IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 2:19-CV-37

BILLY JOE BREWSTER, JR., et al.,	)
	)
Plaintiffs,	)
	)
v.	)
	)
PHILLIP E. BERGER, etc., et al.,	)
	)
Defendants.	)

PLAINTIFFS' MOTION TO AMEND COMPLAINT

Plaintiffs Billy Joe Brewster, Jr. et al. within 21 days of the filing of the original complaint, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, amends their complaint as attached hereto by deleting the first complaint in its entirety and substituting the AMENDED COMPLAINT, a copy of which is attached hereto as Exhibit A. The new complaint maintains the counts and allegations against the same defendants from the original complaint, but corrects inadvertent typographic mistakes and one exhibit in the original complaint. This amendment is the first amendment to the complaint and is filed within 21 days of filing of the original Complaint.

Plaintiffs are entitled to amend the complaint as a matter of right under the Federal Rules and relies only on the language of the Rule for its legal authority to amend. The Rule reads as follows: Rule 15: Amended and supplemental pleadings (a) amendment before trial: (1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within: (A) 21 days after serving it

This 5th day of November, 2019.

/s/ Robert Neal Hunter, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this date, November 5th, 2019, I caused the foregoing document to be filed and served on all counsel of record by operation of CM/ECF system for the United States District Court for the Eastern District of North Carolina.

/s/ Robert Neal Hunter, Jr.
Robert Neal Hunter, Jr. (NCSB 5679)

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No.: 2:19-CV-37

BILLY JOE BREWSTER, JR., LARRY E. NORMAN, and THOMAS W. HILL, on behalf of themselves and others similarly situated,	)	
Plaintiffs,	)	**AMENDED COMPLAINT FOR DECLARATORY RELIEF, INJUNCTION, AND FOR ATTORNEY FEES FOR VIOLATION OF CIVIL RIGHTS UNDER SECTION 1983**
v.	)	
PHILLIP E. BERGER, in his official capacity as Speaker Pro Tempore of the North Carolina Senate; TIMOTHY K. MOORE, in his official capacity as Speaker of the North Carolina House of Representatives, DAMON CIRCOSTA, STELLA ANDERSON, JEFF CARMON III, DAVID C. BLACK, KEN RAYMOND AND KAREN BRINSON BELL, in their official capacities as officers or members of the North Carolina State Board of Elections,	)	
Defendants.	)	

NOW COME the Plaintiffs, by and through undersigned counsel, and complaining of Defendants, do hereby allege as follows:

INTRODUCTION

This is a complaint for declaratory and injunctive relief under Section 1983 of the Civil Rights Act of 1964 for violation of the right to vote and participate in an electoral structure that protects the integrity of the election process. The Plaintiffs are voters and a

candidate in the upcoming primary elections for Congress in North Carolina. North Carolina voters have been subjected to nearly a decade of lawsuits regarding their election districts. Past litigation has instituted a dizzying array of actual and threatened last-minute changes to the election process. (A listing of the cases is provided below.)

In the elections of 2016, a three-judge panel in Greensboro in *Harris vs. McCrory*, 159 F. Supp. 3rd 600 (MDNC, 2016) required the North Carolina General Assembly to redraft the congressional districts for the 2016 Congressional Elections. This remedial action led to the passage of Session Law 2016-1, promulgating new congressional districts. Subsequently, the maps were approved and modified, then used for the 2018 Congressional Elections and the Current congressional incumbents were elected under these maps. In *Common Cause vs. Rucho*, (No. 18-422, 588 U.S. ___, 139 S.Ct. 2484 (2019)), plaintiffs brought a political gerrymandering claim challenging the congressional districts under novel political science theories regarding "fairness" of the congressional districts. However, on June 30, 2019, the United States Supreme Court held such claims to be non-justiciable and rejected the novel political science theories advanced therein and adopted by the district court as a justiciable ground for federal equal protection challenges. On November 18, 2018, in *Common Cause vs. Lewis* (18 CVS 14001), a different set of voters filed a state action against the defendant Board and the State Legislature using substantially similar political science theories rejected by the Supreme Court in *Rucho,* claiming the Constitution of North Carolina permitted such claims and theories. These theories were successful and resulted in a judgment issued on September 3, 2019, in which the North Carolina Legislature was directed to redraw state legislative

districts to eliminate partisan gerrymandering. On September 27, 2019, new plaintiffs filed a state constitutional political gerrymandering claim to the congressional districts drawn as a remedy provided to the plaintiffs in *Harris vs. Lewis* (19 CVS 12667). A preliminary injunction has been entered forbidding the State Board or the Legislative Defendants to use the 2016 plan for elections in 2018. (A copy of the Preliminary Injunction is attached hereto as Exhibit 1 and incorporated herein as if fully set out.)

Plaintiffs, and those with whom they associate, have a right to vote for candidates for Congress arising under Article I of the United States Constitution. This right to vote is "the right to participate in an electoral process that is necessarily structured to maintain the integrity of the democratic system." *Burdick vs. Takushi*, 504 U.S. 428, 442 (1972).

