 19, and 20, with the most Democratic-leaning VTDs in that city packed into House District 18 and the Republican-leaning VTDs placed in the two adjacent districts. In order to accomplish the packing of voters in House District 18, the district boundaries split Wilmington and the UNC Wilmington campus. Tr. 914:13-20; PX253 at 73 (Cooper Report); PX303. By dividing the campus in this manner, the district boundaries enable House District 20 to connect to Republican-leaning VTDs in the Wilmington area, creating a boot-like appendage in the southwest portion of House District 20. PX253 at 75 (Cooper Report); Tr. 916:12-21. Plaintiffs' Exhibit 303 show which portions of Wilmington are placed into each of the three districts:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
443. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

444. The simulations of Plaintiffs' other experts independently establish that the Brunswick-New Hanover county grouping is an extreme partisan gerrymander.

445. Dr. Chen found that this county grouping contains three districts that are extreme partisan outliers. Tr. 369:3-7.[11] House District 18 has a higher Democratic vote share than its corresponding district in all the simulations, while House Districts 17 and 19 have lower Democratic vote shares than their corresponding districts in all or nearly all of the simulations. Dr. Chen's findings demonstrate the packing of Democratic voters in House District 18 and the cracking of Democratic voters across the other districts. The vast majority of Dr. Chen's simulations would produce up to two additional districts in this grouping that are competitive or even Democratic-leaning, compared to the enacted plan. PX57. The Court gives weight to Dr. Chen's analysis and findings for this grouping, which are reflected in Plaintiffs' Exhibit 57 below:

11   For all House county groupings drawn in 2011 and unchanged in 2017, Dr. Chen used the 2004 to 2010 statewide elections to analyze these county groupings.

Figure 37: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Brunswick-New Hanover County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *68 446. Plaintiffs' Exhibit 404 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
447. Dr. Mattingly concluded that the most Democratic district shows extreme packing of Democrats, while the three least Democratic districts show extreme cracking of Democrats, as evidenced by the significant jump between these sets of districts. Tr. 1145:17-1146:12. Dr. Mattingly found that the most Democratic district in the enacted plan had more Democratic voters than 92.01% of the comparable districts in the nonpartisan ensemble. PX778 at 30; PX359 at 38. As the figure above shows, the enacted map causes the Democrats to lose one seat in this grouping in certain electoral environments, because the black dot in the second most Democratic district always falls below the 50% line while the blue histograms often rise above it. Tr. 1146:5-9. Dr. Mattingly concluded that the New Hanover-Brunswick House grouping reflected a pro-Republican partisan gerrymander, Tr. 1146:22-1147:2, and the Court gives weight to his conclusion.

448. Dr. Pegden found that this county grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.97% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.91% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:6-7; PX524. The Court gives weight to Dr. Pegden's analysis and conclusions.

449. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

l. *Duplin-Onslow*

450. The Duplin-Onslow House county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 4, 14, and 15. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

451. Plaintiffs' Exhibit 291 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
452. Legislative Defendants split Jacksonville across House Districts 14 and 15, pairing the Democratic-leaning "shark's tooth" in Jacksonville with heavily Republican-leaning VTDs in House District 15. Tr. 906:10-23; PX253 at 53-57 (Cooper Report). The map also ensures that none of Jacksonville's voters are joined with the Democratic-leaning and moderate VTDs in Duplin County, in House District 4. *Id.* The map cracks Democratic voters across all three districts in this grouping, ensuring that House District 14 "becomes Republican and [House District 4] also stays safely Republican." *Id.*

453. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

454. The simulations of Plaintiffs' other experts independently establish that the Duplin-Onslow county grouping is an extreme partisan gerrymander.

455. Dr. Chen found that all three districts in this grouping are extreme partisan outliers. Tr. 370:16-371:1. House Districts 4 and 14 have lower Democratic vote shares than their corresponding districts in nearly all the simulations, while House District 15 has a higher Democratic vote share than its corresponding district in nearly all the simulations. PX60. Dr. Chen's findings demonstrate the cracking of Democratic voters across the three districts. The vast majority of Dr. Chen's simulations would produce two districts that are more competitive using the 2004-2010 statewide elections compared to the enacted plan. PX60. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, reflected in Plaintiffs' Exhibit 60:

Figure 40: House Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-
Simulated Districts Within the Duplin-Onslow County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *69 456. Plaintiffs' Exhibit 394 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
457. This grouping is another example of what Dr. Mattingly called "squeezing" or "flattening," where Democrats are cracked across all of the districts in the grouping. *See* Tr. 1149:19-1150:2; Tr. 1150:22-1151:2. Dr. Mattingly's analysis showed that the two most Democratic districts in the enacted plan had fewer Democratic voters than 92.4% of the comparable districts in the nonpartisan ensemble, meaning that the Duplin-Onslow House grouping showed clear cracking of Democratic voters. PX778 at 30; PX359 at 31. As the figure above shows, the gerrymander could cause the Democrats to lose at least one seat in certain electoral environments. Dr. Mattingly concluded that this grouping reflects a clear pro-Republican partisan gerrymander, Tr. 1155:17-21, PX778 at 30, and the Court gives weight to Dr. Mattingly's conclusion.

458. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 98% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 94% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:9; PX528. The Court gives weight to Dr. Pegden's analysis and conclusions.

459. The Court finds that the analyses of all Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

m. *Anson-Union*

460. The Anson-Union county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 55, 68, and 69. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

461. Plaintiffs' Exhibit 307 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

462. Dr. Cooper detailed how this county grouping cracks the Democratic voters in Monroe between two districts (House Districts 68 and 69), and then ensures that none of these voters are joined with the Democratic voters in Anson County (in House District 55). The map thus dilutes the voting power of the Democratic voters in this grouping, ensuring that House Districts 68 and 69 are reliable Republican districts. Tr. 919:3-16; PX253 at 79-80 (Cooper Report). Plaintiffs' Exhibit 308 illustrates the cracking of Monroe (which is colored pink).

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

463. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

464. Dr. Hofeller's Maptitude files confirm his intentional use of partisanship data to crack Democratic voters. The relevant Maptitude file, which was last modified in June 2011 and is depicted in Plaintiffs' Exhibit 353 below, shows Dr. Hofeller's use of the 2008 Presidential election results to separate Democratic VTDs across the three districts in this grouping. Tr. 995:20-998:7; PX329 at 31 (Cooper Rebuttal Report).

Figure 25: Partisan Targeting in House Districts 55, 68, and 69

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *70 465. The simulations of Plaintiffs' other experts independently establish that this county grouping is an extreme partisan gerrymander.

466. Dr. Chen found that all three districts in this county grouping are extreme partisan outliers. Tr. 368:7-15. House District 55 has a lower Democratic vote share than its corresponding district in nearly all of the simulations, while House Districts 68 and 69 have higher Democratic vote shares than their corresponding districts in nearly all of the simulations. Dr. Chen's findings demonstrate the cracking of Democratic voters across the three districts in this grouping. In the vast majority of Dr. Chen's simulations, this county grouping would produce a district that is Democratic-leaning using the 2004-2010 statewide elections. PX56. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 56 below:

Figure 36: House Simulation Set 1:

 Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Anson-Union County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

467. Plaintiffs' Exhibit 410 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

468. This grouping is another example of what Dr. Mattingly called "squeezing" or "flattening," where the Democrats are cracked across all of the districts in the grouping. *See* Tr. 1149:19-1150:2; Tr. 1150:22-1151:2. Dr. Mattingly's analysis showed that the two most Democratic districts in the enacted plan had fewer Democratic voters than 100% of the comparable districts in the nonpartisan ensemble, meaning that not a single plan in his nonpartisan ensemble showed as much cracking of Democratic voters in this grouping as the enacted plan. PX778 at 30; PX359 at 42. As the figure above shows, the gerrymander causes the Democrats to lose one seat in certain electoral environment, as the black dot for House District 55 is always below the dotted

line but the blue histogram often rises above it. Dr. Mattingly concluded that the Anson-Union House grouping reflected an extreme pro-Republican partisan gerrymander, Tr. 1155:8-16, PX778 at 30, and the Court gives weight to his conclusion.

469. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 98.5% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 95.5% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:8-9; PX523. The Court gives weight to Dr. Pegden's analysis and conclusions.

470. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

n. *Alamance*

471. The Alamance House county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 63 and 64. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

 *71 472. Plaintiffs' Exhibit 311 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

473. Dr. Cooper described how House District 63 takes the shape of a "duck's head" in the Burlington area, cracking the Democratic voters in and around Burlington between House Districts 63 and 64 to reduce those voters' influence. Tr. 924:3-25; PX253 at 84 (Cooper Report). And the map carefully places Burlington's Republican-leaning-VTDs (in the "duck's head") in House Districts 63, helping to ensure that House District 63 will consistently elect a Republicans. Plaintiffs' Exhibit 312 depicts the division of Burlington (shaded green):

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

474. Dr. Hofeller's Maptitude files confirm the partisan intent and "partisan consequences" of cracking Democratic voters in this grouping. Tr. 998:18-19. In particular, Dr. Hofeller's draft map for House Districts 63 and 64 (which was last modified in June 2011 while this district was being drawn) demonstrates how the "duck's head" portion put Burlington's most moderate and Republican-leaning VTDs (shaded tan and light green) in House District 63, while Burlington's bluest VTDs were grouped with heavily Republican areas in northern and southern Alamance County. Tr. 998:9-25; PX354; PX329 at 32 (Cooper Rebuttal Report). Plaintiffs' Exhibit 354 shows Dr. Hofeller's Maptitude file containing the Alamance grouping.

Figure 26: Partisan Targeting in House Districts 63 and 64

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

475. Election results demonstrate that the gerrymandering of this grouping has been highly effective. Although Intervenor Defendants presented testimony claiming that "candidate quality" resulted in the Democratic loss in one of the districts in 2018 (Tr. 2245:9-2246:25), in fact, Republicans have won both districts in this grouping in all four elections since the districts were drawn in 2011, across a range of candidates. JSF at Ex. 2; Tr. 2253:15-2256:10.

476. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of the districts in this county groupings.

477. The simulations of Plaintiffs' other experts independently establish that the Alamance county grouping is an extreme partisan gerrymander.

478. In his House Simulation Set 1, Dr. Chen found that House District 63 has a lower Democratic vote than its corresponding district in over 77% of the simulations while House District 64 has a higher Democratic vote share than its corresponding district in over 74.5% of the simulations. Tr. 371:10-372:6; PX55. More importantly, Dr. Chen found that both districts in this county grouping are extreme partisan outliers in House Simulation Set 2 that avoids pairing the incumbents in office at the time this grouping was drawn. Tr. 372:8-373:5; PX76. Dr. Chen thus concluded with over 99% statistical certainty that the districts in this grouping are extreme partisan outliers if the mapmaker was trying to protect incumbents in drawing the districts in the grouping. Tr. 372:23-373:5. Indeed, across the vast majority of 2,000 simulations in House Simulation Sets 1 and 2, this county grouping would produce a Democratic-leaning district in the simulations, whereas it does not in the enacted plan. PX55; PX76. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 76 below:

Figure 56: House Simulation Set 2:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Alamance County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

*72 479. Plaintiffs' Exhibit 384 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

480. This grouping reflects what Dr. Mattingly called "squeezing" or "flattening," where Democratic districts are cracked across all of the districts. Tr. 1149:19-1151:2. Dr. Mattingly found that this grouping reflected more cracking of Democratic voters than 77% of the comparable districts in the nonpartisan ensemble. Tr. 1151:10-17; PX778 at 30; PX359 at 26. Although Dr. Mattingly did not label this grouping an "outlier" because he used a 90% threshold, he testified that the pro-Republican bias in the grouping still contributed to the extreme pro-Republican bias he found statewide. Tr. 1151:21-1153:2, Tr. 1154:23-1155:1. What's more, the pro-Republican tilt has a significant effect; as the figure above shows, the gerrymander causes the Democrats to lose one seat in this grouping in many electoral environments. Tr. 1151:3-9. Dr. Mattingly concluded that the Alamance House grouping reflected a clear pro-Republican partisan tilt, Tr. 1151:24-1153:2; PX778 at 30, and the Court gives weight to his conclusion.

481. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.9998% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.996% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:5; PX522. The Court gives weight to Dr. Pegden's analysis and conclusions.

482. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

o. *Cleveland-Gaston*

483. The Cleveland-Gaston House county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 108, 109, 110, and 111. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

484. Plaintiffs' Exhibit 323 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

485. As Dr. Cooper testified, this grouping is a textbook example of cracking. The Democratic voters in Gastonia are cracked across House Districts 108, 109, and 110, and the Democratic voters in Shelby across House Districts 110 and 111. Tr. 932:23-934:10; PX253 at 97-98 (Cooper Report). Plaintiffs' Exhibit 325 illustrates the splitting of these municipalities:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

486. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

487. The simulations of Plaintiffs' other experts independently establish that the Cleveland-Gaston county grouping is an extreme partisan gerrymander.

488. Dr. Chen found that this county grouping contains three districts that are extreme partisan outliers. Tr. 370:5-13. House Districts 109 and 111 have lower Democratic vote shares than their corresponding district in all or nearly all of the simulations, while House District 108 has a higher Democratic vote shares than its corresponding district in all of the simulations. PX59. Dr. Chen's findings demonstrate the cracking of Democratic voters across the districts in this county grouping. The Court gives weight to Dr. Chen's analysis and findings for this county grouping, which are reflected in Plaintiffs' Exhibit 59 below.

Figure 39: House Simulation Set 1:

**Democratic Vote Share of the Enacted and Computer-Simulated
Districts Within the Cleveland-Gaston County Grouping**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
 *73 489. Plaintiffs' Exhibit 396 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

490. This grouping reflects what Dr. Mattingly called "squeezing" or "flattening," where Democratic voters are cracked across all of the districts. *See* Tr. 1149:19-1150:2; Tr. 1150:22-1151:2. Dr. Mattingly found that this grouping reflected more cracking of Democratic voters than 82.86% of the comparable districts in the nonpartisan ensemble. PX778 at 30; PX359 at 32. Although he did not label this grouping an "outlier" because he used a 90% threshold, he testified that the pro-Republican bias in the Gaston-Cleveland still contributed to the extreme pro-Republican bias he found statewide. *See* Tr. 1151:21-1156:21. Moreover, as the figure above shows, the gerrymander could cause Democrats to lose at least one seat in certain electoral environments. Dr. Mattingly concluded that the Gaston-Cleveland grouping reflects a clear pro-Republican partisan tilt that can contribute to the extreme pro-Republican bias statewide, Tr. 1156:17-24, PX778 at 30, and the Court gives weight to his conclusion.

491. Dr. Pegden's conservative methodology resulted in comparison maps that are very similar to the enacted plan for this grouping. Tr. 1351:17-1352:10.

492. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

p. *Buncombe*

493. The Buncombe House county grouping, drawn in 2011 and left unchanged in 2017, contains House Districts 114, 115, and 116. The Court gives weight to the analysis of Plaintiffs' experts and finds that this county grouping is an extreme partisan gerrymander.

494. Plaintiffs' Exhibit 326 is Dr. Cooper's map for this county grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

495. The mapmaker packed the most Democratic VTDs in and around Asheville into House District 114, in an effort to make House Districts 115 and 116 as competitive for Republicans as possible. Tr. 934:17-935:1; PX253 at 100 (Cooper Report).

496. The Court does not give weight to any nonpartisan explanation Legislative Defendants offered with respect to the boundaries of these districts.

497. The simulations of Plaintiffs' other experts independently establish that the Buncombe county grouping is an extreme partisan gerrymander.

498. Dr. Chen found that all three districts in this county grouping are extreme partisan outliers. Tr. 369:22-370:1. House District 114 has a higher Democratic vote share than its corresponding district in all the simulations, while House Districts 115 and 116 have lower Democratic vote shares than their corresponding districts in all the simulations. Dr. Chen's findings demonstrate the packing of Democratic voters into House District 114 to make House Districts 115 and 116 as competitive for Republicans as possible. PX58. The Court gives weight to Dr. Chen's analysis and findings for this grouping, which are reflected in Plaintiffs' Exhibit 58:

Figure 38: House Simulation Set 1:

Democratic Vote Share of the Enacted and Computer-Simulated Districts Within the Buncombe County Grouping

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

499. Plaintiffs' Exhibit 386 shows Dr. Mattingly's analysis of this grouping:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *74 500. Dr. Mattingly's analysis shows that Democrats were cracked out of the two least Democratic districts in this grouping and packed into the most Democratic district. PX778 at 30; PX359 at 27; PX386. The two least Democratic districts in the enacted plan had fewer Democratic voters than 85.45% of the comparable districts in the nonpartisan ensemble. PX778 at 30; PX359 at 27; PX386. Although Dr. Mattingly did not label this grouping an "outlier" because he used a 90% threshold, he explained that the pro-Republican bias still contributed to the extreme pro-Republican bias he found statewide. *See* Tr. 1151:21-1156:24. As the figure above shows, the gerrymandering could cause Democrats to lose one or two districts in certain electoral environments. Dr. Mattingly concluded that the Buncombe House grouping reflected a pro-Republican partisan bias, Tr. 1156:17-21, and the Court gives weight to his conclusion.

501. Dr. Pegden found that this grouping constitutes an extreme partisan gerrymander. In his first level analysis, Dr. Pegden found that the enacted plan's version of this grouping is more favorable to Republicans than 99.9997% of the maps that his algorithm encountered by making small changes to the district boundaries. In his second level analysis, Dr. Pegden found that this grouping is more carefully crafted to favor Republicans than at least 99.999% of all possible districtings of this county grouping that satisfy the criteria Dr. Pegden used. Tr. 1351:4-5; PX525. The Court gives weight to Dr. Pegden's analysis and conclusions.

502. The Court finds that the analyses of Plaintiffs' experts independently and together demonstrate that this county grouping is an extreme partisan gerrymander.

D. The 2017 Plans Protected the Republican Majorities in the 2018 Elections

503. In the 2018 House elections, Republican candidates won a minority—48.8%— of the two-party statewide vote, but still won 65 of 120 seats (54%). JSF ¶¶ 68-69. Democrats thus broke the Republican supermajority, but not the majority. *Id.*; Tr. 163:21-164:19 (Rep. Meyer).

504. In the 2018 Senate elections, Republican candidates won a minority— 49.5%—of the two-party statewide vote, but still won 29 of 50 seats (58%). JSF ¶¶ 142-43; Tr. 117:5-19 (Sen. Blue). Democrats broke the Republican supermajority by a single seat, after narrowly prevailing in Senate Districts 9 and 27 by margins of 0.1% and 0.5%. *Id.*

505. Democrats were unable to win majorities in either chamber despite strong efforts to fuel voter enthusiasm, recruit candidates, and fundraise, and despite favorable political conditions nationally and in North Carolina. Tr. 76:5-11 (Phillips); Tr. 118:19-21, 124:9-13 (Sen. Blue); Tr. 163:21-164:5 (Rep. Meyer); Tr. 1269:4-14, 1283:15-1284:1 (Goodwin). Democrats raised and spent more money than Republicans in the 2018 cycle, running the most well-funded campaign operation in the history of North Carolina. Tr. 117:20-117:25, 124:20-24 (Sen. Blue); Tr. 163:21-164:5, 171:3-6 (Rep. Meyer); Tr. 1284:11-17 (Goodwin).

506. Consistent with the findings of Drs. Chen and Mattingly, Senator Blue testified that, under the current Senate plan, Democrats would have needed to win over 55% of the statewide vote to win a majority of seats in the Senate. Tr. 119:19-120:4.

E. The 2017 Plans Harm the Organizational and Individual Plaintiffs

1. The 2017 Plans Harm the North Carolina Democratic Party

507. Elections, voting, and redistricting are central to the mission and purposes of Plaintiff the North Carolina Democratic Party (the "NCDP"). The NCDP is "an association of like-minded individuals"—"predominantly registered Democrats"—"who support and also help develop policies that they agree on." Tr. 1264:1-6 (Goodwin). As the NCDP's chair, Mr. Goodwin testified, the "basic purpose" of the NCDP is to "encourage like-minded folks to come together, to help recruit candidates and to support candidates who favor those policies and favor the development of policies that Democrats support." Tr. 1265:2-5. The NCDP "persuade[s] voters to support the nominees of the Democratic Party during the general election." Tr. 1265:7-9. The Court gives weight to Mr. Goodwin's testimony regarding the NCDP's mission and purposes.

 *75 508. The Court gives further weight to Mr. Goodwin's testimony that district lines significantly affect the NCDP's ability to fulfill its mission and purposes. To achieve its purposes, the NCDP must "have good candidates that we recruit and that we support"; it needs "enthusiasm for the party and its candidates and its message and mission"; and it needs "the appropriate financial resources to get a message [out]" and to fund all "the things that are involved with elections." Tr. 1264:15-21. All of those things are affected by district boundaries. Tr. 1265:22-24. For that reason, to "accomplish [NCDP's] mission," it is "vital" that the NCDP have "fair, nondiscriminatory district lines for the candidates that run in districts across the State." *Id.*

509. The current district lines have harmed the NCDP and will continue to do so. The lines drawn in 2011 "had a tremendously negative impact on the ability of the North Carolina Democratic Party to achieve the purposes for which it exists." Tr. 1266:9-16. Under the 2011 districts, "it was more difficult to recruit candidates, it was more difficult to raise the funds necessar[]y, [and] enthusiasm was down tremendously because of … unfair []districts." *Id.*

510. Upon enactment of the 2017 Plans, the NCDP "knew it was still going to be a difficult, difficult race because of … [the] district lines." Tr. 1267:11-13. Because of the 2017 Plans, the NCDP "had to expend extraordinary amounts of time and resources and the like in a way that, in a set of fair maps across the State, [it] wouldn't have had to do." Tr. 1270:10-14; *see* Tr.

1284:18-22. The NCDP had to spend more money than it would have under nonpartisan maps, both statewide and in individual districts. For example, in House District 103 in Mecklenburg County, "to make that election competitive," Democrats had to recruit the daughter of former Governor Jim Hunt and "her election had to be financed at a level that no previous House election had ever been financed in the history of state elections," with Democrats spending over a million dollars in support of Ms. Hunt. Tr. 189:17-190:23 (Rep. Meyer). Even then, Ms. Hunt won the election by fewer than 100 votes. *Id.* The simulations of Drs. Chen and Mattingly each establish that, under nonpartisan maps, House District 103 in Mecklenburg County would be more favorable for Democrats than it is under the current House plan, FOF § C.2.*i.*, meaning that Democrats would not need to devote as many resources to this district and would be able to spend those resources in other districts across the State instead. The Court finds that the NCDP has established that the current districts have injured the NCDP as an organization by requiring it to spend and divert more financial resources than it would have under nonpartisan maps, both statewide and in individual districts

511. The Court finds that the current districts have injured the NCDP in other ways. As Mr. Goodwin testified, "notwithstanding the tremendous[,] palpable level of enthusiasm" for Democratic candidates nationwide and in North Carolina in 2018, "notwithstanding raising the most funds ever raised for a mid-term election for the [D]emocratic [P]arty," and "notwithstanding the fact that … there was a [D]emocratic [G]overnor and [a] unique partnership" with the Governor, the NCDP's "efforts and enthusiasm and … money did not translate into seats." Tr. 1268:16-1269:3. "[D]espite everyone going [the NCDP's] way, the lines were drawn in such a way that [the NCDP] could not breach that seawall that protected the [R]epublican majority." Tr. 1268:13-15.

512. The Court finds that the current districts will also continue to injure the NCDP in the 2020 elections absent judicial relief. The NCDP will continue to need to spend and divert financial resources as a result of the gerrymanders, and it will continue to be extremely unlikely that Democratic candidates will be able to win majorities in either chamber of the General Assembly under the current districts. Moreover, although the NCDP was able to recruit a candidate in every district the favorable national environment that existed for Democrats in 2018 recruitment is more difficult under partisan plans. As Mr. Goodwin explained, unfair districts make it "more difficult to recruit candidates." Tr. 1266:12-13.

 *76 513. In addition to harming the NCDP itself, the enacted plans also have harmed the NCDP's members, and continue to do so. The NCDP's members include every registered Democratic voter in North Carolina. Tr. 1269:8-17. There are "well over two million registered Democrats in North Carolina." Tr. 1269:10-11. "There are registered Democrats in every precinct in the State, every House District, [and] every Senate District." Tr. 1269:15-20. The NCDP thus has members in every House and Senate district at issue in this case, and those members are harmed by the enacted plans. The gerrymanders dilute the voting power of the NCDP's members by intentionally making it more difficult for some Democratic voters to elect candidates of their choice and making it extremely difficult for Democratic voters statewide to obtain Democratic majorities in the General Assembly. *See* FOF § E.3.

514. The NCDP's "support scores" do not undermine the harms that the 2017 Plans cause the NCDP and its members. As Democratic Representative Graig Meyer testified, "support scores" are purchased scores that are assigned to all registered voters based on "a combination of consumer data as well as geographic and other factors that give you a sense of the likelihood someone is going to support a Democratic candidate." Tr. 164:22-165:12. These scores are made available by the NCDP to Democratic candidates' campaigns, Tr. 1270:24-1271:19 (Goodwin), which then, in their discretion, may use them "to determine which voters [they] should target for paid communications, such as digital or mail, or for individual communications, such as canvassing and knocking on voters' doors," Tr. 164:23-165:2 (Rep. Meyer). Even then, Democratic campaigns "almost always use [support scores] in conjunction with other measures, such as a turnout score, which tells you how likely someone is to actually vote." Tr. 165:13-15.

515. Several of Legislative Defendants' Exhibits purportedly show—based on support scores that are aggregated on a district-by-district basis—that Democratic candidates should be competitive, and in fact could win, in a comfortable majority of House and Senate districts under the 2017 Plans. *See* LDTX 145-147, 278; *see* Tr. 2072:21-2074:22 (Dr. Hood).

516. The Court gives little weight to Defendants' arguments related to aggregated district-level support scores. Neither the NCDP nor any Democratic campaign or candidate "ever use[s] … aggregated support scores for any purpose," Tr. 1271:20-24 (Goodwin), and they do not use them "to determine the electability of a district," Tr. 194:1-2 (Rep. Meyer). Support scores are "not reliable in the aggregate," Tr. 167:5-6 (Rep. Meyer), and "[a]ggregated support scores wouldn't be all that helpful because individual support scores can be misleading," Tr. 165:24-166:1 (Rep. Meyer). "They're imprecise measures, and then if you aggregate imprecise measures like that they tend to get less and less precise in the aggregate." Tr. 166:7-9 (Rep. Meyer). Moreover, the aggregated support scores include all *registered* voters in a district, not likely or actual voters, which tends to overstate Democratic support. Tr. 2091:6-2092:14 (Dr. Hood). Rather than use aggregated support scores, the NCDP uses other metrics to assess a district's competitiveness, such as the "Democratic Performance Index" (DPI) or the results of specific recent statewide elections. Tr. 1272:3-11 (Goodwin); Tr. 177:3-11 (Rep. Meyer).

517. Additionally, Legislative Defendants' expert Dr. Hood, who presented an analysis based on the aggregated support scores, conceded that he is not aware of anyone who has ever "used those scores to make predictions" of how a district will perform in an election. Tr. 2092:3-24. Nor did Dr. Hood present any analysis to substantiate any claim that aggregated support scores are accurate predictors of a district's competitiveness, and Representative Meyer credibly explained that they are not. Representative Meyer gave several examples where the district-level aggregated support scores differ considerably from actual election results, demonstrating why the NCDP and Democratic campaigns "don't use support scores to determine electability of a district." Tr. 194:1-2; *see* Tr. 193:17-196:12.

 *77 518. Defendants presented no persuasive evidence that Democrats have a realistic possibility of winning majorities in the General Assembly under the metrics that are used to assess a district's likely performance, such as the DPI and prior statewide elections results.

519. The total number of registered Democrats in particular districts likewise does not undermine the harm the enacted plans cause the NCDP and its members. Legislative Defendants' Exhibit 280 purportedly indicates that Democrats and unaffiliated voters, when combined together, hold a registration advantage over Republicans in all Senate districts and all House districts but one. *See* Tr. 1279:25-1281:15 (Goodwin). The Court gives little weight to Legislative Defendants' arguments based on statewide party registration numbers.

520. As Mr. Goodwin explained, Legislative Defendants' Exhibit 280 presents "an extreme hypothetical assuming that everyone who's registered for his or her respective party actually vote and vote only based on their party registration, and assuming that unaffiliateds all vote for the Democratic candidate. That is not going to happen." Tr. 1281:21:25. The notion that Democrats could win 169 of 170 total seats in the General Assembly is not credible.

521. As Dr. Chen further explained, party registration has been "studied in the academic literature[,] and it's well known that in a lot of different Southern states, including in some parts of North Carolina, party registration is not necessarily a reliable indicator of one's actual partisan voting habits." Tr. 277:22-278:1. For example, "there are conservative Democrats, or what we call blue dog democrats sometimes, who in the past used to vote Democratic and have, for the last couple of decades, switched over to voting Republican, but their party registration may still remain as Democrats." Tr. 278:3-10.

522. The Court finds that party registration is not a reliable indicator of the competitiveness of any individual district or of the enacted plans as a whole.

2. The 2017 Plans Harm Common Cause

523. Redistricting is central to the mission and purposes of Plaintiff Common Cause. Bob Phillips—Executive Director of Common Cause's local chapter, Common Cause North Carolina—testified that Common Cause advocates for "[s]trengthening democracy" and "for more open, honest and accountable government." Tr. 40:23-41:1, 41:10-16, 42:13-17. And "there is nothing … that's really more significant, consequential in a legislative session than redistricting." Tr. 42:23-25. Redistricting

"really locks in … everything" "for the next decade," including "who gets elected and what the power share will be" and "[u]ltimately what kind of laws and policies are going to be emphasized and then [] will not be, what will be ignored." Tr. 42:25-43:4. The Court gives weight to Mr. Phillips's testimony.

524. Common Cause has long advocated to end partisan gerrymandering in North Carolina. Tr. 43:10-52:20. The 2017 Plans harm Common Cause as an organization by substantially impeding this longtime goal because, as Mr. Phillips testified, majorities in the General Assembly, as the beneficiaries of gerrymandered plans, are unlikely to adopt meaningful redistricting reform. Tr. 52:1-20.

525. The enacted plans also harm Common Cause by impeding its mission and objectives in other ways. As Mr. Phillips explained, "[o]ne of the central missions to Common Cause is to help citizens understand that they do have an obligation and that they can hold their elects accountable. How do you do that when so many—90 percent of our legislative seats are preordained … ?" Tr. 48:8-12. When "we already know [on] the filing date, basically, who is going to win," it is "hard to get citizens, voters[,] to participate, to think that their vote really matters." Tr. 48:25-49:3.

 *78 526. In addition to Common Cause itself, the enacted plans also harm Common Cause's members. Common Cause has 25,000 members across North Carolina, including in the districts at issue here. *See* Tr. 41:17-42:12; PX644 (listing Common Cause members by district). The enacted plans harm Common Cause's members in the same ways they harm the NCDP's members and the individual voter-plaintiffs in this case.

3. The 2017 Plans Harm the Individual Plaintiffs

527. The Individual Plaintiffs are thirty-seven individual North Carolina voters who prefer Democratic candidates and have consistently voted for Democratic candidates running for the North Carolina General Assembly. *See* PX678-714.

528. The evidence demonstrates that the 2017 Plans disadvantage the Individual Plaintiffs and other Democratic voters across North Carolina. Two of the Individual Plaintiffs testified live at trial, and the remaining 35 testified through affidavits. PX678-714.[12]

---

[12]   *See, however,* COL § I.C., wherein the Court concludes that nine Individual Plaintiffs lack sufficient standing.

529. Plaintiff Derrick Miller testified live at trial. Dr. Miller, a professor of German at the University of North Carolina Wilmington, resides in Senate District 8 in the "Wilmington Notch." Tr. 202:11-14. Dr. Miller testified that by splitting off this small portion of Wilmington where he lives, the General Assembly has "made it impossible for [him] and [his] Democratic neighbors to elect a Democrat, a candidate of our choice, in Senate District 8." Tr. 205:9-19. In 2018, the Republican candidate won Senate District 8 with around 60% of the vote. Tr. 204:3-4. As a fifth-generation North Carolinian, Dr. Miller cares deeply about issues such as public education and preserving North Carolina's natural resources, and he believes that "Democrats much more reliably and [a] Democratic majority much more reliably would protect those resources, the educational resources and the natural resources of our state." Tr. 206:8-12.

530. Dr. Miller also lives in House District 18, Tr. 204:5-7, where the General Assembly packed Democrats in Wilmington and Leland into a single, reliably Democratic district, PX302. Dr. Miller testified that while such packing does assure him a Democratic representative in House District 18, "it does so at the expense of multiple safe districts for Republicans along the … neighboring districts," Tr. 205:9-19, making it more likely that the Republicans would gain control of the General Assembly.

531. The other Individual Plaintiff who testified at trial, Joshua Brown, is a locksmith apprentice from High Point who resides in Senate District 26. Tr. 830:7-12. As shown in Plaintiffs' Exhibit 281, the General Assembly split off the most heavily Democratic area of Guilford County where Mr. Brown lives and appended it to conservative Randolph County:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

532. Mr. Brown testified that by drawing his Senate District in this manner, the General Assembly "clearly dilute[d] the ability of Democrats to even attempt to run a fair race." Tr. 833:19-21. Like Dr. Miller, Mr. Brown cares about a number of issues before the General Assembly, including a living wage, the environment, and Medicaid expansion. Tr. 834:5-6. Mr. Brown's mother was recently hospitalized, and he believes that she would not be facing certain health issues if North Carolina had approved the Medicaid expansion. Tr. 834:15-835:3. He believes that the Republican Party in the General Assembly today has "opposing" stances on these issues that he cares about. Tr. 835:4-7.

 *79 533. Mr. Brown also lives in House District 60, where Democrats such as Mr. Brown are packed to create an overwhelmingly Democratic district. *See* Tr. 833:25-834:2; PX310. Mr. Brown testified that by packing Democrats in this manner, the General Assembly "reduced the odds of surrounding districts electing a Democrat," Tr. 833:25-834:2, making it more difficult for Democrats to gain control of the General Assembly.

534. The affidavits submitted by the remaining thirty-five Individual Plaintiffs establish that each of these Individual Plaintiffs (i) has voted for the Democratic candidate running for the North Carolina General Assembly in each year that such an election was held since at least 2011, (ii) has a preference for electing Democratic legislators and a majority-Democratic General Assembly, and (iii) believes that if the Democratic Party made up a majority of the members in the General Assembly, the policies proposed and enacted would more closely represent the Plaintiff's personal and political views. PX678-713.

