

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

COUNTY OF WAKE

2019 JAN -7 P 12:12

18 CVS 14001

COMMON CAUSE; NORTH CAROLINA
DEMOCRATIC PARTY; PAULA ANN
CHAPMAN; HOWARD DUBOSE, JR.;
GEORGE DAVID GAUCK; JAMES MACKIN
NESBIT; DWIGHT JORDAN; JOSEPH
THOMAS GATES; MARK S. PETERS;
PAMELA MORTON; VIRGINIA WALTERS
BRIEN; JOHN MARK TURNER; LEON
CHARLES SCHALLER; REBECCA HARPER;
LESLEY BROOK WISCHMANN; DAVID
DWIGHT BROWN; AMY CLARE OSEROFF;
KRISTIN PARKER JACKSON; JOHN BALLA;
REBECCA JOHNSON; AARON WOLFF;
MARY ANN PEDEN-COVIELLO; KAREN
SUE HOLBROOK; KATHLEEN BARNES;
ANN MCCRACKEN; JACKSON THOMAS
DUNN, JR.; ALYCE MACHAK; WILLIAM
SERVICE; DONALD RUMPH; STEPHEN
DOUGLAS MCCRIGOR; NANCY BRADLEY;
VINOD THOMAS; DERICK MILLER;
ELECTA E. PERSON; DEBORAH ANDERSON
SMITH; ROSALYN SLOAN; JULIE ANN
FREY; LILY CICOLE QUICK; JOSHUA
BROWN; CARLTON E. CAMPBELL, SR.,

STATE DEFENDANTS' ANSWER TO
AMENDED COMPLAINT

Plaintiffs,

v.

REPRESENTATIVE DAVID LEWIS in his
official capacity as Senior Chairman of the House
Select Committee on Redistricting; SENATOR
RALPH E. HISE, JR., in his official capacity as
Chairman of the Senate Committee on
Redistricting; SPEAKER OF THE NORTH
CAROLINA HOUSE OF REPRESENTATIVES
TIMOTHY K. MOORE; PRESIDENT PRO
TEMPORE OF THE NORTH CAROLINA
SENATE PHILLIP E. BERGER; THE STATE
OF NORTH CAROLINA; THE NORTH
CAROLINA STATE BOARD OF ELECTIONS;
JOSHUA MALCOLM, Chairman of The North

Carolina State Board of Elections and Ethics Enforcement; KEN RAYMOND, Secretary of the North Carolina State Board of Elections and Ethics Enforcement; STELLA ANDERSON, Member of The North Carolina State Board of Elections and Ethics Enforcement; DAMON CIRCOSTA, Member of the North Carolina State Board of Elections and Ethics Enforcement; STACY “FOUR” EGGERS, IV, Member of the North Carolina State Board of Elections and Ethics Enforcement; JAY HEMPHILL, Member of the North Carolina State Board of Elections and Ethics Enforcement; VALERIE JOHNSON, Member of the North Carolina State Board of Elections and Ethics Enforcement; JOHN LEWIS, Member of the North Carolina State Board of Elections and Ethics Enforcement; ROBERT CORDLE, Member of the North Carolina State Board of Elections and Ethics Enforcement,

Defendants.

NOW COME the Defendants, The State of North Carolina and The North Carolina State Board of Elections (“State Defendants”),¹ by and through undersigned counsel, and hereby answer Plaintiff’s Amended Complaint as follows:

¹ The originally-sued members of the State Board of Elections no longer serve as members of that Board effective December 28, 2018. New members will substitute as defendants in this action through automatic substitution of defendants sued in their official capacities. Furthermore, effective December 28, 2018, the State Board of Elections and the State Ethics Commission split into two separate entities. The State Defendants have updated the caption to substitute the State Board of Elections, which appears to have been the intended defendant.

INTRODUCTION

1. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that a response is required, the State Defendants lack sufficient information to admit or deny the remaining allegations.

2. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that Republican Party candidates for the State House and Senate won enough races in 2012, 2014 and 2016 to create super-majorities in both chambers of the General Assembly. The State Defendants lack sufficient information to admit or deny the remaining allegations.

3. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that aspects of the 2017 legislative districting plans were found to be unconstitutional by federal or state courts. It is further admitted that Democratic candidates received the majority of the total statewide votes cast for state House and Senate elections in 2018, but Republican candidates won more seats than any other party in each chamber. The State Defendants lack sufficient information to admit or deny the remaining allegations.

4. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that the Governor of North Carolina currently lacks authority to veto redistricting legislation. The State Defendants lack sufficient information to admit or deny the remaining allegations.

5. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is

admitted that Article I, §§ 1, 10, 12 & 14 of the North Carolina Constitution speak for themselves. The State Defendants lack sufficient information to admit or deny the remaining allegations.

6. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that the North Carolina Constitution protects the rights of North Carolina's citizens and that Article I, §§ 1, 10, 12 & 14 of the North Carolina Constitution speak for themselves. The State Defendants lack sufficient information to admit or deny the remaining allegations.

PARTIES

A. Plaintiffs

7. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny the remaining allegations.

8. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that plaintiff The North Carolina Democratic Party ("NCDP") is a political party as defined in N.C. Gen. Stat. § 163-96 and that the NCDP has members in every North Carolina House and Senate district. The State Defendants lack sufficient information to admit or deny the remaining allegations.

9. Upon information and belief, and based on the review of voter records, it is admitted that voter records reflect that Paula Ann Chapman resides in Charlotte, North Carolina, within House District 100 and Senate District 40 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 100 with 70.83% of the votes cast and a Democratic candidate won Senate District 40 with 75.63% of

the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

10. Upon information and belief, and based on the review of voter records, it is admitted that Howard McRoy DuBose Jr. resides in Hurdle Mills, North Carolina, within House District 2 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 2 with 55.31% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

11. Upon information and belief, and based on the review of voter records, it is admitted that George David Gauck resides in Southport, North Carolina, within House District 17 and Senate District 8 and that he is currently a registered Democrat. It is further admitted that House District 17 is adjacent to House District 18, and that, in the 2018 election, a Republican candidate won House District 17 with 63.48% of the votes cast and a Republican candidate won Senate District 8 with about 58.55% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

12. Upon information and belief, and based on the review of voter records, it is admitted that James Mackin Nesbit resides in Wilmington, North Carolina, within House District 19 and Senate District 9 and that he is currently a registered Democrat. It is further admitted that a relatively small portion of House District 19 borders House District 18, that a Republican candidate won House District 19 in the 2012, 2014, 2016 and 2018 elections, and that the Republican candidate ran unopposed for House District 19 in 2014 and 2016. It is also admitted that a Democratic candidate won Senate District 9 with 48.60% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

13. Upon information and belief, and based on the review of voter records, it is admitted that Dwight Lamonta Jordan resides in Nashville, North Carolina, within House District 25 and Senate District 11 and that he is currently a registered Democrat. It is further admitted that House District 25 is adjacent to House District 7, and that, in the 2018 election, a Republican candidate won Senate District 11 with 56.49% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

14. Upon information and belief, and based on the review of voter records, it is admitted that Joseph Thomas Gates resides in Weaverville, North Carolina, within House District 115 and Senate District 49 and that he is currently registered as unaffiliated. It is further admitted that House District 115 is adjacent to House District 114, and that, in the 2018 election, a Democratic candidate won Senate District 49 with 63.70% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

15. Upon information and belief, and based on the review of voter records, it is admitted that Mark S. Peters resides in Fletcher, North Carolina, within House District 116 and Senate District 48 and that he is currently registered as unaffiliated. It is further admitted that House District 116 is adjacent to House District 114, and that, in the 2018 election, a Republican candidate won Senate District 48 with 56.26% of the votes cast, as compared to the 43.74% received by the Democratic candidate. The State Defendants lack sufficient information to admit or deny the remaining allegations.

