

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 18 CVS 014001

2019 MAR -1 P 4:10

WAKE CO., C.S.C. *W*

COMMON CAUSE; NORTH CAROLINA)
DEMOCRATIC PARTY; PAULA ANN)
CHAPAN; HOWARD DU BOSE JR.;)
GEORGE DAVID GAUCK; JAMES MACKIN)
NESBIT; DWIGHT JORDAN; JOSEPH)
THOMAS GATES; MARKS. 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 MCGRIGOR;)
NANCY BRADLEY; VINOD THOMAS;)
DERRICK MILLER; ELECTRA E. PERSON;)
DEBORAH ANDERSON SMITH; ROSALYN)
SLOAN; JULIE ANN FREY; LILY NICOLE)
QUICK; JOSHUA BROWN; CARLTON E.)
CAMPBELL SR.,)

Plaintiffs,

v.

REPRESENTATIVE DAVID R. 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)

**ANSWER OF DEFENDANT-
INTERVENORS REGINALD REID,
CAROLYN ELMORE, CATHY FANSLAU,
BEN YORK, CONNOR GROCE, AUBREY
WOODARD, AND ADRAIN ARNETT**

REPRESENTATIVES TIMOTHY K. MOORE;)
 PRESIDENT *PRO TEMPORE* OF THE)
 NORTH CAROLINA SENATE PHILIP E.)
 BERGER; THE STATE OF NORTH)
 CAROLINA; THE NORTH CAROLINA)
 STATE BOARD OF ELECTIONS AND)
 ETHICS ENFORCEMENT; JOSHUA)
 MALCOLM, CHAIRMAN OF THE NORTH)
 CAROLINA STATE BOARD OF)
 ELECTIONS & ETHICS ENFORCEMENT';)
 KEN RAYMOND, SECRETARY OF THE)
 NORTH CAROLINA STATE BOARD OF)
 ELECTIONS & ETHICS ENFORCEMENT;)
 STELLA ANDERSON, MEMBER OF THE)
 NORTH CAROLINA STATE BOARD OF)
 ELECTIONS & ETHICS ENFORCEMENT;)
 DAMON CIRCOSTA, MEMBER OF THE)
 NORTH CAROLINA STATE BOARD OF)
 ELECTIONS & ETHICS ENFORCEMENT;)
 STACY "FOUR" EGGERS IV, MEMBER OF)
 THE NORTH CAROLINA STATE BOARD)
 OF ELECTIONS & ETHICS)
 ENFORCEMENT; JAY HEMPHILL,)
 MEMBER OF THE NORTH CAROLINA)
 STATE BOARD OF ELECTIONS & ETHICS)
 ENFORCEMENT; VALERIE JOHNSON,)
 MEMBER OF THE NORTH CAROLINA)
 STATE BOARD OF ELECTIONS & ETHICS)
 ENFORCEMENT; JOHN LEWIS, MEMBER)
 OF THE NORTH CAROLINA STATE)
 BOARD OF ELECTIONS & ETHICS)
 ENFORCEMENT; ROBERT CORDLE,)
 MEMBER OF THE NORTH CAROLINA)
 STATE BOARD OF ELECTIONS & ETHICS)
 ENFORCEMENT,)
 Defendants.)
 _____)

NOW COME Defendant-Intervenors Reginald Reid, Carolyn Elmore, Cathy Fanslau, Ben York, Connor Groce, Aubrey Woodard, and Adrain Arnett (“Defendant-Intervenors”) and hereby submit this Answer pursuant to Rule 8 of the North Carolina Rules of Civil Procedure (the “Rules”), as follows:

RESPONSE TO ENUMERATED ALLEGATIONS

1. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 1; therefore, such allegations are denied.

2. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 2; therefore, such allegations are denied.

3. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 3; therefore, such allegations are denied.

4. The allegations of Paragraph 4 regarding veto power assert legal conclusions and do not require a response. It is specifically denied that judicial intervention is warranted under the facts of this case. To the extent such a response is required, denied. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations in Paragraph 4; therefore, such allegations are denied.

5. Admitted that the *Stephenson* decision speaks for itself. The remaining allegations of Paragraph 5 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

6. The allegations of Paragraph 6 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

PARTIES

A. Plaintiffs.

7. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 7; therefore, such allegations are denied.