The plaintiffs, and the candidates they support, have relied upon the federal decision in *Cooper vs. Harris,* 581 U.S. ___, 137 S. Ct. 1455 (2017), and *Harris vs. McCrory*, 159 F. Supp. 3rd 600 (MDNC, 2016), to base their political associations and begin campaigns including fundraising and electioneering for Congress, since the last election ended in 2018. The political parties, for example, organize themselves based upon congressional districts which recruit candidates and fundraise for Congress. Candidates, should they become congressmen, provide constituent services based upon their residences within the congressional districts, so that voters can hold congressmen accountable for their actions. Candidates communicate with voters based upon voter lists that have been geocoded to reflect the congressional district in which the voter lives. Candidates have been communicating with these voters based upon these lists for many months and have expended large amounts of money and resources in these

communications. Voters in these districts have received these communications and become familiar with potential candidates in their districts. Likewise, noncandidate committees have also been engaged in expenditures inside of these districts, communicating directly with voters in associating specific candidates with issues which the noncandidate committees support. Thus these parties, and others, electioneer and campaign based upon the congressional maps as passed by the General Assembly in 2016. For example, Plaintiff Brewster has established a campaign committee, hired consultants, published videos, solicited donations, and communicated directly with identified voters within his district in his effort to become a party nominee in the March, 2020 primary. Voters receive almost all their information regarding who the candidates are in the district and the positions associated with them from the candidates themselves and from various non-candidate committees. This direct communication with the voters relies upon an accurate list of geocoded voters within a district provided by the North Carolina State Board of Elections. Under the current schedule, and with the changes contemplated in the congressional map, the State Board will be unable to provide political organizations such a list until mere weeks before votes will begin to be received by the State Board. This is simply not an adequate amount of time in which to engage in this crucial campaign communication process. Broader based communication methods are also affected. Advertising needs to be purchased well in advance of its publication or broadcast date. As the date approaches, there is less advertising time and space available, causing it to be more expensive. However, many of these decisions cannot be made in a timely, cost effective fashion due to the fact that the candidates and committees are

unaware of the configurations of the districts. The financial ability to communicate is also directly affected as many candidate contributions, if not most, are solicited and provided from individuals who live within the district. Contributors are less likely to contribute if they do not know whether they will be able to vote for that candidate in the upcoming election. Other contributors are more or less likely to contribute based on the perceived likelihood of the candidates' success. Confusion as to the configuration of the districts inhibits the candidates' ability to raise funds with which to engage in the crucial communication process. Placing this process on pause will leave far too little time for candidates and noncandidate committees to adequately communicate with the voters prior to votes being received.

This effect on the candidate and noncandidate committees directly affects the rights of the individual voters. The voters have been receiving communications from these committees for some months now based upon the current configurations of the congressional districts. The voters have identified candidates who they support or are considering supporting, based upon the expectation they are running in the districts in which they vote and in large part, based upon what they perceive as candidate support of issues which the voter also supports. These decisions by the voters are largely based upon the communications they have received from the candidate and noncandidate committees. Moving blocks of voters from districts where they have already received substantial amounts of communication from candidate and noncandidate committees will significantly confuse the voters, particularly when they are essentially denied that same level of communication regarding the candidates and issues in the new districts to which

they are moved. This is the essence of voter confusion and can only be eliminated by maintaining the stability of the election process in the period immediately preceding an election. The North Carolina Supreme Court has already recognized this factual predicate in *Pender County vs. Bartlett*, 361 N.C. 491, 510 (2007) "We also realize that candidates have been preparing for the 2008 election in reliance upon the districts as presently drawn. Accordingly, to minimize disruption to the ongoing election cycle, the remedy explained above shall be stayed until after the 2008 election." This decision by the North Carolina Supreme Court was determined over seven months prior to the scheduled primary election not mere weeks as is the case here.

The United States Constitution Article I, Section 4, grants to the state legislatures the power to establish the time, manner, and place of elections, which the state legislature has done in passing Session Law 2018-21 to change the primary dates for elections as March 3, 2020, and the filing deadlines beginning on December 2, 2019, and ending on December 20, 2019. Early voting and the first ballots cast will begin on January 13, 2020. Furthermore, the North Carolina Board of Elections has previously stated that it must have final redistricting maps prior to December 5, 2019, in order to have the ability to properly geocode voters into their districts prior to January 13, 2020. The United States Supreme Court has recognized in *Purcell vs. Gonzales*, 549 U.S. 1 (2006), the principle that late changes to an election process will, at a certain point, rise to a level that the confusion engendered will violate the voters' and candidates' rights assured under the due process and equal protection clauses as well as the First Amendment of the United States Constitution. Plaintiffs assert that in North Carolina, this point has already been

passed and request the court issue a declaratory judgment to protect the integrity of the electoral process and to enjoin the defendants from making any significant changes to the election procedures which fail to comport with this federal standard.

PARTIES

1. Plaintiff Larry E. Norman is a registered voter who regularly participates in primary and general elections, donates to political candidates and associates with others to support and campaign for candidates for the Congress of the United States from North Carolina. Mr. Norman resides in the Eastern District of North Carolina in Nash County and is an attorney licensed to practice law in the state of North Carolina.