16. Upon information and belief, and based on the review of voter records, it is admitted that Pamela Suzanne Morton resides in Charlotte, North Carolina, within House District 100 and Senate District 37 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 100 with 70.83% of the votes

cast and a Democratic candidate won Senate District 37 with 78.05% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

17. Upon information and belief, and based on the review of voter records, it is admitted that Virginia Walters Brien resides in Charlotte, North Carolina, within House District 102 and Senate District 37 and that she is currently registered as unaffiliated. It is further admitted that in the 2018 election, a Democratic candidate won House District 102 with about 83.35% of the votes cast and a Democratic candidate won Senate District 37 with 78.05% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

18. Upon information and belief, and based on the review of voter records, it is admitted that John Mark Turner resides in Raleigh, North Carolina, within House District 38 and Senate District 15 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 38 with 81.90% of the votes cast and a Democratic candidate won Senate District 15 with 73.10% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

19. Upon information and belief, and based on the review of voter records, it is admitted that Leon Charles Schaller resides in Burlington, North Carolina, within House District 64 and Senate District 24 and that he is currently registered as unaffiliated. It is further admitted that a Republican candidate won House District 64 in the 2012, 2014, 2016 and 2018 elections, and that the Republican candidate ran unopposed for House District 64 in 2014 and 2016. The State Defendants lack sufficient information to admit or deny the remaining allegations.

20. Upon information and belief, and based on the review of voter records, it is admitted that Rebecca Reardon Harper resides in Cary, North Carolina, within House District 36 and Senate District 17 and that she is currently a registered Democrat. It is further admitted that

in the 2018 election, a Democratic candidate won House District 36 with 49.52% of the votes cast and a Democratic candidate won Senate District 17 with 50.60% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

21. Upon information and belief, and based on the review of voter records, it is admitted that Lesley Brook Wischmann resides in Holly Ridge, North Carolina, within House District 15 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 15 with 66.38% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

22. Upon information and belief, and based on the review of voter records, it is admitted that David Dwight Brown resides in Greensboro, North Carolina, within House District 58 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 58 with 76.78% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

23. Upon information and belief, and based on the review of voter records, it is admitted that Amy Clare Oseroff resides in Greenville, North Carolina, within House District 8 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 8 with 64.65% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

24. Upon information and belief, and based on the review of voter records, it is admitted that Kristin Parker Jackson resides in Matthews, North Carolina, within House District 103 and Senate District 39 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 103 with 50.09% of the votes

cast and a Republican candidate won Senate District 39 with 52.89% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

25. Upon information and belief, and based on the review of voter records, it is admitted that John Anthony Ball resides in Raleigh, North Carolina, within House District 34 and Senate District 16 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 34 with 65.51% of the votes cast and a Democrat candidate won Senate District 16 with 65.28% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

26. Upon information and belief, and based on the review of voter records, it is admitted that Rebecca Kay Johnson resides in Winston-Salem, North Carolina, within House District 74 and Senate District 31 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 74 with 54.51% of the votes cast and a Republican candidate won Senate District 31 with 61.00% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

27. Upon information and belief, and based on the review of voter records, it is admitted that Aaron Matthew Wolff resides in Holly Springs, North Carolina, within House District 37 and Senate District 17 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 37 with 49.92% of the votes cast and a Republican candidate won Senate District 17 with 50.60% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

28. Upon information and belief, and based on the review of voter records, it is admitted that Mary Ann Coviello resides in Winston-Salem, North Carolina, within House District 72 and Senate District 32 and that she is currently a registered Democrat. It is admitted that in the

2018 election, a Democratic candidate won House District 72 with 79.11% of the votes cast and a Democratic candidate won Senate District 32 with 72.88% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

29. Upon information and belief, and based on the review of voter records, it is admitted that Kathleen Susan Barnes resides in Brevard, North Carolina, within House District 113 and Senate District 48 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 113 with 57.52% of the votes cast and a Republican candidate won Senate District 48 with 56.26% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

30. Upon information and belief, and based on the review of voter records, it is admitted that Karen Sue Holbrook resides in Southport, North Carolina, within House District 17 and Senate District 8 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 17 with 57.52% of the votes cast, a Republican candidate won Senate District 8 with 58.55% of the votes cast, and a Democratic candidate won Senate District 9 with 48.60% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

31. Upon information and belief, and based on the review of voter records, it is admitted that Ann P. McCracken resides in Sanford, North Carolina, within House District 51 and Senate District 12 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 51 with 52.79% of the votes cast and a Republican candidate won Senate District 12 with 60.00% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

32. Upon information and belief, and based on the review of voter records, it is admitted that Jackson T. Dunn Jr resides in Charlotte, North Carolina, within House District 104 and Senate District 39 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 104 with 51.78% of the votes cast and a Republican candidate won Senate District 39 with 52.89% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

