

NO. 413PA21

TENTH DISTRICT

NORTH CAROLINA SUPREME COURT

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

Plaintiffs-Appellants,)

v.)

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

Defendants-Appellees.)

From Wake County

REBECCA HARPER, *et al.*,)

Plaintiffs-Appellants,)

v.)

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

Defendants-Appellees.)

BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF PLAINTIFFS-APPELLANTS

The Buncombe County Board of Commissioners respectfully requests leave to file the accompanying brief as amicus curiae in support of Plaintiffs-Appellants in these consolidated cases.

INTEREST OF AMICUS CURIAE

Extreme partisan gerrymandering harms voters in real, identifiable ways. When government is not responsive to votes cast, citizens lose trust in their government. Our Constitution protects citizens from these harms inflicted on them by the General Assembly.

The Buncombe County Board of Commissioners has a distinct perspective on the impacts of partisan gerrymandering by the General Assembly. It and its voters are uniquely harmed by the legislature's partisan gerrymandering. By local legislation, the General Assembly has mandated that Buncombe County's Board of Commissioner districts follow the State House districts in perpetuity. Thus, Buncombe County residents were subject to unconstitutional Board of Commissioner and House districts in 2012, 2014, 2016, and 2018. They desire relief from gerrymandered districts in 2022.

REASONS WHY AN AMICUS BRIEF IS DESIRABLE

The experiences of Buncombe County will assist the Court in understanding the intent of the legislature, as well as the harms that partisan gerrymandering poses to our republic at both the state and local levels.

Buncombe County's brief comes from a unique perspective and does not repeat arguments made by the parties to the litigation.

ISSUES TO BE ADDRESSED

In the accompanying brief, the Buncombe County Board of Commissioners seeks to describe the pattern of partisan actions—and intent—exhibited by the North Carolina General Assembly, both through local legislation targeting urban, Democratic places like Buncombe County and through the legislative and Board of Commissioner districts imposed on Buncombe County. The Buncombe County Board of Commissioners urges the Court to strike down the gerrymandered districts imposed on Buncombe County.

For these reasons, the Buncombe County Board of Commissioners respectfully requests the Court grant its motion for leave and accept its conditionally filed amicus brief.

Respectfully submitted, this the 21st day of January, 2022.

POYNER SPRUILL LLP

By: s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.
N.C. State Bar No. 4112
espeas@poynerspruill.com
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: 919.783.2881
Facsimile: 919.783.1075

*Attorneys for Amicus Buncombe
County Board of Commissioners*

*N.C. R. App. P. 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.*

By: s/ Caroline P. Mackie
Caroline P. Mackie
N.C. State Bar No. 41512
cmackie@poynerspruill.com
P.O. Box 1801
Raleigh, NC 27602-1801
Telephone: 919.783.1108
Facsimile: 919.783.1075

*Attorneys for Buncombe County
Board of Commissioners*

CERTIFICATE OF SERVICE

I certify that, in accordance with Appellate Rule 26(c), I have served a copy of the foregoing document by e-mail to the following:

Stephen D. Feldman
sfeldman@robinsonbradshaw.com
Adam K. Doerr
adoerr@rbh.com
Erik R. Zimmerman
ezimmerman@robinsonbradshaw.com
Robinson, Bradshaw & Hinson, P.A.
Attorneys for NCLCV Plaintiffs-Appellants

Sam Hirsch
shirsch@jenner.com
Jessica Ring Amunson
jamunson@jenner.com
Zachary C. Schauf
zschauf@jenner.com
Urja Mittal
umittal@jenner.com
Karthik P. Reddy
kreddy@jenner.com
Jenner & Block LLP
Attorneys for NCLCV Plaintiffs-Appellants

Burton Craige
bcraige@pathlaw.com
Narendra K. Ghosh
nghosh@pathlaw.com
Paul E. Smith
psmith@pathlaw.com
Patterson Harkavy LLP
*Attorneys for Plaintiffs-Appellants,
Rebecca Harper, et al.*

Lalitha D. Madduri
lmadduri@elias.law
Jacob D. Shelly
jshelly@elias.law
Graham W. White
gwhite@elias.law
Abha Khanna
akhanna@elias.law
Elias Law Group LLP
*Attorneys for Plaintiff-Appellant,
Rebecca Harper, et al.*

Elisabeth S. Theodore
elisabeth.theodore@arnoldporter.com
R. Stanton Jones
stanton.jones@arnoldporter.com
Samuel F. Callahan
Sam.callahan@arnoldporter.com
Arnold and Porter Kaye
Scholer LLP
*Attorneys for Plaintiff-Appellant,
Rebecca Harper, et al.*

J. Tom Boer
tom.boer@hoganlovells.com
Olivia T. Molodanof
olivia.molodanof@hoganlovells.com
Hogan Lovells US LLP
Attorneys for Plaintiff, Common Cause

Allison J. Riggs
allison@southerncoalition.org
Hilary H. Klein
hilaryhklein@scsj.org
Mitchell Brown
mitchellbrown@scsj.org
Katelin Kaiser
Katelin@scsj.org
Jeffrey Loperfido
jeff@southerncoalition.org
Noor Taj
noor@scsj.org
Southern Coalition for Social Justice
Attorneys for Plaintiff, Common Cause

Phillip J. Strach
phil.strach@nelsonmullins.com
Thomas A. Farr
Tom.Farr@nelsonmullins.com
Gregory P. McGuire
greg.mcguire@nelsonmullins.com
D. Martin Warf
martin.warf@nelsonmullins.com
John E. Branch III
john.branch@nelsonmullins.com
Alyssa Riggins
alyssa.riggins@nelsonmullins.com
Nathaniel J. Pencook
nate.pencook@nelsonmullins.com
Nelson Mullins Riley & Scarborough,
LLP
*Attorneys for Legislative Defendants-
Appellees, 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
tsteed@ncdoj.gov
Stephanie A. Brennan
sbrennan@ncdoj.gov
Amar Majmundar
amajmundar@ncdoj.gov
Mary Carla Babb
mcbabb@ncdoj.gov
N.C. Department of Justice
*Attorneys for State Defendants-
Appellees, 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*

Edmond W. Caldwell, Jr.
ecaldwell@ncsheriffs.net
Matthew L. Boyatt
mboyatt@ncdoj.gov
North Carolina Sheriffs' Association
*Attorneys for Intervenor-Appellee, NC
Sheriffs' Association*

James R. Morgan, Jr.
Jim.Morgan@wbd-us.com
Sean F. Perrin
sean.perrin@wbd-us.com
Womble Bond Dickinson (US) LLP
*Attorneys for Intervenor-Appellee, NC
Sheriffs' Association*

Ryan Y. Park
rpark@ncdoj.gov
James W. Doggett
jdoggett@ncdoj.gov
Zachary W. Ezor
zezor@ncdoj.gov
N.C. Department of Justice
*Attorneys for Amicus, Gov. Cooper and
AG Stein*

This the 21st day of January, 2022.

s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.