2. Billy Joe Brewster, Jr. is a registered voter who regularly participates in primary and general elections, donates to political candidates and associates with others to support and campaign for candidates for the Congress of the United States from North Carolina. He is an announced candidate for election to Congress in the 12th Congressional District, plans to file for this office on or about December 2, 2019, when the filing period opens, and to run in the primary elections to be held in March 2020.

3. Plaintiff Thomas W. Hill is a registered voter who regularly participates in primary and general elections, donates to political candidates, and associates with others to support and campaign for candidates for the Congress of

the United States from North Carolina. Mr. Hill resides Gates County in the Eastern District of North Carolina.

4. The Plaintiffs bring this complaint on behalf of themselves and those residents, voters, and taxpayers that associate with them and are similarly situated and those persons who exercise their rights to free speech, right to petition, and otherwise associate with them to elect candidates for Congress and other officials.

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

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

7. Defendant Damon Circosta is the Chairman of the State Board of Elections (hereinafter "State Board") and is sued in his official capacity only.

8. Defendants Stella Anderson, Jeff Carmon III, David C. Black and Ken Raymond are members of the State Board of Elections and are sued in their official capacity only.

9. Defendant Karen Brinson Bell is the executive director of the State Board of Elections and is sued in her official capacity only.

10. Josh Stein is the Attorney General of North Carolina and is not a defendant, but is being served to give notice of this civil action pursuant to federal law.

11. The North Carolina State Board of Elections is an independent agency of the State of North Carolina and it and its officials are responsible for conducting elections throughout North Carolina, including for the election to Congress. Its principal office is in Wake County, North Carolina.

12. No Plaintiff in this action has been a party in any of the matters previously decided by state or federal courts, and their specific, individualized interests in the integrity of the elections were not adequately addressed in the current state litigation. Plaintiffs make no claim that the current redistricting plan as enacted by the General Assembly is unconstitutional.

JURISDICTION

13. This action in part arises under the Elections Clause of Article I and the First, Fifth, and Fourteenth Amendments to the United States Constitution, the Federal Declaratory Judgment Act, 42 U.S.C. Section 1983 and the All Writs Act, 28 U.S.C. Section 1651,

14. This court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331, 1243(a)(3), 1357 and 1367.

15. This court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. Sections 2201 and 2202.

16. Venue in this district is proper pursuant to 28 U.S.C. Section 1391(b).

17. This matter involves an actual case or controversy arising under federal law and the United States Constitution as set forth herein.

18. Defendants do not possess immunity under the Eleventh Amendment of the United States Constitution because of its direct role in enforcing the election laws of North Carolina.

19. This matter is timely and ripe for determination in that the filing deadline for the 2020 election is less than 40 days away and is necessary to allow an orderly election process. Crucial electoral decisions of potential contestants and voters including the Plaintiffs and those similarly situated have to be made in the next few weeks. Unless this court intervenes these decisions will be required to be made with inadequate information which will degrade the electoral process in violation of the Plaintiffs and those similarly situated constitutional rights under the First and Fourteenth Amendments. These decisions will need to be made by candidates with respect to the December filing of notices of candidacy, as well as by voters for the election to be conducted from January 13 through March 3 of 2020. Intervention to prevent violation of civil rights actions are an expressly authorized exception to the Anti-Injunction Act, 38 U.S.C. Section 2283.

20. The Plaintiffs are electors in North Carolina federal elections and have standing to bring this action on behalf of themselves and similarly situated

citizens. They and those similarly situated are personally aggrieved by any changes at this late date in at least one of the following ways:

A. Abridging the Plaintiffs the right to vote by creating an election structure which does not ensure electoral integrity.

B. Abridging Plaintiffs' right to free speech and association by so shortening the campaign times available that candidates and others do not have sufficient time to campaign, fundraise, or effectively communicate with the voters.

C. Abridging the Plaintiffs' right to free speech and association by so shortening the campaign times available that voters are unable receive adequate information based upon a reasonable opportunity to communicate so as to make an informed choice in the casting of their ballot.

D. Violating voters' and potential candidates' rights to equal protection by being moved from their current districts to districts where they have no familiarity with the candidates and potential candidates within that district. These voters are at a substantial disadvantage to those voters who have remained in the district and have a more complete opportunity to identify and communicate with candidates and issue-based committees regarding the candidates and their new districts.

E. Abridging minimum electoral due process to candidates, parties, and the public so that the voters will have adequate notice of when the actual elections process will begin.

F. Impairing the ability of candidates to raise funds when districts are uncertain and donors cannot assess candidates' chances of election.

FACTS

History of Recent Election Litigation in North Carolina 2010 to 2019

21. Following the return of the 2010 decennial census, the North Carolina Legislature enacted Session Law 2011-40, known as the "Rucho-Lewis Congress 3" plan. This plan was used in the 2012, 2014 and 2016 elections to Congress. Following its enactment, this plan and successive plans have been the subject of state and federal litigation set forth hereinafter.