535. Plaintiffs' expert Dr. Chen quantified the effects of the gerrymander on the partisan composition of the districts in which each Individual Plaintiffs resides. For each of his 4,000 simulations (2,000 in the House and 2,000 in the Senate), Dr. Chen determined the House or Senate district in which each Individual Plaintiff would live based on that Plaintiff's residential address. Tr. 387:14-388:6; PX1 at 167-68 (Chen Report). Dr. Chen then compared the Democratic vote share of the districts in which a particular Plaintiff would live under his simulations to the Democratic vote share of the Plaintiff's districts under the enacted plans. *Id.*

536. Plaintiffs' Exhibit 238 (reproduced below) shows Dr. Chen's results for his House Simulation Set 1. In each row, the red star represents the Democratic vote share in the Individual Plaintiff's House district under the enacted plan using the ten 2010-2016 statewide elections, while the gray circles represent the Democratic vote share of that Plaintiff's district under each of the 1,000 simulated plans in House Simulation Set 1. Tr. 388:14-389:12. For instance, the figure shows that Rebecca Johnson's House district in the enacted plan has a roughly 40% Democratic vote share using the 2010-2016 statewide elections, but Ms. Johnson would live in a House district with a higher Democratic vote share in 99% of the simulations, with most of the simulations putting her in a district with an over 50% Democratic vote share. Tr. 390:6-391:20.

Figure 54:

House Simulation Set 1

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

537. Dr. Chen found that the following Plaintiffs live in House districts that are extreme partisan outliers compared to their districts in House Simulation Set 1: Vinod Thomas, Paula Ann Chapman, Kristin Parker, Julie Ann Frey, Jackson Thomas Dunn Jr., Rebecca Johnson, Lily Nicole Quick, Joshua Perry Brown, Dwight Jordan, David Dwight Brown, Electa E. Person, Donald Allan Rumph, Amy Claire Oseroff, Lesley Brook Wischmann, Derrick Miller, Carlton E. Campbell Sr., Rosalyn Sloan, Mark S. Peters, Joseph Thomas Gates, Stephen Douglas McGrigor, and Rebecca Harper. Tr. 393:9-17. Dr. Chen further found that Plaintiff Leon Schaller lives in a district that is a 68.1% outlier in House Simulation Set 1, but a 100% outlier in House Simulation Set 2. Tr. 394:2-10; *see* PX239.

538. Plaintiffs' Exhibit 117 shows the same analysis for the Senate, comparing the Democratic vote share in certain Individual Plaintiffs' districts under the enacted Senate plan to their districts under Dr. Chen's Senate Simulation Set 1.

Figure 97:

Senate Simulation Set 1

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

 *80 539. Dr. Chen found that the following Plaintiffs live in Senate districts that are outliers or extreme partisan outliers compared to their districts in his Senate simulations: Vinod Thomas, Paula Anna Chapman, Pamela Morton, Kristin Parker, Jackson Tomas Dunn, Jr., Rebecca Johnson, Dwight Jordan, David Dwight Brown, Karen Sue Holbrook, James Mackin Nesbit, George David Gauck, Derrick Miller, Mark S. Peters, Joseph Thomas Gates, William Service, Stephen Douglas McGrigor, Rebecca Harper, Nancy Bradley, Aaron Wolff, and Kathleen Barnes. Tr. 395:7-22. Dr. Chen found that the same Plaintiffs lived in districts that are outliers under his Senate Simulation Set 2. Tr. 396:1-7; PX118.

540. Plaintiffs' expert Dr. Cooper further demonstrated how the 2017 Plans, as a whole, disadvantage the Individual Plaintiffs. As Dr. Cooper explained, under the 2017 Plans, Democrats cannot translate their votes into seats as efficiently as Republicans. Tr. 870:11-14.

541. One of Legislative Defendants' experts, Dr. Brunell, also testified about the ways in which partisan gerrymandering harms individual voters. Dr. Brunell testified that "the responsiveness of a legislator to the voters in the voter's district is critical to democratic representation." Tr. 23531:3-6. He testified that a change in the party representing a given district generates "a huge difference" in the policies for which the representative will vote. Tr. 2354:20-23. He also testified that partisan gerrymandering is a problem in modern redistricting because it "can distort how voter preferences get translated into public policy." Tr. 2355:7-9.

F. Defendants Offered No Meaningful Defense of the 2017 Plans

1. No Witness Denied That the Plans Are Intentional and Effective Partisan Gerrymanders

542. Defendants did not persuasively rebut Plaintiffs' extensive direct evidence that the 2017 Plans were drawn with the predominant purpose of maximizing Republican advantage.

543. Defendants presented unpersuasive evidence to rebut evidence that the Hofeller files show that Dr. Hofeller primarily focused on maximizing partisan advantage. Defendants did not identify any file showing that Dr. Hofeller was motivated by anything other than partisanship in drawing the enacted House and Senate plans. Defendants identified no file, for example, showing that Dr. Hofeller at any point during the 2011 and 2017 redistricting processes considered "communities of interest," *cf.* Tr. 1059:3-1060:5, or sought to preserve the "cores" of existing districts, *cf.* Tr. 1212:20-24, or drew or altered any district to avoid splitting a municipality or VTD or to make the district more compact, or constructed any district as a "product of the nuance of legislative negotiation," *cf.* Tr. 1204:2-1206:4.

544. Defendants' experts did not persuasively contest that the plans sought to ensure Republican control of the legislature. Defendants' experts offered no methodology to attempt to evaluate whether the enacted plans were (or were not) extreme partisan gerrymanders. None offered an opinion on that question. Rather, as explained below, Defendants' experts offered theories of why the analyses by Plaintiffs' experts was somehow incomplete or unreliable. The Court gives little weight to these criticisms.

2. Defendants' Criticisms of Plaintiffs' Experts Were Not Persuasive

a. *Dr. Thornton*

545. Legislative Defendants offered expert testimony from Dr. Janet Thornton to criticize the analyses and conclusions of Plaintiffs' simulation experts, Drs. Chen, Mattingly, and Pegden. Tr. 1618:10-13; LDTX 286 at 4 (Thornton report). Dr. Thornton offered three main critiques of Plaintiffs' experts: (a) Dr. Pegden's and Dr. Mattingly's conclusions supposedly were skewed by the particular statewide elections they used to measure the partisan lean of their simulated plans versus the enacted plans, LDTX 286 at 6-10; (b) their simulations purportedly deviated in various ways from the 2017 Adopted Criteria, *id.* at 10-19; and (c) their simulations supposedly are not statistically significantly different from the enacted plans in terms of the number of Democratic-leaning districts, *id.* at 20-29. *See* Tr. 1622:5-1623:11. But Dr. Thornton's testimony was not persuasive, her analysis is unreliable, and her opinions are given little weight.

 *81 546. Dr. Thornton has a masters and a doctorate in economics from Florida State University. Tr. 1571:6-11. She has a bachelor's degree in economic and political science from the University of Central Florida. *Id*.

547. Dr. Thornton is currently a managing director at Berkeley Research Group and has worked as an economist and applied statistician for 35 years. Tr. 1571:15-1572:3. Dr. Thornton has prepared statistical analysis in voting cases, limited, however, to analysis of statistical differences in voter participation rates by race and minority status. Tr. 1574:3-21.

548. Dr. Thornton has taught statistics and quantitative methods for the business school at Florida State University. Tr. 1573:12-15; LDTX 286 at 39.

549. Dr. Thornton is a member of the American Economic Association and the National Association of Forensic Economists. She has published in peer-reviewed publications including the Journal of Forensic Economics and the Journal of Legal Economics. Tr. 1573:16-1574:2.

550. Dr. Thornton was accepted by the Court as an expert in the fields of economic and applied statistical analysis. Tr. 1578:7-17. She has been qualified as an expert in other cases regarding these subjects. Tr. 1576:12-1577:13. Dr. Thornton has never been excluded from testifying. *Id*.

551. Dr. Thornton has no academic experience involving gerrymandering and instead specializes in expert witness testimony and other consulting-type work in various areas, including employment, insurance, and credit decisions. Tr. 1619:19-1620:20, 1621:2-17; LDTX 286 at App'x A (Thornton CV). Dr. Thornton has no degree in mathematics, no degree in statistics, and only an undergraduate degree in political science. Tr. 1620:21-1621:1. She purported to critique the work of Plaintiffs' simulations experts, each of whom is a full-time academic with years of academic experience in using computer simulations to evaluate partisan gerrymandering. Tr. 1618:14-1619:18.

552. In her report and testimony in this case, Dr. Thornton offered no methodology for determining whether a particular redistricting plan is or is not a partisan gerrymander, or whether a particular plan is or is not the product of extreme partisan considerations. Tr. 1621:18-25. Nor did Dr. Thornton offer any opinion as to whether the enacted plans were drawn as partisan gerrymanders to benefit Republicans. When asked whether she was offering such an opinion, Dr. Thornton responded, "I have no way of knowing." Tr. 1622:1-4.

(i) *Criticisms Concerning Choice of Statewide Elections*

553. Dr. Thornton's criticisms of the specific statewide elections used by Drs. Pegden and Mattingly suffered from critical flaws.

554. Dr. Thornton stated in her report that Dr. Pegden "considered" only "two elections" in his analysis. LDTX 286 at 10; *see id.* 8-11; Tr. 1626:9-16. However, Dr. Pegden used six prior election results—two discussed in the body of his report, and four more

summarized in an appendix. PX508 at 11, 34-37 (Pegden Report). Dr. Thornton corrected this mistake only after Dr. Pegden's rebuttal report pointed it out and she was confronted with it at deposition. Tr. 1627:22-1628:4. At trial, Dr. Thornton presented a revised version of a table from her report, in which she (without acknowledging the change during her direct testimony) had added asterisks showing that Dr. Pegden in fact used six prior elections. Tr. 1626:17-1627:3; *compare* LDTX 286 at 7 (tbl. 1) *with* LDTX 302 (Thornton Demonstrative 1). Dr. Thornton's apparent oversight of the number of elections used in Dr. Pegden's analysis led to her to conclude that "Dr. Pegden's choice of elections influence[d] his conclusions." Tr. 1604:21-1605:7; *see* Tr. 1591:20-1592:10 (presenting LDTX 91, a chart purported to show the average Democratic vote share of the elections "included by each expert," but using just the 2016 Attorney General and 2008 Commissioner of Insurance for Dr. Pegden).

*82 555. On cross examination, Dr. Thornton did not dispute that, when Dr. Pegden tested his results using the four additional elections summarized in his appendix, he found that it did not change his results. Tr. 1628:17-1629:4. Dr. Thornton did not test Dr. Pegden's results using other prior elections. Tr. 1629:7-25.

556. Dr. Thornton criticized Dr. Mattingly for using a different and broader set of statewide elections than the 10 elections identified by Representative Lewis, and she specifically criticized Dr. Mattingly's use of several 2008 elections. Tr. 1686:10-22; LDTX 286 at 8. However, Dr. Hofeller likewise used 2008 elections—including many of the same ones as Dr. Mattingly—in the partisanship formula Dr. Hofeller used to draw the 2017 Plans. *Compare* PX153 (Hofeller partisanship formula) *with* PX359 at 4 (Mattingly Report). When asked whether she knew this fact, Dr. Thornton responded that she "do[es]n't know one way or the other," is "not aware of anything regarding Dr. Hofeller," and did not investigate what elections the mapmaker himself used in drawing the 2017 Plans. Tr. 1686:23-1689:5.

557. In any event, Dr. Thornton's critique of Dr. Mattingly's use of election results, and her analysis of various "averages" across the different elections he used, misses the point of his analysis. Dr. Mattingly analyzed, on an election-by-election basis, how the partisan bias of the enacted plan relative to the ensemble varies in different electoral environments.

(ii) Criticisms Concerning Use of the Adopted Criteria

558. Dr. Thornton's assertion that Plaintiffs' simulation experts deviated from the Adopted Criteria also suffers from critical flaws. Additionally, Dr. Thornton failed to show that any of her criticisms would have made any difference to Plaintiffs' experts' conclusions.

559. Dr. Thornton stated in her report that "[a] review of Dr. Pegden's simulation code suggests that in reality, he did not actually apply a compactness criterion." LDTX 286 at 33. However, Dr. Pegden did apply a compactness criterion. PX508 at 8, 34 (Pegden Report); Tr. 1358:11-24 (Dr. Pegden). As Dr. Pegden explained in his rebuttal report, if he had not applied a compactness criterion, his simulated plans would have looked completely different—dramatically less compact. PX551 at 17-19 (Pegden Rebuttal Report); Tr. 1358:25-1360:1 (Dr. Pegden). When asked about this mistake on cross examination, Dr. Thornton testified that "in retrospect" she "should have written it in a different way." Tr. 1623:12-25.

560. While Dr. Thornton criticized Dr. Pegden for not specifically applying a Reock compactness threshold, she did no work to assess whether adding such a threshold would change Dr. Pegden's simulations or results. Tr. 1624:23-1626:3. Nor did she do any work to test whether adding a Reock threshold would change Dr. Pegden's conclusion that the enacted plans are extreme outliers carefully crafted to favor Republicans. Tr. 1626:4-8. The Adopted Criteria state that the 2017 Plans should "improve the compactness" over the 2011 Plans, and when asked whether Dr. Pegden's simulated plans "are, in fact, an improvement in terms of compactness over the districting in the 2011 map," Dr. Thornton responded, "I don't know." Tr. 1625:13-18. Dr. Thornton did no work to figure it out. Tr. 1625:19-1626:3.

*83 561. Dr. Thornton testified that Dr. Pegden did not "make any adjustment for incumbency." Tr. 1604:8-9. This is incorrect. Dr. Pegden included as a criterion in all of his simulations avoiding pairing the incumbents who were in office at the time the districts were drawn. PX508 at 8 (listing "Incumbency protection" as criterion).

562. Dr. Thornton also suggested that Dr. Pegden could not draw valid conclusions about the 2017 Plans without reaching "equilibrium" in his Markov Chain—without comparing the 2017 Plans to the entire universe of potential House and Senate districtings. Tr. 1631:2-11. In this regard, Dr. Thornton analogized Dr. Pegden's analysis to looking for a lost key in a bedroom without considering that the key might be somewhere else in the house. But as Dr. Pegden explained, the purpose of his approach and the accompanying mathematical theorems he has proved is that they allow for drawing statistically significant conclusions about how the enacted plans compare to the universe of all possible plans meeting the relevant criteria without achieving "equilibrium," *i.e.*, without needing to generate a representative sample of the universe of possible maps. PX551 at 2 (Pegden Rebuttal Report); Tr. 1360:2-1361:21. Dr. Thornton acknowledged that she has no expertise in proving mathematical theorems, nor did she offer any opinion that Dr. Pegden's theorems are wrong. Tr. 1631:12-1632:9.

563. Dr. Thornton stated in her report that Dr. Mattingly "did not consider incumbency protection as defined in the 2017 enacted map criteria." LDTX 286 at 19. Dr. Thornton repeated this assertion in her direct testimony, stating that Dr. Mattingly did not "control, in any respect, for incumbency protection." Tr. 1610:20-22. This is false. Dr. Mattingly added incumbency protection as a criterion in checking the robustness of his results, and he concluded that it did not change his results. PX359 at 81-85; Tr. 1093:15-1094:4.

564. On cross examination, Dr. Thornton said that Dr. Mattingly may not have considered incumbency protection "simultaneously" "[w]ith respect to all the other factors, as I recall." Tr. 1633:14-24. This too is incorrect. Dr. Mattingly added incumbency protection as a criterion in conjunction with the criteria used to generate his primary ensemble, and he ran a separate analysis that "consider[ed] the joint effect of both ensuring incumbents are preserved and requiring more stringent redistricting criteria" with respect to the traditional districting criteria. PX359 at 81-82.

565. Dr. Thornton criticized Dr. Mattingly for using only Polsby-Popper compactness scores, and not Reock scores. Tr. 1633:25-1634:3. But she did no work to determine whether the Reock scores for his simulated plans were too low, or whether applying a Reock threshold would change his results. Tr. 1634:4-21. In his rebuttal report, Dr. Mattingly calculated Reock scores for all of his simulated districts, and he reported that there was not a single district in any of his simulated Senate plans with a Reock score less than or equal to 0.15—the threshold referenced in the Adopted Criteria. PX487 at 8-9. There were very few such districts in his simulated House plans—only 1 out of 550,000 simulated Wake districts, and 7 out of 486,588 Mecklenburg districts. PX487 at 8; Tr. 1634:22-161635:14. Dr. Mattingly concluded that removing those districts would not change his results, *id.*, and Dr. Thornton did no work of her own to determine whether he was wrong, Tr. 1635:15-25.

 *84 566. Dr. Thornton criticized Dr. Pegden's and Dr. Mattingly's weighting of the various criteria they applied to create their simulated plans. LDTX 286 at 17-18; Tr. 1636:13-24. But Dr. Thornton acknowledged that she did not know whether the legislature "did weighting" at all, or how it may have done so. Tr. 1636:25-1637:13. She did not suggest any better way than Dr. Mattingly's approach to weighting the various criteria. Tr. 1637:14-25. She did not rerun Dr. Mattingly's computer code using any different weighting system to determine if using a different weighting system could have affected Dr. Mattingly's conclusions. Tr. 1638:1-6. In his rebuttal report, Dr. Mattingly tried six different ways of weighting the various criteria, and he concluded that none changed his results. PX487 at 10-11. When asked about this analysis on cross examination, Dr. Thornton merely said, "I don't recall." Tr. 1638:7-14.

567. Dr. Thornton testified that Dr. Chen's use of a "T score" meant that his simulations did not follow the Adopted Criteria regarding compactness, avoiding splitting municipalities, and avoiding splitting VTDs. Tr. 1599:18-1600:3. Dr. Thornton suggested that Dr. Chen restricted his algorithm to only accept plans below a particular T Score, Tr. 1597:25-1598:19, and she asserted in her report that "[a] t-score evaluation was not among the actual criteria" in the Adopted Criteria, LDTX286 at 15. Dr. Thornton testified that, if Dr. Chen "changed the value of the T scores," used a "value other than 1.75" in the T score, or "added a random element," his results would have been entirely different. Tr. 1597:25-1598:19.

568. Dr. Thornton's testimony misapprehends Dr. Chen's algorithm. Dr. Chen's "T score" does not impose a numerical threshold that restricts the maps the algorithm generates. Rather, the T score is just a way of equally weighting and jointly tracking the three traditional districting criteria of compactness, avoiding municipal splits, and avoiding VTD splits. For any given county grouping, the algorithm randomly draws an initial set of districts, and then proposes a random change to the border between a random pair of adjoining districts. Tr. 261:23-262:16. If the border change would, on net, improve the districting of the grouping across the three criteria of compactness, avoiding municipal splits, and avoiding VTD splits, the algorithm accepts the change. *Id.* But if the change would make the districting worse off, on net, with respect to these criteria, the algorithm rejects the change. *Id.* The T score is merely a way of giving the three criteria equal weight and then tracking whether a proposed random change improves the districting across these criteria. Tr. 263:4-8 The algorithm considers thousands of these random changes, one at a time in an iterative fashion, in drawing districts within a given grouping. Tr. 261:18-262:23.

569. Dr. Thornton is thus incorrect that Dr. Chen's algorithm lacks a "random element." Tr. 1598:7-8. She misapprehends the T score's function in suggesting that raising or lowering the "T score value" would be less "restrictive." Tr. 1598:5-10. The T score's sole purpose is to equally weight the three criteria of compactness, avoiding split municipalities, and avoiding split VTDs. Dr. Thornton does not dispute that Dr. Chen's T score accurately gives equal weight to these three criteria.

570. Moreover, while Dr. Thornton asserted that Dr. Chen may not have found the enacted plans to be statistical outliers if he had used "different T scores," Tr. 1598:20-1599:13, Dr. Thornton offered no proof or analysis to substantiate this claim, Tr. 1645:14-1647:15.

571. Dr. Thornton also criticized Dr. Chen's approach to incumbency protection in his Simulation Set 2. Tr. 1638:15-1639:8. She acknowledged that Dr. Chen's Simulation Set 2 successfully avoided pairing incumbents, but she asserted that Dr. Chen failed to comply with the second sentence of the Adopted Criteria's incumbency protection criterion, which provided that "the committees may make reasonable efforts to ensure voters have a reasonable opportunity to elect non-paired incumbents." Tr. 1610:23-1611:3. Dr. Thornton claimed that this sentence meant the Committees should make efforts "to allow for incumbents to win" by placing them in politically favorable districts, LDTX286 at 16, and that "it would have been interesting" if Dr. Chen had applied "some sort of weighting" to carry this out, Tr. 1639:12-1640:3. Dr. Thornton's interpretation is contrary to the contemporaneous explanation of this sentence by Representative Lewis, who stated at an August 10, 2017 hearing that the sentence "is simply saying that mapmakers may take reasonable efforts to not pair incumbents unduly." PX603 at 122:4-18; Tr. 1640:16-1641:12. That direction matches Dr. Chen's approach to incumbency protection.

 *85 572. Dr. Thornton did not analyze whether any of the supposed deviations made any difference to the experts' conclusions. On cross examination, Dr. Thornton was asked whether, "for every single criticism you've leveled, there's no instance in which you took any of plaintiffs' experts' code, substituted whatever you thought was an improved criteria, ran the code with the improved criteria and showed us that it made a difference to their work; isn't it true in your report there's no place that you did that?" Tr. 1647:3-13. Dr. Thornton responded that, "given the time, [she] did not have sufficient time to do so." Tr. 1647:14-15.

(iii) Criticisms Concerning Statistical Significance

573. Dr. Thornton opined that the enacted plans are "not statistically significantly different from the simulated maps with respect to the number of Democratic districts." LDTX286 at 21 (capitalization omitted). Dr. Thornton wrote in her report that she compared "the enacted plan's number of Democratic districts and the number predicted by the simulated maps," and "determined the number of standard deviations associated with the difference between the enacted plan and simulated number of Democratic districts." LDTX286 at 24. However, Dr. Thornton did not use the actual results of Plaintiffs' experts' "simulated plans," or the actual "standard deviation" of the simulated plans.

574. Instead, Dr. Thornton created her own distribution of the predicted number of Democratic seats won under a nonpartisan plan, using a "binomial distribution." She then calculated the "standard deviation" of her own distribution, and used that standard deviation to assess statistical significance. *See* PX551 at 10 (Pegden Rebuttal Report). Dr. Thornton used this binomial

distribution methodology as the foundation for her criticisms of all three of Plaintiffs' simulation experts. LDTX286 at 22; Tr. 1685:9-22.

575. Contrary to Dr. Thornton's approach, the distribution of districting maps is not a binomial distribution, and thus it is inappropriate to use a binomial distribution in the redistricting context. When confronted with the flaws in using a binomial distribution in the redistricting context, Dr. Thornton's responses were not persuasive. The Court gives her testimony concerning statistical significance little weight.

576. It is undisputed that a binomial distribution applies only when two conditions are met: (1) each trial (in this case, each House or Senate district) is independent of one another; (2) each trial has the exact same percentage chance of producing a particular outcome (in this case, that a Democrat wins the district). Tr. 1669:4-8, 1676:1-5 (Dr. Thornton); Tr. 1378:24-1382:2 (Dr. Pegden); PX551 at 10 (Pegden Rebuttal Report); PX487 at 11-12 (Mattingly Rebuttal Report); PX123 at 171-72 (Chen Rebuttal Report). Thus, the classic example of the binomial distribution is a coin flip, because the likelihood of landing on heads on any flip of a coin is independent of the result of every other flip, and the percent chance of landing on heads is the same in each flip (50%). Tr. 1669:11-1670:5.

577. By applying a binomial-distribution methodology, Dr. Thornton assumed that district elections, like coin flips, are independent of each other, and also that Democrats have the same chance—specifically, a roughly 40% chance—of winning each and every district House or Senate district, no matter where in North Carolina the district is located. Tr. 1670:6-1671:2 (Dr. Thornton); *see* Tr. 1381:15-1382:2 (Dr. Pegden); PX551 at 10 (Pegden Rebuttal Report); PX487 at 11-12 (Mattingly Rebuttal Report); PX123 at 171-72 (Chen Rebuttal Report).

 *86 578. Both assumptions are incorrect in the redistricting context. First, unlike a coin flip, each House (or Senate) district is not independent of one another. Tr. 1379:22-1381:10 (Dr. Pegden); PX551 at 10 (Pegden Rebuttal Report). In a given county grouping, if a particular set of Democratic voters is placed in one district, then those voters cannot be put in any other district in the grouping. *Id.* The partisan makeup of the districts are thus intertwined and not independent of one another; increasing the number of Democratic voters in a particular district necessarily decreases the number of Democratic voters in neighboring districts. *Id.*

579. The second assumption underlying Dr. Thornton's binomial distribution— that Democrats have the exact same percentage chance of winning each House (or Senate) seat—is contrary to reality. Dr. Thornton assumes, for example, that Democrats have the same percentage chance of winning a House district in Wake County as in Caldwell County. Tr. 1381:15-1382:2 (Dr. Pegden); *see* PX487 at 11-12 (Mattingly Rebuttal Report); *see* PX123 at 171-72 (Chen Rebuttal Report). This is not the case.

580. The following example illustrates these flaws in Dr. Thornton's analysis. In the Alamance County House grouping, there are two districts of roughly equal population. Assuming, as a hypothetical, that Republicans will win 60% of the total vote across the County in a particular election, it is mathematically impossible for Democrats to win *both* districts in the election. Tr. 1673:14-19. But under Dr. Thornton's binomial-distribution methodology, Democrats will win both districts 16% of the time— because she assumes that Democrats have an equal and independent 40% of winning each of the two districts. Tr. 1671:10-17; *see also* Tr. 1379:1-1381:10 (Dr. Pegden). When asked about this on cross examination, Dr. Thornton repeatedly asserted that she did not "understand" the illustration. Tr. 1671:3-1673:13.

581. Dr. Thornton's binomial-distribution methodology was recently rejected by a federal court in a partisan gerrymandering case in Ohio. There, as here, Dr. Thornton used a binomial distribution in her expert analysis on behalf of the Republican legislative defendants, and the three-judge federal district court rejected her analysis. The court stated: "Dr. Thornton also performed her own analysis using a binomial distribution, but we do not give any weight to that analysis." *Ohio A. Philip Randolph Inst. v. Householder*, 373 F. Supp. 3d 978, 1056 (S.D. Ohio 2019); *see* Tr. 1673:20-1674:20. The court explained that Dr. Thornton's binomial-distribution analysis "incorporates yet another faulty assumption that each district has a 51% chance of being won by a Republican because Republicans won 51% of the congressional vote across the State; this assumption does

not comport with basic understandings of congressional elections, i.e., that although some districts may be competitive (a 51% Republican to 49% Democrat district), other districts lean heavily in favor of one party or the other." *Ohio A. Philip Randolph Inst.*, 373 F. Supp. 3d at 1056; *see* Tr. 1677:23-1678:15.

582. While Dr. Thornton claimed that her use of a binomial distribution here is different from the Ohio case, Tr. 1677:19-22, the Court disagrees and finds that Dr. Thornton's methodology here suffers from the same flaws identified by the federal court in the Ohio case. Assuming that districts are independent, and that Democrats have a roughly 40% chance of winning every House and Senate district, does not comport with basic understandings and reality of North Carolina House and Senate elections. Dr. Thornton could not identify literature or precedent supporting the use of a binomial distribution in a redistricting context. Tr. 1680:6-14.

 *87 583. Dr. Thornton's use of a binomial distribution skewed her statistical significance analysis. Due to the independence and equal probability assumptions, the binomial produces a much wider distribution of the number of possible districts Democrats could win in the House or the Senate than the actual distribution produced by each expert's simulations. That wider distribution in turn results in Dr. Thornton estimating much larger standard deviations than the actual standard deviations of each expert's simulated plans, allowing Dr. Thornton to claim that the enacted plan is less than two standard deviations from each expert's average simulation and therefore purportedly not a statistically significant outlier. LDTX286 at 9-13. For instance, in Dr. Chen's House Simulation Set 1, his simulated maps produce a range of results from 43 Democratic districts to 51 Democratic districts, with 90 percent of those results between 45 and 48 Democratic districts, whereas the enacted 2017 House plan produces only 42 Democratic districts—an extreme outlier, completely off the distribution. PX234; Tr. 1647:16-1648:16. The actual standard deviation of Dr. Chen's House Simulation Set 1 is 1.36 seats, and the enacted plan is more than three standard deviations from the average simulated plan. *Id.* But Dr. Thornton's unsubstantiated binomial distribution suggests that Democrats could win as few as 30 districts and as many as 63, and has a standard deviation of 5.34 seats. PX123 at 170-76.

584. Similarly, Dr. Thornton's binomial distribution is completely different from the actual distribution of simulated plans she created using a modification of Dr. Pegden's computer code. For the House, while the simulations generated between 46 and 50 Democratic seats, Dr. Thornton's binomial distribution generated between 35 and 60 Democratic seats and a much larger standard deviation. Plaintiffs' Exhibit 554, a figure from Dr. Pegden's rebuttal report, depicts these dramatic differences:

Figure 1.3: The binomial distribution is not a reasonable approximation of the map distribution (House)

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE
The gray bars again show the distribution of Dr. Thorton's simulated House plans, with respect to seat counts using the 2016 AG race. Dr. Thornton's statistical significance analysis based on the binomial test would require random House maps to be distributed instead as the blue bars, which plot the binomial distribution used by Dr. Thornton's test.

585. Dr. Thornton's binomial distribution likewise is completely different from the actual distribution of simulated plans created by Dr. Mattingly. PX495. When Dr. Mattingly used the "actual distribution" of his results to calculate statistical significance as opposed to Dr. Thornton's "grossly inaccurate seat distribution," he found that the enacted maps are "well outside two or three standard deviations" and are "extreme outliers." PX487 at 11-12.

586. Dr. Thornton made other significant methodological errors in her analysis of statistical significance. For instance, in modifying Dr. Pegden's computer code to generate simulated plans of her own, Dr. Thornton used the wrong command and froze every single district drawn in 2011 and left unchanged in 2017. Tr. 1363:7-1364:8 (Dr. Pegden); PX551 at 6 (Pegden Rebuttal Report). Dr. Thornton's suggestion that she intended to freeze the 2011 districts, Tr. 1666:16-21, is not credible, given that her report nowhere mentions this decision and in fact claims that it is analyzing the entire enacted map—all 120 House districts and all 50 Senate districts. LDTX286 at 75 (tbl. 3).

587. Dr. Thornton's freezing errors ran in both directions. In her report, Dr. Thornton presented a graph purporting to show differences in Democratic vote share between the enacted plans' districts and the districts she drew using her modified version of Dr. Pegden's code. The evident goal of these charts—titled "Comparison of the Enacted Plan and the Average Across Dr. Pegden's Simulations for Each *Non-Frozen* House [and Senate] District"—was to suggest that the vote shares in the enacted districts were not markedly different from those in the nonpartisan simulations. LDTX286 at 28-29 (emphasis added). But Dr. Thornton's charts included many districts that *were* frozen on account of the Whole County Provision, which misleadingly suggested a high degree of similarity between the enacted plan and the simulations. Tr. 1680:24-1684:9. Dr. Pegden pointed out a number of other problems with this chart—*e.g.*, using thick lines, stretching the data out over an unnecessarily long vertical axis, and needlessly connecting the data points using lines, all which served to obscure the significant gaps in vote share between the enacted and simulated districts. Tr. 1391:6-1395:19.

 *88 588. Setting aside the flaws in her analysis, Dr. Thornton's results show a statistically significant difference between the enacted 2017 Plans and the simulated plans she created using a modification of Dr. Pegden's code. As shown in Dr. Pegden's rebuttal report, only 0.001% of Dr. Thornton's simulated plans are as Republican-favorable as the enacted House plan, and only 0.182% of Dr. Thornton's simulated plans are as Republican-favorable as the enacted Senate plan. PX551 at 8-9 (Pegden Rebuttal Report); Tr. 1369:4-1371:18.

589. Thus, even including errors, Dr. Thornton's results were still consistent with the conclusions of Plaintiffs' experts. Tr. 1400:10-21 (Dr. Pegden).

b. *Dr. Brunell*

590. Legislative Defendants offered expert testimony from Dr. Thomas Brunell, who was asked to read and respond to the reports of Drs. Pegden, Cooper, Mattingly and Chen. Tr. 2276:19-20. Dr. Brunell is a tenured political science professor at the University of Texas, Dallas. For over 20 years, Dr. Brunell has taught, lectured and published on representational and redistricting issues. LDTX292. Dr. Brunell was accepted by the Court as an expert on redistricting and political science. Tr. 2275:4-12. Dr. Brunell offered no opinion on whether the 2017 Plans are partisan gerrymanders. Tr. 2316:10-12.

591. The Court finds Dr. Brunell's opinions were unpersuasive, sometimes inconsistent with prior testimony he has given, and gives them little weight.

592. Dr. Brunell testified that Plaintiffs' experts have not shown "what is too much politics in this political process." Tr. 2306:24-2307:2. However, this critique contradicts Dr. Brunell's own expert analysis and conclusions in a prior case. In 2011, Dr. Brunell opined as an expert witness for the Nevada Republican Party that state legislative maps were excessive partisan gerrymanders—based on an analysis less robust than the analyses of Plaintiffs' experts here. Tr. 2337:5-2338:23. Using two statewide elections, Dr. Brunell conducted a uniform swing analysis and concluded that the maps at issue gave Democrats 60% of the seats when Democrats won only 50% of the votes statewide. Tr. 2340:16-2345:5. Dr. Brunell concluded exclusively on the basis of that analysis that the maps were "unfair" and showed "heavy pro-Democratic bias"—"clearly a pattern of partisan bias, i.e., gerrymandering." Tr. 2342:4-2345:11. Dr. Brunell further opined, based solely on his uniform swing analysis and the disconnect between Democrats winning 60% of the seats with only 50% of the statewide vote, that he could be "absolutely conclusive" that the maps were not just partisan gerrymanders, but a "leading candidate for gerrymander of the decade." Tr. 2345:12-2346:15.

593. In this case, Dr. Brunell conceded that Plaintiffs' experts' analyses—using both uniform swing analysis and actual results of prior statewide elections—demonstrated that when Republicans get 50% of the votes in either chamber of the General Assembly, they win at least 60% of the seats. Tr. 2346:16-2350:2. Thus, under Dr. Brunell's own approach, the Court could find, in his own words, a "heavy pro-[Republican] bias" and "clearly a pattern of partisan bias *i.e.*, gerrymandering." Tr. 2350:3-8.

594. The Court also rejects Dr. Brunell's testimony that simulation methods for evaluating partisan gerrymandering have not been sufficiently vetted by academics and courts. Tr. 2292:15-2293:23. Dr. Brunell testified on direct examination that he was unaware of any peer-reviewed political science papers that provide a "basis" for "using [simulations] as an evaluation for partisanship." Tr. 2293:11-17. He testified that a 2013 paper by Dr. Chen and Dr. Jonathan Rodden "uses simulations, I think," "[b]ut in terms of using it as an evaluation for partisanship, I don't think there have been any such publications yet." Tr. 2293:11-17. Dr. Brunell later acknowledged that the 2013 Chen and Rodden paper was in fact a peer-reviewed political science paper that "uses simulation techniques to measure partisanship." Tr. 2307:19-2308:5; *see* PX1 at 179. He also acknowledged that he was unfamiliar with three other peer-reviewed political science papers by Dr. Chen published between 2015 and 2017 that use computer simulations to evaluate partisan gerrymandering. Tr. 2308:10-2309:9; PX1 at 180. Dr. Brunell was also unaware that Dr. Pegden's paper on using simulations to measure gerrymandering, published in the Proceedings of the National Academy of Sciences, was peer reviewed by a political scientist. Tr. 2309:12-22; *see* Tr. 1413:7-16.

