

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

COMMON CAUSE; the NORTH CAROLINA
DEMOCRATIC PARTY; LARRY D. HALL;
DOUGLAS BERGER; CHERYL LEE TAFT;
RICHARD TAFT; ALICE L. BORDSEN;
WILLIAM H. FREEMAN; MELZER A.
MORGAN, JR.; CYNTHIA S. BOYLAN; COY E.
BREWER, JR.; JOHN MORRISON MCNEILL;
ROBERT WARREN WOLF; JONES P. BYRD;
JOHN W. GRESHAM; RUSSELL G. WALKER,
JR.,

PLAINTIFFS,

v.

ROBERT A. RUCHO, in his official capacity as
Chairman of the North Carolina Senate
Redistricting Committee for the 2016 Extra
Session and Co-Chairman of the Joint Select
Committee on Congressional Redistricting;

DAVID R. LEWIS, in his official capacity as
Chairman of the North Carolina House of
Representatives Redistricting Committee for
the 2016 Extra Session and Co-Chairman of
the Joint Select Committee on Congressional
Redistricting;

PHILIP E. BERGER, in his official capacity as
the President Pro Tempore of the North
Carolina Senate;

TIMOTHY K. MOORE, in his official capacity
as the Speaker of the North Carolina House
of Representatives;

A. GRANT WHITNEY, JR., in his official
capacity as Chairman and acting on behalf of
the North Carolina State Board of Elections;

CIVIL ACTION
No. 1:16-CV-1026

THREE-JUDGE COURT

PATRICK L. MCCRORY, in his official capacity as Governor of the State of North Carolina;

THE NORTH CAROLINA STATE BOARD OF ELECTIONS; and

THE STATE OF NORTH CAROLINA,

DEFENDANTS.

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

INTRODUCTION

1. This is an action to declare the North Carolina 2016 Congressional Redistricting Plan (N.C. Sess. Law 2016-1) (“the 2016 Plan”) as a whole, and each of the thirteen congressional districts created by that Plan, to be unconstitutional partisan gerrymanders that violate the First Amendment (Count I), the Equal Protection Clause of the Fourteenth Amendment (Count II), and Article I, section 2 of the Constitution of the United States (Count III), and also to declare that in adopting the 2016 Plan the legislature exceeded the authority granted by Article I, section 4 of the U.S. Constitution, which provides that state legislatures “determine the times, places and manner of election” of members of the U.S. House of Representatives (Count IV).

THE PARTIES

2. The plaintiffs are:

(a) Common Cause, on its own behalf and on behalf of its members who are citizens of North Carolina and are registered Democratic voters, whose votes in congressional elections have been diluted or nullified as a result of the unconstitutional

gerrymander by the 2016 Plan of North Carolina's thirteen congressional districts.

Common Cause is a non-profit corporation organized and existing under the laws of the District of Columbia. It is a nonpartisan democracy organization with over 450,000 members and local organizations in 35 states, including North Carolina. Since its founding by John Gardner in 1970, Common Cause has been dedicated to fair elections and making government at all levels more representative, open and responsive to the interests of ordinary people. "For the past twenty-five years, Common Cause has been one of the leading proponents of redistricting reform." Jonathan Winburn, *The Realities of Redistricting* p. 205 (2008).

(b) Gerrymandering is not a partisan issue that favors one party or another. Gerrymanders have been used by both Democrats and Republicans to entrench their power almost since the founding of this Nation. Whether done by Democrats or Republicans, partisan gerrymanders are antithetical to our democracy. Common Cause is at the forefront of efforts to combat gerrymandering, no matter what party is responsible, in the belief that when election districts are created in a fair and neutral way, the People will be able to elect representatives who truly represent them. To that end, Common Cause has organized and led the coalitions that secured passage of ballot initiatives that created independent redistricting commissions in Arizona and California and campaigned for ratification of an amendment to the Florida Constitution prohibiting partisan gerrymandering. Common Cause is the sponsor of the annual Gerrymander Standards Writing Competition. In this case, Common Cause is opposing a Republican

gerrymander in North Carolina, but at the same time Common Cause is opposing a Democratic gerrymander in Maryland, where it has appeared as *amicus curiae* in the Supreme Court in *Shapiro v. McManus*, ___ U.S. ___, 136 S. Ct. 450 (2015), and in the district court on remand, 1:13-cv-03233-JKB (D. Md.). For Common Cause, these are issues of principle, not of party, and it is committed to eliminating the harm caused to its members and all citizens by these practices.

(c) The North Carolina Democratic Party (“NCDP”) is a political party as defined in N.C. Gen. Stat. § 163-96. Its purposes are (i) to bring people together to develop public policies and positions favorable to NCDP members and the public generally, (ii) to identify candidates who will support and defend those policies and positions, and (iii) to persuade voters to cast their ballots for those candidates. These purposes are essential to the functioning of our democracy. Defendants’ unlawful partisan gerrymander was adopted to discriminate against the NCDP and its members because of their beliefs and association and to suppress or nullify the capacity of the NCDP to achieve its essential purposes for its members.

(d) Larry D. Hall is a registered Democratic voter residing at 1526 Southwood Drive in the City of Durham in Durham County, North Carolina. He practices law in Durham and is a Democratic member of the North Carolina House of Representatives. Defendants assigned Representative Hall to Congressional District (“CD”) 1 for the 2016 election. Together with all other Democratic voters, Representative Hall has been harmed by Defendants’ unlawful gerrymandering because it treats him unequally based

on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 1.

(e) Douglas Berger is a registered Democratic voter residing at 125 Hunters Lane in the City of Youngsville in Franklin County, North Carolina. He is a lawyer and former member of the North Carolina Senate. Defendants assigned Mr. Berger to CD 2 for the 2016 election. Together with all other Democratic voters, Mr. Berger has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 2.

(f) Dr. and Mrs. Richard and Cheryl Lee Taft are registered Democratic voters residing at 303 Kenilworth Road in the City of Greenville in Pitt County, North Carolina. He is a retired physician, and she is a landscape architect. Defendants assigned Dr. and Mrs. Taft to CD 3 for the 2016 election. Together with all other Democratic voters, Dr. and Mrs. Taft have been harmed by Defendants' unlawful gerrymandering because it treats them unequally based on their political beliefs and association. Their votes for the U.S. House of Representatives will be diluted or nullified as a result of their placement in CD 3.

(g) Alice L. Bordsen is a registered Democratic voter residing at 706 Copperline Drive #202 in the Town of Chapel Hill in Orange County, North Carolina. She is a lawyer and former Democratic member of the North Carolina House of Representatives. Defendants assigned Ms. Bordsen to CD 4 for the 2016 election.

Together with all other Democratic voters, Ms. Bordsen has been harmed by Defendants' unlawful gerrymandering because it treats her unequally based on her political beliefs and association. Her vote for the U.S. House of Representatives will be diluted or nullified as a result of her placement in CD 4.

(h) William H. Freeman is a registered Democratic voter residing at 112 Westhaven Circle in the City of Winston-Salem in Forsyth County, North Carolina. He practices law in Winston-Salem and is a retired Superior Court Judge. Defendants assigned Judge Freeman to CD 5 for the 2016 election. Together with all other Democratic voters, Judge Freeman has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 5.

(i) Melzer A. Morgan, Jr. is a registered Democratic voter residing at 1607 Courtland Avenue in the City of Reidsville in Rockingham County, North Carolina. He is a retired Superior Court Judge. Judge Morgan was assigned to CD 6 for the 2016 election. Together with all other Democratic voters, Judge Morgan has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 6.

(j) Cynthia S. Boylan is a registered Democratic voter residing at 612 Forest Hills Drive in the City of Wilmington in New Hanover County, North Carolina. She is a

retired member of the North Carolina Department of Justice. Defendants assigned Ms. Boylan to CD 7 for the 2016 election. Together with all other Democratic voters, Ms. Boylan has been harmed by Defendants' unlawful gerrymandering because it treats her unequally based on her political beliefs and association. Her vote for the U.S. House of Representatives will be diluted or nullified as a result of her placement in CD 7.

(k) Coy E. Brewer, Jr. is a registered Democratic voter residing at 909 Calamint Lane in the City of Fayetteville in Cumberland County, North Carolina. He practices law in Fayetteville and is a retired Superior Court Judge. Judge Brewer was assigned to CD 8 for the 2016 election. Together with all other Democratic voters, Judge Brewer has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 8.

(l) John Morrison McNeill is a registered Democratic voter residing at 225 East 3rd Ave. in the Town of Red Springs in Robeson County, North Carolina. He currently serves as Mayor of Red Springs. Defendants assigned Mr. McNeill to CD 9 for the 2016 election. Together with all other Democratic voters, Mr. McNeill has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 9.

(m) Robert Warren Wolf is a registered Democratic voter residing at 238 Knollwood Drive in the Town of Forest City in Rutherford County, North Carolina. He

practices law in Forest City. Defendants assigned Mr. Wolf to CD 10 for the 2016 election. Together with all other Democratic voters, Mr. Wolf has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 10.

