

SUPREME COURT OF NORTH CAROLINA

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

*Plaintiffs,* )

COMMON CAUSE, )

*Plaintiff-Intervenor,* )

v. )

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

*Defendants.* )

From Wake County

No. 21 CVS 15426

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REBECCA HARPER, *et al.*, )

*Plaintiffs,* )

v. )

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

*Defendants.* )

\*\*\*\*\*

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE'S  
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF  
IN SUPPORT OF DEFENDANT-APPELLEES

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TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

The National Republican Congressional Committee (“NRCC”) respectfully seeks leave pursuant to Appellate Rule 28(i) to file the attached amicus brief in support of the Legislative Defendant-Appellees.<sup>1</sup>

### **INTEREST OF AMICUS CURIAE**

The NRCC is a political committee that assists its Republican members in achieving electoral victories. The NRCC supports the election of Republicans to the United States House of Representatives by providing direct financial contributions, technical and political guidance, and making independent expenditures to advance political campaigns. The NRCC also undertakes voter education, registration, and turnout programs, as well as other party-building activities. Amicus Curiae has a vital interest in the law regarding redistricting because congressional districts affect its members, members’ constituents, supporters, campaigns, elections, and their successors in office. Accordingly, this case has widespread implications for Amicus Curiae and its members. Specifically, this case directly impacts NRCC’s members who are members of the United States House of Representatives for districts in North Carolina.

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<sup>1</sup> Pursuant to Appellate Rule 37(c), all parties were informed of NRCC’s intent to file this motion and attached brief, and NRCC inquired whether each party consented to the motion and intended to file a response. North Carolina League of Conservation Voters and Harper Plaintiff-Appellants all consent to the motion. Common Cause Plaintiff-Appellant takes no position on the motion. Legislative Defendant-Appellees consent to the motion. State Defendant-Appellees take no position on the motion and do not intend to file a response.

## **REASONS WHY AMICUS BRIEF IS DESIRABLE**

Plaintiff-Appellants' grievances with the legislative maps and purported solutions for removing politics from the redistricting process are based on the fundamental assumption that the future behavior of American voters is capable of being predicted. Amicus Curiae's brief will assist this Court by providing persuasive authorities and examples from across the country that undermine this fundamental assumption and demonstrate that election results are anything but a foregone conclusion.

## **ISSUES OF LAW TO BE ADDRESSED AND POSITION OF AMICUS**

In recent years, the United States Supreme Court has determined that partisan gerrymandering claims, like those advanced by Plaintiff-Appellants here, are not cognizable in federal court. *See Rucho v. Common Cause*, 139 S. Ct. 2484 (2019). This is because "[e]xperience proves that accurately predicting electoral outcomes is not so simple, either because the plans are based on flawed assumptions about voter preferences and behavior or because demographics and priorities change over time." *Id.* at 2503. In its brief, Amicus Curiae provide a number of illustrations of this critical point from across the country and spanning decades. These examples, including some even more recent than the *Rucho* decision, highlight the wisdom of the *Rucho* Court and undermine the relief sought by Plaintiff-Appellants. It is thus Amicus Curiae's position that this Court should determine that partisan redistricting claims are similarly non-justiciable under North Carolina law.

## CONCLUSION

The NRCC respectfully requests that this Court consider the attached amicus brief.

This, the 28th day of January, 2022.

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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.

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### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 28th day of January 2022, served a copy of the foregoing motion for leave to file amicus curiae brief by electronic mail on the following parties at the following addresses:

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