33. Upon information and belief, and based on the review of voter records, it is admitted that Alyce Jayne Machak resides in Gastonia, North Carolina, within House District 109 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 109 with 58.84% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

34. Upon information and belief, and based on the review of voter records, it is admitted that William S. Service III resides in Raleigh, North Carolina, within House District 34 and Senate District 18 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 34 with 65.51% of the votes cast and a Republican candidate won Senate District 18 with 49.90% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

35. Upon information and belief, and based on the review of voter records, it is admitted that Donald Allan Rumph resides in Greenville, North Carolina, within House District 9 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 9 with 59.96% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

36. Upon information and belief, and based on the review of voter records, it is admitted that Stephen Douglas McGregor resides in Youngsville, North Carolina, within House District 7 and Senate District 18 and that he is currently registered as unaffiliated. It is further admitted that in the 2018 election, a Republican candidate won House District 7 with 58.00% of the votes cast and a Republican candidate won Senate District 18 with 49.90% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

37. Upon information and belief, and based on the review of voter records, it is admitted that Nancy A. Bradley resides in Raleigh, North Carolina, within House District 35 and Senate District 14 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 35 with 51.09% of the votes cast and a Democratic candidate won Senate District 14 with 71.36% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

38. Upon information and belief, and based on the review of voter records, it is admitted that Vinod C. Thomas resides in Cornelius, North Carolina, within House District 38 and Senate District 41 and that he is currently a registered Democrat. The State Defendants lack sufficient information to admit or deny the remaining allegations.

39. Upon information and belief, and based on the review of voter records, it is admitted that Derrick Ray Miller resides in Wilmington, North Carolina, within House District 18 and Senate District 8 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 18 with 62.43% of the votes cast and a Republican candidate won Senate District 8 with 58.55% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

40. Upon information and belief, and based on the review of voter records, it is admitted that Electa E. Person resides in Fayetteville, North Carolina, within House District 43 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 43 with 74.13% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

41. Upon information and belief, and based on the review of voter records, it is admitted that Deborah Anderson Smith resides in Kannapolis, North Carolina, within House District 83 and that she is currently registered as unaffiliated. It is further admitted that in the 2018 election, a Republican candidate won House District 83 with 52.78% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

42. Upon information and belief, and based on the review of voter records, it is admitted that Rosalyn Alberta Sloan resides in New London, North Carolina, within House District 67 and that she is currently registered as unaffiliated. It is further admitted that in the 2018 election, a Republican candidate won House District 67 with 72.42% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

43. Upon information and belief, and based on the review of voter records, it is admitted that Julie Ann Frey resides in Monroe, North Carolina, within House District 69 and that she is currently registered as unaffiliated. It is further admitted that in the 2018 election, a Republican candidate won House District 69 with 60.27% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

44. Upon information and belief, and based on the review of voter records, it is admitted that Lily Nicole Quick resides in Greensboro, North Carolina, within House District 59 and that she is currently a registered Democrat. It is further admitted that in the 2018 election, a

Republican candidate won House District 59 with 56.65% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

45. Upon information and belief, and based on the review of voter records, it is admitted that Joshua Perry Brown resides in High Point, North Carolina, within House District 60 and Senate District 26 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Democratic candidate won House District 60 with 69.04% of the votes cast and a Republican candidate won Senate District 26 with 64.83% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

46. Upon information and belief, and based on the review of voter records, it is admitted that Carlton Eugene Campbell resides in Whiteville, North Carolina, within House District 46 and that he is currently a registered Democrat. It is further admitted that in the 2018 election, a Republican candidate won House District 46 with 63.35% of the votes cast. The State Defendants lack sufficient information to admit or deny the remaining allegations.

B. Defendants

47. The allegations of this paragraph are, upon information and belief, admitted.

48. The allegations of this paragraph are, upon information and belief, admitted.

49. The allegations of this paragraph are, upon information and belief, admitted.

50. The allegations of this paragraph are, upon information and belief, admitted.

51. The allegations of this paragraph are admitted.

52. Defendants admit that the North Carolina State Board of Elections is an agency responsible for the regulation and administration of elections in North Carolina. Defendants note that, as of December 28, 2018, the North Carolina State Board of Elections and the Ethics Commission are separate agencies.

