

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

2021 DEC 17 P 12:38

21 CVS 015426

NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, et al.,
WAKE CO., C.S.C.

REBECCA HARPER, et al.,

Plaintiffs,

Consolidated with
21 CVS 500085

vs.

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

Defendants.

**LEGISLATIVE DEFENDANTS' ANSWER TO VERIFIED COMPLAINT FILED BY
NORTH CAROLINA LEAGUE OF CONSERVATION VOTERS, ET AL.**

Defendants Representative Destin Hall, in his official capacity as Chair of the House Standing Committee on Redistricting; Senators Warren Daniel, Ralph E. Hise, Jr., and Paul Newton, in their official capacities as Co-Chairmen 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; and Senator Philip E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate (collectively, "Legislative Defendants"), by and through counsel, and answer Plaintiffs' verified complaint as follows:

INTRODUCTION

In their Verified Complaint (filed in 21 CVS 015426, which is now consolidated with 21 CVS 500085), the North Carolina League of Conservation Voters, Inc. and 15 individual Plaintiffs

challenge the redistricting maps recently enacted by the North Carolina General Assembly—the maps for the U.S. Congress (the “Enacted Congressional Plan”), the North Carolina Senate (the “Enacted Senate Plan”), and the North Carolina House of Representatives (the “Enacted House Plan”) (collectively, the “Enacted Plans”), on various grounds under the North Carolina State Constitution. Legislative Defendants deny that the Enacted Plans suffer from any constitutional infirmities.

FIRST DEFENSE

Defendants will necessarily violate the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the United States Constitution if the Court grants the relief requested by Plaintiffs.

SECOND DEFENSE

Plaintiffs are asking this Court to Plaintiffs“crack” Republican voters out of districts that currently elect Republican candidates in order to submerge them in districts in which Plaintiffs believe it will be more difficult to elect Republican candidates. Should this Court adopt Plaintiffs’ standardless and politically-biased theory of liability, it will violate the rights of the Legislative Defendants, Republican voters, and Republican candidates under the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

THIRD DEFENSE

Plaintiffs are asking this Court Plaintiffsto create districts that elect Democratic candidates by removing Republican voters from districts where those voters currently elect a Republican candidate and “pack” them in other districts that already elect Republican candidates. Under Plaintiffs’ standardless and politically-biased theory of liability, doing so will violate the First and

Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

FOURTH DEFENSE

Plaintiffs request that the Court grant them a right to reside or vote in districts that are drawn to favor their preferred political party at the expense of their non-preferred political party. Such a request if granted violates the First and Fourteenth Amendments to the United States Constitution and Article I, Sections 10, 12, 14, and 19 of the North Carolina Constitution.

FIFTH DEFENSE

Plaintiffs request that the Court grant them a right to reside or vote in districts that are drawn to maximize the political influence of the organizational and individual Democratic Plaintiffs at the expense of the Legislative Defendants, voters for Republican and independent candidates, and Republican and independent candidates. Such a request if granted violates the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

SIXTH DEFENSE

The North Carolina Constitution allows the General Assembly to consider partisan advantage and incumbency protection in the application of its discretionary redistricting decisions. *Stephenson v. Bartlett*, 355 N.C. 35, 562 SE.2d 377, 390 (N.C. 2002) (“*Stephenson I*”). PlaintiffsAny court order prohibiting the Legislative Defendants from considering partisan advantage and incumbency protection would violate the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

SEVENTH DEFENSE

Under the theory of liability described by Plaintiffs, a district is always “cracked” whenever the Democratic candidate loses the district (but not when a Republican candidate loses the district). Further, districts in which Democratic voters elect a Democratic candidate are “packed” regardless of the percentage of the Democratic voters in the district (but not so with districts in which voters for Republican candidates elect a Republican candidate). Accordingly, to remedy these supposed violations, the defendants must necessarily adopt districting plans that elect only Democratic candidates where such candidates are not currently being elected, at the expense of the Legislative Defendants, voters for Republican and independent candidates, and Republican and independent candidates, in violation of the First and Fourteenth Amendments to the United States Constitution, and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

EIGHTH DEFENSE

Plaintiffs’ claims are barred by the doctrine of laches.