8. The allegations of Paragraph 8 regarding the legal status of the NCDP assert legal conclusions and do not require a response. To the extent such a response is required, denied.

Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations; therefore, such allegations are denied.

9. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 9; therefore, such allegations are denied.

10. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 10; therefore, such allegations are denied.

11. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 11; therefore, such allegations are denied.

12. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 12; therefore, such allegations are denied.

13. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 13; therefore, such allegations are denied.

14. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 14; therefore, such allegations are denied.

15. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 15; therefore, such allegations are denied.

16. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 16; therefore, such allegations are denied.

17. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 17; therefore, such allegations are denied.

18. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 18; therefore, such allegations are denied.

19. Defendant-Intervenors lack sufficient knowledge or information to respond to the

allegations contained in Paragraph 19; therefore, such allegations are denied.

20. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 20; therefore, such allegations are denied.

21. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 21; therefore, such allegations are denied.

22. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 22; therefore, such allegations are denied.

23. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 23; therefore, such allegations are denied.

24. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 24; therefore, such allegations are denied.

25. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 25; therefore, such allegations are denied.

26. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 26; therefore, such allegations are denied.

27. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 27; therefore, such allegations are denied.

28. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 28; therefore, such allegations are denied.

29. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 29; therefore, such allegations are denied.

30. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 30; therefore, such allegations are denied.

31. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 31; therefore, such allegations are denied.

32. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 32; therefore, such allegations are denied.

33. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 33; therefore, such allegations are denied.

34. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 34; therefore, such allegations are denied.

35. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 35; therefore, such allegations are denied.

36. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 36; therefore, such allegations are denied.

37. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 37; therefore, such allegations are denied.

38. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 38; therefore, such allegations are denied.

39. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 39; therefore, such allegations are denied.

40. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 40; therefore, such allegations are denied.

41. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 41; therefore, such allegations are denied.

42. Defendant-Intervenors lack sufficient knowledge or information to respond to the

allegations contained in Paragraph 42; therefore, such allegations are denied.

43. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 43; therefore, such allegations are denied.

44. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 44; therefore, such allegations are denied.

45. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 45; therefore, such allegations are denied.

46. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 46; therefore, such allegations are denied.

B. Defendants.

47. Defendant-Intervenors admit the allegations of paragraph 47 upon information and belief.

48. Defendant-Intervenors admit the allegations of paragraph 48 upon information and belief.

49. Defendant-Intervenors admit the allegations of paragraph 49 upon information and belief.

50. Defendant-Intervenors admit the allegations of paragraph 50 upon information and belief.

51. Admitted.

52. The allegations of Paragraph 52 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied. Specifically denied that, after January 31, 2019, the State Board of Elections and Ethics Enforcement is responsible for the regulation and administration of elections in North Carolina.

See 2018 N.C. Sess. Laws 146.

53. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 53; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

54. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 54; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

55. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 55; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

56. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 56; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

57. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 57; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

58. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 58; therefore, such allegations are denied. It is unknown, at

this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

59. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 59; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

60. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 60; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

61. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 61; therefore, such allegations are denied. It is unknown, at this time, who will be appointed to the State Board of Elections after January 31, 2019. *See* 2018 N.C. Sess. Laws 146.

JURISDICTION AND VENUE

62. The allegations of Paragraph 62 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

63. The allegations of Paragraph 63 are admitted.

64. The allegations of Paragraph 64 are admitted.

FACTUAL ALLEGATIONS

A. National Republican Party Officials Target North Carolina for Partisan Gerrymandering Prior to the 2010 Election.

65. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 65; therefore, such allegations are denied.

66. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 66; therefore, such allegations are denied.

67. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 67; therefore, such allegations are denied.

68. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 68; therefore, such allegations are denied.

B. Republican Mapmakers Create the 2011 Plans from Party Headquarters.

69. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 69; therefore, such allegations are denied.

70. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 70; therefore, such allegations are denied.

71. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 71; therefore, such allegations are denied.

72. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 72; therefore, such allegations are denied.

73. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 73; therefore, such allegations are denied.

74. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 74; therefore, such allegations are denied.