 *89 595. Dr. Brunell was also unfamiliar with court decisions approving the use of simulations to measure partisanship. He testified on direct that "we've only just started to see [simulations] used in law suits," Tr. 2292:24-2293:1, that simulations therefore "may not be ready for prime time yet," Tr. 2292:22-24, and that he himself did not learn about the simulation method until 2017 or 2018, Tr. 2293:7-10. However, as he acknowledged, multiple courts have credited simulations by Drs. Chen, Mattingly, and Pegden as a method of establishing whether a particular map is a partisan gerrymander. Tr. 2310:8-2312:1. Dr. Brunell was "unaware" that the Fourth Circuit credited Dr. Chen's simulations in a 2016 decision, in a gerrymandering case filed in 2013. Tr. 2311:4-2312:1; *see Raleigh Wake Citizens Ass'n v. Wake Cty. Bd. of Elections*, 827 F.3d 333 (4th Cir. 2016). The court rejected the criticism Dr. Brunell makes here, namely that Dr. Chen's simulations "ignor[ed] partisanship." Tr. 2311:17-20; *see Raleigh Wake*, 827 F.3d at 344.

596. The Court rejects Dr. Brunell's testimony that simulated maps are only useful if the algorithm draws "partisan districts" as opposed to "nonpartisan districts." Tr. 2277:13-20; 2280:4-16. Dr. Brunell acknowledged that the 2017 Plans were drawn for partisan gain, but argued that simulations can tell if an enacted map is an "extreme partisan outlier" only if the simulations include some level of partisanship. LDTX291 at 3; Tr. 2277:13-20; 2280:4-16. Dr. Brunell's criticisms miss the point. Dr. Mattingly's and Dr. Chen's simulations quantify the effects of the gerrymandering and how extreme it is. Both find that the enacted plans are outside the entire distribution of their simulated plans— sometimes by many seats. For instance, Dr. Chen found in his uniform swing analysis that, in electoral environments corresponding to a 52.42% statewide Democratic vote share, Democrats win 11 to 12 fewer seats in the House and 3 to 4 fewer seats in the Senate than they would typically win under the simulated plans. *See* PX1 at 34, 65 (Chen Report). Dr. Mattingly found similar results. *See* PX359 at 12 (Mattingly Report); PX487 at 25 (Mattingly Rebuttal Report).

597. Additionally, Dr. Pegden's analysis demonstrates that the 2017 Plans are extreme partisan outliers even in comparison to other *partisan* maps. Although Dr. Brunell criticized "all three of" Plaintiffs' simulation experts for using "nonpartisan districts" as the point of comparison, Tr. 2277:13-20, this misunderstands Dr. Pegden's methodology. Dr. Pegden started with the enacted plan and made a sequence of small random changes, observing how those changes affected the partisan characteristics of the plan. Tr. 1304:3-1305:7; PX515; PX519. Dr. Pegden's comparison maps thus "are not supposed to be neutral comparison maps drawn from scratch of North Carolina," and "even against a set of extremely similar maps which were generated from the enacted map and which share all sorts of qualities with the enacted map, the enacted map is still an extreme outlier." Tr. 1304:14-1305:7. Dr. Pegden's comparison maps are "tied strongly to the enacted map" and "baked in" intentional partisan choices by the mapmaker. Tr. 1405:1-13, 1406:2-19. This makes it all the more remarkable that the enacted plans are such outliers in his analysis, even against this very similar comparison set. Tr. 1315:22-1316:2.

598. The Court gives no weight to Dr. Brunell's criticisms of uniform swing analysis. Dr. Brunell stated in his report that uniform swing analysis is "not reliable," LDTX291 at 4, and he testified that the assumption of uniform swing analysis was "clearly wrong," Tr. 2289:14-22. But again, when Dr. Brunell was evaluating partisan bias in the Nevada case in 2011, he testified that uniform swing analysis allowed him to be "absolutely conclusive" in finding legislative maps to be heavily biased and gerrymandered. Tr. 2351:19-2352:7.

*90 599. Dr. Brunell's report and testimony contained numerous statements that were erroneous and reflect a failure to understand the work of Plaintiffs' experts. Dr. Brunell's report asserts that Dr. Pegden "use[d] the results of just two elections for his simulations" and that "both of them have Democratic winners." LDTX291 at 15. In fact, Dr. Pegden used six elections, two of which—2012 Lieutenant Governor and 2014 U.S. Senate—had Republican winners. PX508 at 34-37 (Pegden Report). On the stand, Dr. Brunell explained his assertion by stating that Dr. Pegden "does some quick checks with other elections in his appendix, but he only uses [] two elections for his full simulation," that he "uses one particular metric … but not all of it," and that he did not use "the four additional elections in his appendix to perform his entire statewide analysis." Tr. 2323:1-15. In fact, Dr. Pegden re-ran his entire statewide analysis using all six elections. PX508 at 34-37 (Pegden Report).

600. Dr. Brunell wrote in his report that he was "confused" by aspects of Dr. Pegden's analysis, Tr. 2318:19-22, that were clearly explained in Dr. Pegden's initial report. Tr. 2318:23-2319:24. Dr. Brunell criticized Dr. Pegden for failing to explain how many changes he made to the enacted map before comparing the simulated maps to the enacted map, LDTX291 at 13, but Dr. Pegden's report made clear that he evaluated the partisanship of the new map after every step, meaning every swap, PX508 at 5. Dr. Brunell also criticized Dr. Pegden for purportedly failing to explain terms like "fragility" and "carefully crafted," Tr. 2320:8-18, but Dr. Pegden's report specifically defined those terms. Tr. 2321:15-2322:2.

601. In criticizing Dr. Chen's application of the Adopted Criteria, Dr. Brunell testified that Dr. Chen's "programmatic algorithm … maximizes geographic compactness," Tr. 2295:10-16, but Dr. Brunell had not reviewed Dr. Chen's code, Tr. 2333:23-25, and he got it wrong, Tr. 262:24-263:12. When confronted with his error at trial, Dr. Brunell testified that whether Dr. Chen maximized compactness did not matter because Dr. Chen's "algorithm" was "different from the legislative criteria" in unspecified other ways relating to splitting VTDs. Tr. 2334:6-13. However, Dr. Brunell "didn't know" how Dr. Chen's algorithm "worked" with respect to other issues, Tr. 2297:9-14, and he did no work to determine whether a different weighting would have affected Dr. Chen's conclusions, Tr. 2334:18-21.

602. Dr. Brunell's report inaccurately criticized Dr. Mattingly and Dr. Pegden for failing to preserve incumbents, when both ran simulations that avoided pairing incumbents. LDTX291 at 3; Tr. 2326:13-25; Tr. 2329:2-5.

603. The Court rejects Dr. Brunell's testimony that the simulated maps are not proper comparisons to the enacted map to the extent they do not preserve the "core" of an incumbent's district. Tr. 2283:21-2284:19. Dr. Brunell acknowledged that he had "no idea if and to what extent core preservation was used" in the enacted map, Tr. 2329:21-2330:1, and no other witness testified that the 2017 Plans preserved district cores. Neither Dr. Brunell nor any other witness for Legislative Defendants analyzed whether a hypothetical effort to preserve district cores could explain the extreme partisan bias in the 2017 Plans. As Representative Lewis explained, the Adopted Criteria's incumbency protection provision referred only to "not pair[ing] incumbents unduly"—not core preservation. PX603 at 122. As Dr. Brunell acknowledged, core preservation also can be a partisan criterion, Tr. 2332:12-25, and that, when, as here, the prior plan was an unlawful racial gerrymander, preserving cores might also preserve racial gerrymanders, Tr. 2333:1-12.

604. Additionally, Plaintiffs proved that a hypothetical effort to preserve the "cores" of an incumbent's district could not explain the enacted plans' extreme partisan bias. Dr. Pegden's simulations preserved the "cores" of each incumbent's prior district. Tr. 1316:24-1317:10 (Dr. Pegden); *see* Tr. 2330:16-19.

*91 605. The Court gives little weight to Dr. Brunell's testimony that Figure 8 and Figure 20 of Dr. Chen's report do not show that the enacted plan is an "outlier." Tr. 2302:12-2303:15. Figure 8 of Dr. Chen's report shows at least a five-seat difference between the bulk of his House simulations and the enacted plan, and shows that the enacted plan is off the distribution entirely— it elects fewer Democrats than 100% of his simulated plans. PX1 at 48 (Chen Report). The Court rejects Dr. Brunell's testimony that a five-seat difference is only a "slight[]" difference. Tr. 2302:24-2303:2. Likewise, Figure 20 of Dr. Chen's report shows a two-seat difference between the typical result of his Senate simulations and the enacted plan, and again shows that the enacted plan is off the distribution entirely—it elects fewer Democrats than 100% of his simulated plans. PX1 at 48 (Chen Report). Dr.

Brunell also speculated that changing Dr. Chen's criteria "could shift this over and then this wouldn't be an outlier at all," Tr. 2303:4-9, but the Court gives no weight to Dr. Brunell's untested conjecture. The Court likewise rejects Dr. Brunell's testimony about Plaintiffs' Exhibit 48, which is Figure 28 of Dr. Chen's report and shows cracking and packing in the Cumberland House grouping. PX1 at 93. Dr. Brunell testified that this figure did not show the enacted plan to be an "outlier" because "the enacted districts are in the gray clouds," Tr. 2303:16-21, but in fact the figure demonstrates that two districts (HD-45 and HD-43) are entirely outside the "gray clouds" and show more cracking (HD-45) and packing (HD-43) of Democrats that 100% of the districts in Dr. Chen's simulations. PX1 at 93.

c. *Dr. Hood*

606. Legislative Defendants offered the testimony of Dr. M.V. (Trey) Hood III to respond to Plaintiffs' experts Dr. Cooper and Dr. Chen. LDTX 284; Tr. 2037:21-2038:3.

607. Dr. Hood is a tenured professor of political science at the University of Georgia, a position he has held for 20 years. Tr. 2032:19-2033:5. He holds three degrees in political science: a Ph.D. from Texas Tech University; a Master of Arts degree from Baylor University, and a Bachelor of Science degree from Texas A&M University. Tr. 2032:14-18.

608. Dr. Hood is also the director of the School of Public and International Affairs' Survey Research Center which performs public opinion research and polling for entities including the Atlanta Journal-Constitution. Tr. 2033:6-19.

609. Dr. Hood teaches courses in American politics and policy, Southern politics, research methods and election administration, including redistricting. Tr. 2033:20-2034:9.

610. Dr. Hood also conducts research on redistricting and has published articles in peer-reviewed journals on topics that include redistricting. Tr. 2034:10-18. Dr. Hood's work has appeared in peer-reviewed journals approximately 50 times. Tr. 2034:13-21. He currently serves on the editorial boards of Social Science Quarterly and Election Law Journal, with the latter journal dealing with issues of election administration, including redistricting. Tr. 2034:22-2035:2.

611. Dr. Hood was accepted by the Court as an expert in American politics and policy, Southern politics, quantitative political analysis, and election administration, including redistricting. Tr. 2037:13-20.

612. Dr. Hood testified about the role of the Whole County Provision and 2017 Adopted Criteria in limiting the mapmaker's discretion in drawing the 2017 Plans, the results of the 2018 elections, and North Carolina's political geography.

613. Dr. Hood's testimony was not persuasive, and the Court gives it little weight.

614. Dr. Hood's expert testimony has been rejected by courts in numerous prior redistricting and other voting rights cases. *See, e.g.*, Tr. 2095:6-2096:9 (in recent Ohio partisan gerrymandering case, stating that Dr. Hood drew "some inapt comparisons"); Tr. 2096:14-24 (in Texas voter ID case, stating that Dr. Hood's testimony and analysis was "unconvincing" and given "little weight"); Tr. 2096:25-2097:19 (in Arizona voting rights case, "afford[ing] little weight to Dr. Hood's opinions" "[f]or a number of reasons"); Tr. 2097:22-2098:6 (in Georgia voter ID case, finding that "Dr. Hood's absentee voting analysis is unreliable or not relevant to the questions the court must resolve"); Tr. 2098:9-16 (in Ohio case involving absentee ballots, affording Dr. Hood's opinions "little weight"); Tr. 2098:22-2099:6 (in recent Virginia racial gerrymandering case, stating: "We do not credit Dr. Hood's testimony for several reasons."); Tr. 2099:9-2100:1 (in Ohio voting rights case, finding Dr. Hood's views "of little value," and explaining that "Dr. Hood's testimony and report are in large part irrelevant to the issues before the court and also reflected methodological errors that undermine his conclusions").

 *92 615. Dr. Hood did not offer—and does not have—any methodology for determining whether or not a map was drawn to create a partisan lean or bias. Tr. 2078:1-2079:3.

616. Dr. Hood's testimony supports the view that the enacted plans were drawn intentionally to favor Republicans. Dr. Hood generally agreed that "the party that controls the legislative process is going to make the maps in their favor," and that the enacted plans "were drawn to favor Republicans" using prior election results. Tr. 2079:4-2081:2.

(i) Dr. Hood's testimony about the redistricting process in North Carolina was unpersuasive

617. Dr. Hood testified that the 2017 redistricting was a "fairly formulaic process" because the Whole County Provision and 2017 Adopted Criteria "really limits the discretion, to a large extent, of the map drawers." Tr. 2038:4-2039:12; LDTX284 at 9-10 ("[T]he process is quite constrained, which greatly limits the ability of map drawers to create districts where partisan motives predominate."). However, Dr. Hood did no work to determine whether any of those criteria actually prevented the mapmaker from gerrymandering the enacted plans to advantage Republicans. Tr. 2077:10-15.

618. Dr. Hood's assertion that the Adopted Criteria "constrained" the "map drawer" is incorrect. The Adopted Criteria were not passed by the House and Senate Redistricting Committees until August 10, 2017. As discussed below, Dr. Hofeller had completed much of the General Assembly's eventually enacted House and Senate districts by June 2017, a month and a half before the Adopted Criteria were passed. FOF § F.7. Logically, Dr. Hofeller could not have been following the Adopted Criteria when he was drafting these districts by June 2017.

619. Dr. Hofeller's files further refute Dr. Hood's assertions that the 2017 redistricting process was "quite constrained" and that it is difficult to prove the partisan intent behind the 2017 Plans. PX123 at 48-49 (Chen Response Report). Those files show Dr. Hofeller's continuous efforts and exercise of his discretion to draw the district lines to maximize Republican advantage within the confines of the Whole County Provision, including various drafts that considered alternative possible districtings. FOF § B.2.b.

(ii) Dr. Hood's testimony about the 2018 elections was unpersuasive

620. For his analysis of the 2018 election results, Dr. Hood compared the number of seats Democrats actually won in 2018 to the number districts in Dr. Chen's simulated plans that lean Democratic using the 2010-2016 composite statewide election results. Tr. 2083:14-25. But that is an apples-to-oranges comparison, because the 2018 elections were different than the 2010-2016 composite statewide election results. Tr. 2084:1-5. In the 2010-2016 composite statewide election results, the Democratic vote share is 47.9%, whereas 2018 was a far more favorable environment for Democrats. Tr. 2084:12-24.

621. Dr. Hood made no attempt to perform an apples-to-apples comparison by comparing the actual 2018 election results under the enacted 2017 Plans to the performance of alternative nonpartisan plans under the 2018 election results. Tr. 2084:25-2087:19.

(iii) Dr. Hood's testimony about North Carolina's political geography was unpersuasive

 *93 622. Dr. Hood's analysis of North Carolina's political geography is unpersuasive because Dr. Hood did not attempt to determine whether the Republican lean in the enacted 2017 Plans can be explained by political geography. Tr. 2094:18-21. By contrast, Dr. Hood agreed that the work of Drs. Chen, Mattingly, and Pegden does address whether political geography could explain the extreme partisan lean of the 2017 Plans. Tr. 2094:22-2095:2.

623. For his analysis of political geography, Dr. Hood analyzed how the partisan makeup of the State of North Carolina would change if its six largest counties were removed. Tr. 2089:14-17; LDTX140. But it is not possible to remove any counties from North Carolina, much less the six largest counties. Of course, hypothetically removing North Carolina's six largest counties would make the state "[m]uch more rural," Tr. 2089:18-22, and much more Republican-leaning, just as would removing New York City from the State of New York.

d. *Dr. Barber*

624. Intervenor Defendants' expert, Dr. Michael Barber, received his Bachelor of Arts degree in International Relations with an emphasis in Political Economy from Brigham Young University in 2008, his Masters in Political Science from Princeton University in 2011, and his Ph.D. in 2014. Tr. 2106:7–22, 2107:4–13, ID Ex. 98 p. 1.

625. Dr. Barber is currently an Assistant Professor at Brigham Young University and an affiliated faculty member with the Center for the Study of Elections and Democracy. Tr. 2109:9–18.

626. Dr. Barber teaches classes on Congress and the legislative process (which includes state-level legislative research), statistical analysis, and a seminar course on contemporary research in American politics. Tr. 2110:14–2111:13.

627. Dr. Barber recently testified as an expert witness in an election law case involving a dispute over ballot order in Federal Court in Florida. Tr. 2113:10–2114:6.

628. Dr. Barber has published 11 peer-reviewed articles involving American Politics, and an additional 5 articles that have been accepted for upcoming publication. Tr. 2111:22–2112:4, 2113:6–9; ID Ex. 98 pp.1–2. Many of these articles involve political ideology, issues of campaign finance, electoral politics, survey research methodologies, [and] political polarization. Tr. 2111:24–2112:4.

629. Dr. Barber was admitted by the Court as an expert in American politics, specifically on the topics of ideology and partisanship, geography of voters, and the analysis of elections results. Tr. 2118:2–13.

630. Dr. Barber offered no opinion as to whether North Carolina's state legislative district maps were gerrymandered.

631. The Court finds that Dr. Barber's criticisms of Dr. Cooper's analysis unpersuasive and gives them little weight.

632. At the outset, the Court notes that none of Dr. Barber's academic research or published articles concern redistricting or North Carolina, nor was redistricting in North Carolina "something [he] had given a lot of thought to" before being retained by Intervenor Defendants in this case. Tr. 2169:19-2170:19. Dr. Barber admitted that he was not an expert on North Carolina's political geography, nor had he spent time in North Carolina other than two vacations in the Outer Banks and one visit to Duke's campus. Tr. 2168:12-2169:13, 2216:4-8. Most importantly, Dr. Barber did not analyze the specific district boundaries or county groupings the Court is reviewing and he could not comment on any of Dr. Cooper's extended analysis of the packing and cracking of Democratic voters in those districts and county groupings. Tr. 2117:24-2118:12, 2213:25-2214:15

*94 633. The majority of Dr. Barber's testimony concerned the opinions Dr. Cooper offered regarding the aggregate political ideology of the North Carolina electorate and that of the General Assembly, including Dr. Cooper's comparison between the two. The Court finds it unnecessary to determine whether the General Assembly is "out of step" with the electorate and therefore, makes no findings regarding Dr. Cooper's testimony, or Dr. Barber's criticism of that testimony, relating thereto.

634. Dr. Barber also sought to rebut opinions Dr. Cooper offered regarding the disproportionality between Democratic seat share and the Democrats' statewide vote share in the General Assembly after the 2011 redistricting. Dr. Barber observed that "it's actually not as rare as you might think" that a party wins a majority of votes for the North Carolina House or Senate statewide, but only a minority of seats. Tr. 2149:21-2150:2. But since Dr. Barber did not analyze the extent to which any of these instances of disproportionality between votes and seats were attributable to gerrymandered district boundaries, his analysis is less useful to the Court. Dr. Barber admitted that it was "very possible" that those instances from 2002-2006 where the Democrats won a minority of the statewide vote and yet a majority of seats in a chamber of the General Assembly "could have been because the Democrats did a good job of gerrymandering the maps that were in place during those elections." Tr. 2203:12-16.

635. In support of his opinion regarding the translation of seats from votes, Dr. Barber created a chart providing the "absolute difference" in percentage between the vote share and seat share for each party in House and Senate elections since 1994. IDTX23. But as Dr. Barber acknowledged, the greatest difference between the percentage of Republican vote share and seat share in the House occurred in the 2012 election, just after the 2011 redistricting. Tr. 2207:3-12. The difference in the Senate between the percentage of Republican votes received and seats won was also relatively large in 2012, and represented a significant increase from the 2010 election, just before redistricting. Tr. 2207:13-22. If anything, Dr. Barber's analysis suggests that the 2011 redistricting led to more disproportionality between votes cast and seats won, as Dr. Cooper observed. *See* Tr. 2207:23-2212:16.

636. Finally, Dr. Barber noted that there is "academic research that points to political party geography as an important factor in representation and legislatures," suggesting that the geographic distribution of voters "is something that should be investigated" in this case. Tr. 2152:10-14. Specifically, Dr. Barber referenced a 2013 article co-authored by Plaintiffs' expert, Dr. Chen, focused on the political geography of Florida and Florida's congressional districts, an article in which Dr. Chen used simulations to measure whether political geography created a natural advantage for Republicans in redistricting in Florida. Tr. 2153:2-24. Despite acknowledging that Dr. Chen's co-authored 2013 article did not include any analysis of North Carolina, Tr. 2153:25-2154:2, Dr. Barber testified that the article "invites the question as to what it would look like if we looked to see if this relationship also existed in North Carolina," Tr. 2154:5-7.

637. Dr. Chen performed that analysis in this case and concluded that North Carolina's political geography does not account for the extreme partisan bias of the enacted plans. Tr. 2216:11-2220:21. Similarly, at the time he conducted his analysis and arrived at the opinions he offered regarding the potential partisan bias of North Carolina's political geography, Dr. Barber was unaware that Dr. Chen's co-author in the same 2013 paper, Dr. Jonathan Rodden, had come to the conclusion that North Carolina's Democratic voters were relatively efficiently distributed throughout the State. Tr. 2222:9-2223:4, 2224:6-2225:8.

 *95 638. Dr. Barber did not engage in the type of analysis that Dr. Chen performed to account for and measure the extent to which "natural" partisan bias in North Carolina's political geography could account for electoral outcomes favoring Republicans, but the analysis that Dr. Barber did conduct of the distribution of North Carolina's Democratic voters actually supports Plaintiffs' claims. Dr. Barber observed a positive correlation between the population density of North Carolina's VTDs and their support for Democratic candidates, but he acknowledged that there were "a lot of other Democratic-leaning VTDs" spread across the state, even outside the urban centers of Raleigh and Charlotte. Tr. 2216:11-16. Dr. Barber's analysis fails to offer the Court any information about how the many Democratic-leaning VTDs across North Carolina fit into specific county groupings and specific districts and therefore, his analysis is not directly relevant to the questions the Court faces. Unlike Dr. Cooper, who performed an extensive analysis of North Carolina's House and Senate Districts at the county grouping level, Dr. Barber admitted that he could not offer any opinion to rebut Plaintiffs' evidence regarding gerrymandering within those county groupings. Tr. 2217:8-2218:12.

639. In light of the above shortcomings in Dr. Barber's analysis, the Court gives little weight to his testimony.

e. *Dr. Johnson*

640. Legislative Defendants' expert Dr. Douglas Johnson has a Bachelor of Arts in Government from Claremont McKenna College, a Master of Business Administration from the Anderson School at UCLA, and a Ph.D. in Political Science from Claremont Graduate University. Tr. 1812:15-21; LDTX288. The focus of Dr. Johnson's graduate studies in Political Science was American politics, and he wrote his dissertation on redistricting. Tr. 1812:22-25.

641. Dr. Johnson is a fellow at the Rose Institute of State and Local Government at Claremont McKenna College. Tr. 1813:1-6. In that role, he leads the Institute's research into census and redistricting issues. Tr. 1813:1-6.

642. Dr. Johnson is also the President of National Demographics Corporation ("NDC"), where he has been employed full-time since 2001. Tr. 1814:7-19. NDC is engaged in redistricting work, including liability analyses, polarized voting studies, and other related redistricting issues. Tr. 1814:20-25.

643. Dr. Johnson has used Maptitude for Redistricting software ("Maptitude") for his work for 20 to 30 hours a week since 2001. Tr. 1816:16-23.

644. Dr. Johnson has served as an expert witness in redistricting litigation numerous times; specifically, he has been involved in hundreds of challenges to at-large elections for city councils, school boards, counties, etc. Tr. 1817:5-7; 1817:14-21. Dr. Johnson has also served as an expert witness in challenges to state redistricting plans. Tr. 1817:22-24. Dr. Johnson has never been excluded as an expert witness by any court. Tr. 1817:8-10.

645. Dr. Johnson was accepted by the Court as an expert in the fields of political science, political geography, redistricting, and Maptitude for Redistricting software. Tr. 1818:11-20.

646. Dr. Johnson offered primarily two sets of opinions in this case. First, Dr. Johnson purported to show that one could draw a Senate map even more favorable to Republicans if one ignored the North Carolina Constitution's Whole County Provision. Second, Dr. Johnson attempted to critique Dr. Chen's analysis of Dr. Hofeller's files.

647. The Court finds Dr. Johnson's analysis unpersuasive and gives his opinions little weight.

648. Dr. Johnson has testified as a live expert witness in four cases previously, and the courts in all four cases have rejected his analysis. Tr. 1886:21-1891:14; *see Covington*, 283 F. Supp. 3d at 450 (finding "Dr. Johnson's analysis and opinion … unreliable and not persuasive"); *Luna v. Cnty. of Kern*, 291 F. Supp. 3d 1088, 1137 (E.D. Cal. 2018) (holding that defendants' argument based on Dr. Johnson's analysis "lacks merits"); *Garrett v City of Highland*, 2016 WL 3693498, at *2 (Cal. Super. Apr. 06, 2016) (finding Dr. Johnson's methodology "inappropriate"); *Jauregui v City of Palmdale*, No. BC483039, 2013 WL 7018375, at *2 (Cal. Super. Dec. 23, 2013) (describing Dr. Johnson's work in the case was "unsuitable" and "troubling"). This Court joins these other courts in rejecting Dr. Johnson's methodologies, analyses, and conclusions.

 *96 649. Dr. Johnson created a "test map" for the North Carolina Senate that ignored the Whole County Provision entirely. Tr. 1892:21-1893:4. Based on this test map, Dr. Johnson purported to find that one could draw a Senate map even more favorable for Republicans than the enacted Senate plan if one were to ignore the county groupings and traversal rules. Tr. 1893:17-22. The Court finds Dr. Johnson's analysis using his test map to be of little probative value to the legal and factual issues in this case.

650. Dr. Johnson performed no statewide analysis of the House or the Senate to determine the extent to which, *within* the confines of the Whole County Provision, the enacted House and Senate plans constitute the most favorable maps for Republicans possible. Tr. 1894:13-1896:7. The only individual county groupings for which Dr. Johnson performed partisanship analysis within the confines of the Whole County Provision were Mecklenburg County in the Senate, *id.,* and Wake County in the House, and Dr. Johnson's partisanship analysis of the Mecklenburg Senate districts was erroneous and not credible for the reasons already explained. *See supra,* para 251. Dr. Johnson did not analyze any other individual House or Senate county grouping to determine whether the enacted plans' version of that grouping is the most favorable configuration of the grouping possible for Republicans. *Id.* Dr. Johnson thus offered no rebuttal to the testimony of Plaintiffs' experts demonstrating that the enacted plans constitute extreme partisan gerrymanders of specific county groupings.

651. Dr. Johnson instead ignored the Whole County Provision in creating his Senate test map, but as he acknowledged, the Whole County Provision is a state constitutional requirement. Tr. 1896:8-10. The General Assembly lacks authority to ignore the state constitutional county groupings and traversals requirements in creating redistricting plans. Dr. Johnson's test map analysis is thus no more relevant or helpful than would be a test map that ignores other constitutional requirements, such as the equal population requirement for districts. One could draw a map ignoring the equal population requirement that is even more favorable for Republicans than Dr. Johnson's test map, and certainly more favorable for Republicans than the enacted plan. Tr. 1896:11-1900:21. But the fact that one could draw such a hypothetical map in no way sheds light on whether the enacted plan is an extreme partisan gerrymander. *See id.* It provides no information as to whether the General Assembly acted within

extreme partisan intent in drawing districts within the confines of the accepted constitutional requirements, and it provides no information as to the effects of the gerrymander on the number of Republican and Democratic-leaning districts relative to a nonpartisan plan. *See id.* Dr. Johnson's test map analysis is of little probative value to the legal or factual issues in this case.

652. With respect to Dr. Johnson's testimony regarding Dr. Hofeller's files, as described above, the Court struck all of Dr. Johnson's affirmative analysis of Dr. Hofeller's 2017 draft House and Senate plans and the extent to which they overlap with other plans including the final enacted plans. Tr. 1988:11-1990:4. The Court struck this testimony and all related portions of Dr. Johnson's rebuttal report under Rule 702 and Rule 403 after it was uncovered on cross-examination that Dr. Johnson had made a series of significant errors. *Id.*

3. Dr. Karen Owen's Testimony on "Representation" and "Competitive Elections" and Representative John Bell's Testimony on Competitive Districts Was Unpersuasive

a. *Dr. Karen Owen*

*97 653. Legislative Defendants offered expert testimony of Dr. Karen Owen on the issues of "representation" and "competitive elections" in North Carolina. Tr. 1488:6-22; LDTX 293 (Owen report).

654. Dr. Owen is an assistant professor of political science at West Georgia University, and focuses on southern politics, political representation, legislative politics, campaigns and elections and research methodology, and developed her expertise through both academic and professional work. Tr. 1481:18-22, 1483:16-24, 1484:2-1485:24, 1486:4-11; LDTX293 at 1-2, 28-34.

655. Dr. Owen has particular expertise in the area of southern politics; she has presented papers and been a lead discussant at the Citadel's Symposium on Southern Politics for over 10 years, she has taught and studied courses in southern politics. Tr. 1480:15-1481:4.

656. Dr. Owen's work in southern politics has included writing and presenting a paper in 2016 titled "Growth and Geography in the South: Representation in the North Carolina and Texas State Legislatures." Tr. 1481:5-11; LDTX293 at 31.

657. The Court admitted Dr. Owen as an expert. Tr. 1487:24-1488:1.

658. Dr. Owen has very little experience or expertise with politics, elections, or representation in North Carolina specifically. Dr. Owen has never lived or worked in North Carolina. LDTX 293 at 28-29. With the exception of the aforementioned paper, she has never written or published about North Carolina politics, elections, or representation. Tr. 1555:19-1557:25. She has never participated in or spoken at any conference about North Carolina politics, elections, or representation. Tr. 1558:1-1559:16. She has never been interviewed by any media outlet about North Carolina politics, elections, or representation. Tr. 1559:17-25. She has never taught a class focused on North Carolina politics, elections, or representation—the closest she came was teaching a single course in "Southern Politics" three years ago. LDTX 293 at 32; Tr. 1560:11-24.

659. The methodologies Dr. Owen employed to evaluate "representation" and "competitive elections" in North Carolina were unpersuasive. In conducting her research and analysis for this case, Dr. Owen did not speak to any current or former North Carolina legislator, or any winning or losing North Carolina candidate, or any North Carolina voter. Tr. 1561:7-1564:14. Nor did she consult any North Carolina polling data or survey data. Tr. 1564:15-19. Instead, Dr. Owen's analysis of representation in North Carolina was based on her conversations with several staff members in the General Assembly's Legislative Services Commission. Tr. 1561:7-1562:1. Her analysis of competitive elections in North Carolina was based on her reading of newspaper articles and a website called "Real Facts North Carolina." Tr. 1566:5-13.

660. Based on her lack of relevant expertise and the inadequate methodologies she employed in this case, the Court gives little weight to Dr. Owen's opinions about "representation" and "competitive elections" in North Carolina.

661. In addition, as described below, Dr. Owen's analysis and opinions are unhelpful in resolving the issues in this case.

i. Dr. Owen's analysis of "representation" was unpersuasive

*98 662. In support of her opinion that Republican members of the General Assembly meaningfully "represent" their Democratic constituents, Dr. Owen emphasized that the members "are noticeably involved in more than producing and passing laws," LDTX 293 at 22, and that they provide "constituent services" to Republican and Democratic voters alike, regardless of their political beliefs, party affiliation, or past votes. Tr. 1567:15-1568:18; *see also* Tr. 1801:17-1803:2 (similar testimony by Rep. Bell); Tr. 2000:21-2001:6 (Sen. Brown).

663. The Court finds, however, that the mere provision of constituent services does not mean that voters of one particularly party are meaningfully "represented" by a member of the other party political and does not mean the voter receives the same "representation" that the voter would if he or she could elect the candidate of that voter's choice. Constituent services are only one part of a legislator's responsibilities. In addition to providing constituent services, members of the North Carolina House and Senate participate in enacting the State's laws and policies. Tr. 1803:3-9 (Rep. Bell). Legislative Defendants' own expert, Dr. Brunell, testified that, among the ways in which a legislator "represents" his or her constituents, providing constituent services may be "an important part, but if you are sort of, you know, worried about the hierarchy of the things that they do, I think that how they vote on the major issues of the day is more important." Tr. 2353:11-2354:4. Dr. Brunell agreed that "policy responsiveness" is a "higher form of representation" and "more critical to the notion of representing someone." Tr. 2354:5-10; *see* Tr. 2353:3-6 (agreeing that "the responsiveness of a legislator to the voters on questions on policy in particular is critical to Democratic representation"). As "just one example of the many issues from which policy responsiveness is the more central form of representing the people in the legislature," Dr. Brunell agreed that if a legislator casts a vote for gun control, the legislator is "not giving good representation to the voters in [his or her] district who don't want gun control." Tr. 2354:11-19. Thus, as Dr. Brunell agreed, "a change in the party that represents a given district generates a huge difference in the policies for which the representative of that district will vote." Tr. 2354:20-23. Another witness for Legislative Defendants, Senator Harry Brown, also testified that "in order to push legislation that we thought was important to this state," a political party must "be in the majority." Tr. 2023:20-22.

664. Other purported indicia of "representation" discussed by Dr. Owen likewise were unhelpful. For example. Dr. Owen pointed to a form "welcome letter" that members of the General Assembly can send to new voters in their districts. LDTX 293 at 22; Tr. 1514:4-1516:23. But sending a form letter does not signify meaningful representation.

ii. Dr. Owen's analysis of "competitive elections" was unpersuasive

665. In her analysis of "competitive elections," Dr. Owen suggested that Democrats' failure to win certain House and Senate races in 2018 was the result of poor "candidate quality," rather than the district boundaries. Tr. 1540:13-1542:9; LDTX 293 at 6-7. Dr. Owen's methodology was unreliable, and her conclusions were unpersuasive.

666. The sole criterion that Dr. Owen applied for assessing candidate quality turns on whether the candidate "had held prior elected office." Tr. 1533:5-21. Under this "dichotomous measure," any person who has previously held elective office is a "quality" candidate, and any person without prior experience holding elective office is not "quality." LDTX 293 at 10. This approach ignores other important factors and is an unreliable measure of whether a person is a quality candidate.