(n) Jones P. Byrd is a registered Democratic voter residing at 89 Edgelawn Drive in the City of Asheville in Buncombe County, North Carolina. He practices law in Asheville and is former Chair of the Buncombe County Board of Elections. Defendants assigned Mr. Byrd to CD 11 for the 2016 election. Together with all other Democratic voters, Mr. Byrd has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 11.

(o) John W. Gresham is a registered Democratic voter residing at 717 E. Kingston Ave. in the City of Charlotte in Mecklenburg County, North Carolina. He practices law in Charlotte. Defendants assigned Mr. Gresham to CD 12 for the 2016 election. Together with all other Democratic voters, Mr. Gresham has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 12.

(p) Russell G. Walker, Jr. is a registered Democratic voter residing at 104 Jordan Ridge Way in the City of Jamestown in Guilford County, North Carolina. He is a retired Superior Court Judge. Defendants assigned Judge Walker to CD 13 for the 2016 election. Together with all other Democratic voters, Judge Walker has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 13.

3. The defendants are:

(a) Robert A. Rucho, in his official capacity as Chairman of the North Carolina Senate Redistricting Committee for the 2016 Extra Session and Co-Chairman of the Joint Select Committee on Congressional Redistricting;

(b) David R. Lewis, in his official capacity as Chairman of the North Carolina House of Representatives Redistricting Committee for the 2016 Extra Session and Co-Chairman of the Joint Select Committee on Congressional Redistricting;

(c) Philip E. Berger, in his official capacity as the President Pro Tempore of the North Carolina Senate;

(d) Timothy K. Moore, in his official capacity as the Speaker of the North Carolina House of Representatives;

(e) A. Grant Whitney, Jr., in his official capacity as Chairman and acting on behalf of the North Carolina State Board of Elections;

(f) Patrick L. McCrory, in his official capacity as Governor of the State of North Carolina;

(g) The North Carolina State Board of Elections, which is the agency that is charged with the responsibility for the administration of the election laws of the State of North Carolina and with the “general supervision over the primaries and elections in the State,” N.C. Gen. Stat. § 163-22(a), including elections of the thirteen members of the United States House of Representatives from North Carolina;

(h) The State of North Carolina, a sovereign state of the United States. Its legislative power is vested in the General Assembly. N.C. Const. Art. II, § 1. That power is “derived from the people” and must be exercised “solely for the good of the whole.” *Id.* Art. 1 § 2. Among the rights granted North Carolinians is the right “to assemble together ... to instruct their representatives” and the right “to apply to the General Assembly for the redress of grievances.” *Id.* § 12.

JURISDICTION AND VENUE

4. This case arises under the Constitution of the United States, the issues are justiciable and well within the established subject-matter jurisdiction of this Court under 28 U.S.C. §§ 1331, 1343, 1357, 2201 and 42 U.S.C. § 1983, and must be heard and determined by a district court of three judges under 28 U.S.C. § 2284. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(b).

STATEMENT OF FACTS

5. From 2002 until 2012, North Carolina was represented in Congress by thirteen representatives elected from districts established under a reapportionment plan adopted by the North Carolina General Assembly in 2001 (the “2001 Plan”) to conform to the one-person, one-vote requirements of Article I, § 2 of the U.S. Constitution. *See Wesberry v. Sanders*, 376 U.S. 1, 84 S. Ct. 526 (1964).

6. Five congressional general elections were conducted under the 2001 plan, beginning in 2002 and ending in 2010. The following chart reflects the number and percent of votes cast in favor of Democratic and Republican candidates for Congress in those elections, as well as the number and percent of Democratic and Republican candidates actually elected to Congress under the 2001 plan:

Year	North Carolina State-wide Votes in U.S. House Elections				Representatives Elected to U.S. House for North Carolina			
	Number of Democratic (“DEM”) Votes	DEM Votes as % of Total Votes	Number of Republican (“GOP”) Votes	GOP Votes as % of Total Votes	Number of DEM Repre- sentatives (“Reps”)	DEM Reps. as % of Total Reps.	Number of GOP Reps.	GOP Reps. as % of Total Reps.
2002	970,716	45%	1,209,033	54%	6	46%	7	54%
2004	1,669,864	49%	1,743,131	51%	6	46%	7	54%
2006	1,026,915	53%	913,893	47%	7	54%	6	46%
2008	2,293,971	54%	1,901,517	45%	8	62.5%	5	38.5%
2010	1,204,635	45%	1,440,913	54%	7	54%	6	46%

7. In 2011, the Republican party gained control of both houses of the North Carolina General Assembly and enacted a new congressional redistricting plan (the “2011 Plan”) that resulted in the election of nine Republicans and four Democrats to Congress in 2012 and ten Republicans and three Democrats in 2014.

8. The 2011 Plan dramatically altered the composition of the North Carolina delegation elected to Congress in the 2012 and 2014 general elections:

Year	North Carolina State-wide Votes in U.S. House Elections				Representatives Elected to U.S. House for North Carolina			
	Number of Democratic (“DEM”) Votes	DEM Votes as % of Total Votes	Number of Republican (“GOP”) Votes	GOP Votes as % of Total Votes	Number of DEM Representatives (“Reps”)	DEM Reps. as % of Total Reps.	Number of GOP Reps.	GOP Reps. as % of Total Reps.
2012	2,218,357	51%	2,137,167	49%	4	31%	9	69%
2014	1,361,695	44%	1,596,942	55%	3	23%	10	77%

9. On February 5, 2016, the 2011 North Carolina Congressional Redistricting Plan was declared unconstitutional by a three-judge district court in *Harris v. McCrory*, No. 1:13-CV-949, 2016 WL 482052 (M.D.N.C. Feb. 5, 2016), *appeal docketed*, No. 15-1262 (U.S. Apr. 11, 2016). The court held that both the First Congressional District and the Twelfth Congressional District were the product of unconstitutional racial gerrymanders that violated the Equal Protection Clause of the Fourteenth Amendment and enjoined the State from conducting the 2016 primary and general elections under the 2011 Plan. *Id.* at *17, *21.

10. In response to the ruling of the court in *Harris*, the Republican leadership in both the North Carolina House and Senate appointed a Joint Select Committee on Redistricting (the “Joint Committee”) to draft a new congressional redistricting plan. The Joint Committee was composed of 25 Republicans and 12 Democrats. It was co-chaired by the same two Republican legislators, Representative David Lewis and Senator Robert Rucho, who had co-chaired the Joint Committee responsible for drafting the unconstitutional 2011 Congressional Redistricting Plan.

11. The Joint Committee met on February 16, 2016, to consider the adoption of a set of written redistricting criteria that was drafted by the two Republican co-chairs of the Committee, defendants Representative Lewis and Senator Rucho.

12. At the Joint Committee hearing, Representative Lewis explained the written criteria. He said that, **“to the extent possible, the map drawers [would be instructed to] create a map which is perhaps likely to elect ten Republicans and three Democrats.”** February 16, 2016 North Carolina Joint Select Committee on Congressional Redistricting (2015) Hearing Transcript (“Tr.”), available at <https://redistricting.ils.edu/files/NC%20Harris%2020160217%20Transcript.pdf>, at 48 (emphasis added). Representative Lewis freely **“acknowledge[d] ... that this would be a political gerrymander,”** which, he claimed, “is not against the law.” *Id.* (emphasis added).

13. Representative Lewis went on to **“propose that we draw the maps to give a partisan advantage to ten Republicans and three Democrats because I do not**

believe it's possible to draw a map with 11 Republicans and two Democrats.” Tr. 50 (emphasis added).

14. Representative Lewis emphasized that by adopting the written criteria, “we [the Joint Committee] **want to make clear that we...are going to use political data in drawing this map. It is to gain partisan advantage on the map. ... I want that criteria to be clearly stated and understood.**” Tr. 53-4 (emphasis added).

15. Representative Lewis said that race would not be considered in drawing the new congressional district map, and emphasized that the only information other than population that would be used to draw the lines of the new congressional districts to maintain the existing 10-3 Republican partisan advantage would be “political data.” Tr. 54. He specifically said that the Joint Committee would use “**political data, which was the earlier criteria adopted by th[e] committee [in 2011]. ... [A]s you draw the lines, if you're trying to give a partisan advantage, you would draw the lines so that more of the whole VTDs [Voter Tabulation Districts] voted for the Republican on the ballot than they did the Democrat.**” Tr. 57 (emphasis added).

16. The Joint Committee voted to adopt the written criteria that Representative Lewis and Senator Rucho proposed by a strict party-line vote. A true and correct copy of the 2016 Contingent Congressional Plan Committee Adopted Criteria is attached as Exhibit A and is incorporated herein by reference (and hereinafter referred to as the “2016 Adopted Criteria”).