53. The allegations of this paragraph are denied.
54. The allegations of this paragraph are denied.
55. The allegations of this paragraph are denied.
56. The allegations of this paragraph are denied.
57. The allegations of this paragraph are denied.
58. The allegations of this paragraph are denied.
59. The allegations of this paragraph are denied.
60. The allegations of this paragraph are denied.
61. The allegations of this paragraph are denied.

JURISDICTION AND VENUE

62. This paragraph contains a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are admitted.

63. It is admitted that N.C. Gen. Stat. § 1-81.1 speaks for itself.

64. It is admitted that N.C. Gen. Stat. § 1-267.1 speaks for itself, and that in this matter Plaintiffs challenge a redistricting plan enacted by the General Assembly.

FACTUAL ALLEGATIONS

A. National Republican Party Officials Target North Carolina For Partisan Gerrymandering Prior to the 2010 Elections

65 – 68. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. To the extent that a response is required, the State Defendants lack sufficient information to admit or deny the allegations.

B. Republican Mapmakers Create the 2011 Plans from Party Headquarters

69 – 74. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. To the extent that a response is required, the State Defendants lack sufficient information to admit or deny the allegations.

75. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent that a response is required, the filings in *Dickson v. Rucho*, No. 201PA12-2 (N.C. Dec. 9, 2013) and *Dickson v. Rucho*, No. 201PA12-3 (N.C. July 13, 2015) speak for themselves. The State Defendants lack sufficient information to admit or deny any remaining allegations.

C. Republicans Enact the 2011 Plans to Entrench Their Party’s Political Power

76. It is admitted that in July 2011, the General Assembly adopted, along partisan lines, the districting plans designated as HB 937 and SB 45. The State Defendants lack sufficient information to admit or deny any remaining allegations.

77. The allegations of this paragraph are admitted on information and belief.

D. The 2011 Plans Gave Republicans Super-Majorities That Were Grossly Disproportionate to Republicans’ Share of the Statewide Vote

78. It is admitted that in the 2012 election, Democratic candidates received 48.4% of the two-party statewide vote for the North Carolina House of Representatives, and won 43 of the 120 seats in the House. It is further admitted that Republican candidates won 77 of the 120 seats in the House in 2012, and that 53 of the 120 House races were uncontested. The State Defendants lack sufficient information to admit or deny any remaining allegations.

79. It is admitted that in the 2012 election, Democratic candidates received 48.8% of the statewide vote for the North Carolina Senate, and won 18 of the 50 seats in the Senate. The State Defendants lack sufficient information to admit or deny any remaining allegations.

80. It is admitted that in the 2014 election, Republican candidates received 54.4% of the statewide vote for the North Carolina House of Representatives, and won 74 of the 120 seats in the House. It is further admitted that 62 of the 120 House races were uncontested. The State Defendants lack sufficient information to admit or deny any remaining allegations.

81. The allegations of this paragraph are admitted.

82. The allegations of this paragraph are admitted.

83. The allegations of this paragraph are admitted.

84. The allegations of this paragraph are admitted.

E. A Federal Court Strikes Down Many Districts as Racially Gerrymandered

85. The allegations of this paragraph are admitted.

86. The allegations of this paragraph are admitted.

F. The General Assembly Enacts the 2017 Plans To Dilute the Voting Power of Democratic Voters and Maximize the Political Advantage of Republicans

87. Upon information and belief, the allegations of this paragraph are admitted.

88. Upon information and belief, the allegations of this paragraph are admitted.

89. Upon information and belief, it is admitted that a joint meeting of the House and Senate Redistricting Committees occurred on July 26, 2017. It is further admitted that the transcripts, recordings, and/or records of that meeting speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

90. The State Defendants lack sufficient information to admit or deny allegations in this paragraph.

91. Upon information and belief, it is admitted that a joint meeting of the House and Senate Redistricting Committees occurred on August 4, 2017. It is further admitted that the

transcripts, recordings, and/or records of that meeting speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

92. Upon information and belief, it is admitted that a joint meeting of the House and Senate Redistricting Committees occurred on August 4, 2017. It is further admitted that the transcripts, recordings, and/or records of that meeting speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

93 – 102. Upon information and belief, it is admitted that a joint meeting of the House and Senate Redistricting Committees occurred on August 10, 2017. It is further admitted that the transcripts, recordings, and/or records of that meeting speak for themselves. To the extent not expressly admitted, the allegations of these paragraphs are denied.