Dickson vs. Rucho

22. On November 3, 2011, Margaret Dickson and forty-five other registered voters filed a complaint, asking the state courts to declare Rucho-Lewis Congress plan 3 invalid on both constitutional and statutory grounds. On November 4, 2011, the North Carolina State Conference of Branches of the NAACP and others filed a complaint seeking similar relief. Subsequently a panel of three superior court judges convened to hear these actions, pursuant to N.C.G.S. § 1267.1. On December 19, 2011, the three-judge panel ("the trial court") consolidated these cases. Throughout the *Dickson* case, Plaintiffs contended North Carolina was afflicted with legally significant racially

polarized voting and the state court so found. This case is hereinafter referred to as *Dickson vs. Rucho* litigation.

23. The election of Congress in November 2012, was held using the Rucho-Lewis Congress 3 redistricting plan.

24. *Dickson vs. Rucho* was tried on June 4 and 5, 2013, and subsequently on July 8, 2013, the trial court issued its unanimous "Judgment and Memorandum of Decision" denying plaintiffs' relief. Plaintiffs appealed to the North Carolina Supreme Court.

25. The election of Congress in November 2014 was held using the Rucho-Lewis Congress 3 plan.

26. The North Carolina Supreme Court affirmed the judgment of the three-judge panel. *Dickson vs. Rucho,* 367 N.C. 542, 766 S.E.2d 238 (2014).

27. The plaintiffs appealed the state supreme court's ruling to the U.S. Supreme Court, the Supreme Court vacated the North Carolina Supreme Court's opinion, and remanded the case to the North Carolina Supreme Court for further consideration in light of its recent decision in *Alabama Legislative Black Caucus vs. Alabama,* ___ U.S. ___, 135 S.Ct. 1257, 1991 L.Ed.2d 314 (2015)(Alabama). *Dickson vs. Rucho,* ___ U.S. ___, 135 S.Ct. 1843, 191 L.Ed.2d 719 (2015) (mem.). On remand, North Carolina's Supreme Court again affirmed the trial court's rulings, *Dickson vs. Rucho*, 781 S.E.2d 404 (2015).

28. The Plaintiffs again filed for certiorari which was granted and, subsequently, the United States Supreme Court vacated the judgment and remanded the case for further consideration in light of *Cooper vs. Harris*, 581 U.S. ___ (2017).

29. On February 11, 2018, after remand from the North Carolina Supreme Court, the Wake County state three-judge panel entered a judgment in the case, stating that challenged districts in the 2011 congressional and legislative plan were unconstitutional, but holding that no further remedy could be offered by the court since the 2011 maps had already been redrawn. The court declared all of the plaintiffs' remaining claims moot.

Harris vs. McCrory

30. Concurrently with the *Dickson* case, Plaintiffs David Harris and others brought a federal court action on October 24, 2013, alleging, among other things, that North Carolina used the VRA's section 5 preclearance requirements as a pretext to pack African–American voters into North Carolina's Congressional Districts 1 and 12, and reduce those voters' influence in other districts. Plaintiffs sought to enjoin the State from conducting elections for the U.S. House of Representatives based on the 2011 enacted First and Twelfth Congressional Districts. *Id*. at 19. A three-judge panel was appointed and after a three-day bench trial which began on October 13, 2015, the court found for the plaintiffs. Plaintiffs in *Harris* asserted and the court found there was no legally significant racially polarized voting in North Carolina.

31. On February 5, 2016, the Supreme Court struck down the 2011 Plan as racially gerrymandered in violation of the Fourteenth Amendment's Equal Protection Clause. *See Harris vs. McCrory*, 159 F. Supp. 3d 600 (M.D.N.C. 2016).

32. The 2016 remedial plan was not used until the election of 2018.

33. Following the court's order, the General Assembly enacted on February 19, 2016, Session Law 2016-1 a contingency plan pending the States appeal of the three-judge panel's decision. Probable jurisdiction was noted in June 2016, and argument was heard in the United States Supreme Court on December 5, 2016. Subsequently, the United States Supreme Court in *Cooper vs Harris*, 581 U.S. __, 137 S.Ct. 1455 (2017), summarily affirmed the trial court.

Covington vs. North Carolina

34. In a lawsuit filed in May 2015, thirty-one North Carolina voters sued the state board of elections, contending that Republican lawmakers had packed African-American voters into nine Senate districts and 19 House districts in violation of the Equal Protection Clause of the Fourteenth Amendment. In August 2016, the panel unanimously agreed with the plaintiffs and entered its opinion in *Covington vs. North Carolina*, 283 F.Supp.3d 410 (M.D.N.C. 2016). Plaintiffs argued and the court held there was no legally significant racially polarized voting.

35. Subsequently, the State appealed the panel's ruling to the U.S. Supreme Court, arguing that the legislature drew the districts to avoid violating the Voting Rights Act. While the lawmakers' appeal to the Supreme Court was pending, the panel ordered

the General Assembly to create a remedial state house map by March 15, 2017, and to hold a special election in fall 2017 using the new districts. The state petitioned the Supreme Court to stay the district court's remedy pending the resolution of the state's earlier appeal. The Court granted the stay, issuing an order temporarily blocking the lower court's remedial order and putting the 2017 special elections on hold. *North Carolina vs. Covington* 138 S. Ct 974, 200 L.Ed.2d 216 (2018).