17. The 2016 Adopted Criteria expressly instructed the mapmakers to make a “reasonable effort” to draw a new North Carolina congressional district map that would maintain the existing 10-3 Republican “Partisan Advantage”:

Partisan Advantage

The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. **The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina’s congressional delegation.**

Exhibit A (emphasis added).

18. The 2016 Adopted Criteria also gave the mapmakers specific instructions that, other than population, they should use only “political data” to redraw the lines of North Carolina’s thirteen congressional districts. The “political data” reflected whether the people in each Voter Tabulation District had voted in favor of Democratic or Republican candidates for certain state-wide elections since 2008 (excluding, however, the 2008 and 2012 presidential elections):

Political Data

The only data other than population data to be used to construct congressional districts shall be election results in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan. Voting districts (“VTDs”) should be split when necessary to comply with the zero deviation population requirements set forth above in order to ensure the integrity of political data.

Id. (emphasis added)

19. It took mapmakers only one day, using the “political data” specified in the 2016 Adopted Criteria, to draft a new congressional redistricting plan that would preserve and maintain the Republican Party’s 10-3 partisan advantage. That plan was presented to and approved by the Joint Committee on February 17, 2016.

20. The next day, February 18, 2016, the new 2016 Plan was introduced in the North Carolina Senate and was passed that same day in a straight party-line vote of 32 Republicans voting for the Plan and 15 Democrats voting against it.

21. The new 2016 Plan was introduced in the House of Representatives on the following day, February 19, 2016, and was passed and thus enacted into law by another straight party-line vote, with 65 Republicans voting for the Plan and 43 Democrats opposing it.

22. A true and correct copy of the final 2016 Congressional Redistricting Plan as enacted by the North Carolina General Assembly is attached hereto as Exhibit B and is incorporated herein by reference.

23. As of the date of enactment of the 2016 Plan, there were 2,634,903 registered Democrats, 1,976,873 registered Republicans, and 1,844,264 unaffiliated registered voters in North Carolina. *N.C. Voter Statistics Results, Reporting Period: 2/20/2016*, North Carolina State Board of Elections, http://enr.ncsbe.gov/voter_stats/results.aspx?date=02-20-2016. In other words, Defendants enacted a plan designed to give Republicans a 10-3 seat majority when Republicans comprised only 30% of the registered voters.

24. A statistical analysis of the 2016 Plan will confirm that the gerrymander of North Carolina's thirteen congressional districts to perpetuate the 10-3 partisan advantage in favor of the Republican Party and Republican candidates is intentional and is not the product of chance or the neutral application of legitimate redistricting principles. Hundreds of alternative plans can be drawn based on traditional redistricting principles that would have been far less partisan than the 2016 Plan, and that would have created districts more likely to result in the election of a congressional delegation more representative of the support of Democratic and Republican candidates by the voters of North Carolina. The statistical likelihood that the 10-3 partisan advantage in favor of the Republican Party and Republican candidates created by the 2016 Plan is the result of chance is virtually nonexistent.

COUNT ONE

25. The facts alleged above in paragraphs 1-24 are hereby incorporated by reference as allegations of Count One of the complaint.

26. The 2016 North Carolina Congressional Redistricting Plan as a whole and each of the thirteen individual districts created by that Plan violate the First Amendment and the due process clause of the Fourteenth Amendment to the Constitution of the United States, are invalid, and should be enjoined. *See Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 489 n.1, 116 S. Ct. 1495, 1501 n.1 (1996) (applying the First Amendment to the states).

27. The First Amendment “has its fullest and most urgent application ... to the conduct of campaigns for political office,” *McCutcheon v. FEC*, 572 U.S. ___, 134 S. Ct. 1434, 1441(2014). It protects the right of voters to join or support a political party, and to vote for the candidate of their choice, which are the “core of those activities protected by the First Amendment” without which a representative democracy cannot function. *Elrod v. Burns*, 427 U.S. 347, 356, 96 S. Ct. 2673, 2681 (1976) (plurality opinion).

28. “Partisan gerrymanders . . . are incompatible with democratic principles.” *Arizona State Legislature v. Arizona Indep. Redistricting Comm’n*, 576 U.S. ___, 135 S. Ct. 2652, 2658 (2015) (alterations adopted); *see Vieth v. Jubelirer*, 541 U.S. 267, 292, 124 S. Ct. 1769, 1785 (2004) (Scalia, J., plurality opinion); *Vieth*, 541 U.S. at 316, 124 S. Ct. at 1798 (Kennedy, J., concurring); *Vieth*, 541 U.S. at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in part); *see also Harris v. Ariz. Indep. Redistricting Comm’n*, 578 U.S. ___, 136 S. Ct. 1301, 1310 (2016) (“assuming, without deciding, that partisanship is an illegitimate redistricting factor”); *N.C. State Conference of the NAACP v. McCrory*, No. 16-1468, 2016 U.S. App. LEXIS 13797, at *33 n.6 (4th Cir. July 29, 2016) (“Of course, state legislators also cannot impermissibly dilute or deny the votes of opponent political parties...as this same General Assembly was found to have done earlier this year.”) (internal citations omitted) (citing *Raleigh Wake Citizens Ass’n v. Wake Cty. Bd. of Elections*, No. 16-1270, 2016 WL 3568147 (4th Cir. July 1, 2016)).

29. The 2016 Plan violates the First Amendment by favoring some voters (e.g., Republican supporters of the party in power) and by burdening or penalizing other voters

(e.g., Democratic voters) based on the content of the voters' political expression or beliefs, their political party memberships or affiliations, or their voting histories in favor of a political party or its candidates. *See Vieth*, 541 U.S. at 314–16, 124 S. Ct. at 1797–98 (Kennedy, J., concurring); *see also id.* at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in part); *LULAC v. Perry*, 548 U.S. 399, 461–62, 126 S. Ct. 2594, 2634–35 (2006) (Stevens, J., joined by Breyer, J., concurring in part and dissenting in part).

30. The Republican majority in the North Carolina General Assembly also violated the First Amendment by using the partisan “political data” specified in the 2016 Adopted Criteria to draft and enact the 2016 Congressional Redistricting Plan to perpetuate and maintain the Republicans’ 10-3 advantage in the North Carolina congressional delegation by intentionally favoring Republican voters over Democratic voters based on their political beliefs, party affiliations, and voting histories.

31. The 2016 Plan impinges on “the First Amendment interest of not burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views. Under general First Amendment principles, those burdens ... are unconstitutional absent a compelling [state] interest.” *Vieth*, 541 U.S. at 314, 124 S. Ct. at 1797 (Kennedy, J., concurring) (citation omitted); *see also id.* at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in part); *LULAC*, 548 U.S. at 461–62, 126 S. Ct. at 2634–35 (Stevens, J., joined by Breyer, J., concurring in part and dissenting in part).

32. The 2016 Plan also violates the First Amendment duty of state governments and state officials to *govern impartially* and maintain a position of *strict political neutrality* in the adoption of laws that distribute political representation and power among the people through the apportionment of congressional and state legislative districts.

33. The First Amendment duty to govern impartially was violated when the majority party in the North Carolina General Assembly used its control of the congressional redistricting process for partisan advantage—to maximize and entrench its hold on political power by gerrymandering the districts in its favor, making it more difficult for the NCDP and its members to elect the candidates of their choice to Congress.

34. The purpose and the effect of the 2016 Plan was to give the Republican Party and Republican candidates for Congress in North Carolina a partisan advantage over the NCDP and Democratic candidates. The 2016 Plan enhances the effectiveness of the votes of as many Republican voters as possible by creating ten districts with safe Republican majorities, in which votes cast by Democratic voters are diluted or nullified and have no effect on the outcome of the general congressional election in those districts.

35. The purpose and effect of the 2016 Plan was also to burden and penalize both the NCDP and Democratic voters by: (i) packing as many Democratic voters as possible into the First, Fourth, and Twelfth Congressional Districts, where the excess votes of Democratic voters beyond those necessary to elect a Democratic candidate of their choice would be essentially wasted; and (ii) diluting or nullifying the votes of the

remaining Democratic voters who reside outside of these three districts by dispersing (or “cracking”) all remaining Democratic voters among the other ten districts which were safe Republican majorities, where their (the Democrats’) votes in favor of Democratic candidates cannot affect the outcome of the general election. These actions denied the NCDP and its voters a fair opportunity to elect a Democratic candidate of their choice in any of these ten Republican-dominated districts.

36. Although the 2016 Plan only divided thirteen counties, any one of thousands of alternative plans could have been enacted by the General Assembly that also would have only divided thirteen counties without creating a disproportionate 10-3 partisan advantage in favor of the Republican Party and its candidates.

37. The 2016 Plan as a whole, and each of its thirteen individual districts, were gerrymandered based on the content of the political beliefs, political affiliations, and voting histories of the voters in each district and are, both individually and collectively, subject to strict scrutiny.

38. The 2016 Plan is not justified by any *legitimate* state interest of such compelling and paramount importance that justifies burdening or penalizing the First Amendment rights of Democratic voters and the NCDP.