*99 667. For instance, Dr. Owen classified a Democratic candidate who is a U.S. Army Colonel as a "nonquality" candidate. Tr. 1566:18-25; LDTX 293 at 12. She classified another Democratic candidate who is a "small business owner" and "community leader" as a "nonquality" candidate. Tr. 1567:1-7; LDTX 293 at 12. And she classified a "young Air Force veteran and attorney" as a non-quality candidate. LDTX 293 at 16. These examples illustrate the shortcomings in Dr. Owen's methodologies.

b. *Representative John Bell*

668. Legislative Defendants also offered the testimony of Representative John Bell, IV, who testified about the competitiveness of various House districts.

669. Representative Bell is the majority leader for the North Carolina House of Representatives and represents House District 10. Tr. 1739:16-22.

670. As Majority Leader, Representative Bell assists the Conference chair to achieve two goals: 1) recruit candidates and 2) win elections. Tr. 1740:5-6.

671. Representative Bell also pointed to candidate quality as a purported factor in House districts he claimed might be "competitive" in 2020. Tr. 1752:13-1754:18. But Representative Bell's claim that certain House districts could be "competitive" in 2020, and only were not close in 2018 due to purported candidate quality issues is not persuasive. Representative Bell included on his list of purportedly competitive districts numerous districts that were not only extremely lopsided in the 2018 state House elections, but that feature similarly lopsided vote shares under the results of prior statewide elections, including the 2012 Presidential election, the 2016 Presidential election, and the 2016 Governor election. Tr. 1788:5-1801:16. Representative Bell included on his list of purportedly competitive districts a handful of districts in which the Republican candidate won over 60% of the vote share in the district across all of these various elections. *Id.* Moreover, for many of the districts he identified, Representative Bell testified that the race could be competitive only if it was an "open seat"—that is, if the incumbent Republican member either retires or does not run again in 2020. Tr. 1767:3-23, 1772:16-20, 1773:24-1774:2. However, there is no evidence that any of those Republicans members will not run in 2020. Tr. 1786:4-10. The Court finds that Representative Bell's testimony does not provide a reliable basis for assessing the competitiveness of current House districts.

4. The Whole County Provision Did Not Prevent Systematic Gerrymandering of the Plans for Partisan Gain

672. Throughout trial, Legislative Defendants and their experts emphasized the existence of the North Carolina Constitution's Whole County Provision, which the North Carolina Supreme Court has held requires dividing the State into discrete county groupings and restricting the traversal of county lines for districts within a county grouping. Tr. 252:17-257:10. The Court finds that Legislative Defendants overstate the constraints imposed by the Whole County Provision, and that Legislative Defendants intentionally and effectively gerrymandered the enacted plans for partisan gain within the confines of the Whole County Provision.

673. Legislative Defendants overstate the impact of the Whole County Provision. Dr. Chen explained in unrebutted testimony that the Whole County Provision dictates the contours of only 13 of 120 House districts and 17 of 50 Senate districts. Tr. 782:2-783:1. Legislative Defendants thus had discretion in drawing 107 of 120 House districts and 33 of 50 Senate districts—constituting over 82% of all districts across both enacted plans. *Id.*

 *100 674. As detailed above, the evidence establishes that Legislative Defendants engaged in systematic gerrymandering for partisan gain in the districts in which they did have discretion. All four of Plaintiffs' experts concluded that Legislative Defendants acted with extreme partisan intent within the confines of the Whole County Provision. Plaintiffs' simulations experts —Drs. Chen, Mattingly, and Pegden—simulated plans that adhered to the existing House and Senate county groupings, and all three experts found that the enacted plans are extreme outliers compared to nonpartisan plans that follow the same county groupings. And all three experts found that specific county groupings are extreme outliers compared to other, simulated versions of the same county grouping that contain the same number of traversals as the enacted plan in that grouping. Dr. Cooper independently established—in unrebutted testimony—that the enacted plans pack and crack Democratic voters within specific county groupings.

5. Plaintiffs Do Not Seek Proportional Representation

675. Contrary to Legislative Defendants' claim, Plaintiffs do not seek proportional representation. As described in more detail below, Plaintiffs assert that the General Assembly may not intentionally discriminate against voters and may not attempt to predetermine election outcomes and control of the General Assembly. Dr. Chen and Dr. Mattingly established through their simulations that nonpartisan plans that do not intentionally discriminate against Democratic voters may well *not* provide for proportional representation. Under Dr. Chen's and Dr. Mattingly's simulations, there are scenarios where Democrats would win 50% of the statewide vote but less than 50% of the seats in either chamber. Tr. 306:16-307:2 (Dr. Chen); Tr. 1103:24-1104:5, 1132:6-1133:13 (Dr. Mattingly). Dr. Pegden's simulations also did not rely on any notion of proportional representation. Tr. 1306:22-24.

676. Legislative Defendants' presentation regarding the proportionality of seats to votes in specific county groupings like Wake and Mecklenburg Counties, Tr. 2068:10-2069:13, was not persuasive. As Dr. Pegden explained, analyzing proportionality at the local level of a county grouping is "completely useless" and can be misleading in the context of a gerrymandered map. Tr. 1452:17-1454:18. In a county grouping that contains a small number of districts and in which one party wins an overwhelming share of the vote across the grouping, one would expect that party to win a disproportionate share of the seats under a nonpartisan map, and likely all of the seats. Tr. 1452:23-1453:12. Under a Republican gerrymander, however, Republican mapmakers will allow that natural outcome to occur in county groupings that strongly favor Republicans but will gerrymander the more Democratic county groupings in a way that may result in proportional outcomes just in those Democratic county groupings —*e.g.*, by gerrymandering the grouping to elect one or two Republican seats. Tr. 1452:17:22-1454:18. Thus, the fact that the enacted plans may have resulted in proportional seats-to-votes outcomes in individual county groupings that are heavily Democratic is not evidence of a lack of gerrymandering.

6. Legislative Defendants Did Not Seek to Comply with the VRA and Did Not Show Nonpartisan Plans Would Violate the VRA

677. Defendants did not present persuasive evidence at trial to substantiate any federal defense under the Voting Rights Act or Fourteenth or Fifteenth Amendments. Defendants did not introduce persuasive evidence at trial to establish any of the prerequisites to application of the Voting Rights Act under *Thornburg v. Gingles*, 478 U.S. 30 (1986). For example, Defendants presented no expert testimony or any other evidence to establish the existence of legally sufficient racially polarized voting in any area of North Carolina, or any particular state House or state Senate district. Nor did Defendants introduce any evidence to establish the minimum African-American percentage of the voting age population ("BVAP") needed in any particular area of the State for the African American community to be able to elect the candidate of its choice.

 *101 678. Notably, Legislative Defendants retained Dr. Jeffrey Lewis, a political scientist from UCLA, who analyzed and provided estimates of the minimum BVAP needed in certain county groupings for African-American-preferred candidates to win. *See* PX773 (Amended Table 4 from Lewis Report). But Legislative Defendants chose not to have Dr. Lewis testify at trial. At the conclusion of trial, Legislative Defendants attempted to introduce expert reports that a different political scientist (Dr. Alan Lichtman) had prepared on behalf of different parties in previous lawsuits in North Carolina years ago, but the Court sustained Plaintiffs' objections to the admission of these reports. Tr. 2376:2-3. The Court excluded these reports as inadmissible hearsay and undisclosed expert work, particularly given that Plaintiffs dispute Legislative Defendants' characterization of those reports. Tr. 2363:16-2364:25.

679. Defendants did not demonstrate that the relief Plaintiffs seek would violate the VRA or federal equal protection requirements. Plaintiffs established that it would not. Using Dr. Lewis's estimates of the minimum BVAP needed in certain county groupings for an African-American-preferred candidate to win a state House or Senate election, Dr. Chen determined how many of his simulations of those county groupings contained districts exceeding Dr. Lewis's BVAP-threshold estimates.

Tr. 512:15-517:6. Dr. Chen determined that for every county grouping that Dr. Lewis analyzed except one in the House and one in the Senate, all of Dr. Chen's simulations produce at least as many districts above Dr. Lewis's BVAP-threshold estimate as does the enacted House or Senate plan. *Id.*; *see* PX775; PX776. For the two remaining county groupings, which are Forsyth-Yadkin in the House and Davie-Forsyth in the Senate, a majority of Dr. Chen's simulations of each grouping produce at least as many districts above Dr. Lewis's BVAP-threshold estimate as the enacted plan. *Id.*; *see* PX775; PX776. The evidence at trial thus demonstrated that, based on the BVAP-threshold estimates of Legislative Defendants' own expert, adopting nonpartisan House and Senate plans would not diminish the ability of African Americans to elect the candidate of their choice.

680. While Defendants' failure to introduce any evidence at trial necessary to the legal elements of a racial vote dilution defense is dispositive of any such defense, the Court further finds that—as a factual matter—Legislative Defendants did not draw or adopt any district under the 2017 Plans in an effort to comply with the VRA.

681. One of the Adopted Criteria, titled "No Consideration of Racial Data," stated that "[d]ata identifying the race of individuals or voters shall not be used in the drawing of legislative districts in the 2017 House and Senate plans." LDTX155. When submitting the plans to the *Covington* court for approval, Legislative Defendants stated that "[d]ata regarding race was not used in the drawing of districts for the 2017 House and Senate redistricting plans." PX629 at 10.

682. Legislative Defendants have claimed in this case that, even though they did not use racial data in drawing the districts, they purportedly checked the racial demographics of the districts on the "back end" to ensure that "the VRA was satisfied." *See, e.g.*, Leg. Defs.' Pre-Trial Brief at 44. Legislative Defendants presented no testimony at trial to substantiate this assertion, and the Court finds the assertion not credible for multiple reasons.

683. Throughout the 2017 redistricting process, Legislative Defendants asserted that the reason they were ignoring racial considerations entirely in drawing the new districts was because they had concluded that the "third *Gingles* factor" was not "present" anywhere in the State of North Carolina. PX593 at 52 (statement of Sen. Berger); *see also id.* ("we cannot prove the third *Gingles* factor") (statement of Sen. Berger). Legislative Defendants repeatedly told the *Covington* court that they could not "justify the use of race in drawing districts" in the 2017 Plans—and thus could not seek to hit a "racial numerical quota" for any district—because they had insufficient evidence of "legally sufficient racially polarized voting." *Covington*, No. 15-cv-399, ECF No. 184 at 10; ECF No. 192 at 12; *see also* ECF No. 184-17 at 12.

*102 684. The existence of legally sufficient racially polarized voting is a "prerequisite[]" to VRA liability; if any *Gingles* factor is not met, "§ 2 simply does not apply." *Cooper v. Harris*, 137 S. Ct. 1455, 1472 (2017). Hence, when Legislative Defendants concluded that the third *Gingles* factor was not met, they necessarily concluded that the VRA did not impose requirements for the racial composition of any state House or state Senate district. Any assertion by Legislative Defendants now that they sought to "satisfy" the VRA in adopting the 2017 Plans does not make sense as a legal or factual matter given their assertions at the time.

685. Moreover, the mere timing of when Legislative Defendants learned of the racial composition of the new districts belies their claim that they reviewed the data to ensure VRA compliance. The Stat Packs that Legislative Defendants produced when they released the initial drafts of the House and Senate plans did not include racial data on any of the draft districts.[13] At the August 24, 2017 hearing at which the Senate Redistricting Committee passed the Senate plan out of committee, Senator Hise insisted, "I have not seen any racial data for these districts." PX606 at 46:2-3. Representative Lewis said the same the next day at the hearing at which the House plan was passed out of the House Redistricting Committee. PX605 at 20:11-21:18. Only after this point did legislative staff produce racial data on the districts—at the request of Democratic legislators over Legislative Defendants' objections. PX600 at 11. Even then, Legislative Defendants claimed to have remained unaware of the racial composition of the districts. Representative Lewis asserted that he did not "see" any data on the racial composition of the House districts until *after* the House plan was passed by the full House chamber. *Id.* at 12. Legislative Defendants clearly did not have assure themselves that the plans satisfied the VRA by meeting particular racial thresholds when they purportedly had no knowledge of the racial composition of the districts.

13 *See* https://bit.ly/2YJnaRP (Stat Pack for Senate draft plan released on August 21, 2017); https://bit.ly/2YPch0L (Stat Pack for House draft plan released on August 20, 2017).

686. Legislative Defendants have pointed to a single floor statement by Senator Berger near the end of the legislative process that mentioned the VRA, but that statement does not establish that Senator Berger, let alone any other Legislative Defendant, actually undertook efforts to comply with the VRA. Senator Berger made that statement immediately after declaring that the third *Gingles* factor was not met, which if true would preclude VRA application as a matter of law. PX593 at 52-54. And neither Senator Berger nor anyone else has pointed to any change that was made to any House or Senate district to ensure VRA compliance.

687. The Court finds that the General Assembly did not enact any House or Senate district under the 2017 Plans with the specific intent of complying with the VRA, and that Defendants have not established that the VRA requires maintaining any of the districts that Plaintiffs challenge in its current form.

688. Indeed, the Court finds that Legislative Defendants' stated concern that "unpacking" heavily-Democratic districts could dilute the voting power of African-Americans to be a pretext for partisan gerrymandering. Unrebutted evidence presented at trial established that Legislative Defendants themselves created districts with artificially low BVAPs when it was politically advantageous. In particular, while Legislative Defendants now accuse Plaintiffs of seeking to "crack" African American voters, the unrebutted evidence established that Legislative Defendants cracked African American voters in rural and semi-rural parts of the state where cracking Democratic voters would maximize Republican victories.

 *103 689. Dr. Chen demonstrated that, for several rural and semi-rural House county groupings, all or nearly all of his simulated plans (which ignored racial data in drawing the districts) produced a district in the grouping with a higher or much higher BVAP than any districts in that grouping under the enacted plan. Tr. 519:6-523:9. These county groupings include the Anson-Union, Cleveland-Gaston, Columbus-Pender-Robeson, and Duplin-Onslow county groupings, all of which are county groupings in which Legislative Defendants cracked Democratic voters to dilute their political power. *Id.*; *see* PX225; PX226; PX227; PX228. Dr. Chen's findings significantly undermine Legislative Defendants' claims that they seek to create higher-BVAP districts to promote the political power of African-American communities. *Id.*

7. Legislative Defendants, through Dr. Hofeller, substantially completed drafting the Enacted Maps in June 2017

690. Based on an analysis of draft maps from June 2017 found on Dr. Hofeller's storage devices, see FOF § B.2., Plaintiffs' expert Dr. Jowei Chen demonstrated that Dr. Hofeller had begun drawing the 2017 Plans prior to July 2017, and that he had already substantially completed them by that point. Dr. Chen's analysis compared the draft maps found on Dr. Hofeller's hard drive, each of which is dated by the metadata, with the Enacted 2017 House and Senate maps to determine the degree of similarity between the drafts and the Enacted Plans.

691. For the Senate, Dr. Chen analyzed a draft map that Dr. Hofeller last modified on June 24, 2017. Tr. 400:7-10, 402:5-403:8; *see also* PX572 (showing "last modified" date); PX123 at 25 (Chen Rebuttal Report). Dr. Chen found that Dr. Hofeller had already finished assigning 97.6% of the State's census blocks and 95.6% of the State's population to their final Senate districts in this June 24, 2017, draft map. Tr. 400:6-25.

692. To show the extent to which Dr. Hofeller had already completed drawing the new Senate plan, Dr. Chen compared individual Senate county groupings in the June 24, 2017, draft map to the final version of the same grouping in the enacted Senate plan. The figure below, PX142 [Chen rebuttal report, Figure 19], shows one such comparison for a Senate county grouping containing multiple districts that was redrawn in 2017. Tr. 416:15-20; PX123 at 27-38 (Chen Rebuttal Report). Dr. Chen repeated this analysis for every Senate county grouping containing multiple districts that was redrawn in 2017, and the Court adopts, by reference to Dr. Chen's trial testimony and as illustrated in his Rebuttal Report, each of those illustrations as if fully set forth

herein. Tr. 404:19-417:13; PX140; PX141; PX142; PX143; PX144; PX145; PX146; PX147 [Chen rebuttal report, Figures 17-24].

693. In Dr. Chen's illustrations, as shown by the example below, the map on the bottom left is Dr. Hofeller's June 24, 2017, draft, the map on the bottom right is the final enacted plan, and the top half of the figure reports the percentage of the population in each district in Dr. Hofeller's draft (on the vertical axis) that were assigned to the corresponding district in the final enacted plan (on the horizontal axis). Tr. 405:5-407:18. For instance, the figure included below shows that 99.42% of the population assigned to Senate District 19 in Dr. Hofeller's June 24, 2017 draft was also assigned to Senate District 19 in the enacted Senate plan, while 100% of the population in Dr. Hofeller's draft Senate District 21 was assigned to Senate District 21 in the enacted plan. *Id.*

Figure 19

Cumberland-Hoke County Grouping

**(Numbers indicate the percentage of population in each of Dr. Hotelier's draft 'J_24' districts
that was also assigned to its most similar, corresponding district in the final Senate Bill 691 map)**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

694. Based on Dr. Chen's analysis of each Senate county grouping containing multiple districts that was redrawn in 2017, the Court finds that by June 24, 2017—nearly seven weeks before the Adopted Criteria were passed on August 10, 2017—Dr. Hofeller had fully or at least substantially completed drawing every Senate county grouping redrawn in 2017. Tr. 404:23-417:13. The only Senate districts that were not an over-90% match to their final corresponding districts were a few heavily Democratic districts in Wake and Mecklenburg Counties. Tr. 412:5-414:12; *see* PX146; PX147.

 *104 695. Contrary to Legislative Defendants' contention, the North Carolina Constitution's Whole County Provision is not responsible for the high degree of overlap between Dr. Hofeller's draft Senate plan and the final enacted plan. As Dr. Chen testified, the Whole County Provision did not dictate the contours of Senate districts in counties such as Cumberland, Forsyth, Johnston, Durham, Wake, Mecklenburg, and Guilford Counties, and Dr. Hofeller's June 24, 2017 draft districts in these counties distinctly match the final versions. Tr. 408:13-416:1.

696. As with the Senate, Dr. Chen found that Dr. Hofeller had substantially completed drawing the new House plan by June 2017. Analyzing a draft House plan that Dr. Hofeller last modified on June 28, 2017, *see* PX569, Dr. Chen found that Dr. Hofeller had already finished assigning 90.9% of North Carolina's census blocks and 88.2% of the State's population into their final House districts in the June 28, 2017 draft plan. Tr. 401:15-23, 417:14-418:2, PX123 at 2-3 (Chen Rebuttal Report).

697. The figure below, PX124 [Chen rebuttal report, Figure 1], shows Dr. Chen's analysis comparing Dr. Hofeller's June 28, 2017, draft House map to the final enacted House map for a single House county grouping, in this instance, Mecklenburg County. Dr. Chen repeated this analysis for every House county grouping containing multiple districts that was redrawn in 2017, and the Court adopts, by reference to Dr. Chen's trial testimony and as illustrated in his Rebuttal Report, each of those illustrations as if fully set forth herein. Tr. 417:14-427:15; PX124; PX125; PX126; PX127; PX128; PX129; PX131; PX132; PX133 [Chen rebuttal report, Figures 1 – 6, 8-10]

Figure 1:

Mecklenburg County Grouping

**(Numbers indicate the percentage of population in each of Dr. Hofeller's draft 'J_25' districts
that was also assigned to its most similar, corresponding district in the final House Bill 927 map)**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

698. Based on Dr. Chen's analysis, the Court finds that by June 28, 2017—over six weeks before the Adopted Criteria were passed—Dr. Hofeller had fully or at least substantially completed drawing numerous House county groupings redrawn in 2017. Tr. 419:12-427:1.

699. Contrary to Legislative Defendants' contention, the Whole County Provision is not responsible for the high degree of overlap between Dr. Hofeller's June 28, 2017 draft House plan and the final enacted House plan. Tr. 419:12-427:1. The Whole County Provision does not dictate the contours of House districts in counties such as Mecklenburg, Harnett, Wayne, Sampson, Orange, Durham, Pitt, Robeson, Granville, Forsyth, and Rockingham Counties, and Dr. Hofeller's June 28, 2017, draft House districts in these counties were near-exact matches to the final districts. *Id.*

700. The Court finds Dr. Chen's comparisons of Dr. Hofeller's June 2017 draft plans to the enacted plans to be highly credible and persuasive. Notably, Dr. Chen's analysis stands unrebutted. Legislative Defendants presented testimony from Dr. Douglas Johnson in an attempt to rebut Dr. Chen's analysis. However, the Court struck all of Dr. Johnson's analysis comparing Dr. Hofeller's draft districts and the final enacted districts after Plaintiffs' cross-examination exposed a series of significant errors and unreliable methodology. Tr. 1988:11-1990:4.

701. As for Dr. Johnson's remaining criticisms of Dr. Chen's methodology for calculating the overlap between Dr. Hofeller's June 2017 draft plans and the final enacted plans, the Court assigns them no weight. The Court finds that Dr. Chen employed a reasonable methodology to estimate the degree of similarity between the draft and final plans, by simply calculating the percentage of census blocks and population in each draft district that was also assigned to the most closely corresponding district in the final enacted House or Senate plan. *See* Tr. 398:3-399:15. Dr. Chen's methodology and findings also accord with a visual comparison of the draft House and Senate districts to the corresponding final versions. No party has disputed that the maps presented in Plaintiffs' Exhibits 124-129, 131-133, and 140-147 accurately reflect the district boundaries in Dr. Hofeller's June 2017 draft plans and the final enacted plans.

*105 702. The Court concludes from this showing, and therefore finds, that Dr. Hofeller, and consequently the Legislative Defendants who retained him, by having largely completed the drafting of House and Senate maps by June, 2017, did so with little regard for the Adopted Criteria, or the neutral, non-partisan criteria contained therein, which were not adopted by the Senate Redistricting Committee and House Select Committee on Redistricting until August 10, 2017, and provided to Dr. Hofeller on August 11, 2017. PX 603 at 4:23-5:5; PX629. The Court finds that this is further compelling evidence of the intent of Legislative Defendants to create legislative districts by subordinating Democratic voters for partisan gain and to entrench the power of the Republican majority.

703. Since Dr. Hofeller's files came to light, Legislative Defendants have asserted that they did not know at the time that Dr. Hofeller was developing draft maps prior to August 2017 or that Plaintiffs cannot "connect" Dr. Hofeller's draft maps to the General Assembly. *See, e.g.,* Leg. Defs'. Pre-trial Brief, p. 36. The Court finds this argument unpersuasive. Dr. Hofeller was retained by the General Assembly on June 27, 2017, for the purposes of drawing the 2017 House and Senate maps. PX641. The Court finds it highly improbable that in the days leading up to his engagement, or in the nearly six weeks following, Dr. Hofeller never mentioned his draft maps to anyone connected with Legislative Defendants until after he received the Adopted Criteria on August 11, 2017— especially since, merely eight or nine days later, Legislative Defendants were able to reveal final drafts of his House and Senate maps. PX605 at 16:2-17:16; PX629 at 7.

704. The Court is troubled by representations made by Legislative Defendants, or attorneys working on their behalf, in briefs and arguments to the *Covington* Court and to General Assembly colleagues at committee meetings that affirmatively stated that no draft maps had been prepared even as late as August 4, 2017. *See, e.g., Covington*, ECF No. 161 at 2, 4, 13, and 28-29; PX601 at 11-12; PX602 at 72-73; and PX629 at 3, 4, 6 and 10 (*Covington*, ECF No. 184). For the purposes of determining liability for the claims asserted in this litigation,[14] the Court finds it unnecessary to delve further into these concerns, other

than to note that the Court, as previously stated, is persuaded, and specifically finds, that Dr. Hofeller's intent and actions, as evidenced throughout his map-drawing process from at least early June 2017, are attributable in full to Legislative Defendants.

14   In considering the appropriate remedy, the Court does take this finding into account, among others, when mandating that the remedial process be more transparent to the Court, the public, and the entire General Assembly.

CONCLUSIONS OF LAW

I. THE STANDING OF PLAINTIFFS

1. The North Carolina Constitution provides: "All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay." N.C. Const. art. I, § 18.

2. "[B]ecause North Carolina courts are not constrained by the 'case or controversy' requirement of Article III of the United States Constitution, our State's standing jurisprudence is broader than federal law." *Davis v. New Zion Baptist Church*, 811 S.E.2d 725, 727 (N.C. Ct. App. 2018) (quotation marks omitted); *accord Goldston v. State*, 361 N.C. 26, 35, 637 S.E.2d 876, 882 (2006) ("While federal standing doctrine can be instructive as to general principles … and for comparative analysis, the nuts and bolts of North Carolina standing doctrine are not coincident with federal standing doctrine."). At a minimum, a plaintiff in a North Carolina court has standing to sue when it would have standing to sue in federal court.

 *106 3. The North Carolina Supreme Court has broadly interpreted Article I, § 18 to mean that "[a]s a general matter, the North Carolina Constitution confers standing on those who suffer harm." *Mangum v. Raleigh Bd. of Adjustment*, 362 N.C. 640, 642, 669 S.E.2d 279, 281 (2008). The "gist of the question of standing" under North Carolina law is whether the party seeking relief has "alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." *Goldston*, 361 N.C. at 30, 637 S.E.2d at 879 (quoting *Stanley v. Dep't of Conservation & Dev.*, 284 N.C. 15, 28, 199 S.E.2d 641, 650 (1973)). Although the North Carolina Supreme Court "has declined to set out specific criteria necessary to show standing in every case, [it] has emphasized two factors in its cases examining standing: (1) the presence of a legally cognizable injury; and (2) a means by which the courts can remedy that injury." *Davis*, 811 S.E.2d at 727-28.

A. The North Carolina Democratic Party Has Standing

4. The Court determines that the North Carolina Democratic Party (NCDP) has standing, both to sue on its own behalf as an organization and to sue on behalf of its members.

5. "An association may have standing in its own right to seek judicial relief from injury to itself and to vindicate whatever rights and immunities the association itself may enjoy." *River Birch Assoc. v. Raleigh*, 326 N.C. 100, 129, 388 S.E.2d 538, 555 (1990) (quoting *Warth v. Seldin*, 422 U.S. 490, 511, 95 S. Ct. 2197, 2211 (1975)). The Court finds instructive the United States Supreme Court holdings under federal standing principles that state political parties and organizations similar to the NCDP have standing to bring voting-rights challenges on their own behalf. *See, e.g., Crawford v. Marion County Election Bd.*, 553 U.S. 181, 189 n.7 (2008); *id.* at 204-09 (Scalia, J., concurring); *id.* at 209 n.2 (Souter, J., dissenting); *Gill v. Whitford*, 138 S. Ct. 1916, 1938 (2018) (Kagan, J., concurring) (explaining how these standards can apply to political parties and similar organizations in a partisan gerrymandering case); *Ohio A. Philip Randolph Inst. v. Householder*, 373 F. Supp. 3d 978, 1076 (S.D. Ohio 2019); *League of Women Voters of Mich. v. Johnson*, 352 F. Supp. 3d 777, 801 (E.D. Mich. 2018). Indeed, the federal court in *Common Cause v. Rucho* held that the NCDP had standing to bring a partisan gerrymandering challenge on its own behalf—based in part on the testimony of Mr. Goodwin. *See*, *Common Cause v. Rucho*, 318 F. Supp. 3d 777, 830 (M.D.N.C. 2018), *vacated on other grounds*, 139 S. Ct. 2484 (2019).

6. The NCDP has standing in its own right to seek judicial relief in this case because the NCDP has sufficiently demonstrated the presence of a legally cognizable injury to NCDP and a means by which the courts of our State can remedy that injury.[15]

[15] Furthermore, even under the federal standing requirements of (1) injury, (2) causation, and (3) redressability, *see Gill v. Whitford*, 138 S. Ct. 1916, 1929 (2018), the NCDP has such a personal stake in the outcome of the controversy that it has standing under this more stringent standard.

7. An association also "has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *River Birch Assoc.*, 326 N.C. at 130, 388 S.E.2d at 555 (quoting *Hunt v. Wash. State Apple Adver. Comm'n*, 432 U.S. 333, 343, 97 S. Ct. 2434, 2441 (1977)). An associational plaintiff need not show that *all* of its members would have standing to sue in their own right when seeking declaratory or injunctive relief; rather, it is sufficient if any "one" member would have individual standing. *Id.*; *see also State Employees Ass'n of N.C., Inc. v. State*, 357 N.C. 239, 580 S.E.2d 693 (2003) (reversing lower court decision that had required every member of association or organization to have standing). The Court finds instructive federal court holdings that organizations similar to the NCDP have standing to bring partisan gerrymandering challenges on behalf of their members. *See, e.g., League of Women Voters of Mich.*, 373 F. Supp. 3d at 933, 937-38; *Ohio A. Philip Randolph Inst.*, 373 F. Supp. 3d at 1072-73; *Rucho,* 318 F. Supp. 3d at 827, 835-36 (holding that the NCDP had standing to bring a partisan gerrymandering claim on behalf of its members).

 *107 8. The NCDP has standing to sue on behalf of its members in this case because its members—registered Democratic voters located in every state House and state Senate District across our State—otherwise have standing to sue in their own right, the interests that the NCDP seeks to protect are germane to the NCDP's purpose, and neither the claims asserted nor the declaratory and injunctive relief requested requires the participation of individual NCDP members in this lawsuit.

B. Common Cause Has Standing

9. The Court further holds that Common Cause has standing, both to sue on its own behalf as an organization and to sue on behalf of its members.

10. The Court finds instructive federal court holdings that organizations similar to Common Cause have standing to bring partisan gerrymandering challenges on their own behalves and on behalf of their members. *See, e.g., League of Women Voters of Mich.*, 373 F. Supp. 3d at 933, 937-38; *Ohio A. Philip Randolph Inst.*, 373 F. Supp. 3d at 1072-75; *Rucho* 318 F. Supp. 3d at 830-31 (holding that Common Cause had standing to bring a partisan gerrymandering challenge).

11. Like the NCDP, Common Cause has standing in its own right to seek judicial relief in this case because Common Cause has sufficiently demonstrated the presence of a legally cognizable injury to Common Cause and a means by which the courts of our State can remedy that injury.[16]

[16] Furthermore, even under the federal standing requirements of (1) injury, (2) causation, and (3) redressability, *see Gill*, 138 S. Ct. at 1929, Common Cause has such a personal stake in the outcome of the controversy that it has standing under this more stringent standard.

12. Common Cause also has standing to sue on behalf of its members in this case because at least one of its individual members has standing to sue in his or her own right, the interests Common Cause seeks to protect in this case are germane to Common Cause's purposes, and neither the claims asserted nor the declaratory and injunctive relief requested requires the participation of individual Common Cause members in this lawsuit.

C. The Standing of Individual Plaintiffs

13. Individual Plaintiffs also have standing to challenge each of their individual districts as well as their county groupings. All of the Individual Plaintiffs detailed below have shown "a personal stake in the outcome of the controversy," *Goldston*, 361 N.C. at 30, 637 S.E.2d at 879, and that the 2017 Plans cause them to "suffer harm," *Mangum*, 362 N.C. at 642, 669 S.E.2d at 281.

14. Certain Individual Plaintiffs have standing to challenge their own districts. Plaintiffs introduced extensive district-specific evidence demonstrating how, through cracking and packing, the 2017 Plans dilute the voting power of Individual Plaintiffs and other Democratic voters. Plaintiffs also introduced unrebutted, district-specific evidence demonstrating that twenty-two Individual Plaintiffs live in House districts that are outliers in partisan composition relative to the districts in which they live under Dr. Chen's nonpartisan simulated plans and that twenty Individual Plaintiffs live in Senate districts that are outliers in the same manner. FOF § E.3. Each of these Individual Plaintiffs thus established a personal stake in the outcome of the controversy and a specific harm directly attributable to the partisan gerrymandering of the district in which they reside. *Goldston*, 361 N.C. at 30, 637 S.E.2d at 879; *Mangum*, 362 N.C. at 642, 669 S.E.2d at 281; *see, e.g.*, *Rucho*, 318 F. Supp. 3d at 817; *Ohio A. Philip Randolph Inst.*, 373 F. Supp. 3d at 1063; *League of Women Voters of Mich.*, 373 F. Supp. 3d at 916; *Benisek*, 348 F. Supp. 3d 493, 517 (D. Md. 2018), *vacated on other grounds*, 139 S. Ct. 2484 (2019). Moreover, these Individual Plaintiffs have demonstrated, through extensive district-specific evidence, the presence of a legally cognizable injury and, as discussed in great detail below, a means by which the courts of our State can remedy that injury.

 *108 15. These Individual Plaintiffs challenge not only the individual districts in which they reside, but also the county groupings as a whole in which they reside. The United States Supreme Court has held that individual voters have standing under the federal Constitution to challenge only their own districts on partisan gerrymandering grounds, *Gill*, 138 S. Ct. at 1930-31; however, in light of the less stringent standing requirements in our State, and because the manner in which one district is drawn in a county grouping necessarily is tied to the drawing of some, and possibly all, of the other districts within that same grouping, a challenge to the entire county grouping by these Individual Plaintiffs constitutes the necessary "personal stake in the outcome of the controversy" for a plaintiff to have standing in this case. *Goldston*, 361 N.C. at 30, 637 S.E.2d at 879; *see Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002) (recognizing that a "reapportionment plan acts as an interlocking jigsaw puzzle, each piece reliant upon its neighbors to establish a picture of the whole" and that an "allegation that a litigant's district was improperly gerrymandered necessarily involves a critique of the plan beyond the borders of his district"), *abrogated on other grounds by League of Women Voters of Pa. v. Commonwealth*, 178 A.3d 737 (Pa. 2018).

16. On the other hand, several named Individual Plaintiffs do not have standing to challenge either the individual House or Senate District in which they reside because, under Dr. Chen's analysis, the district in which they would reside is not an outlier —based upon the location of that Individual Plaintiff's residence—when compared to all of Dr. Chen's nonpartisan simulated House or Senate maps.[17] Therefore, these Individual Plaintiffs have not demonstrated a cognizable injury and a means by which the Court could remedy that injury; however, with respect to the challenged districts in which these Individual Plaintiffs reside, because the NCDP has standing to bring partisan gerrymandering claims on behalf of its members, the Court concludes that Plaintiffs' challenges to these districts do not fail for lack of standing.

---

17   These Individual Plaintiffs without standing to challenge either their individual House or Senate district are: Virginia Walters Brien, Leon Charles Schaller, Howard Du Bose, Jr., Deborah Anderson Smith, Alyce Machak, John Balla, John Mark Turner, Ann McCracken, and Mary Ann Peden-Coviello. FOF § E.3.; PX238; PX117. The Court notes that although some Individual Plaintiffs may not have standing to challenge *both* of their House and Senate districts, they do have standing to challenge at least *a* district in which they reside.

II. THE 2017 PLANS VIOLATE THE NORTH CAROLINA CONSTITUTION'S FREE ELECTIONS CLAUSE

17. Two months ago, in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), the United States Supreme Court considered constitutional challenges to political gerrymandering of Congressional districts in North Carolina and Maryland.

18. The North Carolina Congressional map under consideration by the Supreme Court, adopted by the General Assembly on February 19, 2016, arose in remarkably similar circumstances as the maps under consideration by this trial court, which were adopted August 31, 2017: both the 2016 Congressional map and the 2017 legislative maps were required after a federal court declared existing maps unconstitutional; both were drawn under the direction of many of the same actors working on behalf of the Republican-controlled General Assembly; both were drawn by Dr. Thomas Hofeller; both were drawn in large part before the General Assembly's redistricting committee met and approved redistricting criteria; and both, as has been found above with respect to the 2017 legislative maps, were drawn with the intent to maximize partisan advantage and, in fact, achieved their intended partisan effects.