36. On June 5, 2017, the Supreme Court summarily affirmed the decision of the trial court. The Court also vacated the order staying implementation of a remedy and 2017 special elections, with instructions to the trial court to re-weigh the balance of equities in determining whether special elections in 2017 were appropriate.

37. On June 28, the Supreme Court affirmed in part the lower court's order, upholding changes made to remedy racial gerrymandering but reversing the changes made to two state districts redrawn by the legislature in other parts of the state. *Covington vs. North Carolina*, 138 S.Ct. 2548, 201 L.E.2d 993 (2018).

Rucho vs. Common Cause

38. On August 5, 2016, plaintiffs filed a "political gerrymandering claim" in federal court, asserting North Carolina's remedial 2016 congressional map – adopted by the North Carolina legislature after the previous map was struck down as a racial gerrymander. The plaintiffs argue that the remedial map favored some voters and penalized others for their political party memberships and affiliations, thereby affecting

the state government's ability to maintain political neutrality when distributing political representation and power.

39. On January 9, 2018, the court struck down the map as an unconstitutional partisan gerrymander and blocked the state from using the plan for future elections. The court directed that the North Carolina legislature be given until January 24 to adopt a remedial plan and directed that any such plan be filed with the court by January 29. Because of upcoming election deadlines, the court also ordered that the parties propose special masters to redraw the map in the event the court rejects any legislatively enacted remedial map.

40. On January 11, the legislative defendants filed an emergency motion to stay the remedial map drawing process pending the Supreme Court's decisions in *Gill vs. Whitford* and *Benisek vs. Lamone*. On January 16, the district court denied the defendants' emergency motion to stay.

41. On January 12, the legislative defendants filed an emergency application with the Supreme Court asking the court to stay proceedings at the district court pending appeal.

42. On January 18, the three-judge panel issued an order staying its decision, including the remedial map process, pending appeal.

43. On June 25, the United States Supreme Court vacated and remanded the three-judge panel's decision on the merits for further consideration in light of *Gill vs. Whitford*.

44. On August 27, the three-judge panel issued a new opinion, ruling for the plaintiffs on all of their claims: the 14th Amendment Equal Protection Clause, the First Amendment, and Article I of the Constitution.

45. On August 31, the legislative defendants filed a motion to stay the opinion pending Supreme Court review. On September 12, the panel granted that motion.

46. On January 4, 2019, the Supreme Court agreed to hear the legislative defendants' appeal. The Court heard oral argument on March 26.

47. On June 27, 2019, in *Rucho vs. Common Cause*, *Id*. the Court vacated the decision below and remanded the case for dismissal, holding that partisan gerrymandering claims are nonjusticiable.

48. On September 5, 2019, the trial court dismissed the case for lack of jurisdiction.

Common Cause vs. Lewis

49. Common Cause, the North Carolina Democratic Party, and a group of voters filed a lawsuit on November 13, 2018, in North Carolina Superior Court, challenging the state's legislative maps on partisan gerrymandering grounds. The legislature drew these maps in 2017 after the federal courts—in *Covington vs. North Carolina*—threw out the prior plans for racial gerrymandering. According to the plaintiffs, the Republican legislative leadership created the 2017 plans to entrench lasting Republican majorities. The plaintiffs contended that the new plans violate several

provisions of North Carolina's constitution: the Equal Protection Clause; the Free Elections Clause; and the Freedom of Speech and Freedom of Assembly Clauses.

50. Trial took place from July 15 to 26. On September 3, 2019, the state court struck down the maps as unconstitutional and enjoined their use in future elections. The court ordered the North Carolina General Assembly to redraw the maps by September 19. The General Assembly submitted maps to the court, and on September 27, plaintiffs filed objections to the proposed remedial house plan. The court approved the remedial plans on October 28, 2019.

Harper vs. Lewis

51. On September 27, 2019, Fourteen North Carolina voters filed a lawsuit in state court challenging North Carolina's current 2016 congressional map on partisan gerrymandering grounds following the theories affirmed by the trial court in *Common Cause vs. Lewis*. The 2016 map, argue plaintiffs, was drawn with express intent to maximize and entrench Republican party advantage in the state's congressional delegation. The plaintiffs contend that the 2016 remedial congressional map violates several provisions of North Carolina's constitution: the Free Elections Clause; the Equal Protection Clause; and the Freedom of Speech and Freedom of Assembly Clauses.

52. The plaintiffs are asking the court to declare the map unconstitutional under the North Carolina Constitution and to enjoin the state from using the current map in any further elections. The plaintiffs are also asking the court to order the state to adopt a new plan that complies with the North Carolina Constitution.

53. On October 9, three Republican members of the North Carolina congressional delegation filed a motion to intervene as defendants.

