

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS, FLOR HERRERA-PICASSO, MINERVA FREEMAN, MAURA ACETO, JAVIER LIMON, ARMENTA EATON, JAMES ADAMS, LUCIANO GONZALES-VEGA, CHENITA JOHNSON, PAMLYN STUBBS, EARL JONES, ALLISON SHARI ALLEN, LAURA MCCLETTIE, NELDA LEON, GERMAN FR CASTRO, ALAN RENE OLIVIA CHAPELA, VIRGINIA KEOGH, and NATALEE NANETTE NIEVES,

Plaintiffs,

vs.

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 NORTH CAROLINA STATE BOARD OF ELECTIONS; ALAN HIRSCH, in his official capacity as Chair 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

Case No. 1:23-cv-1057

**ANSWER OF LEGISLATIVE  
DEFENDANTS**

Member of the North Carolina State Board of Elections; KEVIN LEWIS, in his official capacity as Member of the North Carolina State Board of Elections; and SIOBHAN O'DUFFY MILLEN, in her official capacity as Member of the North Carolina State Board of Elections,

Defendants.

### **ANSWER OF LEGISLATIVE DEFENDANTS**

Defendants Representative Destin Hall, Senator Ralph Hise, Senator Paul Newton, Senator Warren Daniel, Speaker Timothy K. Moore, and President Pro Tem Philip E. Berger, all in their official capacities (“Legislative Defendants”) answer the specific allegations of Plaintiffs’ complaint as follows:

#### **“INTRODUCTION”**

1. Legislative Defendants admit that North Carolina’s 2023 Congressional Plan was ratified as Senate Bill 757 on October 25, 2023. In all other respects, Legislative Defendants deny the allegations of paragraph 1.

2. Legislative Defendants admit that North Carolina gained a congressional district after the 2020 Census. In all other respects, Legislative Defendants deny the allegations of paragraph 2.

3. Legislative Defendants deny the allegations of paragraph 3.

4. Legislative Defendants deny the allegations of paragraph 4.

5. Legislative Defendants deny the allegations of paragraph 5.

6. Legislative Defendants admit that Plaintiffs seek relief as specified in Plaintiffs’ complaint, but specifically deny that Plaintiffs are entitled to any relief

whatsoever. In all other respects, Legislative Defendants deny the allegations of paragraph 6.

## **“PARTIES**

### **A. Plaintiffs”**

7. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 7.

8. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 8.

9. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 9.

10. Legislative Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 10.

11. Legislative Defendants lack knowledge or information sufficient to form a belief about the allegations of paragraph 11.

12. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 12.

13. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 13.

14. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 14.

15. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 15.

16. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 16.

17. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 17.

18. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18.

19. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19.

20. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20.

21. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21.

22. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22.

23. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23.

24. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 24.

**“B. Defendants”**

25. Legislative Defendants admit the allegations of paragraph 25.
26. Legislative Defendants admit the allegations of paragraph 26.
27. Legislative Defendants admit the allegations of paragraph 27.
28. Legislative Defendants admit that allegations of paragraph 28.
29. Legislative Defendants admit the allegations of paragraph 29.
30. Legislative Defendants admit the allegations of paragraph 30.
31. Legislative Defendants admit the allegations of paragraph 31.
32. Legislative Defendants admit the allegations of paragraph 32.
33. Legislative Defendants admit the allegations of paragraph 33.
34. Legislative Defendants admit the allegations of paragraph 34.
35. Legislative Defendants admit the allegations of paragraph 35.
36. Legislative Defendants admit the allegations of paragraph 36.

**“JURISDICTION AND VENUE”**

37. Legislative Defendants admit that Plaintiffs allege that their claims arise under the Fourteenth and Fifteenth Amendments to the U.S. Constitution. Legislative Defendants specifically deny that the 2023 Congressional Plan violates the Fourteenth or Fifteenth Amendments to the U.S. Constitution. In all other respects, Legislative Defendants deny the allegations of paragraph 37.

38. Legislative Defendants admit that the statutes cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 38.

39. Legislative Defendants admit the allegations of paragraph 39.

40. Legislative Defendants admit that the statute cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 40.

41. Legislative Defendants admit the allegations of paragraph 41.

42. Legislative Defendants admit that the Federal Rules of Civil Procedure and statutes cited by Plaintiffs speak for themselves. Legislative Defendants specifically deny that Plaintiffs are entitled to any relief whatsoever. In all other respects, Legislative Defendants deny the allegations of paragraph 42.

## **“STATEMENT OF FACTS**

### **A. North Carolina’s Post-2020 Census Redistricting Process”**

43. Legislative Defendants admit that the federal and state constitutional provisions cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 43.

44. Legislative Defendants admit that North Carolina gained a congressional district after the 2020 Census. In all other respects, Legislative Defendants deny the allegations of paragraph 44.

45. Legislative Defendants admit that the General Assembly ratified new redistricting plans for Congress and the state house and state senate on or about November 4, 2021. In all other respects, Legislative Defendants deny the allegations of paragraph 45.