19. In the majority opinion of the *Rucho* Court, the Justices found the Congressional maps before them to be "highly partisan, by any measure," *id.* at 2491, and "blatant examples of partisanship driving districting decisions," *id.* at 2505. The majority further reaffirmed that "partisan gerrymanders are incompatible with democratic principles." *Id.* at 2506 (citing *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n*, 135 S. Ct. 2652, 2658 (U.S. 2016)).

 *109 20. Nonetheless, the Supreme Court concluded, in the majority opinion, that "partisan gerrymandering claims present political questions beyond the reach of the *federal* courts." *Rucho*, 139 S. Ct. at 2506-07 (emphasis added). The Court held that the *federal* courts "have no commission to allocate political power and influence in the absence of a constitutional directive or legal standards to guide us in the exercise of such authority," *id*. at 2508*,* and that the United States Constitution "confines the *federal* courts to a properly judicial role," because there is no "no plausible grant of authority in the [United States] Constitution, and no legal standards to limit and direct their decisions," *id.* at 2507 (emphasis added).

21. The Supreme Court hastened to add, however, that "our conclusion does not condone excessive partisan gerrymandering" and nor does its conclusion "condemn complaints about districting to echo into a void." *Id.*

22. Rather, the Supreme Court held, "[t]he States … are actively addressing the issue on a number of fronts," and "[p]rovisions in state statutes and *state constitutions* can provide standards and guidance for state courts to apply." *Id.* (emphasis added).

23. The North Carolina Constitution, in the Declaration of Rights, Article I, § 10, declares that "[a]ll elections shall be free."

24. The Free Elections Clause, Article I, § 10, is one of the clauses that makes the North Carolina Constitution more detailed and specific than the federal Constitution in the protection of the rights of its citizens. *Corum v. Univ. of N.C. ex rel. Bd. of Gov'rs*, 330 N.C. 761, 783, 413 S.E.2d 276, 290 (1992). The federal Constitution contains no similar counterpart to this declaration, although several other states' constitutions do.

25. The broad language of the Free Elections Clause has not heretofore been extensively interpreted by our appellate courts. However, "it is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).

26. The North Carolina Supreme Court has long recognized the fundamental role of the will of the people in our democratic government. "Our government is founded on the will of the people. Their will is expressed by the ballot." *People ex rel. Van Bokkelen v. Canaday*, 73 N.C. 198, 220 (1875).

27. In particular, the North Carolina Supreme Court has directed that in construing provisions of the Constitution, "we should keep in mind that this is a government of the people, in which the will of the people--the majority--legally expressed, must govern." *State ex rel. Quinn v. Lattimore*, 120 N.C. 426, 428, 26 S.E. 638, 638 (1897) (citing N.C. Const. art. I, § 2).

28. Therefore, our Supreme Court continued, because elections should express the will of the people, it follows that "all acts providing for elections, should be liberally construed, that tend to promote a fair election or expression of this popular will." *Id.* "[F]air and honest elections are to prevail in this state." *McDonald v. Morrow*, 119 N.C. 666, 673, 26 S.E. 132, 134 (1896).

29. Our Supreme Court has elevated this principle to the highest legal standard, noting that it is a "compelling interest" of the State "in having fair, honest elections." *State v. Petersilie*, 334 N.C. 169, 184, 432 S.E.2d 832, 840 (1993). As to this there is little room for debate; the Court has recognized that "there is also agreement as to the compelling government interest in ensuring honest and fair elections." *Id.* (citing *Burson v. Freeman*, 504 U.S. 191, 198-99, 112 S. Ct. 1846, 1851-52 (1992)).

30. In giving meaning to the Free Elections Clause, this Court's construction of the words contained therein must therefore be broad to comport with the following Supreme Court mandate: "We think the object of all elections is to ascertain, fairly and truthfully, the will of the people--the qualified voters." *Hill v. Skinner*, 169 N.C. 405, 415, 86 S.E. 351, 356 (1915) (quoting *R. R. v. Comrs.,* 116 N.C. 563, 568, 21 S.E. 205, 207 (1895)).

 *110 31. As such, the Court concludes that the meaning of the Free Elections Clause is that elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the people. This, the Court concludes, is a fundamental right of the citizens enshrined in our Constitution's Declaration of Rights, a compelling governmental interest, and a cornerstone of our democratic form of government.

32. The Court now turns to the issue of whether extreme partisan gerrymandering of legislative districts run afoul of the mandate of the Free Elections Clause by depriving citizens of elections that are conducted freely and honestly to ascertain, fairly and truthfully, the will of the people.

33. At its most basic level, partisan gerrymandering is defined as: "the drawing of legislative district lines to subordinate adherents of one political party and entrench a rival party in power." *Ariz. State Legislature,* 135 S. Ct. at 2658.

34. The danger of partisan gerrymandering is that it has the potential to violate "the core principle of republican government … that the voters should choose their representatives, not the other way around." *Id.* at 2677; *see* also *Powell v. McCormack*, 395 U.S. 486, 540-41, 89 S. Ct. 1944, 1974 (1969) ("[T]he true principle of a republic is, that the people should choose whom they please to govern them." (quoting Alexander Hamilton in 2 Debates of the Federal Constitution 257 (J. Elliott ed. 1876))). Moreover, it can represent "an abuse of power that, at its core, evinces a fundamental distrust of voters, serving the self-interest of the political parties at the expense of the public good." *LULAC v. Perry,* 548 U.S. 399, 456, 126 S. Ct. 2594, 2631 (2006) (Steven, J., concurring in part and dissenting in part) (quotation and citation omitted).

35. Partisan gerrymandering operates through vote dilution—the devaluation of one citizen's vote as compared to others. A mapmaker draws district lines to "pack" and "crack" voters likely to support the disfavored party. *See generally Gill*, 138 S. Ct. 1916. The mapmaker packs supermajorities of those voters into a relatively few districts, in numbers far greater than needed for their preferred candidates to prevail. Then the mapmaker cracks the rest across many more districts, spreading them so thin that their candidates will not be able to win. Whether the person is packed or cracked, his vote carries less weight—has less consequence—than it would under a neutrally drawn (non-partisan) map. *See id.,* 138 S. Ct. at 1935-36 (Kagan, J., concurring). In short, the mapmaker has made some votes count for less, because they are likely to go for the other party. *Rucho*, 2513-14 (Kagan, J., dissenting).

36. Seen in this light, it is clear to the Court that extreme partisan gerrymandering—namely redistricting plans that entrench politicians in power, that evince a fundamental distrust of voters by serving the self-interest of political parties over the public good, and that dilute and devalue votes of some citizens compared to others—is contrary to the fundamental right of North Carolina citizens to have elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people.

37. Extreme partisan gerrymandering does not fairly and truthfully ascertain the will of the people. Voters are not freely choosing their representatives. Rather, representatives are choosing their voters. It is not the will of the people that is fairly ascertained through extreme partisan gerrymandering. Rather, it is the will of the map drawers that prevails.

 *111 38. The Court is further persuaded that the history of the Free Elections Clause comports with the interpretation applied in this case.

39. The Free Elections Clause dates back to the North Carolina Declaration of Rights of 1776. The framers of the North Carolina Declaration of Rights based the Free Elections Clause on a provision of the 1689 English Bill of Rights providing that "election of members of parliament ought to be free." Bill of Rights 1689, 1 W. & M. c. 2 (Eng.); *see* John V. Orth, *North Carolina Constitutional History*, 70 N.C. L. Rev. 1759, 1797-98 (1992).

40. This provision of the 1689 English Bill of Rights grew out of the king's efforts to manipulate parliamentary elections, including by changing the electorate in different areas to achieve "electoral advantage." J.R. Jones, *The Revolution of 1688 in England* 148 (1972). The king's attempt to maintain control of parliament by manipulating elections led to a revolution, and after dethroning the king, the revolutionaries called for a "free and lawful parliament" as a critical reform. Grey S. De Krey, *Restoration and Revolution in Britain: A Political History of the Era of Charles II and the Glorious Revolution* 241, 247-48, 250 (2007).

41. A number of states included versions of a free election clause in their early Declarations of Rights, all drawing inspiration from the 1689 English Bill of Rights. The Framers of North Carolina's Declaration of Rights in turn drew inspiration for North Carolina's Free Elections Clause from these other states, which included Pennsylvania, Maryland, and Virginia. *See* Orth, 70 N.C. L. Rev. at 1797-98.

42. Like the 1689 English Bill of Rights, North Carolina's Free Elections Clause, in conjunction with the companion provision of the State Constitution now found in Article I, § 9 concerning redress of grievances, mandates that elections in North Carolina must be "free from interference or intimidation" by the government, so that all North Carolinians are freely able, through the electoral process, to pursue a "redress of grievances and for amending and strengthening the laws." John V. Orth & Paul M. Newby, *The North Carolina State Constitution* 55-57 (2d ed. 2013) (hereinafter "Orth & Newby"). "[T]his pair of sections concerns the application of the principle of popular sovereignty." *Id.* at 55. As the North Carolina Supreme Court explained nearly a century ago, the Free Elections Clause reflects that "[o]ur government is founded on the consent of the governed," and the right to free elections "must be held inviolable to preserve our democracy." *Swaringen v. Poplin*, 211 N.C. 700, 191 S.E. 746, 747 (1937).

43. North Carolina has broadened and strengthened the Free Elections Clause since its adoption in 1776 to make these purposes clear. The original clause stated that "elections of members, to serve as Representatives in the General Assembly, ought to be free." N.C. Declaration of Rights, VI (1776). The next version of the State's Constitution, adopted in 1868, declared that "[a]ll elections ought to be free," expanding the principle to include all elections in North Carolina. N.C. Const. art. I, § 10 (1868). In the current State Constitution, adopted in 1971, the Free Elections Clause now mandates that "[a]ll elections *shall* be free." N.C. Const. art. I, § 10 (emphasis added). This change was intended to "make [it] clear" that the Free Elections Clause and the other rights secured to the people by the Declaration of Rights "are commands and not mere admonitions" to proper conduct on the part of the government. *N.C. State Bar v. DuMont*, 304 N.C. 627, 635, 639, 286 S.E.2d 89, 94, 97 (1982) (quoting Report of the N.C. State Constitution Study Comm'n to the N.C. State Bar and the N.C. Bar Ass'n, 75 (1968)).

 *112 44. The North Carolina Supreme Court has enforced the Free Elections Clause to invalidate laws that interfere with voters' ability to freely choose their representatives. In *Clark v. Meyland*, the North Carolina Supreme Court struck down a law that required voters seeking to change their party affiliation to take an oath supporting the party's nominees "in the next election and … thereafter." 261 N.C. 140, 141, 134 S.E.2d 168, 169 (1964). The Court held that this attempt to manipulate the outcome of future elections "violate[d] the constitutional provision that elections shall be free." *Id.* at 143, 134 S.E.2d at 170.

45. The partisan gerrymandering of the 2017 Plans strikes at the heart of the Free Elections Clause. Using their control of the General Assembly, Legislative Defendants manipulated district boundaries, to the greatest extent possible, to control the outcomes of individual races so as to best ensure their continued control of the legislature.

46. Plaintiffs' experts demonstrated that the 2017 Plans were designed, specifically and systematically, to maintain Republican majorities in the state House and Senate. Drs. Chen and Mattingly each independently established that the 2017 Plans were gerrymandered to be most resilient in electoral environments where Democrats could win majorities in either chamber under nonpartisan plans. FOF § B.3.a, b. Their analyses establish that it is nearly impossible for Democrats to win majorities in either chamber in any reasonably foreseeable electoral environment. *Id.* Elections are not free when partisan actors have tainted future elections by specifically and systematically designing the contours of the election districts for partisan purposes and a desire to preserve power. In doing so, partisan actors ensure from the outset that it is nearly impossible for the will of the people—should that will be contrary to the will of the partisan actors drawing the maps—to be expressed through their votes for State legislators.

47. The 2017 Plans also unlawfully seek to predetermine election outcomes in specific districts and county groupings. Drs. Chen and Mattingly each found numerous districts and county groupings that result in safe or relatively safe Republican seats under the enacted plans but would be far more competitive or even Democratic-leaning under nonpartisan plans. In the remaining county groupings, Drs. Chen and Mattingly similarly found that Legislative Defendants placed their thumbs heavily on the scale to favor Republicans. *See* FOF § C.

48. The harm caused by this manipulation of election outcomes subverts another key purpose of the Free Elections Clause, which, in conjunction with Article I, § 9, is to facilitate the ability of North Carolina citizens to seek a "redress of grievances and for amending and strengthening the law." Orth & Newby, at 56. Democratic voters in North Carolina cannot meaningfully seek to redress their grievances or amend the laws consistent with their policy preferences when they cannot obtain a majority of the General Assembly.

49. For the foregoing reasons, the Court concludes that Plaintiffs have met their burden of showing, plainly and clearly without any reasonable doubt, that the enacted plans violate the North Carolina Constitution's guarantee of free elections in Article I, Section 10 of the North Carolina Constitution by demonstrating that Legislative Defendants, with the predominant intent to control and predetermine the outcome of legislative elections for the purpose of retaining partisan power in the General Assembly, manipulated the current district boundaries. And Plaintiffs have met their burden to establish that the manipulation of district boundaries by Legislative Defendants resulted in extreme partisan gerrymandering, subordinating traditional redistricting criteria, so that the resulting maps cracked and packed voters to achieve these partisan objectives. The 2017 Plans, individually and collectively, deprive North Carolina citizens of the right to vote for General Assembly members in elections that are conducted freely and honestly to ascertain, fairly and truthfully, the will of the people.

III. THE 2017 PLANS VIOLATE THE NORTH CAROLINA CONSTITUTION'S EQUAL PROTECTION CLAUSE

*113 50. The Equal Protection Clause of the North Carolina Constitution guarantees to all North Carolinians that "[n]o person shall be denied the equal protection of the laws." N.C. Const., art. I, § 19.

51. Generally, partisan gerrymandering runs afoul of the State's obligation to provide all persons with equal protection of law because, by seeking to diminish the electoral power of supporters of a disfavored party, a partisan gerrymander treats individuals who support candidates of one political party less favorably than individuals who support candidates of another party. *Cf. Lehr v. Robertson*, 463 U.S. 248, 265, 103 S. Ct. 2985 (1983) ("The concept of equal justice under law requires the State to govern impartially.")

A. North Carolina's Equal Protection Clause Provides Greater
Protection for Voting Rights Than its Federal Counterpart

52. North Carolina's Equal Protection Clause provides greater protection for voting rights than federal equal protection provisions. *Stephenson v. Bartlett*, 355 N.C. 354, 377-81 & n.6, 562 S.E.2d 377, 393-96 & n.6 (2002); *Blankenship v. Bartlett*, 363 N.C. 518, 522-28, 681 S.E.2d 759, 763-66 (2009). "It is beyond dispute that [North Carolina courts] ha[ve] the authority to construe [the North Carolina Constitution] differently from the construction by the United States Supreme Court of the Federal Constitution, as long as our citizens are thereby accorded no lesser rights than they are guaranteed by the parallel federal provision." *Stephenson*, 355 N.C. at 381 n.6, 562 S.E.2d at 395 n.6. North Carolina courts can and do interpret even "identical term[s]" in the State's Constitution more broadly than their federal counterparts. *Northampton Cnty. Drainage Dist. No. One v. Bailey*, 326 N.C. 742, 749, 392 S.E.2d 352, 357 (1990).

53. The North Carolina Supreme Court has held that North Carolina's Equal Protection Clause protects "the fundamental right of each North Carolinian to *substantially equal voting power*." *Stephenson*, 355 N.C. at 379, 562 S.E.2d at 394 (emphasis added). "It is well settled in this State that 'the right to vote *on equal terms* is a fundamental right.'" *Id.* at 378, 562 S.E.2d at 393 (quoting *Northampton Cnty.*, 326 N.C. at 747, 392 S.E.2d at 356) (emphasis added). These principles apply with full force in the redistricting context, and because a fundamental right is implicated, strict scrutiny applies. *See id.* at 377-78, 562 S.E.2d at 393-94.

54. The North Carolina Supreme Court has applied this broader state constitutional protection to invalidate redistricting schemes and other elections laws under Article I, § 19, irrespective of whether they violated federal equal protection guarantees. In *Stephenson*, the Court held that use of single-member and multi-member districts in a redistricting plan violated Article I, § 19. *Id.* at 377-81 & n.6, 562 S.E.2d at 393-95 & n.6. The Court explained that, although such a redistricting scheme did not violate the United States Constitution, it restricted the "fundamental right under the State Constitution" to "substantially equal voting power and substantially equal legislative representation." *Id.* at 382, 562 S.E.2d at 396. Because the "classification of voters" between single-member and multi-member districts created an "impermissible distinction among similarly situated citizens," it "necessarily implicate[d] the fundamental right to vote on equal terms," triggering "strict scrutiny." *Id.* at 377-78, 562 S.E.2d at 393-94.

 *114 55. In *Blankenship*, the Court held that Article I, § 19 mandates one-person, one-vote in judicial elections, even though the United States Constitution does not. 363 N.C. at 522-24, 681 S.E.2d at 762-64. The Court stressed that "[t]he right to vote on equal terms in representative elections … is a fundamental right" and therefore "triggers heightened scrutiny." *Id*.

56. And in *Northampton County*, the Court applied strict scrutiny to invalidate certain rules related to voting for drainage districts, holding that the rules at issue deprived one county's residents of the "fundamental right" to "vote on equal terms" with residents of a neighboring county. 326 N.C. at 747, 392 S.E.2d at 356.

57. Although the North Carolina Constitution provides greater protection for voting rights than the federal Equal Protection Clause, our courts use the same test as federal courts in evaluating the constitutionality of challenged classifications under an equal protection analysis. *Duggins v. N.C. State Bd. of Certified Pub. Accountant Exam'rs*, 294 N.C. 120, 131, 240 S.E.2d 406, 413 (1978); *Richardson v. N.C. Dep't of Corr.,* 345 N.C. 128, 134, 478 S.E.2d 501, 505 (1996).

58. Generally, this test has three parts: (1) intent, (2) effects, and (3) causation. First, the plaintiffs challenging a districting plan must prove that state officials' "predominant purpose" in drawing district lines was to "entrench [their party] in power" by diluting the votes of citizens favoring their rival. *Ariz. State Legis.*, 135 S. Ct. at 2658. Second, the plaintiffs must establish that the lines drawn in fact have the intended effect by "substantially" diluting their votes. *Rucho*, 318 F. Supp. 3d at 861. Finally, if the plaintiffs make those showings, the State must provide a legitimate, non-partisan justification (*i.e.*, that the impermissible intent did not cause the effect) to preserve its map. *Rucho,* 139 S. Ct. at 2516 (Kagan, J., dissenting).

B. The 2017 Plans Were Created with the Intent to Discriminate Against Plaintiffs and Other Democratic Voters

59. To establish a discriminatory purpose or intent, a plaintiff need not show that the discriminatory purpose is "express or appear[s] on the face of the statute." *Washington v. Davis*, 426 U.S. 229, 241, 96 S. Ct. 2040, 2048 (1976). Rather, "an invidious discriminatory purpose may often be inferred from the totality of the relevant facts." *Id.* at 242, 96 S. Ct. at 2048.

60. The United States Supreme Court has recognized that there are certain purposes for which a state redistricting body may take into account political data or partisan considerations in drawing district lines. For example, a legislature may, under appropriate circumstances, draw district lines to avoid the pairing of incumbents. *Karcher v. Daggett*, 462 U.S. 725, 740, 103 S. Ct. 2653, 2663 (1983). Likewise, a state redistricting body does not violate the United States Constitution by seeking "to create a districting plan that would achieve a rough approximation of the statewide political strengths of the Democratic and Republican Parties." *Gaffney v. Cummings*, 412 U.S. 735, 752, 93 S. Ct. 2321, 2331 (1973). And a redistricting body may draw district lines to respect municipal boundaries or maintain communities of interest. *Abrams v. Johnson*, 521 U.S. 74, 100, 117 S. Ct. 1925, 1940 (1997). Accordingly, a plaintiff in a partisan gerrymandering case cannot satisfy the discriminatory intent requirement simply by proving that the redistricting body intended to rely on political data or to take into account political or partisan considerations. Rather, the plaintiff must show that the redistricting body intended to apply partisan classifications or deprive citizens of the right to vote on equal terms "in an invidious manner or in a way unrelated to any legitimate legislative objective." *Vieth*, 541 U.S. at 307, 124 S. Ct. at 1793 (Kennedy, J., concurring in the judgment).

 *115 61. "Blatant examples of partisanship driving districting decisions," *Rucho*, 139 S. Ct. at 2505, are unrelated to any legitimate legislative objective. Indeed, partisan gerrymanders are incompatible with democratic principles. *Vieth*, 541 U.S. at 292, 124 S. Ct. at 1785 (plurality opinion); *id.*, at 316, 124 S. Ct. at 1798 (Kennedy, J., concurring in judgment); *Ariz. State Legislature*, 135 S. Ct. at 2658.

62. Partisan gerrymanders are also contrary to the compelling governmental interests established by the North Carolina Constitution "in having fair, honest elections," *see Petersilie*, 334 N.C. at 182, 432 S.E.2d at 840, where the "will of the people" is ascertained "fairly and truthfully," *Skinner*, 169 N.C. at 415, 86 S.E. at 356. Partisan gerrymandering contravenes the legitimate purposes of redistricting because it is intended to hamper, rather than to "achiev[e,] … fair and effective representation for all citizens." *Reynolds v. Sims*, 377 U.S. 533, 565-66, 84 S. Ct. 1362, 1383 (1964).

63. Moreover, the intentional "classification of voters" based on partisanship in order to pack and crack them into districts is an "impermissible distinction among similarly situated citizens" aimed at denying equal voting power. *See Stephenson*, 355 N.C. at 377-78, 562 S.E.2d at 393-94 ("The classification of voters into both single-member and multi-member districts within plaintiffs' proposed remedial plans necessarily implicates the fundamental right to vote on equal terms … These classifications, as used within plaintiffs' proposed remedial plans, create an impermissible distinction among similarly situated citizens based upon the population density of the area in which they reside."). "A state may not dilute the strength of a person's vote to give weight to other interests." *Texfi Indus., Inc. v. Fayetteville*, 301 N.C. 1, 13, 269 S.E.2d 142, 150 (1980) (citing *Evans v. Cornman*, 398 U.S. 419, 90 S. Ct. 1752 (1970)).

64. Legislative Defendants openly admitted that they used prior election results to draw districts to benefit Republicans in both 2011 and 2017. FOF § B.1. Dr. Hofeller's own files provide even more direct evidence that the predominant goal of the 2017 Plans was to maximize Republicans' political advantage by drawing Democratic voters into districts where their votes would be diluted, and in many cases where their votes would not matter. FOF § B.2.

65. The analysis and conclusions of Plaintiffs' experts confirm the point. Dr. Chen's analysis confirms that the General Assembly intentionally subordinated traditional districting principles to maximize Republican advantage. FOF § B.3.a. Dr. Mattingly's analysis confirms that the enacted plans' extreme partisan bias could only have been intentional. FOF § B.3.b. Dr. Pegden's sensitivity analysis shows that the enacted plans are more carefully crafted to favor Republicans than 99.999% of all possible plans of North Carolina meeting the same nonpartisan criteria laid out in the Adopted Criteria. FOF § B.3.c. And Dr. Cooper

demonstrated, by analyzing the district boundaries within each relevant county grouping, that the enacted plans intentionally and systematically pack and crack Democratic voters. FOF § C.

66. As such, the Court concludes that, in drawing the 2017 House and Senate Maps, Legislative Defendants acted with the intent, unrelated to any legitimate legislative objective, to classify voters and deprive citizens of the right to vote on equal terms. Legislative Defendants did so by subordinating Democratic voters to Legislative Defendants' partisan goals—in other words, by devaluing their vote as compared to the votes of Republican voters with the aim of entrenching the Republican Party in power—and the Court concludes that this intent was the predominant purpose of drawing the district lines in individual districts and statewide.

C. The 2017 Plans Deprive Plaintiffs and Other Democratic Voters of Substantially Equal Voting Power and the Right to Vote on Equal Terms

*116 67. The United States Supreme Court has recognized that the injury associated with partisan gerrymandering "arises from the particular composition of the voter's own district, which causes his vote – having been packed or cracked – to carry less weight than it would carry in another hypothetical district." *Gill*, 138 S. Ct. at 1931. It is the "voter's placement in a 'cracked' or 'packed' district" that causes injury. *Id.*

68. Therefore, to prevail, Plaintiffs must also establish that the enacted legislative districts actually had the effect of discriminating against—or subordinating— voters who support candidates of the Democratic Party by virtue of district lines that crack or pack those voters, thereby depriving them of substantially equal voting power in an effort to entrench the Republican Party in power, in violation of Article I, § 19.

69. The manipulation of district boundaries in the enacted plans prevents Democratic voters from obtaining a majority in the House or the Senate even in election environments where Democrats would obtain a majority under virtually any nonpartisan map. Dr. Chen and Dr. Mattingly each independently found that the effects of the gerrymanders are most extreme in circumstances where Democrats could win majorities in one or both chambers under nonpartisan plans. FOF § B.3.a, b. There is nothing "equal" about the "voting power" of Democratic voters when they have a vastly less realistic chance of winning a majority in either chamber under the enacted plans. "The right to vote is the right to participate in the decision-making process of government." *Texfi Indus.,* 301 N.C. at 13, 269 S.E.2d at 150. Democratic voters are significantly hindered from meaningfully participating in the decision-making process of government when the maps are drawn to systematically prevent Democrats from obtaining a majority in either chamber of the General Assembly.

70. Beyond the issue of majority control, Dr. Chen and Dr. Mattingly also concluded that the gerrymanders deprive Democratic voters of multiple seats in the House and the Senate across a variety of electoral environments. FOF § B.3.a, b. The 2017 Plans achieve these effects by cracking and packing Democratic voters in districts contained within county grouping after county grouping. FOF § C. This packing and cracking diminishes the "voting power" of Democratic voters in these districts and groupings; packing dilutes the votes of Democratic voters such that their votes, when compared to the votes of Republican voters, are substantially less likely to ultimately matter in deciding the election results, and the entire purpose of cracking likeminded voters across multiple districts is so they do not have sufficient "voting power" to join together and elect a candidate of their choice.

71. Moreover, although not necessary to establish Plaintiffs' equal protection claim, the Court similarly concludes that the 2017 Plans not only deprive Democratic voters of equal voting power in terms of electoral outcomes, but also deprive them of substantially equal legislative representation. *See Stephenson*, 355 N.C. at 379, 562 S.E.2d at 394. Partisan gerrymandering insulates legislators from popular will and renders them unresponsive to portions of their constituencies. *See Reynolds*, 377 U.S. at 565 ("Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsible to the popular will."). When a district is created solely to effectuate the interests of one group,

the elected official from that district is "more likely to believe that their primary obligation is to represent only the members of that group, rather than their constituency as a whole." *See Shaw I*, 509 U.S. at 648 (in the context of racial gerrymandering).

 *117 72. Just as the "political reality" is that "legislators are much more inclined to listen to and support a constituent than an outsider," *Stephenson*, 355 N.C. at 380, 562 S.E.2d at 395, the reality is that legislators are far more likely to represent the interests and policy preferences of voters of the same party. Legislative Defendants' own expert, Dr. Brunell, agreed that "a voter whose candidate of choice loses will on average be less well-represented than a voter who voted for the winning candidate." Tr. 2370:22-2371:2.

D. The 2017 Plans Cannot be Justified by any Legitimate Governmental Interest

73. Once a plaintiff establishes a *prima facia* case that boundaries of legislative districts violate the Equal Protection Clause of the North Carolina Constitution, which Plaintiffs have done in this case by establishing a discriminatory intent and a discriminatory effect, the burden shifts to Legislative Defendants to prove that a legitimate state interest or other neutral factor justified such discrimination.

74. Legislative Defendants offer limited neutral justifications for the enacted maps. They contend that the plans "satisfy the equal-population rule and the strict county-grouping and transversal rules of Article II of the State Constitution" and that "[t]he districts were far more compact than in 2011 or prior years; they split fewer VTDs than in 2011 or prior years; they … minimized incumbency pairings; and they preserved core constituency-incumbent relations." Leg. Defs.' Post-Trial Brief at p. 28.

75. While all of this may be true, these neutral justifications do not provide a sufficient justification for the substantial evidence, proffered by Plaintiffs and given substantial weight by this Court, showing that Legislative Defendants' predominant intent was to classify voters and deprive citizens of the right to vote on equal terms and substantially equally voting power. Legislative Defendants did so by subordinating Democratic voters to Legislative Defendants' partisan goals—in other words, by devaluing their vote as compared to the votes of Republican voters with the aim of entrenching the Republican Party in power—and the Court concludes that this intent was the predominant purpose of drawing the district lines in individual districts and statewide.

76. Nor do these justifications address the substantial evidence that the neutral criteria offered by Legislative Defendants, and indeed all other neutral objectives of the Adopted Criteria, were subordinated by Legislative Defendants in the map drawing process in order to attain the discriminatory effects of the resulting extreme partisan gerrymandering.

77. Because the 2017 Plans impermissibly interfere with the exercise of the fundamental right to vote, strict scrutiny applies. *See Stephenson*, 355 N.C. at 377-78, 562 S.E.2d at 393. Legislative Defendants have not established that the 2017 Plans are narrowly tailored to advance a compelling governmental interest. *See Id*. Advantaging a particular political party or discriminating against voters based on how they vote for the purposes of entrenching a political party's power is not a compelling government interest.

78. For the foregoing reasons, the Court concludes that Plaintiffs have met their burden of showing, plainly and clearly without any reasonable doubt, that the enacted plans violate the North Carolina Constitution's guarantee of equal protection in Article I, Section 19 of the North Carolina Constitution by demonstrating that (1) Legislative Defendants acted with the intent, unrelated to any legitimate legislative objective, to classify voters and deprive citizens of the right to vote on equal terms by subordinating Democratic voters to Legislative Defendants' partisan goals—in other words, by devaluing their vote as compared to the votes of Republican voters with the aim of entrenching the Republican Party in power—and this intent was the predominant purpose of drawing the district lines in individual districts and statewide; (2) that the legislative maps drawn by Legislative Defendants with this intent had the effect of depriving disfavored voters in North Carolina of substantially equal voting power and the right to vote on equal terms, as well as substantially equal legislative representation; and (3) Legislative Defendants have not provided a neutral justification or a compelling governmental rationale for their actions.

*118 79. Specifically, voters in specific districts in the following county groupings are unlawfully deprived of equal protection under the law in violation of the North Carolina Constitution. In these districts, Plaintiffs have demonstrated through Dr. Chen, Dr. Mattingly, and Dr. Cooper, whose expert testimony has been given substantial weight by the Court, that Democratic voters were packed or cracked into extreme gerrymandered districts so that the effect upon these voters was to deprive them of substantially equal voting power and the right to vote on equal terms, as well as substantially equal legislative representation. County groupings including these districts are as follows:

> *Senate Districts*: FOF § C.1.a (Mecklenburg); C.1.b (Franklin-Wake); C.1.c (Nash-Johnston-Harnett-Lee-Sampson-Duplin); C.1.d. (Guilford-Alamance-Randolph); C.1.e (Davie-Forsyth); C.1.g (Buncombe-Henderson-Transylvania);

> *House Districts*: FOF § C.2.a (Robeson-Columbus-Pender); C.2.b (Cumberland); C.2.d (Franklin-Nash); C.2.e (Pitt-Lenoir); C.2.f (Guilford); C.2.g (Davie-Rowan-Cabarrus-Stanly-Montgomery-Richmond); C.2.h (Yadkin-Forsyth); C.2.i (Mecklenburg); C.2.k (New Hanover-Brunswick); C.2.l (Duplin-Onslow); C.2.m (Anson-Union); C.2.n. (Alamance); C.2.o (Cleveland-Gaston); C.2.p (Buncombe).

In the remaining county groupings challenged by Plaintiffs, Drs. Chen and Mattingly similarly found that Legislative Defendants placed their thumbs heavily on the scale to favor Republicans. *See* FOF § C.

IV. THE 2017 PLANS VIOLATE THE NORTH CAROLINA CONSTITUTION'S FREEDOM OF SPEECH AND FREEDOM OF ASSEMBLY CLAUSES

80. The Freedom of Speech Clause in Article I, § 14 of the North Carolina Constitution provides that "[f]reedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained." The Freedom of Assembly Clause in Article I, § 12 provides, in relevant part, that "[t]he people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances."

81. The 2017 Plans violate the North Carolina Constitution's guarantees of free speech and assembly, irrespective of whether the plans violate the U.S. Constitution. *See Michigan v. Long*, 463 U.S. 1032, 103 S. Ct. 3469 (1983).

A. North Carolina's Constitution Protects the Rights of Free Speech and Assembly Independently from the Federal Constitution

82. "[I]n construing provisions of the Constitution of North Carolina," the North Carolina Supreme Court "is not bound by opinions of the Supreme Court of the United States construing even identical provisions in the Constitution of the United States." *State v. Hicks*, 333 N.C. 467, 483, 428 S.E.2d 167, 176 (1993). While the North Carolina Supreme Court gives "great weight" to decisions of the United States Supreme Court that interpret corresponding provisions in the federal constitution, *Hicks*, 333 N.C. at 484, 428 S.E.2d at 176, only North Carolina courts can "answer[] with finality" questions of North Carolina constitutional law, *State v. Arrington*, 311 N.C. 633, 643, 319 S.E.2d 254, 260 (1984). North Carolina courts thus "have the authority to construe [the State's] own constitution differently from the construction by the United States Supreme Court of the Federal Constitution, as long as [its] citizens are thereby accorded no lesser rights than they are guaranteed by the parallel federal provision." *State v. Carter*, 322 N.C. 709, 713, 370 S.E.2d 553, 555 (1988).

83. The North Carolina Supreme Court has held that the North Carolina Constitution's Free Speech Clause provides broader rights than does federal law. In particular, the Court has held that the North Carolina Constitution affords a direct cause of action for damages against government officers in their official capacity for speech violations, even though federal law does not. *Corum*, 330 N.C. at 783, 413 S.E.2d at 290. Noting that "[o]ur Constitution is more detailed and specific than the federal Constitution in the protection of the rights of its citizens," the Court explained that the North Carolina courts "give our Constitution a liberal interpretation in favor of its citizens with respect to those provisions which were designed to safeguard the liberty and security of the citizens in regard to both person and property." *Id.* Indeed, in recognizing a direct cause of action

under the State Constitution, the Court expressly relied on *the lack of* a federal remedy, which left plaintiffs with "no other remedy … for alleged violations of his constitutional freedom of speech rights." *Id.*

 *119 84. Similarly, in *Evans v. Cowan*, the Court of Appeals reversed a trial court that had dismissed a claim under Article I, § 14, on the erroneous ground that it was *res judicata* based on a prior dismissal of the plaintiff's claim under the federal First Amendment. 122 N.C. App. 181, 183-84, 468 S.E.2d 575, 577-78, *aff'd*, 477 S.E.2d 926 (N.C. 1996). While "both the North Carolina Constitution and the United States Constitution contain similar provisions proclaiming certain principles of liberty," North Carolina courts "are *not* bound by the opinions of the federal courts." *Id.* at 183-84, 468 S.E.2d at 577. "[A]n independent determination of plaintiff's constitutional rights under the state constitution [was] required, and the state courts reserve the right to grant relief under the state constitution in circumstances under which no relief might be granted under the federal constitution." *Id.* at 184, 468 S.E.2d at 577 (citation and internal quotations marks omitted); *see also McLaughlin v. Bailey*, 240 N.C. App. 159, 172, 771 S.E.2d 570, 579-80 (2015), *aff'd*, 781 S.E.2d 23 (N.C. 2016); *see also Lenzer v. Flaherty*, 106 N.C. App. 496, 418 S.E.2d 276 (1992).