75. Admitted that from the Court's opinion in *Dickson v. Rucho* speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 75; therefore, such allegations are denied.

C. Republicans Enact the 2011 Plans To Entrench Their Party's Political Power.

76. Admitted that HB 937 and SB 45 speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 76; therefore, such allegations are denied.

77. Admitted that HB 776 and SB 282 speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 77; therefore, such allegations are denied.

78. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 78; therefore, such allegations are denied.

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

79. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 79; therefore, such allegations are denied.

80. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 80; therefore, such allegations are denied.

81. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 81; therefore, such allegations are denied.

82. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 82; therefore, such allegations are denied.

83. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 83; therefore, such allegations are denied.

84. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 84; therefore, such allegations are denied.

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

85. Admitted that the Court filings in *Covington* speak for themselves. The remaining allegations of Paragraph 85, if any, are denied.

86. Admitted that the *Covington* filings speak for itself. The remaining allegations of Paragraph 86, if any, are denied.

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

87. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 87; therefore, such allegations are denied.

88. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 88; therefore, such allegations are denied.

89. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 89; therefore, such allegations are denied.

90. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 90; therefore, such allegations are denied.

91. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 91; therefore, such allegations are denied.

92. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 92; therefore, such allegations are denied.

93. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 93; therefore, such allegations are denied.

94. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 94; therefore, such allegations are denied.

95. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 95, if any; therefore, such allegations are denied.

96. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 96, if any; therefore, such allegations are denied.

97. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 97, if any; therefore, such allegations are denied.

98. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 98, if any; therefore, such allegations are denied.

99. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 99, if any; therefore, such allegations are denied.

100. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 100, if any; therefore, such allegations are denied.

101. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations

contained in Paragraph 101, if any; therefore, such allegations are denied.

102. Admitted that the Joint Committee Hearing record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 102, if any; therefore, such allegations are denied.

103. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 103, if any, are denied.

104. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 104, if any, are denied.

105. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 105, if any, are denied.

106. Admitted that the House Floor record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 106, if any; therefore, such allegations are denied.

107. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 107; therefore, such allegations are denied.

108. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 108; therefore, such allegations are denied.

109. Admitted that the Senate Committee record speaks for itself. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 109, if any; therefore, such allegations are denied.

110. Admitted that the *Covington* filings speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 110, if any; therefore, such allegations are denied.

111. Admitted that the *Covington* filings speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 111, if any; therefore, such allegations are denied.

112. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 112; therefore, such allegations are denied.

113. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 113; therefore, such allegations are denied.

114. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 114; therefore, such allegations are denied.

115. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 115; therefore, such allegations are denied.

116. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 116; therefore, such allegations are denied.

117. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 117; therefore, such allegations are denied.

118. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 118; therefore, such allegations are denied.

119. Admitted that HB 927 and SB 691 speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 119; therefore, such allegations are denied.

120. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 120, if any, are denied.

G. The Covington Court Appoints a Special Master to Redraw Several Districts in the 2017 Plans that Remained Racially Gerrymandered.

121. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 121, if any, are denied.

122. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 122, if any, are denied.

123. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 123, if any, are denied.

124. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 124, if any, are denied.

125. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 125, if any, are denied.

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

126. The allegations of Paragraph 126 are denied upon information and belief.

127. The allegations of Paragraph 127 are denied upon information and belief.

1. The 2017 House Plan Packs and Cracks Democratic Voters.

House Districts 2 and 32

128. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 128, if any, are denied.

129. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 129; therefore, such allegations are denied.

House Districts 4, 14, and 15

130. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 130, if any, are denied.

131. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 131; therefore, such allegations are denied.

House Districts 7 and 25

132. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 132, if any, are denied.

133. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 133; therefore, such allegations are denied.

House Districts 8, 9, and 12

134. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 134, if any, are denied.

135. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 135; therefore, such allegations are denied.

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

136. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 136, if any, are denied.

137. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 137; therefore, such allegations are denied.

House Districts 11, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 49

138. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 138, if any, are denied.

139. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 139; therefore, such allegations are denied.

140. Admitted that the *Lewis* decision speaks for itself. The remaining allegations of Paragraph 140, if any, are denied.