46. Legislative Defendants deny the allegations of paragraph 46.

47. Legislative Defendants admit that on February 4, 2022, the North Carolina Supreme Court issued a ruling that the congressional and state house and state senate redistricting plans violated the North Carolina Constitution and that this decision, which was subsequently overruled, speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 47.

48. Legislative Defendants admit that on February 17, 2022, the General Assembly ratified remedial maps in response to the decision by the North Carolina Supreme Court that the Wake County Superior Court subsequently held that the remedial congressional map violated the North Carolina Constitution, and that the opinion by the Superior Court in *Harper v. Hall*, File No. 21 CVS 015426, speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 48.

49. Legislative Defendants admit the allegations of paragraph 49.

50. Legislative Defendants admit that the cited case speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 50.

51. Legislative Defendants deny the allegations of paragraph 51.

52. Legislative Defendants deny the allegations of paragraph 52.

53. Legislative Defendants admit that the General Assembly held three public hearings during the 2023 redistricting process and that none of the hearings occurred in the cities cited by Plaintiffs. In all other respects, Legislative Defendants deny the allegations of paragraph 53.

54. Legislative Defendants admit that the Legislative Record regarding Senate Bill 757, including the adoption of criteria, speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 54.

55. Legislative Defendants admit that statements made at public hearings are a matter of public record and speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 55.

56. Legislative Defendants admit that the Legislative Record of Senate Bill 757 and the documents of the Senate Redistricting and Elections Committee are publicly available on the General Assembly's website and speak for themselves. In all other respects, the Legislative Defendants deny the allegations of paragraph 56.

57. Legislative Defendants admit that the Legislative Record of Senate Bill 757 and the documents of the Senate Redistricting and Elections Committee and the House Standing Committee on Redistricting are publicly available on the General Assembly's website and speak for themselves. In all other respects, the Legislative Defendants deny the allegations of paragraph 57.



58. Legislative Defendants admit that published criteria for congressional redistricting speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 58.

59. Legislative Defendants admit that the Legislative Record of Senate Bill 757 and the documents of the Senate Redistricting and Elections Committee, including the public videos of the Committee meetings, are publicly available the General Assembly's website and speak for themselves. In all other respects, the Legislative Defendants deny the allegations of paragraph 59.

60. Legislative Defendants admit that the Legislative Record of Senate Bill 757 and the documents of the Senate Redistricting and Elections Committee, including the public videos of the Committee meetings, are publicly available the General Assembly's website and speak for themselves. In all other respects, the Legislative Defendants deny the allegations of paragraph 60.

61. Legislative Defendants admit that the Legislative Record of Senate Bill 757 and the documents of the Senate Redistricting and Elections Committee, including the public videos of the Committee meetings, are publicly available the General Assembly's website and speak for themselves. In all other respects, the Legislative Defendants deny the allegations of paragraph 61.

62. Legislative Defendants admit that the General Assembly ratified a new congressional plan on October 25, 2023, and that under the North Carolina Constitution

redistricting plans are not subject to gubernatorial veto. In all other respects, Legislative Defendants deny the allegations of paragraph 62.

**“B. The 2023 Congressional Redistricting Plan”**

63. Legislative Defendants deny the allegations of paragraph 63.

64. Legislative Defendants deny the allegations of paragraph 64.

**“Congressional District 1”**

65. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 65.

66. Legislative Defendants deny the allegations of paragraph 66.

67. Legislative Defendants deny the allegations of paragraph 67.

68. Legislative Defendants deny the allegations of paragraph 68.

69. Legislative Defendants deny the allegations of paragraph 69.

70. Legislative Defendants deny the allegations of paragraph 70.

71. Legislative Defendants deny the allegations of paragraph 71.

72. Legislative Defendants deny the allegations of paragraph 72.

**“Congressional District 6”**

73. Legislative Defendants deny that “minority voters were carved out of the district.” In all other respects, Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 73.

74. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 74. To the extent a further response is required, Legislative Defendants deny the allegations of paragraph 74.

75. Legislative Defendants deny the allegations of paragraph 75.

76. Legislative Defendants admit that the population of Guilford County does not exceed the amount of population that could be lawfully assigned to a congressional district. In all other respects, Legislative Defendants deny the allegations of paragraph 76.

77. Legislative Defendants deny the allegations of paragraph 77.

78. Legislative Defendants deny the allegations of paragraph 78.

79. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 79.

80. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 80.

81. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 81.

82. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 82.

83. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 83.

84. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 84.

85. Legislative Defendants deny the allegations of paragraph 85.

86. Legislative Defendants deny the allegations of paragraph 86.

87. Legislative Defendants deny the allegations of paragraph 87.

88. Legislative Defendants deny the allegations of paragraph 88.

**“Congressional Districts 12 and 14”**

89. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 89. To the extent a further response is required, Legislative Defendants deny the allegations of paragraph 89.

90. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 90. To the extent a further response is required, Legislative Defendants deny the allegations of paragraph 90.