85. In the context of partisan gerrymandering, it is especially important that North Carolina courts give independent force to North Carolina's constitutional protections. The United States Supreme Court recently held that federal courts applying the federal constitution have no power to adjudicate claims of partisan gerrymandering. *Rucho*, 139 S. Ct. 2484. That ruling does not mean that partisan gerrymandering complies with the constitution; it means that federal courts have no power to decide *whether* the practice complies with the constitution. "Having no other remedy," the North Carolina Constitution "guarantees [P]laintiff[s] a direct action under the State Constitution for alleged violations of [their] constitutional freedom of speech rights." *Corum*, 330 N.C. at 783, 413 S.E.2d at 290.

B. Voting, Banding Together in a Political Party, and Spending on Elections Are Protected Expression and Association

86. Voting for the candidate of one's choice and associating with the political party of one's choice are core means of political expression protected by the North Carolina Constitution's Freedom of Speech and Freedom of Assembly Clauses. The 2017 Plans burden that protected expression and thus are subject to scrutiny under those clauses.

87. Voting provides citizens a direct means of expressing support for a candidate and his views. *See Buckley v. Valeo*, 424 U.S. 1, 21, 96 S. Ct. 612, 635 (1976). Indeed, if donating money to a candidate constitutes a form of protected speech, then voting for that same candidate necessarily does as well. "There is no right more basic in our democracy than the right to participate in electing our political leaders"—including, of course, the right to "vote." *McCutcheon v. FEC*, 572 U.S. 185, 191, 134 S. Ct. 1434, 1440 (2014) (plurality op.). "[P]olitical belief and association constitute the core of those activities protected by the First Amendment." *Elrod v. Burns*, 427 U.S. 347, 356, 96 S. Ct. 2673, 2681 (1976).

88. Plaintiffs' expression is no less protected "merely because it involves the 'act'" of casting a ballot. *State v. Bishop*, 368 N.C. 869, 874, 787 S.E.2d 814, 818 (2016). "[M]uch speech requires an 'act' of some variety—whether putting ink to paper or paint to canvas, or hoisting a picket sign, or donning a message-bearing jacket." *Id.* Voting, like donating money to a candidate or signing a petition for a referendum, constitutes "expressive activity" that "express[es] [a] view" about the State's laws and policies. *Winborne v. Easley*, 136 N.C. App. 191, 198, 523 S.E.2d 149, 153 (1999); *Doe v. Reed*, 561 U.S. 186, 195, 130 S. Ct. 2811, 2817 (2010). Voting's expressive force is not diminished by the fact that it "is a legally operative legislative act." *Id.* at 195; *see also Nev. Comm'n on Ethics v. Carrigan*, 564 U.S. 117, 134, 131 S. Ct. 2343, 2355 (2011) (Alito, J., concurring) ("[T]he act of voting is not drained of its expressive content when the vote has a legal effect."). Having "cho[sen] to tap the energy and the legitimizing power of the democratic process," the government "must accord the participants in that process the First Amendment rights that attach to their roles." *Republican Party of Minn. v. White*, 536 U.S. 765, 788, 122 S. Ct. 2528, 2541 (2002) (quotation omitted). The ballots cast by Plaintiffs and other Democratic voters to elect candidates to the North Carolina General Assembly are protected by North Carolina's Freedom of Speech Clause.

*120 89. Expression aside, the Freedom of Assembly Clause independently protects Plaintiffs' voting and their association with the Democratic Party. The Freedom of Assembly Clause—part of North Carolina's original 1776 Declaration of Rights— protects the right of the people "to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." N.C. Const. art. I, § 12; *see* N.C. Const. art. I, § 18 (1776). In North Carolina, the right to assembly encompasses the right of association. *Feltman v. City of Wilson*, 238 N.C. App. 246, 253, 767 S.E.2d 615, 620 (2014).

90. Just as voting is a form of protected expression, banding together with likeminded citizens in a political party is a form of protected association. "[C]itizens form parties to express their political beliefs and to assist others in casting votes in alignment with those beliefs." *Libertarian Party of N.C. v. State*, 365 N.C. 41, 49, 707 S.E.2d 199, 204-05 (2011). "[F]or elections to express the popular will, the right to assemble and consult for the common good must be guaranteed." John V. Orth, *The North Carolina State Constitution* 48 (1995).

91. A final form of relevant protected expression involves the expenditure of funds in support of candidates. It is now well-settled that "political contributions and expenditures" constitute "expressive activity" that are constitutionally protected. *Winborne*, 136 N.C. App. at 198, 523 S.E.2d at 153-54.

C. The 2017 Plans Burden Protected Expression and Association

92. The 2017 Plans are subject to strict scrutiny because they burden Plaintiffs' and Democratic voters' political expression and association.

1. The 2017 Plans Burden Protected Expression Based on Viewpoint by Making Democratic Votes Less Effective

93. It is "axiomatic" that the government may not infringe on protected activity based on the individual's viewpoint. *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828, 115 S. Ct. 2510, 2516 (1995). "The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction." *Id.* at 829, 115 S. Ct. at 2516. The guarantee of free expression "stands against attempts to disfavor certain subjects or viewpoints." *Citizens United v. FEC*, 558 U.S. 310, 340, 130 S. Ct. 876, 898 (2010).

94. Viewpoint discrimination is *most* insidious where the targeted speech is political. "[I]n the context of political speech, … [b]oth history and logic" demonstrate the perils of permitting the government to "identif[y] certain preferred speakers" while burdening the speech of "disfavored speakers." *Id.* at 340-41, 130 S. Ct. at 899. The government may not burden the "speech of some elements of our society in order to enhance the relative voice of others" in electing officials. *McCutcheon*, 572 U.S. at 207, 134 S. Ct. at 1450; *see also Winborne*, 136 N.C. App. at 198, 523 S.E.2d at 154 ("political speech" has "such a high status" that free speech protections have their "fullest and most urgent application" in this context (quotations marks omitted)).

95. Here, Legislative Defendants "identified[] certain preferred speakers" (Republican voters), while targeting certain "disfavored speakers" (Plaintiffs and other Democratic voters) for "disfavored treatment" because of disagreement with the views they express when they vote. *Citizens United*, 558 U.S. at 340-41, 130 S. Ct. at 899; *see Sorrell v. IMS Health Inc.*, 564 U.S. 552, 565, 131 S. Ct. 2653, 2663 (2011). Legislative Defendants analyzed the voting histories of every VTD in North Carolina, identified VTDs that favor Democratic candidates, and then singled out the voters in those VTDs for disfavored treatment by packing and cracking them into districts with the aim of diluting their votes and, in the case of cracked districts, ensuring that these voters are significantly less likely, in comparison to Republican voters, to be able to elect a candidate who shares their views.

*121 96. The fact that Democratic voters can still cast ballots under gerrymandered maps changes nothing. The government unconstitutionally burdens speech where it renders disfavored speech *less effective*, even if it does not ban such speech outright.

The government may not restrict a citizen's "ability to effectively exercise" their free speech rights. *Heritage Vill. Church & Missionary Fellowship, Inc. v. State*, 40 N.C. App. 429, 451, 253 S.E.2d 473, 486 (1979), *aff'd*, 299 N.C. 399, 263 S.E.2d 726 (1980). "It is thus no answer to say that petitioners can still be 'seen and heard'" if the burdens placed on their speech "have effectively stifled petitioners' message." *McCullen v. Coakley*, 573 U.S. 464, 489-90, 134 S. Ct. 2518, 2537 (2014).

97. In *McCullen*, for instance, the United States Supreme Court invalidated a law that imposed a buffer zone around abortion clinics because the law "compromise[d] [the] ability" of the plaintiffs to "initiate the close, personal conversations that they view as essential" to effectively communicate their message. 573 U.S. at 487, 134 S. Ct. at 2535. And in *Sorrell*, the United States Supreme Court invalidated on viewpoint discrimination grounds a state law that burdened drug manufacturers by denying them information that made their marketing more effective. 564 U.S. at 580, 131 S. Ct. at 2672. The Court stressed that "the distinction between laws burdening speech is but a matter of degree and the Government's content-based burdens must satisfy the same rigorous scrutiny as its content-based bans." *Id.* at 555-56, 131 S. Ct. at 2664 (quotation marks omitted).

98. These principles apply equally to burdens on political expression. In *Davis v. FEC*, the United States Supreme Court struck down a law that disfavored candidates who self-financed their campaigns. 554 U.S. 724, 128 S. Ct. 2759 (2008). The law in question did *not* limit how much money self-financing candidates could spend, but it still unconstitutionally "diminishe[d] the effectiveness of [their] speech." *Id.* at 736, 128 S. Ct. at 2770. The Court held the same in *Ariz. Free Enterprise Club's Freedom Club PAC v. Bennett*, where it invalidated a public-matching scheme because it rendered the money spent by privately financed candidates "less effective." 564 U.S. 721, 747, 131 S. Ct. 2806, 2824 (2011); *see also Randall v. Sorrell*, 548 U.S. 230, 248-49, 126 S. Ct. 2479, 2492 (2006) (invalidating limit on campaign donations that made such donations less "effective").

99. North Carolina courts have recognized "several paths" leading to the conclusion that laws burdening protected expression are impermissibly discriminatory and thus "subject to strict scrutiny." *State v. Bishop*, 368 N.C. 869, 875, 787 S.E.2d 814, 819 (2016). A finding of discrimination "can find support in the plain text of a statute, or the animating impulse behind it, or the lack of any plausible explanation besides distaste for the subject matter or message." *Id.* The 2017 Plans thus need not explicitly mention any particular viewpoint to be impermissibly discriminatory. *See, e.g.*, *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2227 (2015).

100. Here, all paths lead to the same conclusion: the 2017 Plans reflect viewpoint discrimination against Plaintiffs and other Democratic voters that render their protected political expression less effective.

101. Overwhelming, unrebutted evidence establishes that the 2017 Plans were laced with viewpoint-driven intent. Legislative Defendants directed Dr. Hofeller to assign voters to districts using "election data" reflecting the contents of their prior votes for Democratic or Republican candidates, and Dr. Hofeller abided, using a color-coded shading system to track voters based on their partisan preferences and voting histories. FOF § C. Within county groups, Dr. Hofeller placed Democratic voters in this district or that one based *solely* on their political views. If this direct evidence left any doubt, the expert testimony showed that the mapmaker crafted the plans with partisanship as the predominant (if not sole) focus. Dr. Cooper in particular illustrated the intentional packing and cracking of specific Democratic voters and communities. FOF § C.

 *122 102. This sorting of Plaintiffs and other Democratic voters based on disfavor for their political views has burdened their speech by making their votes less effective. Many Plaintiffs and other Democratic voters live in districts where their votes are guaranteed to be less effective—either because the districts are packed such that Democratic candidates will win by astronomical margins or because the Democratic voters are cracked into seats that are safely Republican. Plaintiff Derrick Miller testified that he is one such voter: with the Wilmington Notch having been placed in Senate District 8, it is "impossible for [he] and Democratic neighbors to elect a Democrat, a candidate of our choice." Tr. 205:13-15. Plaintiff Joshua Brown similarly testified that the mapmaker's placing High Point's Democrats into Senate District 26 "clearly dilutes the ability of Democrats to even attempt to run a fair race." Tr. 833:20-21.

103. By packing and cracking Democratic voters to make it harder for them to translate votes into legislative seats, the 2017 Plans "single[] out a subset of messages for disfavor based on the views expressed." *Matal v. Tam*, 137 S. Ct. 1744, 1766 (2017) (Kennedy, J., concurring). "This is the essence of viewpoint discrimination." *Id.*

104. Even were Legislative Defendants permitted to *consider* voters' political beliefs when drawing district maps, the 2017 Plans would still be unlawful. In arenas where the government is allowed (or even required) to consider the content or viewpoint of expression that it regulates, it is still forbidden from intentionally elevating one viewpoint over the other. In *Board of Education v. Pico*, for example, the Supreme Court recognized that, while local school boards "possess significant discretion to determine the content of their school libraries," their discretion may "not be exercised in a narrowly partisan or political manner." 457 U.S. 853, 870, 102 S. Ct. 2799, 2810 (1982). As the Court observed, "[i]f a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books." *Id.* at 870-71, 102 S. Ct. at 2810. So too here. Legislative Defendants did not simply look at partisan data to satisfy their curiosity. They drew the 2017 Plans in a way that deliberately minimized the effectiveness of the votes of citizens with whom they disagree.

2. The 2017 Plans Burden Plaintiffs' Ability to Associate

105. The 2017 Plans independently violate Article I, § 12 by burdening the ability of the NCDP, Common Cause, and Democratic voters to associate effectively.

106. The 2017 Plans severely burden—if not outright preclude—the ability of the NCDP, Common Cause, and Democratic voters "to instruct their representatives, and to apply to the General Assembly for redress of grievances." N.C. Const. art. I, § 12. Democratic voters who live in cracked districts have little to no ability to instruct their representatives or obtain redress from their representatives on issues important to those voters. FOF § E.3. And as a result of the gerrymanders, Democratic voters across the state, as well as the NCDP, will be unlikely to obtain redress from "the General Assembly" on important policy issues, because they will unlikely be able to obtain Democratic majorities in the General Assembly. *Id.* Common Cause likewise cannot instruct representatives or obtain redress on the issues central to its mission due to the gerrymanders. FOF § E.2. The 2017 Plans "burden[] the ability of like-minded people across the State to affiliate in a political party and carry out [their] activities and objects." *Gill*, 138 S. Ct. at 1939 (Kagan J., concurring).

107. The 2017 Plans separately violate NCDP's associational rights by "debilitat[ing] [the] party" and "weaken[ing] its ability to carry out its core functions and purposes." *Id.* Due to the unfair playing field created by the 2017 Plans, the NCDP "face[s] difficulties fundraising, registering voters, attracting volunteers, generating support from independents, and recruiting candidates to run for office." *Id.* at 1938; *see* FOF § E.1. And, even when overcoming these difficulties through extraordinary efforts, fundraising and enthusiasm, as was evidenced in the 2018 election cycle, the 2017 Plans nonetheless debilitate the NCDP and weaken its ability to translate its effort, funds and enthusiasm into a meaningful opportunity to gain majority control of the General Assembly. FOF § E.1.

3. The 2017 Plans Burden the NCDP's Expression Through Financial Support for Candidates

 *123 108. The 2017 Plans independently violate the NCDP's free expression and assembly rights under Article I, §§ 12 and 14 by burdening their campaign donations and expenditures. The NCDP must spend more money than it would need to under nonpartisan plans, both statewide and in individual races, and the money that the NCDP spends is less effective than it would be under nondiscriminatory maps. FOF § E.1. The NCDP's political opponent, the North Carolina Republican Party, faces no such burdens.

109. The operation of the 2017 Plans is analogous to the laws struck down in *Davis* and *Bennett* in this regard. Those laws did not preclude or limit any campaign expenditures, but were still held unconstitutional because they "diminishe[d] the effectiveness"

of the expenditures of some candidates. *See Bennett*, 564 U.S. at 736, 131 S. Ct. at 2818 (quoting *Davis*, 554 U.S. at 736, 128 S. Ct. at 2770). The same is true here. The 2017 Plans create "a political hydra" that forces the NCDP to drain and divert resources across the State merely to avoid being relegated to a super-minority. *Id.* at 738.

D. The 2017 Plans Fail Strict Scrutiny—and Indeed Any Scrutiny

110. Because the 2017 Plans discriminate against Plaintiffs and other Democratic voters based on their protected expression and association, the burden shifts to the Legislative Defendants to establish that the 2017 Plans were narrowly tailored to achieve a compelling government interest. *See Petersilie*, 334 N.C. at 206, 432 S.E.2d at 853-54 (Mitchell, J., dissenting).

111. As noted above, COL § III.D., Legislative Defendants have offered no credible justification for their partisan discrimination. Nor could they have. Discriminating against citizens based on their political beliefs does not serve any legitimate government interest.

E. The 2017 Plans Impermissibly Retaliate Against Voters Based on Their Exercise of Protected Speech

112. The 2017 Plans violate the Freedom of Speech and Assembly Clauses for an independent reason. In addition to forbidding discrimination, those clauses also bar *retaliation* based on protected speech and expression. *See McLaughlin*, 240 N.C. App. at 172, 771 S.E.2d at 579-80. Courts carefully guard against retaliation by the party in power. *See Elrod*, 427 U.S. at 356, 96 S. Ct. at 2681; *Branti v. Finkel*, 445 U.S. 507, 100 S. Ct. 1287 (1980); *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 110 S. Ct. 2729 (1990). When patronage or retaliation restrains citizens' freedoms of belief and association, it is "at war with the deeper traditions of democracy embodied in the First Amendment." *Elrod*, 427 U.S. at 357, 96 S. Ct. at 2682 (quotation marks omitted).

113. To establish a violation of the North Carolina Constitution under a retaliation theory, Plaintiffs must show, in addition to their engagement in protected expression or association, that (1) the 2017 Plans take adverse action against them, (2) the 2017 Plans were created with an intent to retaliate against their protected speech or conduct, and (3) the 2017 Plans would not have taken the adverse action but for that retaliatory intent. *See McLaughlin*, 240 N.C. App. at 172, 771 S.E.2d at 579-80. Plaintiffs proved all of these elements.

114. *First*, the 2017 Plans take adverse action against Plaintiffs. For the Individual Plaintiffs and the Organizational Plaintiffs' members, the plans dilute the weight of their votes. The enacted plans adversely affect the individual Plaintiffs' associational rights. In *relative* terms, Democratic voters under the 2017 Plans are far less able to succeed in electing candidates of their choice than they would be under plans that were not so carefully crafted to dilute their votes. And in *absolute* terms, Plaintiffs are significantly foreclosed from succeeding in electing preferred candidates or a Democratic majority.

 *124 115. *Second*, the Plans were clearly crafted with an *intent* to retaliate against Plaintiffs and other Democratic voters on the basis of their voting history. Again, Dr. Hofeller's files showed that when drafting the House and Senate maps he intentionally targeted Democratic voters based on their voting histories. Legislative Defendants cannot escape a finding of retaliatory intent by re-characterizing their actions as helping Republicans rather than hurting Democrats. In two-party elections, an intent to help one party necessarily implies an intent to hurt the other party. Nor does it matter that Legislative Defendants did not target specific individual voters. Plaintiffs were targeted for disfavored treatment because of a shared marker of political belief—their status as Democratic voters. That suffices. *See Miller v. Johnson*, 515 U.S. 900, 920, 115 S. Ct. 2475, 2490 (1995) (condemning State's targeting of areas with "dense majority-black populations").

116. *Third*, Legislative Defendants' impermissible partisan intent *caused* the burden on Plaintiffs' expression and association. The adverse effects described above would not have occurred if Legislative Defendants had not cracked and packed Democratic voters and thereby diluted their votes. In particular, Dr. Chen compared the districts in which the Individual Plaintiffs currently

reside under the enacted plans with districts in which they would have resided under each of his simulated plans. Many of the Individual Plaintiffs' actual districts are extreme partisan outliers when compared with their districts under the simulated plans.

117. For the foregoing reasons, the Court concludes that Plaintiffs have met their burden of showing, plainly and clearly without any reasonable doubt, that the enacted plans violate the North Carolina Constitution's guarantees of free speech and assembly under Article I, Sections 12 and 14 of the North Carolina Constitution.

V. PARTISAN GERRYMANDERING CLAIMS ARE JUSTICIABLE UNDER THE NORTH CAROLINA CONSTITUTION

118. In all but the most exceptional circumstances, North Carolina courts are duty-bound to say what the law of this State is and to adjudicate cases on the merits.

119. In cases brought under the North Carolina Constitution, "[i]t has long been understood that it is the duty of the courts to determine the meaning of the requirements of our Constitution." *Leandro v. State*, 346 N.C. 336, 345, 488 S.E.2d 249, 253 (1997). "When a government action is challenged as unconstitutional, the courts have a duty to determine whether that action exceeds constitutional limits." *Id.* "It is the duty of this Court to ascertain and declare the intent of the framers of the Constitution and to reject any act in conflict therewith." *Maready v. City of Winston-Salem*, 342 N.C. 708, 716, 467 S.E.2d 615, 620 (1996).

120. State courts' duty to decide constitutional cases applies with full force in the redistricting context. Although the North Carolina Constitution directs the General Assembly to revise and reapportion districts after each census, "[t]he people of North Carolina chose to place several explicit limitations upon the General Assembly's execution of the legislative reapportionment process," which state courts have not hesitated to enforce. *Stephenson*, 355 N.C. at 370, 562 S.E.2d at 389. North Carolina courts have adjudicated claims that redistricting plans violated the Whole County Provision, the mid-decade redistricting bar, the Equal Protection Clause, and other provisions of the North Carolina Constitution. *See Stephenson*, 355 N.C. at 376, 380-81, 562 S.E.2d at 392, 395; *State ex rel. Martin v. Preston*, 325 N.C. 438, 385 S.E.2d 473 (1989); *NAACP v. Lewis*, 18 CVS 2322 (N.C. Super. Ct. Nov. 2, 2018). "[W]ithin the context of … redistricting and reapportionment disputes, it is well within the power of the judiciary of [this] State to require valid reapportionment or to formulate a valid redistricting plan." *Stephenson*, 355 N.C. at 362, 562 S.E.2d at 384 (quotation marks omitted).

 *125 121. Courts of other states have decided constitutional challenges to redistricting plans, including partisan gerrymandering claims, on the merits. In adjudicating a recent partisan gerrymandering suit, the Pennsylvania Supreme Court held that "it is the duty of the Court, as a co-equal branch of government, to declare, when appropriate, certain acts unconstitutional." *League of Women Voters of Pa.*, 178 A.3d at 822. The Florida Supreme Court similarly held that "there can hardly be a more compelling interest than the public interest in ensuring that the Legislature does not engage in unconstitutional partisan political gerrymandering." *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 416 (Fla. 2015). And in another constitutional redistricting challenge, the Texas Supreme Court held that "[t]he judiciary … is both empowered and, when properly called upon, obliged to declare whether an apportionment statute enacted by the Legislature is valid." *Terrazas v. Ramirez*, 829 S.W.2d 712, 717 (Tex. 1991). "A judicial determination that an apportionment statute violates a constitutional provision is no more an encroachment on the prerogative of the Legislature than the same determination with respect to some other statute." *Id.*; *see also, e.g.*, *Johnson v. State*, 366 S.W.3d 11, 23 (Mo. 2012) (similar).

122. Indeed, state courts are particularly well-positioned to adjudicate redistricting disputes, as the public may "more readily accept state court intervention … than … federal intervention in matters of state government." *Brooks v. Hobbie*, 631 So. 2d 883, 890 (Ala. 1993). "The power of the judiciary of a State to require valid reapportionment or to formulate a valid redistricting plan has not only been recognized by th[e United States Supreme] Court but … has been specifically encouraged." *Scott v. Germano*, 381 U.S. 407, 409 (1965). In *Rucho*, the United States Supreme Court recently made clear that partisan gerrymandering claims are not "condemn[ed] … to echo in the void," because although the federal courthouse doors may be closed, "state constitutions can provide standards and guidance for state courts to apply." 139 S. Ct. at 2507.

123. If unconstitutional partisan gerrymandering is not checked and balanced by judicial oversight, legislators elected under one partisan gerrymander will enact new gerrymanders after each decennial census, entrenching themselves in power anew decade after decade. When the North Carolina Supreme Court first recognized the power to declare state statutes unconstitutional, it presciently noted that absent judicial review, members of the General Assembly could "render themselves the Legislators of the State for life, without any further election of the people." *Bayard v. Singleton*, 1 N.C. 5, 7 (1787). Those legislators could even "from thence transmit the dignity and authority of legislation down to their heirs male forever." *Id.* Extreme partisan gerrymandering reflects just such an effort by a legislative majority to permanently entrench themselves in power in perpetuity.

124. The fact that the process employed by the Legislative Defendant in crafting the 2017 Maps is a process that has been used in North Carolina for decades—albeit in less precise and granular detail—by Democrats and Republicans alike does render political gerrymandering nonjusticiable. Long standing, and even widespread historical practices do not immunize governmental action from constitutional scrutiny. *See e.g., Citizens United v. FEC*, 558 U.S. 310, 365 (2010); *Reynolds v. Sims*, 377 U.S. 533, 582 (1964) (holding that malapportionment of state legislative districts violates Equal Protection Clause, notwithstanding that malapportionment was widespread in the Nineteenth and early Twentieth Centuries.)

125. In rare instances, North Carolina courts have held that certain exceptional cases are non-justiciable because they present a "political question." "The political question doctrine controls, essentially, when a question becomes not justiciable because of the separation of powers provided by the Constitution." *Cooper v. Berger*, 370 N.C. 392, 407, 809 S.E.2d 98, 107 (2018) (quotation marks omitted; cleaned up). "The doctrine excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the legislative or executive branches of government." *Id.* at 408, 809 S.E.2d at 107 (quotation marks omitted; cleaned up). The "dominant considerations" in determining whether the political question doctrine applies are "the appropriateness under our system of government of attributing finality to the action of the political departments and also the lack of satisfactory criteria for a judicial determination." *Id.* (quotation marks omitted).

 *126 126. The Court concludes that partisan gerrymandering claims are justiciable under the North Carolina Constitution. Such claims fall within the broad, default category of constitutional cases the North Carolina courts are empowered and obliged to decide on the merits, and not within the narrow category of exceptional cases covered by the political question doctrine.

127. The Court concludes that partisan gerrymandering does not "involve a textually demonstrable constitutional commitment of the issue to a coordinate political department." *Bacon v. Lee*, 353 N.C. 696, 717, 549 S.E.2d 840, 854 (2001) (quotation marks omitted).

128. Although Article II, §§ 3 and 5, of the North Carolina Constitution direct the General Assembly to revise and reapportion state House and Senate districts after each decennial census, North Carolina courts often decide constitutional challenges to state redistricting plans. COL ¶ 125 (citing cases). These cases conclusively refute any notion that redistricting is "committed to the *sole* discretion of the General Assembly" without judicial review by the courts. *Cooper*, 370 N.C. at 409, 809 S.E.2d at 108 (emphasis added).

129. "[T]he General Assembly's authority pursuant to [Article II, §§ 3 and 5] is necessarily constrained by the limits placed upon that authority by other provisions." *Cooper*, 370 N.C. at 410, 809 S.E.2d at 109. The North Carolina Supreme Court has held that the State Constitution's Equal Protection Clause constrains the General Assembly's exercise of its redistricting authority pursuant to Article II, §§ 3 and 5. *Stephenson*, 355 N.C. at 376-82, 562 S.E.2d at 392-96. The people of North Carolina amended the Free Elections Clause to mandate that "all elections" not only "ought to be" but "*shall* be free." N.C. Const. art. I, § 10 (emphasis added). This change "ma[d]e [it] clear" that the Free Elections Clause is a "command[] and not mere[ly] [an] admonition" to proper conduct on the part of the government. *DuMont*, 304 N.C. at 639, 286 S.E.2d at 97 (quotation marks omitted). And the North Carolina Supreme Court has held that North Carolinians must have a judicial "remedy for the violation of plaintiff's constitutionally protected right of free speech." *Corum*, 330 N.C. at 784, 413 S.E.2d at 290.

130. In North Carolina, cases presenting "a conflict between … competing constitutional provisions" involve proper "constitutional interpretation, … rather than a nonjusticiable political question arising from nothing more than a policy dispute." *Cooper*, 370 N.C. at 412, 809 S.E.2d at 110. The Court held in *Cooper* that a challenge to a statute creating a new State Board of Elections and Ethics Enforcement did not present a political question, because the General Assembly's authority over the functions and powers of administrative agencies was limited by the Governor's constitutional duty to "take care that the laws be faithfully executed." *Id.* at 417-18, 809 S.E.2d at 113-14. Similarly, in *News & Observer Publ'g Co. v. Easley*, the Court held that a suit seeking public records related to clemency applications was not a political question, because the Governor's power over clemency was limited by the General Assembly's power to enact laws "relative to the manner of applying for pardons." 182 N.C. App. 14, 16, 641 S.E.2d 698, 700 (2007). So too, partisan gerrymandering claims do not present a political question because the General Assembly's redistricting authority under Article II, §§ 3 and 5 is limited by the Equal Protection Clause, the Free Elections Clause, and the Freedom of Speech and Assembly Clauses. This Court's task is "to identify where the line should be drawn" between these provisions. *Id.* at 15-16, 641 S.E.2d at 700. "There can be no doubt that [the Court has] the power and the responsibility to do so." *Id.*

 *127 131. This case bears no resemblance to cases in which North Carolina courts have applied the political question doctrine. In *Bacon v. Lee*, for example, the North Carolina Supreme Court rejected a claim seeking a disinterested arbiter for a clemency application because the North Carolina Constitution "expressly commits the substance of the clemency power to the *sole discretion* of the Governor." 353 N.C. at 698, 717, 549 S.E.2d at 843, 854 (emphasis added). Similarly, in *Hoke Cnty. Bd. of Educ. v. State*, the Supreme Court rejected a challenge to a statute setting the proper age for children to attend public school because the Constitution placed "the determination of the proper age for school children … squarely … in the hands of the General Assembly." 358 N.C. 605, 639, 599 S.E.2d 365, 391 (2004). These cases centered on the appropriate exercise of authority under a single constitutional provision that was committed to the sole discretion of one of the political branches. Other cases cited by Legislative Defendants are similarly inapposite. *See* Leg. Defs.' Pre-Trial Brief at 17 (citing cases).

132. The Court also concludes that "satisfactory and manageable criteria [and] standards … exist" for adjudicating partisan gerrymandering claims under the North Carolina Constitution. *Hoke*, 358 N.C. at 639, 599 S.E.2d at 391. Plaintiffs have articulated satisfactory, manageable standards for each of their claims for relief.

133. The standard for Plaintiffs' claim under the Free Elections Clause is based on the venerable history of that clause, as well as the commonsense insight that elections are not "free" where the partisan will of the mapmaker predominates over the ascertainment of the fair and truthful will of the voters. COL § II. The Court concludes this standard is satisfactory and manageable.

134. The standard for Plaintiffs' claim under the Equal Protection Clause is based on the fundamental right to "substantially equal voting power" and to "vote on equal terms." *Stephenson*, 355 N.C. at 378-79, 562 S.E.2d at 393-94. The North Carolina Supreme Court has previously applied this long-recognized standard, including in redistricting cases. *See id.*; *Blankenship*, 363 N.C. at 522-24, 681 S.E.2d at 762-64; *Northampton Cnty.*, 326 N.C. at 747, 392 S.E.2d at 356. This standard is not only "manageable"—the North Carolina Supreme Court has already managed to apply it to resolve actual cases. The Court concludes that this standard is satisfactory and manageable.

135. The standards for Plaintiffs' claims under the Free Speech and Free Assembly Clauses are based on longstanding doctrine, which recognizes that (1) voting is an expressive and associative act, and (2) government actions that burden or discriminate against protected expression or association, are subject to strict scrutiny. COL § IV.B-D. Plaintiffs also rely on longstanding retaliation doctrine, which prohibits the government from taking adverse actions based on protected expression or association. COL § IV.E. North Carolina courts routinely apply these standards to numerous government actions and programs in various contexts. The Court concludes that these standards are satisfactory and manageable.

136. Plaintiffs' claims are justiciable notwithstanding that they arise under broad constitutional provisions that require interpretation. Courts routinely interpret broad constitutional text, adopt legal standards to operationalize such text, and then apply those legal standards to adjudicate the constitutionality of statutes. That is exactly what the North Carolina Supreme Court did in *Stephenson*. There, the Court interpreted a broad constitutional requirement that "[n]o county shall be divided in the formation of a [district]," N.C. Const. art. II, §§ 3 and 5, to require a detailed, multi-step procedure for redistricting, 355 N.C. at 383-84, 562 S.E.2d at 396-97. In adopting this standard, the Court explained that it was "not permitted to construe the [Whole County Provision] mandate as now being in some fashion unmanageable." *Id.* at 382, 562 S.E.2d at 396. "Any attempt to do so," the Court explained, "would be an abrogation of the Court's duty to follow a reasonable, workable, and effective interpretation that maintains the people's express wishes." *Id.* So too here, it is the Court's responsibility to distill the Free Elections Clause, the Equal Protection Clause, and Free Speech and Free Assembly Clauses into a "reasonable, workable, and effective interpretation."

 *128 137. In *Stephenson*, the North Carolina Supreme Court also noted that "[p]rogress demands that government should be further refined in order to best respond to changing conditions." *Id.* (quotation marks omitted). Like the Whole County Provision, the constitutional provisions invoked by Plaintiffs in this case "provide the elasticity which ensures the responsive operation of government." *Id.* (quotation marks omitted). As the North Carolina Supreme Court asked rhetorically more than a century ago: "Is it true that we are living in a popular government, depending upon free and fair elections, and have a constitution that prohibits the legislature from authorizing a judge or a justice of the supreme court to investigate alleged irregularities of the election officers? If this were so, elections would become a farce, and free government a failure. But, fortunately for the people and the government, in our opinion, this is not true, and fair and honest elections are to prevail in this state." *McDonald*, 119 N.C. at 666, 26 S.E. at 134.

138. Legislative Defendants, joined by the Intervening Defendants, assert that this matter is not justiciable because when a claim, like they contend Plaintiffs' to be, is that a districting plan is "somehow harmful to democracy," there is "no way for the Court to address these concerns under a neutral, manageable standard." Leg. Defs.' and Int. Defs.' Proposed Findings of Fact and Conclusions of Law at para. 800. They further suggest that judicial review of political redistricting claims will amount to "freewheeling policymaking," *id.* at 803, and that "this court is not capable of controlling the exercise of power on the part of the General Assembly," *id*. at 806 (citing *Howell v. Howell,* 66 S.E. 571, 573 (N.C. 1911)).