103. Concerning the allegation about Representative Lewis' proposal to the committee, upon information and belief, it is admitted that a joint meeting of the House and Senate Redistricting Committees occurred on August 10, 2017. It is further admitted that the transcripts, recordings, and/or records of that meeting speak for themselves. Concerning the allegation about later representations in a court filing, it is admitted that the filing speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

104. It is admitted that the adopted criteria speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

105. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

106. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

107. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

108. The allegations of this paragraph are admitted.

109. It is admitted that the transcripts, recordings, and/or records of the August 28, 2017 House floor session speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

110 – 115. To the extent that these paragraphs contains argument or conclusory allegations, no response is required. To the extent a response is required, the State Defendants admit that the filings and orders in *Covington* speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

116. It is admitted that the public comments to the 2017 redistricting process speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

117. It is admitted that on August 24, 2017, on a partisan vote, the Senate Redistricting Committee adopted a Senate redistricting map. It is further admitted that on August 25, 2017, the House Redistricting Committee adopted a House redistricting map on a largely partisan vote. The State Defendants lack sufficient information to admit or deny any remaining allegations.

118. The allegations of this paragraph are admitted.

119. The allegations of this paragraph are admitted.

120. The allegations of this paragraph are admitted.

G. The *Covington* Court Appoints a Special Master To Redraw Several Districts in the 2017 Plans That Remained Racially Gerrymandered

121 – 125. The filings and orders in the *Covington* matter speak for themselves. The State Defendants lack sufficient information to admit or deny any remaining allegations.

H. The 2017 Plans Pack and Crack Plaintiffs and Other Democratic Voters To Dilute Their Votes and Maximize the Political Advantage of Republicans

126 – 127. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

1. The 2017 House Plans Packs and Cracks Democratic Voters

House Districts 2 and 32

128. The allegations of this paragraph are admitted.

129. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 4, 14, and 15

130. The allegations of this paragraph are admitted.

131. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 7 and 25

132. The allegations of this paragraph are admitted.

133. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 8, 9 and 12

134. The allegations of this paragraph are admitted.

135. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 10, 26, 28, 51, and 53

136. The allegations of this paragraph are admitted.

137. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 11, 33, 34, 35, 36, 37, 38, 39, 40, and 49

138. The allegations of this paragraph are admitted.

139. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

140. The filings and orders in the *NAACP, et al. v. Lewis, et al.* matter speak for themselves. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 16, 46, and 47

141. The allegations of this paragraph are admitted.

142. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 17, 18, 19, and 20

143. The allegations of this paragraph are admitted.

144. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants admit that in 2018, Republican candidates won House Districts 17, 19 and 20 with 63%, 51%, and 53% of the two-party vote respectively. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 42, 43, 44, and 45

145. The allegations of this paragraph are admitted.

146. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 55, 68, and 69

147. The allegations of this paragraph are admitted.

148. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 58, 59, and 60

149. The allegations of this paragraph are admitted.

150. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 63 and 64

151. The allegations of this paragraph are admitted.

152. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 66, 67, 76, 77, 82, and 83

153. The allegations of this paragraph are admitted.

154. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants admit that the Democratic candidate won House District 66 in 2018. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 71, 72, 73, 74, and 75

155. The allegations of this paragraph are admitted.

156. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 88, 92, 98, 99, 100, 101, 102, 103, 104, 105, 106, and 107

157. The allegations of this paragraph are admitted.

158. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants admit that House Districts 98, 103, 104, and 105

elected Democratic candidates in 2018. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 108, 109, 110, and 111

159. The allegations of this paragraph are admitted.

160. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 113 and 117

161. The allegations of this paragraph are admitted.

162. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

House Districts 114, 115, and 116

163. The allegations of this paragraph are admitted.

164. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

2. The 2017 Senate Plan Packs and Cracks Democratic Voters

Senate Districts 8 and 9

165. The allegations of this paragraph are admitted.

166. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants admit that Senate District 9 elected a Democrat by less

than a percentage point in 2018. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 10, 11, and 12