NINTH DEFENSE

Plaintiffs’ Amended Complaint fails to state a claim upon which relief can be granted and should be dismissed pursuant to Rule 12(b)(6) of the North Carolina Rules of Civil Procedure.

TENTH DEFENSE

Plaintiffs’ standardless, politically-biased theory of liability, if adopted by this Court, will operate as an illegal judicial amendment of the North Carolina Constitution in violation of Article XIII of the North Carolina Constitution.

TWELFTH DEFENSE

The constitutional authority to draw state senate and state house districts has been reserved by the People to the General Assembly, subject to the express limitations found only in Article II,

Secs. 2, 3, 4, and 5 of the North Carolina Constitution. The 2021 legislative redistricting plans fully comply with these provisions of the State Constitution.

THIRTEENTH DEFENSE

In order to achieve political gain, Plaintiffs are asking this Court to usurp the constitutional authority of the General Assembly to draw legislative districts in violation of the separation of powers doctrine, adopted by the People in Article I, Sec. 6 of the North Carolina Constitution.

FOURTEENTH DEFENSE

Plaintiffs’ politically-biased, standardless theory of liability, is non-justiciable under any provision of the North Carolina Constitution, including Article I, Sec. 19, Article I, Sec. 10, and Article I, Secs. 12 and 14.

FIFTEENTH DEFENSE

Neither the NCLCV nor the individual Plaintiffs have standing to bring this action because the claims raised by Plaintiffs are non-justiciable and should be dismissed pursuant to Rule 12(b)(1), N.C.R. Civ. P.

SIXTEENTH DEFENSE

Plaintiffs’ request for equitable relief should be denied because Plaintiffs have unclean hands.

SEVENTEENTH DEFENSE

Plaintiffs’ complaint should be dismissed because of their failure to provide a judicially manageable standard or definition for the terms “packed,” “cracked,” and similar concepts.

EIGHTEENTH DEFENSE

Legislative Defendants answer the individual allegations of Plaintiffs’ Complaint as follows:

1. Legislative Defendants deny the allegations of paragraph 1.
2. 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 deny the allegations of paragraph 6.
7. Legislative Defendants deny the allegations of paragraph 7.
8. Legislative Defendants deny the allegations of paragraph 8.
9. Legislative Defendants deny the allegations of paragraph 9.
10. Legislative Defendants deny the allegations of paragraph 10.

11. With regard to the allegations in paragraph 11, Legislative Defendants deny that NCLCV or its members have standing to bring the claims in this action and that NCLCV's members votes will be "systematically diluted by" the 2021 Enacted Plans. In all other respects, Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 11.

12. Legislative Defendants deny the allegations of paragraph 12.

13. Legislative Defendants deny 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.

25. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 25.

26. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 26.

27. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 27.

28. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 28.

29. Legislative Defendants deny 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.

37. Legislative Defendants admit the allegations of paragraph 37.

38. Legislative Defendants admit the allegations of paragraph 38.

39. Legislative Defendants admit the allegations of paragraph 39.

40. Legislative Defendants admit the allegations of paragraph 40.

41. Legislative Defendants admit the allegations of paragraph 41.

42. Legislative Defendants admit the allegations of paragraph 42.

43. Legislative Defendants admit the allegations of paragraph 43.

44. Legislative Defendants deny the allegations in paragraph 44.

45. Legislative Defendants admit the allegations of paragraph 45.

46. Legislative Defendants admit the allegations of paragraph 46.

47. With regard to the allegations in paragraph 47, Legislative Defendants admit that the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 47.

48. With regard to the allegations in paragraph 48, Legislative Defendants admit that the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations of paragraph 48. (a—d).

49. With regard to the allegations in paragraph 49, Legislative Defendants admit that the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 49. (a—d).

50. With regard to the allegations in paragraph 50, Legislative Defendants admit that the cited cases speak for themselves. Legislative Defendants deny that the Enacted Plans constitute “extreme partisan gerrymandering” or “dilute and devalue the votes of some citizens compared to others.” Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 50.