COUNT TWO

39. The facts alleged in paragraphs 1-24 are hereby incorporated by reference as allegations of Count Two of the complaint.

40. The 2016 North Carolina Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan deprive the NCDP and Democratic voters of equal protection of the laws in violation of the Fourteenth Amendment, are invalid, and their enforcement should be enjoined.

41. “The object of districting is to establish ‘fair and effective representation for all citizens.’” *Vieth*, 541 U.S. at 307, 124 S. Ct. at 1793 (Kennedy, J., concurring) (quoting *Reynolds v. Sims*, 377 U.S. 533, 565–66, 84 S. Ct. 1362, 1383 (1964)).

42. The right to vote is “fundamental,” and once that right “is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment.” *Bush v. Gore*, 531 U.S. 98, 104–05, 121 S. Ct. 525, 530 (2000) (quoting *Harper v. Va. Bd. of Elections*, 383 U.S. 663, 665, 86 S. Ct. 1079, 1081 (1966)); *see also Raleigh Wake Citizens Ass’n*, 2016 WL 3568147, at *1.

43. The desire on the part of the party in power to gain a partisan advantage and to “harm a politically [weak or] unpopular group” by gerrymandering congressional districts is not “a *legitimate* governmental interest.” *United States Dep’t of Agric. v. Moreno*, 413 U.S. 528, 534, 93 S. Ct. 2821, 2826 (1973) (emphasis added); *see also City of Cleburne v. Cleburne Living Ctrs.*, 473 U.S. 432, 446–47, 105 S. Ct. 3249, 3258 (1985).

44. The admitted, primary, and predominant objective of the 2016 Plan was to deprive the NCDP and Democratic voters of fair and effective representation and to perpetuate the Republican majority’s ten-three (10-3) partisan advantage created by the

2011 Plan (and thereby entrench the Republican Party's majority in the U.S. Congress). The 2016 Plan achieves this objective by drawing congressional districts that discriminate in favor of the Republican Party and Republican voters and against the NCDP and Democratic voters by systematically making it more difficult for the NCDP and Democratic voters to elect a candidate of their choice in ten of North Carolina's thirteen congressional districts.

45. The 2016 Plan as a whole, and each of the thirteen individual districts, are subject to strict scrutiny. They cannot be justified by any legitimate state interest of compelling importance that could not be achieved by a more carefully drawn plan or that made it necessary to discriminate against the NCDP and Democratic voters.

COUNT THREE

46. The facts alleged in paragraphs 1-24 are hereby incorporated by reference as allegations of Count Three of the complaint.

47. The 2016 Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan violate Article I, § 2 of the U.S. Constitution, are therefore invalid, and should be enjoined.

48. In the Great Compromise, the Framers of the U.S. Constitution agreed to allow the state legislatures to elect members of the Senate from their respective states, U.S. Const., Art. I, § 3, on the condition that members of the House of Representatives be elected by a popular vote of the people in each state, whose qualifications to vote as

“electors” were to be the same as the qualifications to vote for the most numerous house of each state’s legislature. *Id.* § 2.

49. Instead of allowing the “people of the several states” in each district to make that decision for themselves in an open and fair election that has not been rigged by the state legislature, the 2016 Plan violates Article I, § 2 by allowing the majority party in a state legislature to choose the members of the House of Representatives elected to represent each district.

COUNT FOUR

50. The facts alleged in paragraphs 1-24 above are hereby incorporated by reference as allegations of Count Four of the complaint.

51. The 2016 Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan are invalid because they were adopted in excess of the authority granted to the North Carolina General Assembly by Article I, § 4 of the U.S. Constitution to determine “the Times, Places and Manner of holding Elections” of members of the House of Representatives, which is the sole source of a state’s authority to draw congressional district lines.

52. The authority granted by the Constitution to the legislatures of the states to “prescribe” the “Times, Places and Manner” of elections of members of the House of Representatives is not unlimited. It only allows the legislatures to adopt *procedural rules* for the conduct of congressional elections, and does not include the power to *dictate or control the electoral outcomes of those elections*. See *Cook v. Gralike*, 531 U.S. 510,

523, 121 S. Ct. 1029, 1038 (2001); *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 808–10, 115 S. Ct. 1842, 1857–58 (1995).

53. The 2016 Plan is a naked attempt by the majority party in a state legislature to dictate and control the outcome of the general election for members of the House of Representatives by drawing the district lines to virtually guarantee the election of the majority party's candidates in ten of the thirteen districts. The 2016 Plan makes it more difficult, if not impossible, for Democratic candidates to be elected from those districts and, conversely, to limit the number of Democrats elected to Congress by putting supermajorities of Democratic voters in the three remaining districts (the First, Fourth and Twelfth Congressional Districts).

54. The Republican majority exceeded its constitutional authority by gerrymandering North Carolina's thirteen congressional districts for partisan purposes to give the Republican Party a 10-3 seat advantage over the NCDP, and the 2016 North Carolina Congressional Redistricting Plan is thus *ultra vires* and should be enjoined.

INJURY AND IRREPARABLE HARM

55. The defendants' violations of the Constitution have caused a direct, concrete, and particularized injury to Common Cause and its Democratic members in North Carolina, to the Democratic Party and to Democratic voters in North Carolina, and to the individual Democratic-voter plaintiffs. Their injuries include, *inter alia*, the following:

(a) The 2016 Plan has made it more difficult, if not impossible, for a Democratic candidate to be elected in the general election to the House of Representatives from each of the ten districts that have been gerrymandered to have safe Republican majorities;

(b) The 2016 Plan has injured the Democratic-voter plaintiffs and other Democratic voters who reside in congressional districts that formerly had Democratic majorities during the 2002–2010 election cycles. The 2016 Plan dilutes or nullifies the effectiveness of their votes and deprives them of the opportunity to elect the candidate of their choice by cracking and disbursing them among one of the ten districts with safe Republican majorities in which their votes in favor of a Democratic candidate no longer matter and cannot affect the outcome of the general election;

(c) The 2016 plan also has injured Democratic voters who have been packed into three districts gerrymandered to contain large Democratic supermajorities, where their votes in favor of the Democratic candidate in the general election in excess of the majority required to enable them to elect the Democratic candidate of their choice have been and will be largely wasted and have no more effect than if they had not voted.

PRAYER FOR RELIEF

Wherefore the plaintiffs respectfully pray that:

(a) a three-judge district court be convened to hear and determine the plaintiffs' claims that the 2016 North Carolina Congressional Redistricting statute, N.C. Sess. Law. 2016-1, adopted on February 19, 2016, is unconstitutional;

(b) the Court grant a declaratory judgment pursuant to 28 U.S.C. § 2201 that the 2016 North Carolina Congressional Redistricting statute, and each of the thirteen districts created by that statute, are unconstitutional partisan gerrymanders;

(c) the Court enter a preliminary and a permanent injunction prohibiting the defendants from enforcing or attempting to enforce the 2016 North Carolina Congressional Redistricting statute, or from conducting primary or general elections for members of the House of Representatives under its provisions;

(d) the Court enjoin the North Carolina General Assembly from creating any future legislative districts with the purpose or effect of burdening or penalizing an identifiable group, a political party, or individual voters based on their political beliefs, political party membership, registration, affiliations or political activities, or voting histories;

(e) the Court also enjoin the North Carolina General Assembly from using “political data” in any future redistricting process to burden or penalize an identifiable group, a political party, or individual voters based on their political beliefs, political-party membership, registration, affiliations or political activities, or voting histories;

(f) the Court award plaintiffs their reasonable costs and attorneys’ fees pursuant to 42 U.S.C. § 1988; and

(g) the Court grant plaintiffs such other and further relief as may be just and equitable.

Respectfully submitted, this 5th day of August, 2016.

/s/ Emmet J. Bondurant

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Counsel for Plaintiffs

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2016 Contingent Congressional Plan Committee Adopted Criteria

Equal Population

The Committee will use the 2010 federal decennial census data as the sole basis of population for the establishment of districts in the 2016 Contingent Congressional Plan. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.

Contiguity

Congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

Political data

The only data other than population data to be used to construct congressional districts shall be election results in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan. Voting districts (“VTDs”) should be split only when necessary to comply with the zero deviation population requirements set forth above in order to ensure the integrity of political data.

Partisan Advantage

The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina’s congressional delegation.

Twelfth District

The current General Assembly inherited the configuration of the Twelfth District from past General Assemblies. This configuration was retained because the district had already been heavily litigated over the past two decades and ultimately approved by the courts. The Harris court has criticized the shape of the Twelfth

District citing its “serpentine” nature. In light of this, the Committee shall construct districts in the 2016 Contingent Congressional Plan that eliminate the current configuration of the Twelfth District.

Compactness

In light of the Harris court’s criticism of the compactness of the First and Twelfth Districts, the Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan that improve the compactness of the current districts and keep more counties and VTDs whole as compared to the current enacted plan. Division of counties shall only be made for reasons of equalizing population, consideration of incumbency and political impact. Reasonable efforts shall be made not to divide a county into more than two districts.