House Districts 16, 46, and 47

141. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 141, if any, are denied.

142. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 142; therefore, such allegations are denied.

House Districts 17, 18, 19, and 20

143. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 143, if any, are denied.

144. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 144; therefore, such allegations are denied.

House Districts 42, 43, 44, and 45

145. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 145, if any, are denied.

146. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 146; therefore, such allegations are denied.

House Districts 55, 68, and 69

147. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 147, if any, are denied.

148. Defendant-Intervenors lack sufficient knowledge or information to respond to the

allegations contained in Paragraph 148; therefore, such allegations are denied.

House Districts 58, 59, and 60

149. Admitted that the House Districts and their territorial locations speak for themselves. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 149, if any, are denied.

150. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 150; therefore, such allegations are denied.

House Districts 63 and 64

151. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 151, if any, are denied.

152. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 152; therefore, such allegations are denied.

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

153. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 153, if any, are denied.

154. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 154; therefore, such allegations are denied.

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

155. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 155, if any, are denied.

156. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 156; therefore, such allegations are denied.

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

157. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 157, if any, are denied.

158. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 158; therefore, such allegations are denied.

House Districts 108, 109, 110, and 111

159. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 159, if any, are denied.

160. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 160; therefore, such allegations are denied.

House Districts 113 and 117

161. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 161, if any, are denied.

162. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 162; therefore, such allegations are denied.

House Districts 114, 115, and 116

163. Admitted that the House Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 163, if any, are denied.

164. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 164; therefore, such allegations are denied.

2. The 2017 Senate Plan Packs and Cracks Democratic Voters.

Senate Districts 8 and 9

165. Admitted that the Senate Districts and their territorial locations speak for

themselves. The remaining allegations of Paragraph 165, if any, are denied.

166. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 166; therefore, such allegations are denied.

Senate Districts 10, 11, and 12

167. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 167, if any, are denied.

168. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 168; therefore, such allegations are denied.

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

169. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 169, if any, are denied.

170. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 170; therefore, such allegations are denied.

171. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 171; therefore, such allegations are denied.

172. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 172; therefore, such allegations are denied.

173. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 173; therefore, such allegations are denied.

Senate Districts 24, 26, 27, and 28

174. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 174, if any, are denied.

175. Admitted that the *Covington* filings speak for themselves. The remaining

allegations of Paragraph 175, if any, are denied.

176. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 176; therefore, such allegations are denied.

Senate Districts 31 and 32

177. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 177, if any, are denied.

178. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 178; therefore, such allegations are denied.

Senate Districts 37, 38, 39, 40, and 41

179. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 179, if any, are denied.

180. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 180; therefore, such allegations are denied.

181. Admitted that the Senate Districts and their territorial locations speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 181; therefore, such allegations are denied.

182. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 182; therefore, such allegations are denied.

Senate Districts 48 and 49

183. Admitted that the Senate Districts and their territorial locations speak for themselves. The remaining allegations of Paragraph 183, if any, are denied.

184. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 184; therefore, such allegations are denied.

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

185. Admitted that the election results speak for themselves. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 185; therefore, such allegations are denied.

186. Admitted that the election results speak for themselves. The remaining allegations contained in Paragraph 186, if any, are denied.

187. Admitted that the election results speak for themselves. The remaining allegations contained in Paragraph 187, if any, are denied.

188. The allegations of Paragraph 188 are denied.

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

189. The allegations of Paragraph 189 are denied upon information and belief.

190. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 190; therefore, such allegations are denied.

191. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 191; therefore, such allegations are denied.

192. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 192; therefore, such allegations are denied.

193. Defendant-Intervenors lack sufficient knowledge or information to respond to the allegations contained in Paragraph 193; therefore, such allegations are denied.

194. Admitted that the voting statistics speak for themselves. The remaining allegations contained in Paragraph 194, if any, are denied.

195. Admitted that the voting statistics speak for themselves. The remaining allegations contained in Paragraph 195, if any, are denied.

196. Admitted that the voting statistics speak for themselves. The remaining allegations contained in Paragraph 196, if any, are denied.

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

197. Defendant-Intervenors incorporate by reference their responses to Paragraphs 1 through 196.

198. Admitted that the North Carolina Constitution speaks for itself. The remaining allegations contained in Paragraph 198, if any, are denied.