54. On October 14, the defendants removed the case from state court to a federal district court.

55. On October 22, the district court ordered the case be remanded.

56. On October 24, the state court granted the congressional motion to intervene.

57. On October 28, the panel granted the plaintiffs' motion for preliminary injunction, preventing the use of the 2016 plan in upcoming elections, pending the ultimate resolution of the lawsuit. (*See* Exhibit 1.) The state court's decision in granting the preliminary injunction was over the objections of the State Legislative Defendants raising issues of laches, timeliness, and prior opportunity to raise this issue before September 27, 2019.

58. On information and belief, it is alleged at the present time, the North Carolina General Assembly is meeting to consider whether to appeal the decision regarding the trial court's preliminary injunction decision or to draw a new congressional plan.

59. During the hearings on the motion for preliminary injunctions, the trial court received an affidavit from the Executive Director of the State Board of Elections outling the time line needed for any new plan to be incorporated into the administrative

process necessary for voters to participate in the currently scheduled filing period and primary elections. (A copy of this affidavit is attached hereto and incorporated herein as Exhibit 2.)

COUNT I
CONSTITUTIONAL INFRINGEMENT

60. Plaintiffs allege and incorporate the foregoing paragraphs of this Complaint as if fully set forth herein.

61. In anticipation of the 2020 congressional elections being conducted using existing congressional maps, Plaintiff Brewster, in January 2019, began a campaign for Congress under the existing 12th Congressional District.

62. Plaintiff Brewster's campaign activities include, personally soliciting voters, conducting meet and greets and coffees with voters, establishing a campaign webpage, hiring a political and media consultant, starting a Facebook page and other social media to contact voters in the Charlotte area.

63. Plaintiff Brewster is not an incumbent congressman and has fewer financial resources than the incumbent congresswoman to electioneer and campaign. His campaign will be disadvantaged by a change in the electoral districts and shortening of the primary or general election campaign because he must depend on his free speech rights and personal campaigning to persuade voters to vote for him. Similarly affected will be his volunteers and party supporters who must electioneer on his behalf.

64. Plaintiff Brewster, unlike his opponent incumbent, must rely primarily on small donations to fund his campaign. Changing or shortening the campaign period will impair the progress he has made in creating a donor base and require him to start his campaign over in a new district. Any change in the geography of the districts would force him, and other similarly situated congressional candidates, to expend significant funds in order to reach new constituents while simultaneously depriving them of the necessary time to raise money and connect with voters.

65. Plaintiff Larry E. Norman is currently a voter in the 2nd Congressional District whose congressman he has relied upon for constituent services for the past ten years .He regularly votes for and donates to his congressman and associates with others to help his re-election efforts. The district as presently composed is a swing district in which the congressman has won elections in the past but is not assured of winning in the future. The district congressman has obtained seniority in Congress on Committees which consider legislation that impact the Plaintiff and others like him, and such influence will be lost if the Legislature or the courts redraws the district boundaries.

66. Defendant Hill, serves on his political party's Congressional District Committee. His party organizes itself by congressional districts for purposes of its internal governance in electing members to its executive and central committees.

67. Currently Defendant Hill is a county chairman in his political party and is recruiting candidates to run against an incumbent congressman. Such candidates

will need to know the names addresses and voting history of the voters in order to conduct an effective campaign and fundraising.

68. Should changes be made by the state legislature or state board of elections in the congressional districts, the costs of campaigning will rise and plaintiffs will need to employ expensive advertising to reach voters in areas which are not currently contained in their districts. Grassroots efforts including door to door canvassing, telephone banks, community coffees, and precinct walks required by challenger candidates are less expensive than advertising available to incumbents. The lack of direct voter contact destroys the benefits of an electoral campaign and focuses on party affiliation rather than a comparison of the individual merits of candidates, harming democracy and placing focus on only well-funded candidates.

69. Given the possibility of state court action changing the districts, the Plaintiffs will be damaged by any delay in the current districts including the possibility of a disappointed litigant seeking appellate review, adding further confusion and uncertainty for the voters and the candidates. Furthermore, the candidates may be faced with bifurcated primaries in which fewer voters participate in the elections for Congress than do in single primaries.

70. Based upon the foregoing harms, the Plaintiffs ask the court to declare the rights of the parties as follows:

(1) If the election cycle begins on December 2, 2020, under current state law, will any changes to the election districts necessarily violate the Constitutional rights of the Plaintiff and those similarly situated?

PRAYER FOR RELIEF

WHEREFORE the Plaintiffs pray the court to grant the following relief:

1. Award temporary and permanent injunctive relief enjoining the Defendants, its agents, officers, and employees from enforcing implementing or giving any effort to enforce a congressional election based on a map or plan different from that currently enacted by the State Legislature.

2. Award Plaintiffs their costs, disbursement, and reasonable attorneys' fees incurred in bringing this action pursuant to 42 U.S.C. Section 1988.

3. Tax the costs of this action against Defendants; and

4. Grant such other relief as this court seems just and proper.

This ____ day of November, 2019.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date, November ____, 2019, I caused the foregoing document to be filed and served on all counsel of record by operation of CM/ECF system for the United States District Court for the Eastern District of North Carolina.