Incumbency

Candidates for Congress are not required by law to reside in a district they seek to represent. However, reasonable efforts shall be made to ensure that incumbent members of Congress are not paired with another incumbent in one of the new districts constructed in the 2016 Contingent Congressional Plan.

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**GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 2016**

**SESSION LAW 2016-1
SENATE BILL 2**

AN ACT TO REALIGN THE CONGRESSIONAL DISTRICTS, AS RECOMMENDED BY
THE JOINT SELECT COMMITTEE ON CONGRESSIONAL REDISTRICTING, TO
COMPLY WITH THE COURT ORDER IN HARRIS V. MCCRORY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-201(a) is rewritten to read:

"(a) For purposes of nominating and electing members of the House of Representatives of the Congress of the United States in 2016 and every two years thereafter; the State of North Carolina shall be divided into 13 districts as follows:

District 01: Bertie County, Durham County: VTD 01, VTD 02, VTD 03, VTD 04, VTD 05, VTD 06, VTD 07, VTD 08, VTD 09, VTD 10, VTD 12, VTD 13, VTD 14, VTD 15, VTD 16, VTD 17, VTD 18, VTD 19, VTD 20, VTD 21, VTD 22, VTD 23, VTD 24, VTD 25, VTD 26, VTD 27, VTD 28, VTD 29, VTD 30-1, VTD 30-2, VTD 31, VTD 32, VTD 34, VTD 36, VTD 37, VTD 38, VTD 39, VTD 40, VTD 41, VTD 42, VTD 43, VTD 44, VTD 45, VTD 46, VTD 47, VTD 48, VTD 50, VTD 51, VTD 52, VTD 54, VTD 55; Edgecombe County, Gates County, Granville County, Halifax County, Hertford County, Martin County, Northampton County, Pitt County: VTD 0301, VTD 0401, VTD 0501, VTD 1201, VTD 1501, VTD 1503, VTD 1504, VTD 1505A, VTD 1505B, VTD 1506, VTD 1507, VTD 1507B, VTD 1508A, VTD 1508B, VTD 1509: Block(s) 1470003021000, 1470003021001, 1470003021002, 1470003021003, 1470003021004, 1470003021005, 1470003021006, 1470003021007, 1470003021008, 1470003021009, 1470003021010, 1470003021011, 1470003021012, 1470003021013, 1470003021014, 1470003021015, 1470003021016, 1470003022000, 1470003022001, 1470003022002, 1470003022003, 1470003022004, 1470003022005, 1470003022006, 1470003022007, 1470003022008, 1470003022009, 1470003022010, 1470003022011, 1470003022012, 1470003022013, 1470003022014, 1470003022015, 1470003022016, 1470003022021, 1470003023000, 1470003023001, 1470003023002, 1470003023003, 1470003023004, 1470003023005, 1470003023006, 1470003023007, 1470003023008, 1470003023009, 1470003023010, 1470003023013, 1470003023014, 1470003023025, 1470003023026, 1470004003005, 1470004003015, 1470004004003, 1470004004004, 1470009002028, 1470009002029, 1470009002030, 1470009002043, 1470009002059, 1470009002060, 1470009002061, 1470009002062, 1470009002063, 1470009002064, 1470009002065, 1470009002066, 1470009002067, 1470009002068, 1470009002069, 1470009002070, 1470009002071, 1470009002072, 1470009002074, 1470009002075, 1470009002102, 1470009002103, 1470009002104, 1470009002105, 1470009002106, 1470010011033, 1470010011034, 1470010011035, 1470010011036, 1470010011037, 1470010011038, 1470010011039, 1470010011040, 1470010011041, 1470010011042, 1470010011043, 1470010011044, 1470010011045, 1470010011046, 1470010011047, 1470010011048, 1470010011049, 1470010011050; VTD 1512A, VTD 1512B; Vance County, Warren County, Washington County, Wilson County: VTD PRGA, VTD PRSA, VTD PRST, VTD PRTA: Block(s) 1950014001025, 1950014001033, 1950014001042, 1950014001043, 1950014001045, 1950014001046, 1950014001047, 1950014001048, 1950014001051, 1950014001054, 1950014001055, 1950014001056, 1950014001057, 1950014001059; VTD PRTO, VTD PRWA, VTD PRWB, VTD PRWC, VTD PRWD, VTD PRWE, VTD PRWH, VTD PRWI, VTD PRWJ, VTD PRWK, VTD PRWL, VTD PRWM, VTD PRWN, VTD PRWP, VTD PRWQ, VTD PRWR.



District 02: Franklin County, Harnett County, Johnston County: VTD PR05, VTD PR09, VTD PR10, VTD PR11A, VTD PR11B, VTD PR12, VTD PR19, VTD PR20, VTD PR21, VTD PR24, VTD PR25, VTD PR26; Block(s) 1010406001016, 1010408001000, 1010408001001, 1010408001002, 1010408001017, 1010408001018; VTD PR27, VTD PR28, VTD PR29A, VTD PR29B, VTD PR30, VTD PR31A, VTD PR31B, VTD PR32, VTD PR34; Nash County, Wake County: VTD 01-42, VTD 01-47, VTD 02-01, VTD 02-02, VTD 02-03, VTD 02-04, VTD 02-05, VTD 02-06, VTD 03-00, VTD 04-07, VTD 06-01, VTD 06-04, VTD 06-05, VTD 06-06, VTD 06-07, VTD 08-04, VTD 08-07, VTD 08-08, VTD 09-01, VTD 09-02, VTD 09-03, VTD 10-01, VTD 10-02, VTD 10-03, VTD 10-04, VTD 12-01, VTD 12-02, VTD 12-04, VTD 12-05, VTD 12-06, VTD 12-07, VTD 12-08, VTD 12-09, VTD 13-10, VTD 13-11, VTD 14-01, VTD 14-02, VTD 15-01, VTD 15-02, VTD 15-03, VTD 15-04, VTD 16-01, VTD 16-05; Block(s) 1830528021000, 1830528021001, 1830528021002, 1830528021003, 1830528021004, 1830528021005, 1830528021006, 1830528021007, 1830528021008, 1830528021009, 1830528021010, 1830528021011, 1830528021012, 1830528021013, 1830528021014, 1830528021015, 1830528021016, 1830528021017, 1830528021018, 1830528021019, 1830528021021, 1830528021022, 1830528021023, 1830528021024, 1830528021025, 1830528021026, 1830528021027, 1830528021028, 1830528021029, 1830528021030, 1830528021032, 1830528023006, 1830528023007, 1830528023008, 1830528023009, 1830528023010, 1830528023011, 1830528023012, 1830528023014, 1830528023015, 1830528023016, 1830528023017, 1830528023018, 1830528023019, 1830528023020, 1830528023021, 1830528024008, 1830528024010, 1830528024012, 1830528024014, 1830528024017, 1830528024018, 1830528024019, 1830528024021, 1830530093000, 1830530093001, 1830530093002, 1830530093003, 1830530093004, 1830530093005, 1830530093006, 1830530093007, 1830530093008, 1830530093009, 1830530093010, 1830530093011, 1830530093012, 1830530093013, 1830530093014, 1830530093015, 1830530093016, 1830530093017, 1830530093018, 1830530093019, 1830530093020, 1830530093021, 1830545002052, 1830545002069, 1830545002071, 1830545002078, 1830545002079; VTD 16-09, VTD 17-06, VTD 18-02, VTD 18-03, VTD 18-04, VTD 18-05, VTD 18-07, VTD 19-03, VTD 19-04, VTD 19-05, VTD 19-06, VTD 19-07, VTD 19-09, VTD 19-10, VTD 19-11, VTD 19-12, VTD 20-05, VTD 20-06, VTD 20-08, VTD 20-11, VTD 20-12; Wilson County: VTD PRBL, VTD PRCR, VTD PROL, VTD PRSP, VTD PRTA; Block(s) 1950014001000, 1950014001001, 1950014001002, 1950014001003, 1950014001004, 1950014001005, 1950014001006, 1950014001007, 1950014001008, 1950014001009, 1950014001010, 1950014001011, 1950014001012, 1950014001013, 1950014001014, 1950014001015, 1950014001016, 1950014001017, 1950014001018, 1950014001019, 1950014001020, 1950014001021, 1950014001022, 1950014001023, 1950014001024, 1950014001026, 1950014001027, 1950014001028, 1950014001029, 1950014001030, 1950014001031, 1950014001032, 1950014001034, 1950014001035, 1950014001036, 1950014001037, 1950014001038, 1950014001039, 1950014001040, 1950014001041, 1950014001044, 1950014001049, 1950014001050, 1950014001052, 1950014001053, 1950014001058, 1950014001060, 1950014001061, 1950014002000, 1950014002001, 1950014002002, 1950014002003, 1950014002004, 1950014002005, 1950014002006, 1950014002007, 1950014002008, 1950014002009, 1950014002010, 1950014002011, 1950014002012, 1950014002013, 1950014002014, 1950014002015, 1950014002016, 1950014002017, 1950014002018, 1950014002019, 1950014002020, 1950014002021, 1950014002022, 1950014002023, 1950014002024, 1950014002025, 1950014002026, 1950014002027, 1950014002028, 1950014002029, 1950014002030, 1950014002031, 1950014002032, 1950014002033, 1950014002034, 1950014002035, 1950014002036, 1950014002037, 1950014002038, 1950014002039, 1950014002040, 1950014002041, 1950014002042, 1950014002043, 1950014002044, 1950014002045, 1950014002046, 1950014002047, 1950014002048, 1950014002049, 1950014002050, 1950014002051, 1950014002052, 1950014002053, 1950014002054, 1950014002055, 1950014002056, 1950014002057, 1950014002058, 1950014002059, 1950014002060, 1950014002061, 1950014002062, 1950014002063, 1950014002064, 1950014002065, 1950014002066, 1950014002067, 1950014002068, 1950014002069, 1950014002070, 1950014002071, 1950014002072, 1950014002073, 1950014002074, 1950014002075, 1950014002076, 1950015002000, 1950015002001, 1950015002002, 1950015002013, 1950015002014, 1950015002015, 1950015002017, 1950015002019.