91. Legislative Defendants deny the allegations of paragraph 91.

92. Legislative Defendants deny the allegations of paragraph 92.

93. Legislative Defendants admit that the district lines for the 2022 and 2023 version of Congressional District 12 are a matter of public record which speak for

themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 93.

94. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 94.

95. Legislative Defendants admit that the district lines under the 2023 North Carolina Congressional Plan are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 95.

96. Legislative Defendants admit that the district lines for the 2023 and 2022 versions of Congressional District 12 are a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 96.

97. Legislative Defendants admit that the district lines for the 2023 version of Congressional District 14 is a matter of public record which speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 97.

98. Legislative Defendants deny the allegations of paragraph 98.

99. Legislative Defendants deny the allegations of paragraph 99.

100. Legislative Defendants deny the allegations of paragraph 100.

101. Legislative Defendants deny the allegations of paragraph 101.

**“C. Racial Discrimination and Voting in North Carolina”**

102. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 102.

103. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 103.

104. Legislative Defendants admit that the history of North Carolina politics speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 104.

105. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 105.

106. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 106.

107. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 107.

108. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 108.

109. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 109.

110. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 110.

111. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 111.

## **“CAUSES OF ACTION**

### **COUNT I**

#### **2023 Congressional Plan’s violations of the Fourteenth Amendment to the U.S. Constitution: CDs 1, 6, 12, and 14 U.S. Const. amend. XIV; 42 U.S.C. § 1983 (Racial Gerrymandering)”**

112. Legislative Defendants reincorporate their responses to paragraphs 1-111 of Plaintiffs’ Complaint as if set forth fully herein.

113. Legislative Defendants admit that the section of the Constitution cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 113.

114. Legislative Defendants admit that the section of the Constitution and case cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 114.

115. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 115.

116. Legislative Defendants admit that the cases cited by Plaintiffs speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 116.

117. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 117.

118. Legislative Defendants deny the allegations of paragraph 118.

119. Legislative Defendants deny the allegations of paragraph 119.

120. Legislative Defendants deny the allegations of paragraph 120.

121. Legislative Defendants deny the allegations of paragraph 121.

122. Legislative Defendants deny the allegations of paragraph 122.

**“COUNT II  
2023 Congressional Plan’s violations of the Fourteenth and Fifteenth Amendments  
to the U.S. Constitution  
U.S. Const. amends XIV and XV; 42 U.S.C. § 1983  
(Intentional Discrimination)”**

123. Legislative Defendants reincorporate their responses to paragraphs 1-122 of Plaintiffs’ Complaint as if set forth fully herein.

124. Legislative Defendants admit that the Fourteenth and Fifteenth Amendments speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 124,



125. Legislative Defendants admit that the Fourteenth and Fifteenth Amendments speak for themselves. In all other respects, Legislative Defendants deny the allegations of paragraph 125.

126. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself and that paragraph 126 makes legal conclusions to which no response is required. In all other respects, Legislative Defendants deny the allegations of paragraph 126.

127. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 127.

128. Legislative Defendants admit that the case cited by Plaintiffs speaks for itself. In all other respects, Legislative Defendants deny the allegations of paragraph 128.

129. Legislative Defendants deny the allegations of paragraph 129.

130. Legislative Defendants deny the allegations of paragraph 130.

131. Legislative Defendants deny the allegations of paragraph 131.

132. Legislative Defendants deny the allegations of paragraph 132.

133. Legislative Defendants deny the allegations of paragraph 133.

**“PRAYER FOR RELIEF”**

No response is required to the allegations in the Prayer for Relief. To the extent this Court requires a response, Legislative Defendants deny the allegations in the Prayer for Relief and deny Plaintiffs are entitled to any of the relief sought in the Complaint, including those items listed in sub-paragraphs A-F of the Prayer for Relief.

## **AFFIRMATIVE DEFENSES**

### **FIRST DEFENSE**

Plaintiffs Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

### **SECOND DEFENSE**

The relief sought by Plaintiffs would involve unconstitutional racial gerrymanders because they request districts in which racial considerations predominate over traditional districting criteria.

### **THIRD DEFENSE**

It would be inequitable to afford Plaintiffs relief so soon before the 2024 elections.

### **FOURTH DEFENSE**

Any allegations in paragraphs 1-133 of the Complaint not specifically admitted are denied.

### **FIFTH DEFENSE**

Race did not predominate in the drawing of any district.

### **SIXTH DEFENSE**

The General Assembly did not “crack” or “pack” minority voters in its Senate districting plan.

**PRAYER FOR RELIEF**

WHEREFORE, Legislative Defendants respectfully request that the court enter an order dismissing Plaintiffs' claims with prejudice, and that Legislative Defendants be awarded their costs and attorneys' fees and such other relief as may be just and proper.

Respectfully submitted, this the 12th day of February, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

By: /s/ Phillip J. Strach

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*\* Notice of Special Appearance forthcoming*

**CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 12th day of February, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach

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