Robert Neal Hunter, Jr. (NCSB 5679)

EXHIBIT 1

STATE OF NORTH CAROLINA WAKE COUNTY	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 19 CVS 012667
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.*	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 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 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 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 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]

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 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.").

[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 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 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.

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. *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 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)).

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). 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 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, "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 207, 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 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 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 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).

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 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 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 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 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 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 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 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 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 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 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

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:

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This the 28th day of October, 2019.

Kellie Z. Myers
Trial Court Administrator – 10th Judicial District
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**Admitted Pro Hac Vice*

EXHIBIT 2

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 14001

COMMON CAUSE, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID LEWIS in his official capacity as Senior Chairman of the House Select Committee on Redistricting; et al.,

Defendants.

NOTICE OF FILING:
AFFIDAVIT OF KAREN BRINSON BELL

NOW COMES Defendants the North Carolina State Board of Elections and its members (collectively "State Defendants"), by and through the undersigned counsel, and hereby submit the attached Affidavit of Karen Brinson Bell in support of State Defendants' Memorandum on Election Administration and Deadlines. A copy of that Memorandum is being delivered to the Court via email to the Trial Court Administrator, pursuant to the Case Management Order in this action.

Respectfully submitted this 4th day of October, 2019.

N.C. DEPARTMENT OF JUSTICE

Stephanie A. Brennan

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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 depositing a copy by email and addressed as follows:

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This the 4th day of October, 2019.

Stephanie A. Brennan
Special Deputy Attorney General

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 14001

COMMON CAUSE, et al.,

Plaintiffs,

v.

REPRESENTATIVE DAVID LEWIS in his official capacity as Senior Chairman of the House Select Committee on Redistricting; 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 (2019 Spec. Supp.). 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. 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.

4. For North Carolina House and Senate districts, the geocoding process starts when the State Board receives legislative district shapefiles, which include geographic data setting the boundaries for legislative districts. 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. 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.

5. The amount of time required for geocoding generally corresponds with the number of district boundaries that are redrawn within the counties. In this case, I understand that there are 37 counties that are subject to remedial redistricting, between the state House and Senate maps, 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 between 17 and 21 days (including holidays and weekends) for the 2020 primary for state legislative offices, depending on the degree of change to intracounty district lines.

6. Ballot preparation and proofing can begin after geocoding is complete and

candidate filing closes. For the 2020 primary elections, candidate filing for state legislative districts occurs between noon on December 2, 2019, and noon on December 20, 2019. *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 2020 primary for state legislative offices, 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.

7. 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.

8. Geocoding and ballot preparation must occur consecutively, however, not concurrently. Ballots cannot be prepared until the proper geographical boundaries for voting districts are set in SEIMS. 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 34 and 42 days (including holidays and weekends).

9. 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.[1] Based on the current primary date of March 3, 2020, for state legislative districts, 50 days before the primary election falls on January 13, 2020, and 45 days before the primary election falls on January 18, 2020.

10. In sum, the State Board would need to receive the shapefiles for geocoding and ballot preparation between now and 34 to 42 days before the deadline for distributing absentee ballots. Currently, that deadline is January 13, 2020, which means the shapefiles must arrive between now and December 2–10, 2019. If that deadline were moved to January 18, 2020, the shapefiles would need to arrive between now and December 7–15, 2019.

11. 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, early voting is set to begin on February 12, 2020 for the 2020 primary.

12. 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

[1] https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

"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 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.

13. 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 what is currently required by UOCAVA.

14. If the Court were to order a separate primary for state legislative districts, a different set of administrative requirements would be triggered.

15. 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 separate legislative primary not begin any earlier than March 14, 2020. Relying on the aforementioned estimates, it would take between 34 and 42 days after March 14, 2020, to geocode and prepare

ballots for a separate primary. Candidate filing could occur before or simultaneous with geocoding.

16. 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.

17. 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 63 and 71 days total, would need to occur between March 14, 2020, and 20 days before the date of the separate primary.

18. Fourth, there are additional administrative challenges that counties would face if a separate legislative primary were held (assuming that the legislative primary were not to coincide with a second primary that may need to be held in any event, due to an unresolved nomination contest from the March primary). Chief among these challenges would be recruiting poll workers and securing polling 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 weekdays from 7 a.m. to 7 p.m. and technological advances in many counties now require that elections workers 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 of elections staff and coordination with the State Board.

This concludes my affidavit.

This the 4th day of October, 2019.

Karen Brinson Bell

Karen Brinson Bell, Executive Director
N.C. State Board of Elections

Sworn to and subscribed before me this 4 day of October, 2019.