51. With regard to the allegations in paragraph 51, Legislative Defendants admit that the Voting Rights Act of 1965 speaks for itself. Legislative Defendants deny that the Enacted Plans violate the Voting Rights Act of 1965. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 51.

52. With regard to the allegations in paragraph 52, Legislative Defendants admit that the cited cases speak for themselves. Legislative Defendants deny that the Enacted Plans violate any of the quoted requirements. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 52. (a—i).

53. With regard to the allegations in paragraph 53, Legislative Defendants admit that the cited cases and other sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 53.

54. With regard to the allegations in paragraph 54, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 54.

55. With regard to the allegations in paragraph 55, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 55.

56. With regard to the allegations in paragraph 56, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 56.

57. Legislative Defendants deny the allegations in paragraph 57. (a—e).

58. With regard to the allegations in paragraph 58, Legislative Defendants admit that the cited statistical sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 58.

59. Legislative Defendants deny the allegations in paragraph 59.

60. Legislative Defendants admit the allegations in paragraph 60.

61. Legislative Defendants admit the allegations in paragraph 61.

62. Legislative Defendants admit the allegations in paragraph 62.

63. Legislative Defendants admit the allegations in paragraph 63.

64. With regard to the allegations in paragraph 64, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 64.

65. With regard to the allegations in paragraph 65, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 65.

66. With regard to the allegations in paragraph 66, Legislative Defendants admit that the cited sources for the quoted language speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 66.

67. Legislative Defendants deny the allegations in paragraph 67.

68. With regard to the allegations in paragraph 68, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 68.

69. With regard to the allegations in paragraph 69, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 69.

70. With regard to the allegations in paragraph 70, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 70.

71. With regard to the allegations in paragraph 71, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 71.

72. With regard to the allegations in paragraph 72, Legislative Defendants admit that the committee held 13 public hearings during September. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 72.

73. With regard to the allegations in paragraph 73, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 73.

74. Legislative Defendants deny the allegations in paragraph 74.

75. With regard to the allegations in paragraph 75, Legislative Defendants admit that beginning October 6, 2021, committee members were permitted to draw congressional and legislative maps in the hearing rooms. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 75.

76. With regard to the allegations in paragraph 76, Legislative Defendants admit that on October 21, 2021 the committee announced public hearings to be held on October 25 and 26. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 76.

77. Legislative Defendants admit the allegations in paragraph 77.

78. With regard to the allegations in paragraph 78, Legislative Defendants admit that the committee held a public hearing on November 1, 2021 and enacted the maps on November 4, 2021. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 78.

79. Legislative Defendants admit the allegations in paragraph 79, but deny any implication arising from the allegations that the Senate Restricting Committee acted improperly or acted for any improper reason in considering or approving the Enacted Maps.

80. Legislative Defendants admit the allegations in paragraph 80, but deny any implication arising from the allegations that the House Restricting Committee acted improperly or acted for any improper reason in considering or approving the Enacted Maps.

81. Legislative Defendants admit the allegations in paragraph 81, but deny any implication arising from the allegations that the Senate Restricting Committee acted improperly or acted for any improper reason in considering or approving the Enacted Maps.

82. With regard to the allegations in paragraph 82, Legislative Defendants admit that the cited statistical sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 82.

83. With regard to the allegations in paragraph 83, Legislative Defendants admit that the cited statistical sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 83.

84. Paragraph 84 alleges statement of opinion. To the extent the opinions imply that the Enacted Maps are not “fair districting maps,” Legislative Defendants deny the allegation in paragraph 84.

85. Legislative Defendants deny the allegations in paragraph 85.

86. Legislative Defendants deny the allegations in paragraph 86.

87. Legislative Defendants deny the allegations in paragraph 87.

88. Legislative Defendants deny the allegations in paragraph 88.

89. Legislative Defendants deny the allegations in paragraph 8

90. Legislative Defendants deny the allegations in paragraph 90.

91. With regard to the allegations in paragraph 91, Legislative Defendants admit that the North Carolina’s historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 91. (a—d).