139. However, this is not a case where this Court is called upon to answer whether partisan gerrymandering is harmful to democracy (although the United States Supreme Court has certainly suggested that partisan gerrymandering is indeed harmful to democracy. *See, Veith v. Jubelirer,* 541 U.S. 267, 292, 124 S. Ct. 1769, 1785 (plurality opinion); *id.* at 316, 124 S. Ct. at 1798 (Kennedy, J., concurring); *Ariz. State Legislature*, 135 S. Ct. at 2658.). Nor is it a case where this Court is called upon to engage in policy-making by comparing the enacted maps with others that might be "ideally fair" under some judicially-envisioned criteria. It is not a case that threatens the General Assembly's broad discretionary powers to create legislative districts, or threatens the General Assembly's consideration of political data for legitimate purposes when crafting such districts. Rather this is a case where the Court is called upon to take the Adopted Criteria that the General Assembly itself, in its sole discretion, established, and compare the resulting maps with those criteria to see "how far the State had gone off that track because of its politicians' effort to entrench themselves in office." *Rucho*, 139 S. Ct. at 2521 (Kagan, J., dissenting).

140. Allowing the General Assembly discretion to establish its own redistricting criteria and craft maps accordingly is what the North Carolina Constitution requires; systematically packing and cracking voters to the extent that their votes are subordinated and devalued for no legitimate governmental purpose, but rather the purposes of entrenching a political party in power, is what the North Carolina Constitution forbids. When the Court is presented with evidence of the scope and quality proffered by Plaintiffs that shows widespread and extreme partisan gerrymandering—multiple districts showing a greater partisan skew than any of 3,000 randomly generated maps (all with the State's political geography and districting criteria built in)—the standard is indeed clear and manageable. Such extreme partisan gerrymanders violate the fundamental constitutional rights of free elections, equal protection, speech, assembly and association. It is the Court's duty to say so.

*129 141. The separation of powers—which is expressly guaranteed by the North Carolina Constitution, art. I, § 6, and which underlies the political question doctrine— underscores the Court's obligation to craft manageable judicial standards to adjudicate partisan gerrymandering claims. Each of the constitutional provisions invoked by Plaintiffs in this case appears in the Declaration of Rights in Article I of the North Carolina Constitution. And "[t]he civil rights guaranteed by the Declaration of Rights in Article I of our Constitution are individual and personal rights entitled to protection against state action." *Corum*, 330 N.C. at 782, 413 S.E.2d at 289. "The very purpose of the Declaration of Rights is to ensure that the violation of these rights is never permitted by anyone who might be invested under the Constitution with the powers of the State." *Id.* at 783, 413 S.E.2d at 290. And "[i]t is the state judiciary that has the responsibility to protect the state constitutional rights of the citizens." *Id.* Indeed, "this obligation to protect the fundamental rights of individuals is as old as the State." *Id.*

142. This Court is not bound by dicta from *Stephenson* that "[t]he General Assembly may consider partisan advantage and incumbency protection in the application of its discretionary redistricting decisions." 355 N.C. at 371, 562 S.E.2d at 390. To begin with, the Supreme Court in *Stephenson* stated that any such considerations "must" be "in conformity with the State Constitution." *Id.* In this case, Plaintiffs allege that partisan gerrymandering of the 2017 Plans violates provisions of the State Constitution, and there is an extensive trial record concerning those allegations. By contrast, *Stephenson* did not involve any partisan gerrymandering claim—let alone partisan gerrymandering claims under the constitutional provisions Plaintiffs invoke here—nor was there any record concerning partisan gerrymandering. The statements in *Stephenson* were "mere obiter dictum and [are] not binding on this Court or any other." *Taylor v. J.P. Stevens & Co.*, 300 N.C. 94, 100-01, 265 S.E.2d 144, 148 (1980). In a case with such important consequences, the Court will decide Plaintiffs' claims on the basis of the record and arguments presented by the parties here, rather than follow dicta from prior cases involving different claims and evidence.

143. In order to reject Defendants' invocation of the political question doctrine, this Court need not decide that the legal standards governing Plaintiffs' claims would apply in all future cases, including a hypothetical close case. This case is not close. The extreme, intentional, and systematic gerrymandering of the 2017 Plans runs far afoul of the legal standards set forth above, or any other conceivable legal standard that could govern Plaintiffs' constitutional claims. As Dr. Pegden testified, "[t]hese maps are so gerrymandered that no matter how you do the analysis, no matter who does the analysis, no matter which side is doing the analysis, you reach the same answer." Tr. 1400:18-21.

144. The Court concludes that partisan gerrymandering claims are justiciable under the North Carolina Constitution.

VI. ANY LACHES DEFENSE LACKS MERIT

145. To the extent Defendants contend that Plaintiffs' claims are barred by laches, that defense lacks merit. North Carolina courts have recognized that laches is inapplicable to continuing obligations. *See Malinak v. Malinak*, 242 N.C. App. 609, 612-13, 775 S.E.2d 915, 917 (2015). State and federal courts alike routinely refuse to apply laches in voting-rights and other constitutional cases seeking solely prospective relief. *E.g.*, *Sprague v. Casey*, 550 A.2d 184, 188-89 (Pa. 1988); *Garza v. Cnty. of Los Angeles*, 918 F.2d 763, 772 (9th Cir. 1990); *Am. Trucking Ass'ns, Inc. v. N.Y. State Thruway Auth.*, 199 F. Supp. 3d 855, 872 (S.D.N.Y. 2016), *vacated on other grounds*, 238 F. Supp. 3d 527 (S.D.N.Y. 2017); *Miller v. Bd. of Comm'rs of Miller Cnty.*, 45 F. Supp. 2d 1369, 1373 (M.D. Ga. 1998). Multiple federal courts have held that laches does not apply to partisan gerrymandering claims as a matter of law. *See League of Women Voters of Mich.*, 373 F. Supp. 3d at 909; *Ohio A. Philip Randolph Inst. v. Smith*, 335 F. Supp. 3d 988, 1001-02 (S.D. Ohio 2018).

 *130 146. Moreover, "laches is an affirmative defense which the pleading party bears the burden of proving." *Malinak*, 242 N.C. App. at 611, 775 S.E.2d at 916. Defendants presented no evidence at trial supporting laches.

147. Defendants offered no evidence of any "unreasonable" delay in filing this case. *Id.* at 612, 775 S.E.2d at 916. Plaintiffs commenced this case just fourteen months after the 2017 Plans were enacted.

148. Even if there had been any delay, Defendants presented no evidence that it "worked to the[ir] disadvantage, injury or prejudice." *Id.* While Defendants have suggested that the time pressures of this case prevented their experts from conducting additional or more thorough analyses, any limitation on the time for Defendants' expert reports was not the result of any delay by Plaintiffs. Rather, any such limitation resulted from Defendants' own discovery misconduct in this case, which led the Court to extend the time for Plaintiffs' expert reports at the expense of the time for Defendants. *See* Order of Mar. 25, 2019. And the Court later granted Defendants a one-week extension to file their expert reports. Order of May 1, 2019.

VII. DEFENDANTS' FEDERAL DEFENSES LACK MERIT

149. Legislative Defendants and Intervenor Defendants raise a series of defenses under federal law, but none of these defenses has merit.

A. The *Covington* Remedial Order Does Not Bar Changes to the 2017 Plans

150. Legislative Defendants contend that the *Covington* court's remedial order in January 2018 precludes *any* changes being made to the current House and Senate plans. Legislative Defendants argue that the *Covington* remedial order contained an "express command that the 2017 plans be used in future elections," so as to purportedly immunize the 2017 Plans from any state-law challenge. Leg. Defs.' Pre-Trial Br. at 39.

151. Legislative Defendants made this same argument when they removed this case to federal court in December 2017, and the federal district court rejected it. The federal court held that the *Covington* remedial order "does not mandate the specific existing apportionment to the exclusion of no others." *Common Cause v. Lewis*, 358 F. Supp. 3d 505, 512 (E.D.N.C. 2019). That holding constitutes law-of-the-case, or at minimum is entitled to controlling deference.

152. In any event, the federal court's holding was clearly correct. In the very same remedial order that Legislative Defendants now cite, the *Covington* district court made clear that the 2017 Plans *could be* challenged on state-law grounds in state court. At Legislative Defendants' urging, the *Covington* court declined to address state-law objections that the *Covington* plaintiffs had raised to the 2017 Plans, because those objections involved "unsettled questions of state law." *Covington v. North Carolina*, 283 F. Supp. 3d 410, 428 (M.D.N.C. 2018). In declining to address such "unsettled question of state law," the *Covington* court expressly stated that its order was "without prejudice to Plaintiffs or other litigants asserting such arguments in separate proceedings, including in "state court." *Id.* at 447 n.9. The *Covington* court even noted that any "partisan gerrymandering objection" to the 2017 Plans "would demand development of significant new evidence and therefore [would] be more appropriately addressed in a separate proceeding." *Id.* at 427. These statements squarely refute Legislative Defendants' contention that the *Covington* remedial order precludes any changes to the 2017 Plans based on state-law violations that a state court may find.

 *131 153. The United States Supreme Court's holding on appeal from the *Covington* remedial order eliminates any doubt on this score. The Court held that "[t]he District Court's remedial authority was … limited to ensuring that the plaintiffs were relieved of the burden of voting in racially gerrymandered legislative districts." 138 S. Ct. 2548, 2554 (2018). The Court explained: "Once the District Court had ensured that the racial gerrymanders at issue in this case were remedied, its proper role in North Carolina's legislative districting process was at an end." *Id.* at 2555. The *Covington* district court thus had no authority to do anything other than ensure the curing of the prior racial gerrymandering. It did not and could not immunize the plans from future challenge.

154. The *Covington* remedial order does not preclude North Carolina courts from invalidating the 2017 Plans for violations of state law and ordering the creation of new plans.

B. There Is No Conflict with Federal Civil Rights Laws

155. The Court also rejects Legislative Defendants' arguments that affording Plaintiffs relief on their claims would necessarily violate federal civil rights laws.

156. As described, Legislative Defendants introduced no evidence at trial to establish that any of the three *Gingles* factors, including the existence of legally sufficient racially polarized voting, is present in any area of the State or any particular districts. Legislative Defendants' failure to present any evidence to establish that the *Gingles* factors are met is "is fatal to [any] Section 2 defense" under the VRA. *Covington v. North Carolina*, 316 F.R.D. 117, 169 (M.D.N.C. 2016), *aff'd*, 137 S. Ct. 2211 (2017).

157. Indeed, Legislative Defendants affirmatively represented throughout the 2017 redistricting process that the third *Gingles* factor was *not* met. FOF § F.6. Legislative Defendants have presented no evidentiary basis for any change in that position. The Court concludes that Legislative Defendants have not established that the VRA justifies the current House or Senate districts or precludes granting Plaintiffs relief on their claims.

158. Legislative Defendants also have not established any defense under the Fourteenth or Fifteenth Amendment. Legislative Defendants argue that affording Plaintiffs relief would require intentionally lowering the BVAP in purported "crossover" districts below the level necessary to elect candidates of choice of African Americans, but Legislative Defendants again have advanced no evidence to substantiate this claim. They provided no evidence to establish any district qualifies as a "crossover district," or that remedying the partisan gerrymander in any district or grouping would require lowering the BVAP of any crossover district below the level necessary for African Americans to elect candidates of their choice.

159. Indeed, Legislative Defendants' own expert Dr. Lewis generated estimates of the minimum BVAP needed in certain county groupings for African-American-preferred candidate to win, and Dr. Chen demonstrated that his nonpartisan simulations produce districts within each such county grouping with BVAPs above Dr. Lewis's estimates. FOF § F.6.

160. Legislative Defendants' federal equal protection defense suffers from another fatal defect—it requires a showing of an intent to discriminate against African Americans. To establish a Fourteenth or Fifteenth Amendment violation, there must be "racially discriminatory intent," *Lee v. Va. State Bd. of Elections*, 843 F.3d 592, 603 (4th Cir. 2016), which in the redistricting context means "intentional vote dilution," *i.e.*, "invidiously minimizing or canceling out the voting potential of racial or ethnic minorities," *Abbott v. Perez*, 138 S. Ct. 2305, 2314 (2018) (quotation marks and alterations omitted).

 *132 161. The Court finds without difficulty that Plaintiffs have no intent to discriminate against racial minorities in seeking remedial plans to replace the current plans that violate state constitutional provisions. Further, Plaintiffs alone cannot adopt or approve remedial plans in this case. The remedial plans approved or adopted in this case, as ordered below, will not intentionally dilute the voting power of any North Carolina citizens.

C. Granting Relief Will Not Violate the Fundamental Right to Vote

162. Finally, Legislative Defendants contend that affording Plaintiffs relief in this case will violate the "fundamental right to vote" under the Fourteenth Amendment. Legislative Defendants cite no federal precedent for this purported defense, but in any event it lacks merit.

163. Granting Plaintiffs relief will promote, not violate, the fundamental right to vote of North Carolina citizens. Legislative Defendants' defense operates from the misapprehension that voting rights must be a zero-sum game, such that curing discrimination against one set of citizens necessarily requires discriminating against another set of citizens. The right that Plaintiffs seek to vindicate is the right to be free from intentional discrimination, and vindicating that right in no way requires or will result in discriminating against others.

VIII. THE COURT WILL ENJOIN USE OF THE 2017 PLANS IN FUTURE ELECTIONS AND THE GENERAL ASSEMBLY IS TO IMMEDIATELY BEGIN THE PROCESS OF REDRAWING THE RELEVANT DISTRICTS

A. The Court Will Require the Redrawing of Specific County Groupings

164. For the reasons stated above, and as set forth in the decree below, the Court declares that there is no reasonable doubt the 2017 House and Senate Plans are unconstitutional under the North Carolina Constitution, and the Court enjoins their use in the 2020 primary and general elections. In particular, the Court enjoins use of the districts in the specific House and Senate county groupings as specified in the decree below.

165. The Court does not enjoin or order any relief with respect to the current House districts in Wake County. Shortly before the trial in this matter, those districts were redrawn pursuant to a separate litigation. *See NAACP v. Lewis*, No. 18 CVS 2322 (N.C. Super. Ct. Nov. 2, 2018); N.C. Sess. Laws 2019-46. Plaintiffs did not present evidence in this case regarding the new Wake County House districts and do not seek relief with respect to those districts.

166. The Court does not enjoin or order the redrawing of House Districts 57, 61, and 62 or Senate Districts 24 or 28, all of which were redrawn by the *Covington* Special Master. With respect to House District 59 and Senate District 27, for which small portions of the current districts were added by the Special Master in *Covington*, the Court will order that the remedial versions of these districts not alter any portions of these districts that were added by the Special Master, but any other portions of these districts may be redrawn. Neither House District 59 nor Senate District 27 were found by the *Covington* court to have been racially gerrymandered (under either the 2011 Plans or the 2017 Plans enacted by the General Assembly), and the *Covington* court did *not* direct the Special Master to redraw either of these districts. The Special Master nonetheless made small changes to these districts, principally to equalize population, in the course of constructing other districts he was tasked with redrawing. While this Court concludes that there is no legal impediment to redrawing any portion of House District 59 and Senate District 27, including the portions that the Special Master added, the Court nonetheless imposes the limitation set forth in this paragraph out of an abundance of caution.

B. The Court Will Require the Use of the Adopted Criteria, with certain exceptions, and Prohibit the Use of Other Criteria in Redrawing the Districts

*133 167. As set forth in the Court's decree below, the Court will require that Remedial Maps for the House and Senate legislative district maps for the 2020 election (hereinafter "Remedial Maps") be drawn, and that the Remedial Maps comply with the criteria adopted by the General Assembly's House and Senate Redistricting Committees on August 10, 2017, with several exceptions.

168. First, with respect to "Incumbency Protection," the drafters of the Remedial Maps may take reasonable efforts to not pair incumbents unduly in the same election district. Because Representative David Lewis, Chair of the House Redistricting Committee, explained at the time of the adoption of the Adopted Criteria that the "Incumbency Protection" criteria was "simply saying that mapmakers may take reasonable efforts to not pair incumbents unduly," PX603 at 122:4-18; Tr. 1640:16-1641:12, and the criteria was understood as such, *see* PX606 at 9:24-10:1 (Sen. Hise: "The Committee adopted criteria pledging to make reasonable efforts not to double-bunk incumbents"), the Remedial Maps shall comply with this explanation and understanding.

169. Second, the "Election Data" criteria shall not be permitted in the drafting of the Remedial Maps. In other words, partisan considerations and election results data *shall not* be used in the drawing of legislative districts in the Remedial Maps. The Court likewise will prohibit any intentional attempt to favor voters or candidates of one political party.

170. In redrawing the relevant districts in the Remedial Maps, the invalidated 2017 districts may not be used as a starting point for drawing new districts, and no effort may be made to preserve the cores of invalidated 2017 districts. *See Covington*, 283 F. Supp. 3d at 431-32 (holding that remedial plan could not seek to "preserve the 'cores' of unconstitutional districts").

171. Any Remedial Maps must comply with the VRA and other federal requirements concerning the racial composition of districts. The Court will afford all parties an opportunity to submit briefing, which may attach expert analysis, on whether the *Gingles* factors are met in particular counties and county groupings and/or the minimum BVAP needed in particular counties and county groupings for African-Americans to be able to elect candidates of their choice to the General Assembly. Any such submission by Legislative Defendants, however, is subject to two limitations set forth below.

   a) First, if Legislative Defendants assert that the *Gingles* factors are met in any particular district or county grouping, they must not only provide evidentiary support for that assertion, but also must also show good cause why they did not compile such evidence during the 2017 redistricting process and must show good cause why they should not be held judicially estopped from arguing that the *Gingles* factors are met given their repeated representations to the *Covington* court in 2017 that the third *Gingles* factor was not met anywhere in the State.

   b) Second, for districts in counties and county groupings for which Legislative Defendants' expert Dr. Lewis estimated the minimum BVAP needed for an African-American preferred candidate to prevail in a state legislative election, Legislative Defendants may not assert that the VRA or the United States Constitution requires or justifies making the BVAP of any such district higher than the minimum BVAP threshold estimated by Dr. Lewis in his Amended Table 4 (which was admitted into evidence at trial) for the relevant county or county grouping. PX773. For districts in counties and county groupings that Dr. Lewis did not analyze, Legislative Defendants may not assert that the VRA or the United States Constitution requires or justifies any minimum BVAP for the districts in that county or county grouping. The Court holds that Legislative Defendants are bound by the BVAP threshold-estimates generated by the expert they retained in this case and are estopped from departing from those estimates, which were relied upon by Plaintiffs' experts, at this late stage of the litigation.

 *134 172. The Court will afford the General Assembly two weeks from the date of this Order, namely through September 18, 2019, to enact Remedial Maps in conformity with this Order. *See* N.C.G.S. § 120-2.4.

173. The Court concludes that this two week period is consistent with N.C.G.S. § 120-2.4, which states that "in no event may a court impose its own substitute plan unless the court first gives the General Assembly a period of time to remedy any defects identified by the court in its findings of fact and conclusions of law. That period of time shall not be less than two weeks." Although § 120-2.4 goes on to state that a longer period of time might be required in some instances, that longer period, the Court concludes, is applicable only if the General Assembly is not currently in session. *See* N.C. Sess. Laws 2018-146, § 4.7. The Court notes that the General Assembly, as of the date of this Order, is in session.

174. The Court will require Legislative Defendants and their agents to conduct the entire remedial process in full public view. At a minimum, that would require all map drawing to occur at public hearings, with any relevant computer screen visible to legislators and public observers. Given what transpired in 2017, the Court will prohibit Legislative Defendants and their agents from undertaking any steps to draw or revise the new districts outside of public view.

175. If Legislative Defendants wish to retain one or more individuals who are not current legislative employees to assist in the map-drawing process, the Court will require Legislative Defendants to obtain approval from the Court to engage any such individuals.

176. Notwithstanding the General Assembly having the opportunity to draw Remedial Maps in the first instance, the Court will still immediately appoint a Referee to (1) assist the Court in reviewing any Remedial Maps enacted by the General Assembly; and (2) to develop remedial maps for the Court should the General Assembly fail to enact lawful Remedial Maps within the time allowed.

C. The Court Will Not Stay the Remedial Process Pending Appeal

177. The Court orders that the remedial process commence immediately upon entry of this Order, and the Court will not grant a stay of the remedial process pending appeal.

178. The central inquiry in deciding whether to grant a stay of relief pending appeal is a balancing of the prejudice and risk of irreparable harm to the parties. *See 130 of Chatham, LLC v. Rutherford Elec. Mbrshp. Corp.*, 2014 WL 3809066, at *9 (N.C. Super. Ct. July 31, 2014).

179. Here, the balance of the equities weighs definitively against any stay. "[C]ourts evaluating redistricting challenges have generally denied motions for a stay pending appeal." *Harris v. McCrory*, 2016 WL 6920368, at *1 n.1 (M.D.N.C. Feb. 9, 2016) (citing cases and denying stay pending appeal). In such cases, a stay pending appeal could "risk that the State would not be able to implement" the remedial plans "in time for the [next] elections in the event that the [appellate courts] affirm[] this Court's judgment." *Covington*, 2018 WL 604732, at *6 (denying stay pending appeal). "The risk of harm is particularly acute where Plaintiffs and other North Carolina voters have already cast their ballots under unconstitutional district plans" in every election this decade. *Id.* The prejudice to Plaintiffs here would be magnified because the state legislators elected in 2020 will redraw the state House and Senate districts in 2021 following the Decennial Census, substantially compounding the effects of allowing the current unconstitutional plans to be used in the 2020 elections.

*135 180. In contrast, Legislative Defendants will suffer little if any prejudice from refusing any stay pending appeal. If Legislative Defendants ultimately prevail in an appeal, then the current districts will remain in place for the 2020 elections, and there will be no tangible harm from having allowed the remedial process to move forward while the appeal was pending. On balance, the equities and the public interest counsel strongly against a stay.

D. The Court Retains Discretion to Move the Primary Dates

181. Finally, the Court holds that the remedial schedule and process that the Court has set forth in this Order should ensure that remedial plans will be in place sufficiently in advance of the current primary date of March 3, 2020. However, the Court retains authority and discretion to move the primary date for the General Assembly elections, or all of the State's 2020 primaries, including for offices other than the General Assembly, should doing so become necessary to provide effective relief in this case.

182. While the Court concludes that moving the 2020 primaries is not needed at this date, the Court may consider doing so if necessary to grant effective relief in this case.

DECREE

Having considered all of the evidence, the memoranda and arguments of counsel, and the record proper, the Court ORDERS the following:

1. The Court declares that the 2017 House and Senate Plans are unconstitutional and invalid because there is no reasonable doubt each plan violates the rights of Plaintiffs and other Democratic voters under the North Carolina Constitution's Equal Protection Clause, art. I, § 19; the Free Elections Clause, art. I, § 10; and the Freedom of Speech and Freedom of Assembly Clauses, art. I, §§ 12 & 14.

2. Legislative Defendants and State Defendants, and their respective agents, officers, and employees, are permanently enjoined from preparing for or administering the 2020 primary and general elections for House districts in the following House county groupings:

a. Alamance

b. Anson-Union

c. Brunswick-New Hanover

d. Buncombe

e. Cabarrus-Davie-Montgomery-Richmond-Rowan-Stanly (except that House District 66 shall not be redrawn)

f. Cleveland-Gaston

g. Columbus-Pender-Robeson h. Cumberland

i. Duplin-Onslow

j. Franklin-Nash

k. Forsyth-Yadkin

l. Guilford (except that House Districts 57, 61, and 62 shall not be redrawn, and any portions of House District 59 added by the *Covington* Special Master shall not be altered)

m. Lenoir-Pitt

n. Mecklenburg

3. Legislative Defendants and State Defendants, and their respective agents, officers, and employees, are permanently enjoined from preparing for or administering the 2020 primary and general elections for Senate districts in the following Senate county groupings:

a) Alamance-Guilford-Randolph (except that Senate Districts 24 and 28 shall not be redrawn, and any portions of Senate District 27 added by the *Covington* Special Master shall not be altered)

b) Bladen-Brunswick-New Hanover-Pender

c) Buncombe-Henderson-Transylvania

d) Davie-Forsyth

e) Duplin-Harnett-Johnston-Lee-Nash-Sampson

f) Franklin-Wake

g) Mecklenburg

4. The Court will afford the General Assembly two weeks from the date of this Order, namely through September 18, 2019, to enact Remedial Maps for the House and Senate legislative districts for the 2020 election (hereinafter "Remedial Maps") in conformity with this Order.

5. Except as otherwise noted in this Order, the following criteria shall exclusively govern the redrawing of districts in the House and Senate county groupings set forth above:

*136 a. *Equal Population*. The mapmakers shall use the 2010 federal decennial census data as the sole basis of population for drawing legislative districts in the Remedial Maps. The number of persons in each legislative district shall comply with the +/- 5 percent population deviation standard established by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002).

b. *Contiguity*. Legislative districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

c. *County Groupings and Traversals*. The mapmakers shall draw legislative districts in the Remedial Maps within county groupings as required by *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E. 2d 377 (2002) (*Stephenson I*), *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*), *Dickson v. Rucho*, 367 N.C. 542, 766 S.E.2d 238 (2014) (*Dickson I*) and *Dickson v. Rucho*, 368 N.C. 481, 781 S.E.2d 460 (2015) (*Dickson II*). Within county groupings, county lines shall not be traversed except as authorized by *Stephenson I*, *Stephenson II*, *Dickson I*, and *Dickson II*. The county groupings utilized in the 2017 House and Senate Maps shall be utilized in the Remedial Maps.

d. *Compactness*. The mapmakers shall make reasonable efforts to draw legislative districts in the Remedial Maps that improve the compactness of the districts when compared to districts in place prior to the 2017 Enacted Legislative Maps. In doing so, the mapmaker may use as a guide the minimum Reock ("dispersion") and Polsby-Popper ("perimeter") scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, "Bizarre Districts," and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).

e. *Fewer Split Precincts*. The mapmakers shall make reasonable efforts to draw legislative districts in the Remedial Maps that split fewer precincts when compared to districts in place prior to the 2017 Enacted Legislative Maps.

f. *Municipal Boundaries*. The mapmakers may consider municipal boundaries when drawing legislative districts in the Remedial Maps.

g. *Incumbency Protection*. The mapmakers may take reasonable efforts to not pair incumbents unduly in the same election district.

h. *Election Data*. Partisan considerations and election results data *shall not* be used in the drawing of legislative districts in the Remedial Maps.

6. In redrawing the relevant districts in the Remedial Maps, the invalidated 2017 districts may not be used as a starting point for drawing new districts, and no effort may be made to preserve the cores of invalidated 2017 districts.

7. Any Remedial Maps must comply with the VRA and other federal requirements concerning the racial composition of districts. Within 14 days of this Order, all parties may submit briefing, which may attach expert analysis, on whether the *Gingles* factors are met in particular counties and county groupings and/or the minimum BVAP needed in particular counties and county groupings for African Americans to be able to elect candidates of their choice to the General Assembly. Any such submission by Legislative Defendants is subject to the limitations set forth in subparagraphs (a) and (b) immediately below.

a) If Legislative Defendants assert that the *Gingles* factors are met in any counties or county groupings, they shall not only provide evidentiary support for that assertion, but shall also show good cause why they did not compile such evidence during the 2017 redistricting process and shall show good cause why they should not be held judicially estopped from

arguing that the *Gingles* factors are met given their repeated representations to the *Covington* court in 2017 that the third *Gingles* factor was not met anywhere in the State.

*137 b) For districts in counties and county groupings for which Legislative Defendants' expert Dr. Lewis estimated the minimum BVAP needed for an African-American preferred candidate to prevail in a state legislative election, Legislative Defendants shall not assert that the VRA or the United States Constitution requires or justifies making the BVAP of any such district higher than the minimum BVAP threshold estimated by Dr. Lewis in his Amended Table 4 (PX773) for the relevant county or county grouping. For districts in counties and county groupings that Dr. Lewis did not analyze, Legislative Defendants shall not assert that the VRA or the United States Constitution requires or justifies any minimum BVAP for the districts in that county or county grouping.

8. Legislative Defendants and their agents shall conduct the entire remedial process in full public view. At a minimum, this requires all map drawing to occur at public hearings, with any relevant computer screen visible to legislators and public observers. Legislative Defendants and their agents shall not undertake any steps to draw or revise the new districts outside of public view.

9. To the extent that Legislative Defendants wish to retain one or more individuals who are not current legislative employees to assist in the map-drawing process, Legislative Defendants must seek and obtain prior approval from the Court to engage any such individuals.

10. Notwithstanding the General Assembly having the opportunity to draw Remedial Plans in the first instance, the Court, by subsequent Court Order, shall promptly appoint a Referee to (1) assist the Court in reviewing any Remedial Maps enacted by the General Assembly; and (2) to develop remedial maps for the Court should the General Assembly fail to enact lawful Remedial Maps within the time allowed.

14. No later than September 6, 2019, the parties may submit to the Court names and qualifications of suggested referees. The Court will thereafter appoint a referee by subsequent Court Order.

15. The Court orders that the remedial process will commence immediately upon entry of this Order.

17. The Court, on its own motion, denies a stay of the remedial process pending appeal.

18. The Court retains jurisdiction to move the primary date for the General Assembly elections, or all of the State's 2020 primaries, including for offices other than the General Assembly, should doing so become necessary to provide effective relief in this case.

SO ORDERED, this the 3rd day of September, 2019.

/s/ Paul C. Ridgeway

Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

---

861 S.E.2d 885 (Mem)
Supreme Court of North Carolina.

COMMUNITY SUCCESS INITIATIVE;
Justice Served NC, Inc.; Wash Away
Unemployment; North Carolina
State Conference of the NAACP;
Timothy Locklear; Drakarus Jones;
Susan Marion; Henry Harrison;
Ashley Cahoon; and Shakita Norman

v.

Timothy K. MOORE, in His Official
Capacity as Speaker of the North Carolina
House of Representatives; Philip E. Berger,
in His Official Capacity as President
Pro Tempore of the North Carolina
Senate; the North Carolina State Board
of Elections; Damon Circosta, in His
Official Capacity as Chairman of the North
Carolina State Board of Elections; Stella
Anderson, in Her Official Capacity as
Secretary of the North Carolina State
Board of Elections; Kenneth Raymond,
in His Official Capacity as Member of the
North Carolina State Board of Elections;
Jeff Carmon in His Official Capacity as
Member of the North Carolina State
Board of Elections; and David C. Black,
in His Official Capacity as Member of the
North Carolina State Board of Elections

No. 331P21-1
|
September 10, 2021

WAKE COUNTY, Tenth District

Attorneys and Law Firms

Nicole J. Moss, Attorney at Law, For Moore, Timothy K., et al.

Nathan A. Huff, Attorney at Law, Raleigh, For Moore, Timothy K., et al.

Daryl V. Atkinson, Attorney at Law, For Community Success Initiative, et al.

Whitley J. Carpenter, Attorney at Law, For Community Success Initiative, et al.

Kathleen F. Roblez, Attorney at Law, For Community Success Initiative, et al.

Ashley Mitchell, Attorney at Law, For Community Success Initiative, et al.

Terence Steed, Assistant Attorney General, For State Board of Elections.

Stephen D. Feldman, Attorney at Law, Raleigh, For Community Success Initiative, et al.

Matthew W. Sawchak, Attorney at Law, Raleigh, For Community Success Initiative, et al.

Adam K. Doerr, Attorney at Law, Charlotte, For Community Success Initiative, et al.

Caitlin Swain, Attorney at Law, For Community Success Initiative, et al.

Paul Mason Cox, Special Deputy Attorney General, For State Board of Elections.

Jared M. Butner, Attorney at Law, For Moore, Timothy K., et al.

Kellie Z. Myers, Trial Court Administrator.

*886 ORDER

On Plaintiffs' Petition for a Writ of Supersedeas and Emergency Motion for a Temporary Stay, this Court orders that the status quo be preserved pending defendant's appeal of the expanded preliminary injunction issued initially by the trial court on 23 August 2021 in open court by maintaining in effect the original preliminary injunction issued on 4 September 2020 as it was understood at the time and implemented for the November 2020 elections. Further, the Court orders that the Court of Appeals stay issued 3 September 2021 be implemented prospectively only, meaning that any person who registered to vote at a time when it was

legal for that person to register under then-valid court orders as they were interpreted at the time, shall remain legally registered voters. The North Carolina Board of Elections shall not remove from the voter registration database any person legally registered under the expanded preliminary injunction between 23 August 2021 and 3 September 2021, and those persons are legally registered voters until further Order.

In all other respects, Plaintiffs' Petition for a Writ of Supersedeas and Emergency Motion for a Temporary Stay is denied without prejudice.

By order of the Court in conference, this the 10th day of September 2021

All Citations

861 S.E.2d 885 (Mem)

End of Document

FILED

STATE OF NORTH CAROLINA   IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY   2019 DEC -2 PM 3: 55   SUPERIOR COURT DIVISION
                                           19 CVS 012667

WAKE CO., C.S.C.

REBECCA HARPER, *et al.*)	
Plaintiffs,)	
)	
v.)	ORDER
)	
Representative DAVID R. LEWIS,)	
in his official capacity as Senior)	
Chairman of the House Standing)	
Committee on Redistricting, *et al.,*)	
Defendants.)	

On November 20, 2019, this Court, on its own motion, enjoined the filing period for the 2020 congressional primary elections in North Carolina until further order of the Court.

The Court, in its discretion and pursuant to its inherent authority, hereby ORDERS that the injunction entered by the Court on November 20, 2019, delaying the filing period for Congressional candidates until further order of this Court is set aside, and it is FURTHER ORDERED that the North Carolina State Board of Elections may immediately accept for filing any notices of candidacy from candidates seeking party primary nominations for the House of Representatives of the United States for congressional districts as defined by the newly-enacted Session Law 2019-249.

SO ORDERED, this the 2nd day of December, 2019.

                          /s/ Paul C. Ridgeway
                    Paul C. Ridgeway, Superior Court Judge

                          /s/ Joseph N. Crosswhite
                 Joseph N. Crosswhite, Superior Court Judge

                          /s/ Alma L. Hinton
                    Alma L. Hinton, Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties by emailing a

copy thereof to the address below, in accordance with the October 10, 2019 Case Management Order:

Burton Craige
Narenda K. Ghosh
Paul E. Smith
PATTERSON HARKAVY LLP
bcraige@pathlaw.com
nghosh@pathlaw.com
psmith@pathlaw.com
Counsel for Plaintiffs

R. Stanton Jones*
Elisabeth S. Theodore*
Daniel F. Jacobson*
William Perdue*
Sara Murphy D'Amico*
Graham White*
ARNOLD & PORTER KAYE SCHOLER LLP
Stanton.jones@arnoldporter.com
Elisabeth.theodore@arnoldporter.com
Daniel.jacobson@arnoldporter.com
William.Perdue@arnoldporter.com
Sara.DAmico@arnoldporter.com
Graham.White@arnoldporter.com
Counsel for Plaintiffs

Marc E. Elias*
Aria C. Branch*
Abha Khanna*
PERKINS COIE LLP
melias@perkinscoie.com
abranch@perkinscoie.com
akhanna@perkinscoie.com
Counsel for Plaintiffs

Amar Majmundar
Stephanie A. Brennan
Paul M. Cox
NORTH CAROLINA DEPARTMENT OF JUSTICE
amajmundar@ncdoj.gov
sbrennan@ncdoj.gov
pcox@ncdoj.gov
Counsel for the State Board of Elections and members of the State Board of Elections

Admitted Pro Hac Vice

Phillip J. Strach
Thomas A. Farr
Michael McKnight
Alyssa Riggins
OGLETREE DEAKINS NASH SMOAK & STEWART PC
Phil.strach@ogletree.com
Thomas.farr@ogletree.com
Michael.mcknight@ogletree.com
Alyssa.riggins@ogletree.com
Counsel for Legislative Defendants

Katherine L. McKnight*
E. Mark Braden*
Trevor M. Stanley*
Patrick T. Lewis*
Richard B. Raile*
BAKER & HOSTETLER LLP
kmcknight@bakerlaw.com
mbraden@bakerlaw.com
tstanley@bakerlaw.com
plewis@bakerlaw.com
rraile@bakerlaw.com
Counsel for Legislative Defendants

Kieran J. Shanahan
John E. Branch, III
Nathaniel J. Pencook
Andrew D. Brown
SHANAHAN LAW GROUP PLLC
kieran@shanahanlawgroup.com
jbranch@shanahanlawgroup.com
npencook@shanahanlawgroup.com
abrown@shanahanlawgroup.com
Counsel for Intervenor-Defendants

Jason Torchinsky*
Peter C. Winkelman*
HOLTZMAN VOGEL JOSEFIAK TORCHINSKY PLLC
jtorchinsky@hvjt.law
cwinkelman@hvjt.law
Counsel for Intervenor-Defendants

This the 2nd day of December 2019.