LATANYA N GANT
NOTARY PUBLIC
My Commission Expires
February 11, 2024
JOHNSTON COUNTY, NC

Latanya N Gant

(Notary Public)

My commission expires: February 11, 2024

New Search

Voter Details

JAMES ELLIS NORMAN II
11029 MASON RIDGE DR
RALEIGH, NC 27614

County:	WAKE
Status:	ACTIVE
Voter Reg Num:	000100027438
NCID:	BP40164
Party:	REP
Race:	WHITE
Ethnicity:	UNDESIGNATED
Gender:	MALE
Registration Date:	12/03/2007
NCDMV Customer:	Yes

Election Day Polling Place

BRASSFIELD ELEMENTARY SCHOOL
2001 BRASSFIELD RD
RALEIGH, NC 27614

Jurisdictions

Precinct:	PRECINCT 02-04
VTD:	02-04
Congress:	CONGRESSIONAL DISTRICT 2
NC Senate:	NC SENATE DISTRICT 18
NC House:	NC HOUSE DISTRICT 40
Superior Court:	NC SUPERIOR COURT DISTRICT 10C
Judicial:	NC JUDICIAL DISTRICT 10A
Prosecutorial:	10TH PROSECUTORIAL
County Commissioner:	COUNTY COMMISSIONER 6
Municipality:	UNINCORPORATED
School:	BOARD OF EDUCATION 3

Sample Ballots

Election	Ballot(s)
10/08/2019 MUNICIPAL	No eligible ballots.
11/05/2019 MUNICIPAL	No eligible ballots.

Voter History (14)

Absentee Request (0)

For more information, please contact the Wake County Board of Elections.

New Search

Voter Details

THOMAS WILLIAM HILL
386 DANIELS RD
CORAPEAKE, NC 27926

County:	GATES
Status:	ACTIVE
Voter Reg Num:	000000014515
NCID:	BS13379
Party:	REP
Race:	WHITE
Ethnicity:	UNDESIGNATED
Gender:	MALE
Registration Date:	02/09/2012
NCDMV Customer:	Yes

Election Day Polling Place

4N SUNBURY SUB STATION #2 (CORAPEAKE)
250 PARKERS FORK RD
CORAPEAKE, NC 27926

Jurisdictions

Precinct:	PRECINCT #4 NORTH
VTD:	4N
Congress:	CONGRESSIONAL DISTRICT 1
NC Senate:	NC SENATE DISTRICT 1
NC House:	NC HOUSE DISTRICT 5
Superior Court:	1ST SUPERIOR COURT DISTRICT
Judicial:	1ST JUDICIAL DISTRICT
Prosecutorial:	1ST PROSECUTORIAL

Sample Ballots

Voter History (10)

Absentee Request (0)

For more information, please contact the Gates County Board of Elections.

New Search

Voter Details

WILLIAM DENNISON BREWSTER JR
8215 LONG CREEK CLUB DR # 405
CHARLOTTE, NC 28216

County:	MECKLENBURG
Status:	ACTIVE
Voter Reg Num:	001000351952
NCID:	CW1157083
Party:	REP
Race:	WHITE
Ethnicity:	NOT HISPANIC or NOT LATINO
Gender:	MALE
Registration Date:	09/22/2016
NCDMV Customer:	No

Election Day Polling Place

HORNETS NEST ELEMENTARY SCHOOL
6700 BEATTIES FORD RD
CHARLOTTE, NC 28216

Jurisdictions

Precinct:	PCT 211
VTD:	211
Congress:	CONGRESSIONAL DISTRICT 12
NC Senate:	NC SENATE DISTRICT 38
NC House:	NC HOUSE DISTRICT 107
Superior Court:	SUPERIOR COURT 26F
Judicial:	JUDICIAL DISTRICT 26F
Prosecutorial:	37TH PROSECUTORIAL
County Commissioner:	BOARD OF COMMISSIONERS DISTRICT 1
Municipality:	CHARLOTTE
Ward:	CITY COUNCIL DISTRICT 2
School:	SCHOOL BOARD DIST 3

Sample Ballots

Election	Ballot(s)
09/10/2019 PRIMARY	No eligible ballots.
10/08/2019 PRIMARY	No eligible ballots.
11/05/2019 GENERAL	M003
05/14/2019 PRIMARY	No eligible ballots.

Voter History (2)

Absentee Request (0)

For more information, please contact the Mecklenburg County Board of Elections.

New Search

Voter Details

LARRY ELLIS NORMAN
101 S MAIN ST
LOUISBURG, NC 27549

County:	FRANKLIN
Status:	ACTIVE
Voter Reg Num:	000000074632
NCID:	DA83979
Party:	REP
Race:	WHITE
Ethnicity:	UNDESIGNATED
Gender:	MALE
Registration Date:	09/26/2014
NCDMV Customer:	Yes

Election Day Polling Place

LOUISBURG POLICE TRAINING CENTER
104 WADE AVE
LOUISBURG, NC 27549

Jurisdictions

Precinct:	LOUISBURG CITY
VTD:	01
Congress:	CONGRESSIONAL DISTRICT 2
NC Senate:	NC SENATE DISTRICT 18
NC House:	NC HOUSE DISTRICT 7
Superior Court:	9TH SUPERIOR COURT
Judicial:	9TH JUDICIAL
Prosecutorial:	11TH PROSECUTORIAL
County Commissioner:	DISTRICT 1 SEAT 1
Municipality:	TOWN OF LOUISBURG
School:	SB DISTRICT 1 SEAT 1

Sample Ballots

Election	Ballot(s)
11/05/2019 MUNICIPAL	M001

Voter History (37)

Absentee Request (0)

For more information, please contact the Franklin County Board of Elections.