92. Legislative Defendants deny the allegations in paragraph 92.

93. Legislative Defendants deny the allegations in paragraph 93.

94. Legislative Defendants deny the allegations in paragraph 94.
95. Legislative Defendants deny the allegations in paragraph 95. (a—c., and second “a.”).
96. Legislative Defendants deny the allegations in paragraph 96.
97. Legislative Defendants deny the allegations in paragraph 97.
98. With regard to the allegations in paragraph 98, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 98.
 99. Legislative Defendants deny the allegations in paragraph 99.
 100. Legislative Defendants deny the allegations in paragraph 100.
 101. With regard to paragraph 101, the cited North Carolina’s historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 101. (a—e).
 102. Legislative Defendants deny the allegations in paragraph 102.
 103. Legislative Defendants deny the allegations in paragraph 103.
 104. Legislative Defendants deny the allegations in paragraph 104. (a—c).
 105. Legislative Defendants deny the allegations in paragraph 105. (a—d).
 106. Legislative Defendants deny the allegations in paragraph 106.
 107. Legislative Defendants deny the allegations in paragraph 107. (a—c).
 108. Legislative Defendants deny the allegations in paragraph 108.
 109. Legislative Defendants deny the allegations in paragraph 109.
 110. Legislative Defendants deny the allegations in paragraph 110.
 111. Legislative Defendants deny the allegations in paragraph 111.

112. Legislative Defendants deny the allegations in paragraph 112.

113. Legislative Defendants deny the allegations in paragraph 113

114. Legislative Defendants deny the allegations in paragraph 114.

115. With regard to paragraph 115, the cited North Carolina’s historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 115. (a—e).

116. Legislative Defendants deny the allegations in paragraph 116.

117. Legislative Defendants deny the allegations in paragraph 117.

118. Legislative Defendants deny the allegations in paragraph 118.

119. Legislative Defendants deny the allegations in paragraph 119.

120. Legislative Defendants deny the allegations in paragraph 120.

121. Legislative Defendants deny the allegations in paragraph 121.

122. Legislative Defendants deny the allegations in paragraph 122.

123. Legislative Defendants deny the allegations in paragraph 123.

124. Legislative Defendants deny the allegations in paragraph 124.

125. Legislative Defendants deny the allegations in paragraph 125.

126. Legislative Defendants deny the allegations in paragraph 126.

127. Legislative Defendants deny the allegations in paragraph 127.

128. Legislative Defendants deny the allegations in paragraph 128.

129. Legislative Defendants deny the allegations in paragraph 129.

130. Legislative Defendants deny the allegations in paragraph 130.

131. Legislative Defendants deny the allegations in paragraph 131.

132. Legislative Defendants deny the allegations in paragraph 132.

133. With regard to the allegations in paragraph 133, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 133.

134. Legislative Defendants deny the allegations in paragraph 134.

135. Legislative Defendants deny the allegations in paragraph 135. (a—c).

136. With regard to the allegations in paragraph 136, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 136.

137. Legislative Defendants deny the allegations in paragraph 137.

138. Legislative Defendants deny the allegations in paragraph 138.

139. Legislative Defendants deny the allegations in paragraph 139.

140. Legislative Defendants deny the allegations in paragraph 140.

141. With regard to the allegations in paragraph 141, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 141.

142. With regard to the allegations in paragraph 142, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 142.

143. Legislative Defendants deny the allegations in paragraph 143.

144. Legislative Defendants deny the allegations in paragraph 144. (a—f).

145. Legislative Defendants deny the allegations in paragraph 145. (a—b).

146. Legislative Defendants deny the allegations in paragraph 146. (a—c).

147. Legislative Defendants deny the allegations in paragraph 147.

148. Legislative Defendants deny the allegations in paragraph 148.

149. Legislative Defendants deny the allegations in paragraph 149.

150. Legislative Defendants deny the allegations in paragraph 150.

151. Legislative Defendants deny the allegations in paragraph 151.

152. Legislative Defendants deny the allegations in paragraph 152.

153. Legislative Defendants deny the allegations in paragraph 153.

154. Legislative Defendants deny the allegations in paragraph 154.

155. Legislative Defendants deny the allegations in paragraph 155.

156. Legislative Defendants deny the allegations in paragraph 156.

157. Legislative Defendants deny the allegations in paragraph 157.

158. With regard to the allegations in paragraph 158, the allegations merely identify the figure following paragraph 158 and the exhibits attached to the NCLCV Complaint and does not require a response.