199. Admitted that the cited case law speaks for itself. The remaining allegations of Paragraph 199 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

200. Admitted that the case law speaks for itself. The remaining allegations of Paragraph 200 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

201. The allegations of Paragraph 201 are denied.

202. Admitted that the *Covington* filings speak for themselves. The remaining allegations of Paragraph 202 are denied.

203. The allegations of Paragraph 203 are denied.

204. Admitted that the *Stephenson* decision speaks for itself. The remaining allegations of Paragraph 204 are denied.

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

205. Defendant-Intervenors incorporate by reference their responses to Paragraphs 1

through 204.

206. Admitted that the Constitution speaks for itself. The remaining allegations of Paragraph 206 are denied.

207. Admitted that the 1689 English Bill of Rights speaks for itself. The remaining allegations of Paragraph 207 are denied.

208. Admitted that the case law speaks for itself. The remaining allegations of Paragraph 208 are denied.

209. The allegations of Paragraph 209 are denied.

210. The allegations of Paragraph 210 are denied.

211. The allegations of Paragraph 211 are denied.

COUNT III

Violation of the North Constitution's [sic]

Freedom of Speech and Freedom of Assembly Clauses, Art. I, §§ 12 & 14

212. Defendant-Intervenors incorporate by reference their responses to Paragraphs 1 through 211.

213. Admitted that the Constitution speaks for itself. The remaining allegations of Paragraph 213 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

214. Admitted that the Constitution speaks for itself. The remaining allegations of Paragraph 214 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

215. Admitted that the case law speaks for itself. The remaining allegations of Paragraph 215 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

216. Admitted that the Constitution speaks for itself. The remaining allegations of Paragraph 216 assert legal conclusions and do not require a response. To the extent the allegations are not legal conclusions, such allegations are denied.

217. The allegations of Paragraph 217 are denied.

218. The allegations of Paragraph 218 are denied.

219. The allegations of Paragraph 219 are denied.

220. The allegations of Paragraph 220 are denied.

221. Admitted that the cited case law speaks for itself. The remaining allegations of Paragraph 221 are denied.

222. The allegations of Paragraph 222 are denied.

To the extent that any portion of the Amended Complaint and any of its subparts and sections contain allegations that have not been specifically responded to in this Answer, such allegations are denied. Furthermore, the Prayer for Relief and Headings contained in the Amended Complaint (to the extent that the words and phrases contained therein may constitute allegations) are denied.

FIRST AFFIRMATIVE 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).

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' politically-biased theory of liability is a non-justiciable political question and therefore the Amended Complaint should be dismissed pursuant to Rule 12(b)(1).

THIRD AFFIRMATIVE 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.

FOURTH AFFIRMATIVE 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 (2002). Plaintiffs' requested relief 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.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' politically-biased theory of liability, if adopted by this Court, would effectively bypass the People and adopt a judicial amendment of the North Carolina Constitution in violation of Article XIII.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' requested relief, to redraw legislative districts without any consideration of party affiliation, violates of the separation of powers doctrine, in Article I, Section 6 of the North Carolina Constitution.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs' are requesting that the Court "punish" and "burden" the Legislative Defendants, Republican candidates, and Republican voters in the same way plaintiffs contend that the General Assembly has "punished" or "burdened" Democratic voters. Plaintiffs' request for equitable relief

should therefore be denied because plaintiffs have unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred to the extent that the relief sought violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Section 2 of the Voting Rights Act of 1965, and other applicable federal law.

PRAYER FOR RELIEF

WHEREFORE, Defendant-Intervenors respectfully request that the Court enter an order and final judgment which:

1. Dismisses all of Plaintiffs' claims with prejudice;
2. Awards Defendants-Intervenors their costs and attorneys' fees; and
3. Award Defendant-Intervenors such other and further relief as may be equitable and proper.

This the 1st day of March 2019.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **Answer of Defendant-Intervenors Reginald Reid, Carolyn Elmore, Cathy Fanslau, Ben York, Connor Groce, Aubrey Woodard, and Adrain Arnett** upon all parties to this matter via email to the last addresses known to me as follows:

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This the 1 day of March 2019.

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