District 03: Beaufort County, Camden County, Carteret County, Chowan County, Craven County, Currituck County, Dare County, Greene County, Hyde County, Jones County, Lenoir County, Onslow County, Pamlico County, Pasquotank County, Perquimans County, Pitt County: VTD 0101, VTD 0200A, VTD 0200B, VTD 0601, VTD 0701, VTD 0800A, VTD 0800B, VTD 0901, VTD 1001, VTD 1101, VTD 1102A, VTD 1102B, VTD 1301, VTD 1402A, VTD 1402B, VTD 1403A, VTD 1403B, VTD 1509: Block(s) 1470001005024, 1470002021024, 1470002021025, 1470002021026, 1470003022017, 1470003022018, 1470003022019, 1470003022020, 1470004003010, 1470004003011, 1470004003012, 1470004003013, 1470004003014, 1470004003016, 1470004003017, 1470004003018, 1470004003019, 1470004003020, 1470004003021, 1470004003022, 1470004003023, 1470004003024, 1470004003025, 1470004003026, 1470004003027, 1470004003028, 1470004003029, 1470004003030, 1470004003031, 1470004004005; VTD 1510A, VTD 1510B, VTD 1511A, VTD 1511B; Tyrrell County.

District 04: Durham County: VTD 33, VTD 35, VTD 53-1, VTD 53-2; Orange County, Wake County: VTD 01-01, VTD 01-02, VTD 01-03, VTD 01-04, VTD 01-05, VTD 01-06, VTD 01-07, VTD 01-09, VTD 01-10, VTD 01-11, VTD 01-12, VTD 01-13, VTD 01-14, VTD 01-15, VTD 01-16, VTD 01-17, VTD 01-18, VTD 01-19, VTD 01-20, VTD 01-21, VTD 01-22, VTD 01-23, VTD 01-25, VTD 01-26, VTD 01-27, VTD 01-28, VTD 01-29, VTD 01-30, VTD 01-31, VTD 01-32, VTD 01-33, VTD 01-34, VTD 01-35, VTD 01-36, VTD 01-37, VTD 01-38, VTD 01-39, VTD 01-40, VTD 01-41, VTD 01-43, VTD 01-44, VTD 01-45, VTD 01-46, VTD 01-48, VTD 01-49, VTD 01-50, VTD 01-51, VTD 04-01, VTD 04-02, VTD 04-03, VTD 04-04, VTD 04-05, VTD 04-06, VTD 04-08, VTD 04-09, VTD 04-10, VTD 04-11, VTD 04-12, VTD 04-13, VTD 04-14, VTD 04-15, VTD 04-16, VTD 04-17, VTD 04-18, VTD 04-19, VTD 04-20, VTD 04-21, VTD 05-01, VTD 05-03, VTD 05-04, VTD 05-05, VTD 05-06, VTD 07-01, VTD 07-02, VTD 07-03, VTD 07-04, VTD 07-05, VTD 07-06, VTD 07-07, VTD 07-09, VTD 07-10, VTD 07-11, VTD 07-12, VTD 07-13, VTD 08-02, VTD 08-03, VTD 08-05, VTD 08-06, VTD 08-09, VTD 08-10, VTD 08-11, VTD 11-01, VTD 11-02, VTD 13-01, VTD 13-02, VTD 13-05, VTD 13-06, VTD 13-07, VTD 13-08, VTD 13-09, VTD 16-02, VTD 16-03, VTD 16-04, VTD 16-05: Block(s) 1830528021031, 1830528023013, 1830528023025, 1830528023026, 1830528024007, 1830528024009, 1830528024011, 1830528024013, 1830528024015, 1830528024016; VTD 16-06, VTD 16-07, VTD 16-08, VTD 17-01, VTD 17-02, VTD 17-03, VTD 17-04, VTD 17-05, VTD 17-07, VTD 17-08, VTD 17-09, VTD 17-10, VTD 17-11, VTD 18-01, VTD 18-06, VTD 18-08, VTD 19-16, VTD 19-17, VTD 20-01, VTD 20-02, VTD 20-03, VTD 20-04, VTD 20-09, VTD 20-10.

District 05: Alexander County, Alleghany County, Ashe County, Avery County, Catawba County: VTD 29: Block(s) 0350103011000, 0350103011003, 0350103011004, 0350103011005, 0350103011006, 0350103011007, 0350103011008, 0350103011009, 0350103011010, 0350103011011, 0350103011012, 0350103011013, 0350103011014, 0350103011015, 0350103011016, 0350103011017, 0350103011018, 0350103011019, 0350103011020, 0350103011021, 0350103011022, 0350103011023, 0350103011024, 0350103011025, 0350103011026, 0350103011027, 0350103011028, 0350103011029, 0350103011030, 0350103011031, 0350103011032, 0350103011033, 0350103011034, 0350103011035, 0350103011036, 0350103011037, 0350103011038, 0350103012000, 0350103012001, 0350103012002, 0350103012003, 0350103012004, 0350103012005, 0350103012006, 0350103012007, 0350103012008, 0350103012009, 0350103012010, 0350103012011, 0350103012012, 0350103012013, 0350103012014, 0350103012015, 0350103012016, 0350103012017, 0350103012018, 0350103012019, 0350103012020, 0350103012021, 0350103012022, 0350103012023, 0350103012024, 0350103012025, 0350103012026, 0350103012027, 0350103012028, 0350103012029, 0350103012030, 0350103012031, 0350103012032, 0350103012033, 0350103012034, 0350103012035, 0350103012036, 0350103012037, 0350103012038, 0350103012039, 0350103012040, 0350103012041, 0350103012042, 0350103012043, 0350103021000, 0350103021001, 0350103021004, 0350103021005, 0350103021006, 0350103021018, 0350103021019, 0350103021020, 0350103021021, 0350103023000, 0350103023001, 0350103023002, 0350103023004, 0350103023005, 0350103023006, 0350103023010, 0350103023011, 0350103023012, 0350103023015, 0350103023016, 0350103023017, 0350103023018, 0350103023022, 0350103032001, 0350103032002, 0350103032003, 0350103032004,

0350103032006, 0350103032014; VTD 38, VTD 39; Forsyth County, Stokes County, Surry County, Watauga County, Wilkes County, Yadkin County.

District 06: Alamance County, Caswell County, Chatham County, Guilford County: VTD CG1, VTD CG2, VTD CG3A, VTD CG3B, VTD G02, VTD G03, VTD G04, VTD G05, VTD G06, VTD G07, VTD G08, VTD G09, VTD G10, VTD G24, VTD G25, VTD G26, VTD G27, VTD G28, VTD G29, VTD G40A2, VTD G68, VTD G71: Block(s) 0810110001038, 0810110001039, 0810110001053, 0810110001054, 0810110001058, 0810111011003, 0810111011004, 0810111011005, 0810111011006, 0810111011007, 0810111011008, 0810111011009, 0810111011010, 0810111011011, 0810111011013, 0810111011014, 0810111011015, 0810111011016, 0810111011017, 0810111011018, 0810111011019, 0810111011020, 0810111011021, 0810111011022, 0810111011023, 0810111011024, 0810111012000, 0810111012001, 0810111012002, 0810111012003, 0810111012004, 0810111012005, 0810111012006, 0810111012007, 0810111012008, 0810111012009, 0810111012010, 0810111012011, 0810111012012, 0810111012013, 0810111012014, 0810111012015, 0810111012016, 0810111012017, 0810111012018, 0810111012019, 0810111012020, 0810111012021, 0810111012022, 0810111012023, 0810111012024, 0810111012025, 0810111012026, 0810111012027, 0810111012028, 0810111012029, 0810111012030, 0810111012031, 0810111012032, 0810111012033, 0810111012034, 0810111012035, 0810111012036, 0810111012037, 0810111012039, 0810111012040, 0810111012041, 0810127072022, 0810128032015, 0810128032016, 0810128032017, 0810128032018, 0810128032019; VTD G72, VTD GIB, VTD GR, VTD JEF1, VTD JEF2, VTD JEF3, VTD JEF4, VTD MON1, VTD MON2, VTD MON3, VTD NCGR1, VTD NCGR2, VTD NCLAY2, VTD NMAD, VTD NWASH, VTD OR1, VTD OR2, VTD RC1, VTD RC2, VTD SCLAY, VTD SF1, VTD SF2, VTD SF3, VTD SF4, VTD SMAD, VTD STOK, VTD SWASH; Lee County, Person County, Randolph County, Rockingham County.