159. With regard to the allegations in paragraph 159, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the hypothetical election results arising from those maps contained in Table 1.

160. With regard to the allegations in paragraph 160, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the hypothetical election results arising from those maps contained in Figure 5.

161. With regard to the allegations in paragraph 161, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the hypothetical election results arising from those maps contained in Figure 5.

162. With regard to the allegations in paragraph 162, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the measurements alleged.

163. With regard to the allegations in paragraph 163, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 163.

164. With regard to the allegations in paragraph 164, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 164.

165. With regard to the allegations in paragraph 165, the allegations merely identify figures set out in and exhibits attached to the NCLCV Complaint and does not require a response.

166. With regard to the allegations in paragraph 166, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the hypothetical election results arising from those maps contained in Table 2.

167. With regard to the allegations in paragraph 167, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the hypothetical election results arising from those maps contained in Figure 7.

168. With regard to the allegations in paragraph 168, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the hypothetical election results arising from those maps contained in Figure 7.

169. With regard to the allegations in paragraph 169, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the measurements alleged.

170. With regard to the allegations in paragraph 170, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 170.

171. With regard to the allegations in paragraph 171, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 171.

172. With regard to the allegations in paragraph 172, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 172.

173. With regard to the allegations in paragraph 173, the allegations merely identify figures set out in and exhibits attached to the NCLCV Complaint and does not require a response.

174. With regard to the allegations in paragraph 174, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the hypothetical election results arising from those maps contained in Table 3.

175. With regard to the allegations in paragraph 175, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the hypothetical election results arising from those maps contained in Figure 9.

176. With regard to the allegations in paragraph 176, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the hypothetical election results arising from those maps contained in Figure 9.

177. With regard to the allegations in paragraph 177, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the "Optimized Maps" and can neither admit nor deny the accuracy of the measurements alleged.

178. With regard to the allegations in paragraph 178, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 178.

179. With regard to the allegations in paragraph 179, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 179.

180. With regard to the allegations in paragraph 180, Legislative Defendants admit that Plaintiff's so-called "Optimized Maps" speak for themselves. Except to the extent admitted herein, Legislative Defendants deny the allegations in paragraph 180.

181. Legislative Defendants admit the allegations in paragraph 181.

182. Legislative Defendants admit the allegations in paragraph 182.

183. With regard to the allegations in paragraph 183, Legislative Defendants admit that the primary election schedules for the various states are public record and speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 183.

184. With regard to the allegations in paragraph 184, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 184.

185. With regard to the allegations in paragraph 185, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 185.

186. With regard to the allegations in paragraph 186, Legislative Defendants admit that the census data was not released by the federal government until August 12, 2021 and that the

cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 186.

187. Legislative Defendants deny the allegations in paragraph 187.

188. With regard the allegations in paragraph 188, Legislative Defendants admit that the cited statutes and cases speak for themselves. Legislative Defendants deny the allegations in paragraph 188.

189. With regard the allegations in paragraph 189, Legislative Defendants admit that the cited statutes and cases speak for themselves. Legislative Defendants deny the allegations in paragraph 189.

190. Legislative Defendants deny the allegations in paragraph 190.

191. With regard to the allegations in paragraph 191, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 191.

192. Legislative Defendants deny the allegations in paragraph 192.

193. Legislative Defendants deny the allegations in paragraph 193.

COUNT I

194. Legislative Defendants incorporate their responses to paragraphs 1—193 as if fully set out herein.

195. With regard to the allegations in paragraph 195, Legislative Defendants admit that Article I, Section 10 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 195.

196. With regard to the allegations in paragraph 196, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 196.

197. With regard to the allegations in paragraph 197, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 197.

198. With regard to the allegations in paragraph 198, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 198.

199. With regard to the allegations in paragraph 199, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 199.

200. With regard to the allegations in paragraph 200, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 200.

201. Legislative Defendants deny the allegations in paragraph 201.

202. Legislative Defendants deny the allegations in paragraph 202.

203. Legislative Defendants deny the allegations in paragraph 203.

COUNT II

204. Legislative Defendants incorporate their responses to paragraphs 1—203 as if fully set out herein.

205. With regard to the allegations in paragraph 205, Legislative Defendants admit that Article I, Section 19 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 205.