167. The allegations of this paragraph are admitted.

168. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 14, 15, 16, 17, and 18

169. The allegations of this paragraph are admitted.

170 – 172. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

173. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants admit that a Republican won the Senate District 18 race in 2018 and that Democrats won the county-wide elections in Wake County in 2018. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 24, 26, 27, and 28

174. The allegations of this paragraph are admitted.

175 – 176. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 31 and 32

177. The allegations of this paragraph are admitted.

178. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 37, 28, 39, 40, and 41

179. The allegations of this paragraph are admitted.

180 – 181. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

182. To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants admit that Democrats won the county-wide elections in Mecklenburg County and the Mecklenburg County Board of Commissioner races in 2018, but that the Republican candidate won Senate District 39. The State Defendants lack sufficient information to admit or deny any remaining allegations.

Senate Districts 48 and 49

183. The allegations of this paragraph are admitted.

184. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

3. The 2017 Plans Achieved Their Goal in the 2018 Election

185. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

186. The allegations of this paragraph are admitted.

187. The allegations of this paragraph are admitted.

188. To the extent that this paragraph contains argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

I. The Partisan Gerrymandering of the 2017 Plans Causes Plaintiffs and Other Democratic Voters To Be Entirely Shut Out of the Political Process

189 – 196 To the extent that these paragraphs contain argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

**COUNT I
Violation of the North Carolina Constitution's
Equal Protection Clause, Art. I, § 19**

197. The responses to paragraphs 1–196 are incorporated by reference as though fully set forth.

198. It is admitted that Article I, § 19 of the North Carolina Constitution speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

199 – 200. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that the opinions of the Supreme Court in *Stephenson* and *Blankenship* speak for themselves. To the extent not expressly admitted, the allegations of this paragraph are denied.

201 – 204. To the extent that these paragraphs contain legal conclusions, argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

COUNT II
Violation of the North Constitution's
Free Elections Clause, Art. I, § 5

205. The responses to paragraphs 1–204 are incorporated by reference as though fully set forth.

206. It is admitted that Article I, § 10 of the North Carolina Constitution speaks for itself.

207. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. The State Defendants admit that the 1689 English Bill of Rights speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

208. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that the opinion of the Pennsylvania's Supreme Court in *League of Women Voters v. Commonwealth* speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

209 – 211. To the extent that these paragraphs contain legal conclusions, argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

COUNT III
Violation of the North Constitution's
Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14

212. The responses to paragraphs 1–211 are incorporated by reference as though fully set forth.

213. It is admitted that Article I, § 12 of the North Carolina Constitution speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

214. It is admitted that Article I, § 14 of the North Carolina Constitution speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

215. To the extent that this paragraph contains legal conclusions, argument or conclusory allegations, no response is required. To the extent that a response is required, it is admitted that the opinion of the Court of Appeals in *Evans v. Cowan* speaks for itself. To the extent not expressly admitted, the allegations of this paragraph are denied.

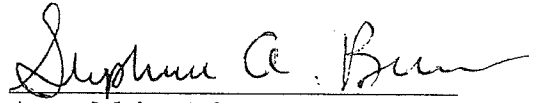
216 – 222. To the extent that these paragraphs contain legal conclusions, argument or conclusory allegations, no response is required. The State Defendants lack sufficient information to admit or deny any remaining allegations.

PRAYER FOR RELIEF

WHEREFORE, the State Defendants respectfully pray that the Court:

1. Deny Plaintiffs all relief sought by them; and
2. Grant Defendants such other relief as may be just and proper.

This the 7th day of January 2019.



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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing STATE DEFENDANTS' ANSWER TO AMENDED COMPLAINT in the above titled action upon all parties to this cause by depositing a copy in the United States Mail, postage prepaid to:

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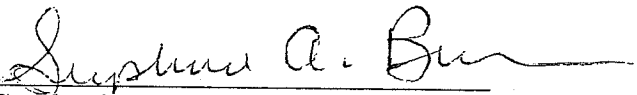
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This the 7th day of January 2019.


Stephanie A. Brennan
Special Deputy Attorney General