District 07: Bladen County: VTD P25: Block(s) 0179506004038, 0179506004039, 0179506005007, 0179506005008, 0179506005009, 0179506005010, 0179506005011, 0179506005012, 0179506005013, 0179506005014, 0179506005015, 0179506005016, 0179506005017, 0179506005018, 0179506005022, 0179506005038, 0179506005039, 0179506005040, 0179506005041, 0179506005043, 0179506005044, 0179506005045, 0179506005046, 0179506005048, 0179506005049, 0179506005050, 0179506005051, 0179506005052, 0179506005054, 0179506005055, 0179506005056, 0179506005057, 0179506005058, 0179506005059, 0179506005060, 0179506005061, 0179506005062, 0179506005063, 0179506006000, 0179506006001, 0179506006002, 0179506006003, 0179506006004, 0179506006005, 0179506006006, 0179506006007, 0179506006010, 0179506007012; VTD P30, VTD P502, VTD P55, VTD P65, VTD P75; Brunswick County, Columbus County, Duplin County, Johnston County: VTD PR01, VTD PR02, VTD PR03, VTD PR04, VTD PR06, VTD PR07, VTD PR08, VTD PR13, VTD PR14, VTD PR15, VTD PR16, VTD PR17, VTD PR18, VTD PR22, VTD PR23, VTD PR26: Block(s) 1010406001000, 1010406001001, 1010406001002, 1010406001003, 1010406001004, 1010406001005, 1010406001006, 1010406001007, 1010406001008, 1010406001009, 1010406001010, 1010406001011, 1010406001012, 1010406001013, 1010406001014, 1010406001015, 1010406001017, 1010406001018, 1010406001019, 1010406001020, 1010406001021, 1010406001022, 1010406001023, 1010406001024, 1010406001025, 1010406001026, 1010406001027, 1010406001028, 1010406001029, 1010406001030, 1010406001031, 1010406001032, 1010406001033, 1010406001034, 1010406002001, 1010406002002, 1010406002003, 1010406002004, 1010406002005, 1010406002006, 1010406002007, 1010406002008, 1010406002009, 1010406002010, 1010406002011, 1010406002012, 1010406002013, 1010406002014, 1010406002015, 1010406002016, 1010406002017, 1010406002018, 1010406002019, 1010406002020, 1010406002021, 1010406002022, 1010406002023, 1010406002025, 1010406002026, 1010406002027, 1010406002028, 1010406002029, 1010406002030, 1010406002031, 1010406002032, 1010406002037, 1010406002038, 1010406002039, 1010406003000, 1010406003001, 1010406003002, 1010406003003, 1010406003004, 1010406003005, 1010406003006, 1010406003007, 1010406003008, 1010406003009, 1010406003010, 1010406003011, 1010406003012, 1010406003013, 1010406003014, 1010406003015, 1010406003016, 1010406003017, 1010406003018, 1010406003019, 1010406003020, 1010406003021, 1010406003022, 1010406003032, 1010406003033, 1010406003034, 1010406003035,

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 Hanover County, Pender County, Sampson County, Wayne County.

District 08: Cabarrus County, Cumberland County: VTD AH49, VTD CC03, VTD CC04,
 VTD CC06, VTD CC07, VTD CC08: Block(s) 0510007021000, 0510007021001,
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 CC21, VTD CC24, VTD CC25, VTD CC26, VTD CC27, VTD CC29, VTD CC31, VTD
 CC32, VTD CC33, VTD CC34, VTD CL57, VTD CU02, VTD G10, VTD G11, VTD G2,
 VTD G4, VTD G5, VTD G7, VTD G8, VTD LI65, VTD LR63, VTD MB62, VTD MR02;
 Hoke County, Montgomery County, Moore County, Rowan County: VTD 01, VTD 02,
 VTD 03, VTD 04, VTD 05, VTD 06, VTD 08, VTD 09, VTD 10, VTD 13, VTD 14, VTD
 15, VTD 16, VTD 17, VTD 18, VTD 19, VTD 20, VTD 22, VTD 23, VTD 25, VTD 26,
 VTD 28: Block(s) 1590507001000, 1590507001001, 1590507001002, 1590507001004,
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1590508004034, 1590508004042; VTD 30, VTD 31, VTD 33, VTD 44, VTD 46; Stanly County.

District 09: Anson County, Bladen County: VTD P10, VTD P15, VTD P201, VTD P202, VTD P25; Block(s) 0179506005064, 0179506005065, 0179506006008, 0179506006009, 0179506006011, 0179506006012, 0179506006013, 0179506006014, 0179506006015, 0179506006016, 0179506006017, 0179506006018, 0179506006019, 0179506006020, 0179506006021, 0179506006022, 0179506006023, 0179506006024, 0179506006025, 0179506006026, 0179506006027, 0179506006028, 0179506006029, 0179506006030, 0179506006031, 0179506006032, 0179506006033, 0179506006034, 0179506006035, 0179506006036, 0179506006037, 0179506006038, 0179506006039, 0179506006040, 0179506006041, 0179506006042, 0179506006043, 0179506006044, 0179506006045, 0179506006046, 0179506006047, 0179506006048, 0179506006049, 0179506006050, 0179506006051, 0179506006052, 0179506006053, 0179506006054, 0179506006055, 0179506006056, 0179506006057, 0179506006058, 0179506006059, 0179506006060, 0179506006061, 0179506006062, 0179506006063, 0179506006064, 0179506006065, 0179506006066, 0179506006067, 0179506007000, 0179506007003, 0179506007004, 0179506007011, 0179506007029, 0179506007030, 0179506007060, 0179506007061, 0179506007062, 0179506007063, 0179506007064, 0179506007065, 0179506007066, 0179506007067, 0179506007068, 0179506007069, 0179506007070, 0179506007071, 0179506007072, 0179506007073, 0179506007074, 0179506007075, 0179506007076, 0179506007077, 0179506007078, 0179506007082, 0179506007083, 0179506007084, 0179506007085, 0179506007086, 0179506007087, 0179506007088, 0179506007089; VTD P35, VTD P40, VTD P45, VTD P501, VTD P60, VTD P70, VTD P80; Cumberland County: VTD AL51, VTD CC01, VTD CC05, VTD CC08; Block(s) 0510007021019, 0510007021022, 0510007021023, 0510007021024, 0510007021025, 0510007022000, 0510007022001, 0510007022009, 0510007022012, 0510008003029, 0510008003037; VTD CC16, VTD EO61-1, VTD EO61-2, VTD G1, VTD G3, VTD G6, VTD G9, VTD SH77; Mecklenburg County: VTD 001, VTD 002; Block(s) 1190026001002, 1190026001003, 1190026001004, 1190026001005, 1190026001011, 1190026001012, 1190026001013, 1190026001014, 1190026001015, 1190026001016, 1190026001017, 1190026001018, 1190026001019, 1190026001020; VTD 008, VTD 018, VTD 019, VTD 032, VTD 048, VTD 057, VTD 069, VTD 070, VTD 071, VTD 072, VTD 073, VTD 074, VTD 075, VTD 076, VTD 086, VTD 090, VTD 091, VTD 092, VTD 093, VTD 096, VTD 100, VTD 101, VTD 103, VTD 110, VTD 111, VTD 112, VTD 113, VTD 114, VTD 118, VTD 119, VTD 121, VTD 131, VTD 136, VTD 137, VTD 139.1, VTD 144, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 226, VTD 227, VTD 232, VTD 233, VTD 236; Richmond County, Robeson County, Scotland County, Union County.