206. With regard to the allegations in paragraph 206, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 206.

207. With regard to the allegations in paragraph 207, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 207.

208. With regard to the allegations in paragraph 208, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 208.

209. With regard to the allegations in paragraph 209, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 209.

210. Legislative Defendants deny the allegations in paragraph 210.

211. Legislative Defendants deny the allegations in paragraph 211.

212. Legislative Defendants deny the allegations in paragraph 212.

COUNT III

213. Legislative Defendants incorporate their responses to paragraphs 1—212 as if fully set out herein.

214. With regard to the allegations in paragraph 214, Legislative Defendants admit that Article I, Section 12 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 214.

215. With regard to the allegations in paragraph 215, Legislative Defendants admit that Article I, Section 14 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 215.

216. With regard to the allegations in paragraph 216, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 216.

217. With regard to the allegations in paragraph 217, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 217.

218. With regard to the allegations in paragraph 218, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 218.

219. With regard to the allegations in paragraph 219, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 219.

220. With regard to the allegations in paragraph 220, Legislative Defendants admit that the cited case and cited source speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 220.

221. Legislative Defendants deny the allegations in paragraph 221.

222. Legislative Defendants deny the allegations in paragraph 222.

223. Legislative Defendants deny the allegations in paragraph 223.

COUNT IV

224. Legislative Defendants incorporate their responses to paragraphs 1—223 as if fully set out herein.

225. With regard to the allegations in paragraph 225, Legislative Defendants admit that the Free Elections Clause of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 225.

226. With regard to the allegations in paragraph 226, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 226.

227. With regard to the allegations in paragraph 227, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 227.

228. With regard to the allegations in paragraph 228, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 228.

229. Legislative Defendants deny the allegations in paragraph 229.

230. Legislative Defendants deny the allegations in paragraph 230.

231. Legislative Defendants deny the allegations in paragraph 231.

232. Legislative Defendants deny the allegations in paragraph 232.

COUNT V

233. Legislative Defendants incorporate their responses to paragraphs 1—232 as if fully set out herein.

234. With regard to the allegations in paragraph 234, Legislative Defendants admit that the Equal Protection Clause of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 234.

235. With regard to the allegations in paragraph 235, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 235.

236. With regard to the allegations in paragraph 236, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 236.

237. Legislative Defendants deny the allegations in paragraph 237.

238. Legislative Defendants deny the allegations in paragraph 238.

239. Legislative Defendants deny the allegations in paragraph 239.

240. Legislative Defendants deny the allegations in paragraph 240.

241. Legislative Defendants deny the allegations in paragraph 241.

COUNT VI

242. Legislative Defendants incorporate their responses to paragraphs 1—241 as if fully set out herein.

243. With regard to the allegations in paragraph 243, Legislative Defendants admit that Article II, Section 3(3) of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 243.

244. With regard to the allegations in paragraph 244, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 244.

245. Legislative Defendants deny the allegations in paragraph 245.

246. With regard to the allegations in paragraph 246, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 246.

247. Legislative Defendants deny the allegations in paragraph 247.

248. Legislative Defendants deny the allegations in paragraph 248.

EIGHTEENTH DEFENSE

To the extent that any of the unnumbered, boldfaced fact headings or argument statements in the Verified Complaint can be construed as allegations to which a response is required, Legislative Defendants deny all such fact headings or argument statements.

PRAYER FOR RELIEF

Wherefore, Defendants respectfully request that the Court enter an order and final judgment

1. dismissing all of Plaintiffs' claims with prejudice;
2. awarding Defendants their costs and attorneys' fees; and
3. providing Defendants with such other and further relief as may be equitable and proper.

Respectfully submitted this the 17th day of December, 2021.



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CERTIFICATE OF SERVICE

It is hereby certified that on this the 17th day of December, 2021, the foregoing was served on the individuals below by email:

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