Kellie Z. Myers
Trial Court Administrator
10th Judicial District
kellie.z.myers@nccourts.org

Admitted Pro Hac Vice

STATE OF NORTH CAROLINA   IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY   SUPERIOR COURT DIVISION
               19 CVS 012667

REBECCA HARPER, *et al.*   )
     Plaintiffs,   )
)
    v.   )   ORDER
)
Representative DAVID R. LEWIS,)
in his official capacity as Senior   )
Chairman of the House Standing)
Committee on Redistricting, *et al.,*)
     Defendants.   )

   THIS MATTER comes before the undersigned three-judge panel upon its own

motion pursuant to its inherent authority and discretion to manage proceedings before the

Court.

   Plaintiffs in this litigation challenge the congressional districts established by an act

of the North Carolina General Assembly in 2016, N.C. Sess. Laws 2016-1 (hereinafter S.L.

2016-1), claiming the districts violate the rights of Plaintiffs and all Democratic voters in

North Carolina under the North Carolina Constitution.

   On October 28, 2019, this Court granted Plaintiffs' motion for a preliminary

injunction, enjoining Legislative Defendants and State Defendants from preparing for or

administering the 2020 primary and general elections for Congressional Representatives

under the 2016 congressional districts established by S.L. 2016-1. Plaintiffs seek to

permanently enjoin the future use of the 2016 congressional districts and have filed a

motion for summary judgment, scheduled to be heard on December 2, 2019.

   In this Court's October 28, 2019, Order granting the preliminary injunction, the

Court noted that summary judgment or trial may not be needed in the event the General

Assembly, on its own initiative, acted immediately and with all due haste to enact new

congressional districts. The Court suggested the General Assembly proceed in a manner that ensured full transparency and allowed for bipartisan participation and consensus that would result in congressional districts more likely to achieve the constitutional objective of allowing for those elections to be conducted more freely and honestly to ascertain, fairly and truthfully, the will of the people. On November 15, 2019, new congressional districts were established by an act of the General Assembly. N.C. Sess. Laws 2019-249 (hereinafter S.L. 2019-249). Shortly thereafter on November 15, 2019, Legislative Defendants filed a motion for summary judgment arguing Plaintiffs' present action—challenging the constitutionality of S.L. 2016-1—is moot, and Plaintiffs filed a response and motion for expedited review of the newly-enacted congressional districts.

Section 163-106.2 of our General Statutes provides that "[c]andidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in December and no later than 12:00 noon on the third Friday in December preceding the primary: . . . Members of the House of Representatives of the United States." N.C.G.S. § 163-106.2(a). In the Court's October 28, 2019, Order, the Court retained jurisdiction to adjust the State's 2020 congressional primary elections should doing so become necessary to provide effective relief in this case. In light of the recent developments in this litigation, including the enactment of S.L. 2019-249, Legislative Defendants' motion for summary judgment, and Plaintiffs' motion for the Court's review of S.L. 2019-249, and to allow the Court sufficient opportunity to fully consider the significant issues presented by the parties, the Court will enjoin the filing period for the 2020 congressional primary elections in North Carolina until further order of the Court.

Accordingly, the Court, in its discretion and pursuant to its inherent authority,

hereby ORDERS that:

1. On the Court's own motion, the filing period provided by N.C.G.S. § 163-106.2(a) is hereby enjoined for only the 2020 congressional primary elections, and the North Carolina State Board of Elections shall not accept for filing any notices of candidacy from candidates seeking party primary nominations for the House of Representatives of the United States until further order of the Court.

2. Any party to this action may respond to Plaintiffs' motion for review of the newly-enacted congressional districts, S.L. 2019-249, by submitting a response brief to the Court by 11:59 p.m. on November 22, 2019, in the manner set forth in the Case Management Order. Plaintiffs shall have until 11:59 p.m. on November 26, 2019, to submit a reply to any response brief in the manner set forth in the Case Management Order.

3. The Court's November 1, 2019, Order establishing a briefing schedule for summary judgment motions remains in effect.

4. The following will be heard by the Court at 9:00 a.m. on December 2, 2019:
    a. Plaintiffs' motion for summary judgment;
    b. Legislative Defendants' motion for summary judgment; and,
    c. Plaintiffs' motion for review of S.L. 2019-249.

SO ORDERED, this the 20th day of November, 2019.

                    /s/ Paul C. Ridgeway
                 Paul C. Ridgeway, Superior Court Judge

                    /s/ Joseph N. Crosswhite
             Joseph N. Crosswhite, Superior Court Judge

                    /s/ Alma L. Hinton
                 Alma L. Hinton, Superior Court Judge

Harper v. Lewis

Superior Court of North Carolina, Wake County

October 28, 2019, Decided; October 28, 2019, Filed

19 CVS 012667

Reporter

2019 N.C. Super. LEXIS 122 *

REBECCA HARPER, et al. Plaintiffs, v. Representative DAVID R. LEWIS, in his official capacity as Senior Chairman of the House Standing Committee on Redistricting, et al., Defendants.

Judges: [*1] Paul C. Ridgeway, Superior Court Judge. Joseph N. Crosswhite, Superior Court Judge. Alma L. Hinton, Superior Court Judge.

Opinion

ORDER ON INJUNCTIVE RELIEF

THIS MATTER came on for hearing on October 24, 2019, before the undersigned three-judge panel upon Plaintiffs' Motion for Preliminary Injunction, filed September 30, 2019. All adverse parties to this action received the notice required by *Rule 65 of the North Carolina Rules of Civil Procedure.*

Procedural History

On February 19, 2016, the current North Carolina congressional districts (hereinafter "2016 congressional districts") were established by an act of the General Assembly, N.C. Sess. Laws 2016-1 (hereinafter "S.L. 2016-1"), as a result of litigation in federal court over the congressional districts originally drawn in 2011. On September 27, 2019, Plaintiffs filed a verified complaint in Superior Court, Wake County, seeking a declaration that the 2016 congressional districts violate the rights of Plaintiffs and all Democratic voters in North Carolina under the North Carolina Constitution's Free Elections Clause, Art. I, § 10; Equal Protection Clause, Art. I, § 19; and Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14. Plaintiffs seek to enjoin the future use of the 2016 congressional districts. On September [*2] 30, 2019, this action was assigned to the undersigned panel by the Chief Justice of the Supreme Court of North Carolina.

On September 30, 2019, Plaintiffs filed a motion for a preliminary injunction seeking to bar Defendants from administering, preparing for, or moving forward with the 2020 primary and general elections in North Carolina for the United States House of Representatives using the 2016 congressional districts. Plaintiffs also filed a motion for expedited briefing and resolution of Plaintiffs' motion for a preliminary injunction. On October 2, 2019, Defendants North Carolina State Board of Elections and its members (collectively hereinafter "State Defendants") notified the Court that, among other things, candidate filing for congressional primaries is set to begin on December 2, 2019. On October 9, 2019, a motion to intervene was filed by three incumbent Congressional Representatives seeking to intervene in this action in both their capacity as Representatives and as residents and voters in three of the congressional districts

challenged in Plaintiffs' verified complaint.

On October 10, 2019, the Court granted in part Plaintiffs' motion for expedited briefing, establishing [*3] a briefing schedule on Plaintiff's motion for preliminary injunction and setting for hearing Plaintiffs' motion for preliminary injunction and the motion to intervene.

On October 14, 2019, Defendants Representative David R. Lewis, Senator Ralph E. Hise, Jr., Speaker Timothy K. Moore, President Pro Tempore Philip E. Berger, Senator Warren Daniel, and Senator Paul Newton (hereinafter "Legislative Defendants") removed this case to the United States District Court for the Eastern District of North Carolina. On October 21, 2019, State Defendants and Legislative Defendants each filed in federal court a brief in response to Plaintiffs' motion for preliminary injunction in accordance with the Court's October 10, 2019 order. Plaintiffs notified and provided to the Court the Defendants' briefs on October 22, 2019, and, on the same date, the federal court remanded this case to state court.

On October 22, 2019, the Congressional Representatives seeking to intervene in this case submitted a brief in response to Plaintiffs' motion for preliminary injunction. On October 23, 2019, Plaintiffs filed a motion to strike the Congressional Representatives' response brief, the Congressional Representatives [*4] submitted a response brief to Plaintiffs' motion, and Plaintiffs submitted a brief in reply to that response brief. Additionally, on October 23, 2019, Plaintiffs submitted a brief in reply to Legislative Defendants' brief in response to Plaintiffs' motion for preliminary injunction.

These matters came on to be heard on October 24, 2019, during which time the Court granted the Congressional Representatives (hereinafter "Intervenor-Defendants") permissive intervention and notified the parties that Intervenor-Defendants' response brief would be considered by the Court in its discretion. Plaintiffs' motion for preliminary injunction was taken under advisement.

The Court, having considered the pleadings, motions, briefs and arguments of the parties, supplemental materials submitted by the parties, pertinent case law, and the record proper and court file, hereby finds and concludes, for the purposes of this Order, as follows.

Political Question Doctrine

Legislative Defendants contend Plaintiffs' claims—challenges to the validity of an act of the General Assembly that apportions or redistricts the congressional districts of this State—present non-justiciable political questions. Such claims are [*5] within the statutorily-provided jurisdiction of this three-judge panel, *N.C.G.S. § 1-267.1*, and the Court concludes that partisan gerrymandering claims specifically present justiciable issues, as distinguished from non-justiciable political questions. Such claims fall within the broad, default category of constitutional cases our courts are empowered and obliged to decide on the merits, and not within the narrow category of exceptional cases covered by the political question doctrine. Indeed, as the Supreme Court of the United States recently explained, partisan gerrymandering claims are not "condemn[ed] . . . to echo in the void," because although the federal courthouse doors may be closed, "state constitutions can provide standards and guidance for state courts to apply." *Rucho v. Common Cause, 139 S. Ct. 2484, 2507 (2019)*.[1]

---

[1] Likewise, Legislative Defendants' and Intervenor-Defendants' contentions that federal law—i.e., the Elections clause and *Supremacy clause of the United States Constitution*—serves as a bar in state court to Plaintiffs' action seeking to enjoin the

- Add. 149 -
2019 N.C. Super. LEXIS 122, *5

Page 3 of 10

Standing of Plaintiffs

Legislative Defendants and Intervenor-Defendants contend that Plaintiffs lack standing to pursue their claims in this action. The North Carolina Constitution, however, provides: "All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay." *N.C. Const. art. I, § 18*. "[B]ecause **[*6]** North Carolina courts are not constrained by the 'case or controversy' requirement of Article III of the United States Constitution, our State's standing jurisprudence is broader than federal law." *Davis v. New Zion Baptist Church, 811 S.E.2d 725, 727 (N.C. Ct. App. 2018)* (quotation marks omitted); *accord Goldston v. State, 361 N.C. 26, 35, 637 S.E.2d 876, 882 (2006)* ("While federal standing doctrine can be instructive as to general principles . . . and for comparative analysis, the nuts and bolts of North Carolina standing doctrine are not coincident with federal standing doctrine.").

The North Carolina Supreme Court has broadly interpreted Article I, § 18 to mean that "[a]s a general matter, the North Carolina Constitution confers standing on those who suffer harm." *Mangum v. Raleigh Bd. of Adjustment, 362 N.C. 640, 642, 669 S.E.2d 279, 281 (2008)*. The "gist of the question of standing" under North Carolina law is whether the party seeking relief has "alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which

_____

2016 congressional districts on state constitutional grounds is equally unavailing. Our state courts have jurisdiction to hear and decide claims that acts of the General Assembly apportioning or redistricting the congressional districts of this State run afoul of the North Carolina Constitution.

the court so largely depends for illumination of difficult constitutional questions." *Goldston, 361 N.C. at 30, 637 S.E.2d at 879* (quoting *Stanley v. Dep't of Conservation & Dev., 284 N.C. 15, 28, 199 S.E.2d 641, 650 (1973))*. Although the North Carolina Supreme Court "has declined to set out specific criteria necessary to show standing in every case, [it] has emphasized two factors in its cases examining standing: (1) the presence of a legally cognizable injury; and **[*7]** (2) a means by which the courts can remedy that injury." *Davis, 811 S.E.2d at 727-28*.

Plaintiffs in this case have standing to challenge the congressional districts at issue because Plaintiffs have shown a likelihood of "a personal stake in the outcome of the controversy," *Goldston, 361 N.C. at 30, 637 S.E.2d at 879*, and a likelihood that the 2016 congressional districts cause them to "suffer harm," *Mangum, 362 N.C. at 642, 669 S.E.2d at 281*.

Applicable Legal Standards

At its most basic level, partisan gerrymandering is defined as: "the drawing of legislative district lines to subordinate adherents of one political party and entrench a rival party in power." *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n, 135 S. Ct. 2652, 2658 (U.S. 2016)*. Partisan gerrymandering operates through vote dilution—the devaluation of one citizen's vote as compared to others. A mapmaker draws district lines to "pack" and "crack" voters likely to support the disfavored party. *See generally Gill v. Whitford, 138 S. Ct. 1916 (2018)*.

Plaintiffs claim the 2016 congressional districts are partisan gerrymanders that violate the rights of Plaintiffs and all Democratic voters in North Carolina under the North Carolina Constitution's Free Elections Clause, Art. I, § 10; Equal Protection Clause, Art. I, § 19; and

Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14. Extreme partisan gerrymandering violates each of these provisions of the North Carolina Constitution. [*8] *See Common Cause v. Lewis*, 18-CVS-014001, slip. op. at 298-331 (N.C. Sup. Ct. Sept. 3, 2019).

Free Elections Clause

The North Carolina Constitution, in the Declaration of Rights, Article I, § 10, declares that "[a]ll elections shall be free." Our Supreme Court has long recognized the fundamental role of the will of the people in our democratic government: "Our government is founded on the will of the people. Their will is expressed by the ballot." *People ex rel. Van Bokkelen v. Canaday, 73 N.C. 198, 220 (1875)*. In particular, our Supreme Court has directed that in construing provisions of the Constitution, "we should keep in mind that this is a government of the people, in which the will of the people--the majority--legally expressed, must govern." *State ex rel. Quinn v. Lattimore, 120 N.C. 426, 428, 26 S.E. 638, 638 (1897)* (citing *N.C. Const. art. I, § 2*). Therefore, our Supreme Court continued, because elections should express the will of the people, it follows that "all acts providing for elections, should be liberally construed, that tend to promote a fair election or expression of this popular will." *Id.* "[F]air and honest elections are to prevail in this state." *McDonald v. Morrow, 119 N.C. 666, 673, 26 S.E. 132, 134 (1896)*. Moreover, in giving meaning to the Free Elections Clause, this Court's construction of the words contained therein must therefore be broad to comport with the following Supreme Court mandate: "We think the object of all elections [*9] is to ascertain, fairly and truthfully, the will of the people--the qualified voters." *Hill v. Skinner, 169 N.C. 405, 415, 86 S.E. 351, 356 (1915)* (quoting *R. R. v. Comrs., 116 N.C. 563, 568, 21 S.E. 205, 207 (1895))*.

As such, the meaning of the Free Elections Clause is that elections must be conducted freely and honestly to ascertain, fairly and truthfully, the will of the people. In contrast, extreme partisan gerrymandering—namely redistricting plans that entrench politicians in power, that evince a fundamental distrust of voters by serving the self-interest of political parties over the public good, and that dilute and devalue votes of some citizens compared to others—is contrary to the fundamental right of North Carolina citizens to have elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people. *See Common Cause*, 18-CVS-014001, slip. op. at 298-307.

Equal Protection Clause

The Equal Protection Clause of the North Carolina Constitution guarantees to all North Carolinians that "[n]o person shall be denied the equal protection of the laws." *N.C. Const., art. I, § 19*. Our Supreme Court has held that North Carolina's Equal Protection Clause protects "the fundamental right of each North Carolinian to *substantially equal voting power.*" *Stephenson v. Bartlett, 355 N.C. 354, 379, 562 S.E.2d 377, 394 (2002)* (emphasis added). "It is well settled in this State that 'the right to vote on *equal terms* is a fundamental right!" *Id. at 378, 562 S.E.2d at 393* (quoting *Northampton Cnty. Drainage Dist. No. One v. Bailey, 326 N.C. 742, 747, 392 S.E.2d 352, 356 (1990)* (emphasis added)). [*10]

Although the North Carolina Constitution provides greater protection for voting rights than the federal Equal Protection Clause, our courts use the same test as federal courts in evaluating the constitutionality of challenged classifications under an equal protection analysis. *Duggins v. N.C. State Bd. of Certified Pub. Accountant Exam'rs, 29-4 N.C. 120, 131, 240 S.E.2d 406, 413 (1978)*; *Richardson v. N.C. Dep't of Corr., 345*

N.C. 128, 134, 478 S.E.2d 501, 505 (1996). Generally, this test has three parts: (1) intent, (2) effects, and (3) causation. First, the plaintiffs challenging a districting plan must prove that state officials' "predominant purpose" in drawing district lines was to "entrench [their party] in power" by diluting the votes of citizens favoring their rival. Ariz. State Legis., 135 S. Ct. at 2658. Second, the plaintiffs must establish that the lines drawn in fact have the intended effect by "substantially" diluting their votes. Common Cause v. Rucho, 318 F. Supp. 3d 777, 861 (M.D.N.C. 2018). Finally, if the plaintiffs make those showings, the State must provide a legitimate, non-partisan justification (i.e., that the impermissible intent did not cause the effect) to preserve its map. Rucho, 139 S. Ct. at 2516 (Kagan, J., dissenting).

Generally, partisan gerrymandering runs afoul of the State's obligation to provide all persons with equal protection of law because, by seeking to diminish the electoral power of supporters of a disfavored party, a partisan gerrymander treats individuals who support candidates [*11] of one political party less favorably than individuals who support candidates of another party. Cf. Lehr v. Robertson, 463 U.S. 248, 265, 103 S. Ct. 2985 (1983) ("The concept of equal justice under law requires the State to govern impartially.")

As such, extreme partisan gerrymandering runs afoul of the North Carolina Constitution's guarantee that no person shall be denied the equal protection of the laws. See Common Cause, 18-CVS-014001, slip. op. at 307-17.

Freedom of Speech and Freedom of Assembly Clauses

The Freedom of Speech Clause in Article I, § 14 of the North Carolina Constitution provides that "[f]reedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained." The Freedom of Assembly Clause in Article I, § 12 provides, in relevant part, that "[t]he people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances."

"There is no right more basic in our democracy than the right to participate in electing our political leaders"— including, of course, the right to "vote." McCutcheon v. FEC, 572 U.S. 185, 191, 134 S. Ct. 1434, 1440 (2014) (plurality op.). "[P]olitical belief and association constitute the core of those activities protected by the First Amendment." Elrod v. Burns, 427 U.S. 347, 356, 96 S. Ct. 2673, 2681 (1976). In North Carolina, the right to assembly encompasses the right of association. Feltman v. City of Wilson, 238 N.C. App. 246, 253, 767 S.E.2d 615, 620 (2014). Moreover, [*12] "citizens form parties to express their political beliefs and to assist others in casting votes in alignment with those beliefs." Libertarian Party of N.C. v. State, 365 N.C. 41, 49, 707 S.E.2d 199, 204-05 (2011). And "for elections to express the popular will, the right to assemble and consult for the common good must be guaranteed." John V. Orth, The North Carolina State Constitution 48 (1995).

It is "axiomatic" that the government may not infringe on protected activity based on the individual's viewpoint. Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 828, 115 S. Ct. 2510, 2516 (1995). The guarantee of free expression "stands against attempts to disfavor certain subjects or viewpoints." Citizens United v. FEC, 558 U.S. 310, 340, 130 S. Ct. 876, 898 (2010). Viewpoint discrimination is most insidious where the targeted speech is political; "in the context of political speech, . . . [b]oth history and logic" demonstrate the perils of permitting the government to "identif[y] certain preferred speakers" while burdening the speech of "disfavored speakers." Id. at 340-41, 130 S. Ct. at 899.

The government may not burden the "speech of some elements of our society in order to enhance the relative voice of others" in electing officials. *McCutcheon, 572 U.S. at 20 7, 134 S. Ct. at 1450*, *see also* *Winborne v. Easley, 136 N.C. App. 191, 198, 523 S.E.2d 149, 154 (1999)* ("political speech" has "such a high status" that free speech protections have their "fullest and most urgent application" in this context (quotations marks omitted)). The government also may not retaliate [*13] based on protected speech and expression. *See McLaughlin, 240 N.C. App. at 172, 771 S.E.2d at 579-80*. Courts carefully guard against retaliation by the party in power. *See* *Elrod, 427 U.S. at 356, 96 S. Ct. at 2681*; *Branti v. Finkel, 445 U.S. 507, 100 S. Ct. 1287 (1980)*; *Rutan v. Republican Party of Ill., 497 U.S. 62, 110 S. Ct. 2729 (1990)*. When patronage or retaliation restrains citizens' freedoms of belief and association, it is "at war with the deeper traditions of democracy embodied in the First Amendment." *Elrod, 427 U.S. at 357, 96 S. Ct. at 2682* (quotation marks omitted).

When a legislature engages in extreme partisan gerrymandering, it identifies certain preferred speakers (e.g. Republican voters) while targeting certain disfavored speakers (e.g. Democratic voters) because of disagreement with the views they express when they vote. Then, disfavored speakers are packed and cracked into legislative districts with the aim of diluting their votes and, in cracked districts, ensuring that these voters are significantly less likely, in comparison to favored voters, to be able to elect a candidate who shares their views. Moreover, a legislature that engages in extreme partisan gerrymandering burdens the associational rights of disfavored voters to "instruct their representatives, and to apply to the General Assembly for redress of grievances." *N.C. Const. art. I, § 12*. As such, extreme partisan gerrymandering runs afoul of these important guarantees in the North Carolina Constitution [*14] of the freedom of speech and the right of the people of our State to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances. *See Common Cause*, 18-CVS-014001, slip. op. at 317-31.

Injunctive Relief

"It is well settled in this State that the courts have the power, and it is their duty in proper cases, to declare an act of the General Assembly unconstitutional—but it must be plainly and clearly the case. If there is any reasonable doubt, it will be resolved in favor of the lawful exercise of their powers by the representatives of the people." *City of Asheville v. State, 369 N.C. 80, 87-88, 794 S.E.2d 759, 766 (2016)* (quoting *Glenn v. Bd. of Educ., 210 N.C. 525, 529-30, 187 S.E. 781, 784 (1936)*; *State ex rel. Martin v. Preston, 325 N.C. 438, 449, 385 S.E.2d 473, 478 (1989)*.

"The purpose of a preliminary injunction is ordinarily to preserve the *status quo* pending trial on the merits. Its issuance is a matter of discretion to be exercised by the hearing judge after a careful balancing of the equities." *State ex rel. Edmisten v. Fayetteville Street Christian School, 299 N.C. 351, 357, 261 S.E.2d 908, 913 (1980)*. A preliminary injunction is an "extraordinary remedy" and will issue "only (1) if a plaintiff is able to show *likelihood* of success on the merits of his case and (2) if a plaintiff is likely to sustain irreparable loss unless the injunction is issued, or if, in the opinion of the Court, issuance is necessary for the protection of a [*15] plaintiffs rights during the course of litigation." *A.E.P. Industries, Inc. v. McClure, 308 N.C. 393, 401, 302 S.E.2d 754, 759-60 (1983)* (emphasis in original); *see also* *N.C.G.S. § 1A-1, Rule 65(b)*. When assessing the preliminary injunction factors, the trial judge "should engage in a balancing process, weighing potential harm to the plaintiff if the injunction is not issued against the

potential harm to the defendant if injunctive relief is granted. In effect, the harm alleged by the plaintiff must satisfy a standard of relative substantiality as well as irreparability." *Williams v. Greene, 36 N.C. App. 80, 86, 243 S.E.2d 156, 160 (1978)*.

Status Quo

The 2011 congressional districts, enacted by the General Assembly on July 28, 2011, were struck down as unconstitutional racial gerrymanders and ordered to be redrawn on February 5, 2016. *See Harris v. McCrory, 159 F. Supp. 3d 600, 627 (M.D.N.C. 2016)*. As a result, the 2016 congressional districts were then enacted by the General Assembly on February 19, 2016. N.C. Sess. Laws 2016-1. Plaintiffs' challenge to the 2016 congressional districts is a challenge to S.L. 2016-1 as enacted; hence, the status quo which Plaintiffs desire to preserve is the existing state of affairs prior to the enactment of S.L. 2016-1. Therefore, the existing state of affairs—i.e., the status quo—prior to the enactment of S.L. 2016-1 was the period in which no lawful congressional district map for [*16] North Carolina existed absent the enactment of a remedial map by the General Assembly.

Plaintiffs are Likely to Succeed on the Merits

Quite notably in this case, the 2016 congressional districts have already been the subject of years-long litigation in federal court arising from challenges to the districts on partisan gerrymandering grounds. *See Rucho, 318 F. Supp. 3d 777*. As such, there is a detailed record of both the partisan intent and the intended partisan effects of the 2016 congressional districts drawn with the aid of Dr. Thomas Hofeller and enacted by the General Assembly. *See Rucho, 318 F. Supp. 3d at 803-10* (detailing the history of the drawing and enactment of the 2016 congressional districts); *see*

also Declaration of Elisabeth S. Theodore (attaching as exhibits a number of documents from the record in federal court); *Rucho, 139 S. Ct. at 2491-93*.

For instance, Dr. Hofeller was directed by legislators "to use political data — precinct-level election results from all statewide elections, excluding presidential elections, dating back to January 1, 2008 — in drawing the remedial plan," and was further instructed to "use that political data to draw a map that would maintain the existing partisan makeup of the state's congressional delegation, which, as elected [*17] under the racially gerrymandered plan, included 10 Republicans and 3 Democrats." *Rucho, 318 F. Supp. 3d at 805* (internal citations omitted).

As another example, the redistricting committee approved several criteria for the map-drawing process, including the use of past election data (*i.e.*, "Political Data") and another labeled "Partisan Advantage," which was defined as: "The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina's congressional delegation." *Id. at 807*. In explaining these two criteria, Representative David Lewis "'acknowledged freely that this would be a political gerrymander,' which he maintained was 'not against the law,'" *id. at 808* (citation omitted), while also going on to state that he "propose[d] that [the Committee] draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats because [he] d[id] not believe it[would be] possible to draw a map with 11 Republicans and 2 Democrats," *id.* (alterations in original).

Moreover, when drawing the 2016 congressional districts, Dr. Hofeller [*18] used "an aggregate variable he created to predict partisan performance" all while

"constantly aware of the partisan characteristics of each county, precinct, and VTD." *Id. at 805-06*.

Finally, the redistricting committee, and ultimately the General Assembly as a whole, approved the 2016 congressional districts by party-line vote. *Id. at 809*.

In light of the above, this Court agrees with Plaintiffs and finds there is a substantial likelihood that Plaintiffs will prevail on the merits of this action by showing beyond a reasonable doubt that the 2016 congressional districts are extreme partisan gerrymanders in violation of the North Carolina Constitution's Free Elections Clause, Art. I, § 10; Equal Protection Clause, Art. I, § 19; and Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14.

Plaintiffs Will Suffer Irreparable Loss Unless the Injunction is Issued

The loss to Plaintiffs' fundamental rights guaranteed by the North Carolina Constitution will undoubtedly be irreparable if congressional elections are allowed to proceed under the 2016 congressional districts. As discussed above, Plaintiffs' have shown a likelihood of succeeding on the merits of their claims that these districts violate multiple fundamental rights guaranteed [*19] by the North Carolina Constitution. And as Defendants have emphasized, the 2020 primary elections for these congressional districts—the final congressional elections of this decade before the 2020 census and subsequent decennial redistricting—are set to be held in March of 2020 with the filing period beginning December 2, 2019.

As such, this Court finds that Plaintiffs are likely to sustain irreparable loss to their fundamental rights guaranteed by the North Carolina Constitution unless the injunction is issued, and likewise, issuance is necessary for the continued protection of Plaintiffs'

fundamental rights guaranteed by the North Carolina Constitution during the course of the litigation.

A Balancing of the Equities Weighs in Favor of Plaintiffs

On one hand, Legislative Defendants contend a general harm to them will result from issuing the injunction because the General Assembly will be prevented from effectuating an act of the General Assembly. On the other hand, Plaintiffs' and all North Carolinians' fundamental rights guaranteed by the North Carolina Constitution will be irreparably lost, as discussed above, if the injunction is not granted. Simply put, the people of our State will [*20] lose the opportunity to participate in congressional elections conducted freely and honestly to ascertain, fairly and truthfully, the will of the people. The Court finds that this specific harm to Plaintiffs absent issuance of the injunction outweighs the potential harm to Legislative Defendants if the injunction is granted.

Legislative Defendants and Intervenor Defendants also contend the issuance of the injunction will result in disruption, confusion, and uncertainty in the electoral process for them, candidates, election officials, and the voting public. But, again, such a proffered harm does not outweigh the specific harm to Plaintiffs from the irreparable loss of their fundamental rights guaranteed by the North Carolina Constitution. Moreover, while State Defendants would prefer not to move elections or otherwise change the current schedule for the 2020 congressional primary election, they recognize that proceeding under the 2016 congressional districts "would require the Board to administer an election that violates the constitutional rights of North Carolina voters" and acknowledge that the election schedule can be changed if necessary. State Defs. Response Brief at 2. In that [*21] vein, State Defendants agree with Plaintiffs that "it would be appropriate for this Court to

issue an injunction that relieves the Board of any duty to administer elections using an unconstitutionally gerrymandered congressional redistricting plan." *Id.*

Finally, Legislative Defendants and Intervenor-Defendants contend Plaintiffs simply waited too long to bring their challenge to the 2016 congressional districts in state court. Plaintiffs, however, filed this action in state court only a matter of months after litigation reached its conclusion in federal court, at a time still prior to the candidate filing period. While the timing of Plaintiffs' action does weigh against Plaintiffs, the Court does not find that the timing of Plaintiffs' filing of this action should bar them from seeking equitable relief in the form of the requested preliminary injunction.

Consequently, after weighing the potential harm to Plaintiffs if the injunction is not issued against the potential harm to Defendants if injunctive relief is granted, this Court concludes the balance of the equities weighs in Plaintiffs' favor. Indeed, the harm alleged by Plaintiffs is both substantial and irreparable should congressional [*22] elections in North Carolina proceed under the 2016 congressional districts.

Conclusion

Under these circumstances, the Court, in its discretion and after a careful balancing of the equities, concludes that the requested injunctive relief shall issue in regard to the 2016 congressional districts. The Court further concludes that security is required of Plaintiffs pursuant to *Rule 65(c) of the North Carolina Rules of Civil Procedure* to secure the payment of costs and damages in the event it is later determined this relief has been improvidently granted.

This Court recognizes the significance and the urgency of the issues presented by this litigation, particularly when considering the impending 2020 congressional primary elections and all accompanying deadlines, details, and logistics. This Court also is mindful of its responsibility not to disturb an act of the General Assembly unless it plainly and clearly, without any reasonable doubt, runs counter to a constitutional limitation or prohibition. For these reasons, the Court will, upon the forthcoming filing of Plaintiffs' motion for summary judgment, provide for an expedited schedule so that Plaintiffs' dispositive motion may be heard prior to the close of the filing period for the 2020 primary [*23] election.

This Court observes that the consequences, as argued by Legislative Defendants and Intervenor-Defendants, resulting from a delay in the congressional primary— *e.g.*, decreased voter turnout, additional costs and labor for the State Board of Elections—would be both serious and probable should the primary schedule be adjusted as a result of this Order and Plaintiffs' ultimate success on the merits of this action. But as discussed above, should Plaintiffs prevail through motion or trial, these consequences pale in comparison to voters of our State proceeding to the polls to vote, yet again, in congressional elections administered pursuant to maps drawn in violation of the North Carolina Constitution.

This Court, however, notes that these disruptions to the election process need not occur, nor may an expedited schedule for summary judgment or trial even be needed, should the General Assembly, on its own initiative, act immediately and with all due haste to enact new congressional districts. This Court does not presume, at this early stage of this litigation, to have any authority to compel the General Assembly to commence a process of enacting new Congressional districts, and this [*24] Court recognizes that such a decision is wholly within the discretion of a co-equal branch of government. The General Assembly, however, has recently shown it has the capacity to enact new legislative districts in a short amount of time in a

transparent and bipartisan manner, and that the resulting legislative districts, having been approved by this Court, are districts that are more likely to achieve the constitutional objective of allowing for elections to be conducted more freely and honestly to ascertain, fairly and truthfully, the will of the people. *See Common Cause v. Lewis*, 18-CVS-014001 (N.C. Sup. Ct., October 28, 2019). The Court respectfully urges the General Assembly to adopt an expeditious process, as it did in response to this Court's mandate in the September 3, 2019, Judgment in *Common Cause v. Lewis*, that ensures full transparency and allows for bipartisan participation and consensus to create new congressional districts that likewise seek to achieve this fundamental constitutional objective.

Accordingly, the Court, in its discretion and for good cause shown, hereby ORDERS that Plaintiffs' motion for preliminary injunction is GRANTED as follows:

> 1. Legislative Defendants **[*25]** and State Defendants, their officers, agents, servants, employees and attorneys and any person in active concert or participation with them are hereby enjoined from preparing for or administering the 2020 primary and general elections for congressional districts under the 2016 congressional districts established by S.L. 2016-1.

> 2. Security in an amount of $1,000 shall be required of Plaintiffs pursuant to *Rule 65*.
> 3. The Court retains jurisdiction to move the primary date for the congressional elections, or all of the State's 2020 primaries, including for offices other than Congressional Representatives, should doing so become necessary to provide effective relief in this case.

SO ORDERED, this the 28th day of October, 2019.

/s/ Paul C. Ridgeway

Paul C. Ridgeway, Superior Court Judge

/s/ Joseph N. Crosswhite

Joseph N. Crosswhite, Superior Court Judge

/s/ Alma L. Hinton

Alma L. Hinton, Superior Court Judge

End of Document