District 10: Buncombe County: VTD 01.1, VTD 02.1, VTD 03.1, VTD 06.1, VTD 07.1, VTD 09.1, VTD 10.1, VTD 100.1, VTD 102.1, VTD 103.1, VTD 104.1, VTD 11.1, VTD 12.1, VTD 14.2; Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031, 0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002, 0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008, 0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002, 0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007, 0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012, 0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017, 0210011001018, 0210011001019, 0210011001020, 0210011001027, 0210011001028, 0210011001029, 0210011001031, 0210011001035, 0210011001037, 0210011001038, 0210011001039, 0210014001002, 0210014001003, 0210014001009, 0210014001012, 0210014001014, 0210014001016, 0210014001017, 0210014001018, 0210014001019, 0210014001020, 0210014001021, 0210014001022, 0210014001023, 0210014001024, 0210014001025, 0210014001026, 0210014001027, 0210014001028, 0210014001029, 0210014001030, 0210014001031, 0210014001032, 0210014001033, 0210014001034, 0210014001035, 0210014001036, 0210014002000, 0210014002001, 0210014002002, 0210014002003, 0210014002004, 0210014002005, 0210014002006, 0210014002007, 0210014002008, 0210014003011, 0210014003012, 0210014003014, 0210014003015, 0210014003016, 0210014003019, 0210014003025, 0210014003026, 0210014003027, 0210014003030, 0210014003031, 0210014003032; VTD 17.1, VTD 19.1, VTD 20.1, VTD 25.1, VTD 28.1, VTD 32.1, VTD 33.2, VTD 33.3, VTD 34.1, VTD 35.1, VTD 36.1, VTD

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District 11: Buncombe County: VTD 04.1, VTD 05.1, VTD 101.1, VTD 105.1, VTD 106.1, VTD 107.1, VTD 13.1, VTD 14.2; Block(s) 0210011001023, 0210011001030, 0210011001036; VTD 15.1, VTD 24.1, VTD 26.1, VTD 30.1, VTD 31.1, VTD 41.1, VTD 44.1, VTD 45.1, VTD 46.1, VTD 47.1, VTD 48.1, VTD 49.1, VTD 50.1, VTD 52.1, VTD

53.1, VTD 58.1, VTD 59.1, VTD 63.1, VTD 67.1, VTD 68.1, VTD 69.1, VTD 70.1, VTD 71.1; Burke County, Caldwell County, Cherokee County, Clay County, Graham County, Haywood County, Henderson County, Jackson County, Macon County, Madison County, McDowell County, Mitchell County, Swain County, Transylvania County, Yancey County.

District 12: Mecklenburg County: VTD 002: Block(s) 1190024001000, 1190024001001, 1190024001002, 1190024001003, 1190024001004, 1190024001005, 1190024001006, 1190024001007, 1190024001009, 1190024001010, 1190024001011, 1190024001012, 1190024001013, 1190024001014, 1190024001015, 1190024001016, 1190024001017, 1190024001018, 1190024001019, 1190024002000, 1190024002001, 1190024002002, 1190024002003, 1190024002004, 1190024002005, 1190024002006, 1190024002007, 1190024002008, 1190024002009, 1190024002010, 1190024002011, 1190024002012, 1190024003000, 1190024003001, 1190024003002, 1190024003003, 1190024003004, 1190024003007, 1190024003008, 1190024003018, 1190025001013, 1190025001014, 1190025001015, 1190025001016, 1190025001017, 1190025001018, 1190025001019, 1190025001020, 1190025002027, 1190025002029, 1190025002030, 1190025002031, 1190025002032, 1190025002041, 1190025002042, 1190025002043, 1190026001000, 1190026001001, 1190026001006, 1190026001007, 1190026001008, 1190026001009, 1190026001010, 1190026001021, 1190026001022, 1190026001023, 1190026001024, 1190026001025, 1190026001026, 1190026001027, 1190026001028, 1190026001029, 1190026001030, 1190026001032; VTD 003, VTD 004, VTD 005, VTD 006, VTD 007, VTD 009, VTD 010, VTD 011, VTD 012, VTD 013, VTD 014, VTD 015, VTD 016, VTD 017, VTD 020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 026, VTD 027, VTD 028, VTD 029, VTD 030, VTD 031, VTD 033, VTD 034, VTD 035, VTD 036, VTD 037, VTD 038, VTD 039, VTD 040, VTD 041, VTD 042, VTD 043, VTD 044, VTD 045, VTD 046, VTD 047, VTD 049, VTD 050, VTD 051, VTD 052, VTD 053, VTD 054, VTD 055, VTD 056, VTD 058, VTD 059, VTD 060, VTD 061, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 067, VTD 068, VTD 077, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 082, VTD 083, VTD 084, VTD 085, VTD 087, VTD 088, VTD 089, VTD 094, VTD 095, VTD 097, VTD 098, VTD 099, VTD 102, VTD 104, VTD 105, VTD 106, VTD 107.1, VTD 108, VTD 109, VTD 115, VTD 116, VTD 117, VTD 120, VTD 122, VTD 123, VTD 124, VTD 125, VTD 126, VTD 127, VTD 128, VTD 129, VTD 130, VTD 132, VTD 133, VTD 134, VTD 135, VTD 138, VTD 140, VTD 141, VTD 142, VTD 143, VTD 145, VTD 146, VTD 147, VTD 148, VTD 149, VTD 150, VTD 151, VTD 200, VTD 201, VTD 202, VTD 203, VTD 204.1, VTD 205, VTD 206, VTD 207, VTD 208, VTD 209, VTD 210, VTD 211, VTD 212, VTD 213, VTD 214, VTD 222, VTD 223.1, VTD 224, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 234, VTD 235, VTD 237, VTD 238.1, VTD 239, VTD 240, VTD 241, VTD 242, VTD 243.

District 13: Davidson County, Davie County, Guilford County: VTD FEN1, VTD FEN2, VTD FR1, VTD FR2, VTD FR3, VTD FR4, VTD FR5, VTD G01, VTD G11, VTD G12, VTD G13, VTD G14, VTD G15, VTD G16, VTD G17, VTD G18, VTD G19, VTD G20, VTD G21, VTD G22, VTD G23, VTD G30, VTD G31, VTD G32, VTD G33, VTD G34, VTD G35, VTD G36, VTD G37, VTD G38, VTD G39, VTD G40A1, VTD G40B, VTD G41, VTD G42, VTD G43, VTD G44, VTD G45, VTD G46, VTD G47, VTD G48, VTD G49, VTD G50, VTD G51, VTD G52, VTD G53, VTD G54, VTD G55, VTD G56, VTD G57, VTD G58, VTD G59, VTD G60, VTD G61, VTD G62, VTD G63, VTD G64, VTD G65, VTD G66, VTD G67, VTD G69, VTD G70, VTD G71: Block(s) 0810111012038; VTD G73, VTD G74, VTD G75, VTD H01, VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD H10, VTD H11, VTD H12, VTD H13, VTD H14, VTD H15, VTD H16, VTD H17, VTD H18, VTD H19A, VTD H19B, VTD H20A, VTD H20B, VTD H21, VTD H22, VTD H23, VTD H24, VTD H25, VTD H26, VTD H27, VTD HP, VTD JAM1, VTD JAM2, VTD JAM3, VTD JAM4, VTD JAM5, VTD NCLAY1, VTD NDRI, VTD PG1, VTD PG2, VTD SDRI, VTD SUM1, VTD SUM2, VTD SUM3, VTD SUM4; Iredell County: VTD BA, VTD BE, VTD CC1, VTD CC2, VTD CC3, VTD CC4, VTD CD, VTD CH-A, VTD CH-B, VTD CS, VTD DV1-A, VTD DV1-B, VTD DV2-A, VTD DV2-B, VTD EM, VTD FT: Block(s) 0970612012021, 0970612012022, 0970612012023, 0970612012024, 0970612012025, 0970612012026, 0970612012027, 0970612012028, 0970612012029, 0970612012030, 0970612012031, 0970612013029, 0970612013030, 0970612013031, 0970612013032, 0970612013033, 0970612013034, 0970612013039, 0970612013040, 0970612013041, 0970612013042, 0970612021000,

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 24, VTD 27, VTD 28; Block(s) 1590505001000, 1590505001001, 1590505001004,
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 VTD 34, VTD 35, VTD 36, VTD 38, VTD 39, VTD 40, VTD 41, VTD 42, VTD 45."

SECTION 2. The plan adopted by Section 1 of this act is effective for the elections for the years 2016, 2018, and 2020 unless the United States Supreme Court reverses or stays the decision of the United States District Court for the Middle District of North Carolina holding unconstitutional G.S. 163-201(a) as it existed prior to the enactment of this act (or the decision is otherwise enjoined, made inoperable, or ineffective), and in any such case the prior version of G.S. 163-201(a) is again effective.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of February, 2016.

s/ Tom Apodaca
 Presiding Officer of the Senate

s/ Tim Moore
 Speaker of the House of Representatives

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
COMMON CAUSE, et al.

(b) County of Residence of First Listed Plaintiff District of Columbia County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Edwin M. Speas, Jr. and Caroline P. Mackie. Poyner Spruill LLP,
P.O. Box 1801, Raleigh, NC 27602. (919) 783-6400
espeas@poynerspruill.com / cmackie@poynerspruill.com

DEFENDANTS
ROBERT A. RUCHO, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input checked="" type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
			IMMIGRATION	FEDERAL TAX SUITS	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
Plaintiffs seek a declaration that certain congressional districts are unconstitutional, and further relief.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 08/05/2016 SIGNATURE OF ATTORNEY OF RECORD: /s/ Edwin M. Speas, Jr.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.