

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
Chair of the North Carolina State Board of
Elections, *et al.*,

Defendants,

and

PHILLIP E. BERGER, in his official
capacity as President Pro Tempore of the
Senate, *et. al.*,

Legislative Defendants-Intervenors.

No. 1:18-cv-01034

**PLAINTIFFS' AND DEFENDANTS'
JOINT PROPOSED PRE-TRIAL
STIPULATIONS**

Plaintiffs North Carolina State Conference of the NAACP, Chapel Hill - Carrboro NAACP, Greensboro NAACP, High Point NAACP, Moore County NAACP, Stokes County Branch of the NAACP, and Winston Salem - Forsyth County NAACP (“Plaintiffs”) (collectively, “Plaintiffs”) and State Board of Elections Defendants Alan Hirsch, Jeff Carmon, Stacy “Four” Eggers IV, Kevin Lewis, Sioban Millen (collectively, “State Board Defendants”) and Legislative Defendant-Intervenors Timothy K. Moore and Philip E. Berger (collectively, “Legislative Defendants”) (Plaintiff and Defendants each a “Party” and together the “Parties”), by and through undersigned counsel by and through undersigned counsel stipulate to the matters set forth below (the “Stipulation”). The Parties also have exchanged additional proposed stipulations and are continuing to meet and confer

about those proposed stipulations in an effort to reach agreement. The Parties will submit an amended set of joint proposed stipulations reflecting the results of those efforts no later than April 19, 2024.

The Stipulation will govern the conduct at trial of the Parties, through counsel, representatives, and all witnesses tendered. Should one Party believe that the opposing Party introduced evidence or presented argument at trial that opens the door to argument or evidence that would otherwise be precluded by the Stipulation, that Party will first, to the extent practicable, raise the issue with the opposing Party to determine if the issue can be resolved. If it is not practicable for a Party to first raise the issue with the opposing Party or the Parties are unable to resolve the issue after conferring, then the Party shall approach the Court before seeking to introduce evidence that is otherwise subject to the Stipulation.

By agreeing to any of the stipulated facts set forth below, the Parties do not concede or forfeit the argument that any of these facts are legally relevant to the claims in this case. All Parties may rely on any stipulated fact regardless of the Party proffering the fact.

I. STIPULATIONS AGREED-TO BY THE PARTIES

A. Stipulations of Fact

The Parties stipulate to the following uncontested facts:

1. Forty North Carolina jurisdictions were considered “covered jurisdictions” under Section 5 of the Voting Rights Act in 2013.
2. The North Carolina General Assembly first attempted to pass a voter ID law in 2011, H.B. 351.
3. Governor Beverly Perdue vetoed the 2011 proposed voter ID bill.

4. H.B. 589 was initially introduced on April 4, 2013.
5. As drafted, the first version of H.B. 589 introduced on April 4, 2013, permitted voting using the following forms of identification: (1) An identification card that bears either a date of expiration or a date of issuance and that is not more than 10 years beyond the date of expiration or issuance, whichever is later, issued by a branch, department, agency, or entity of the United States, this State, or any other state, such as any of the following: (a) A North Carolina driver's license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license; (b) A special identification card for nonoperators issued under G.S. 20-37.7; (c) A United States passport; (d) An employee identification; (e) A United States military identification card; (f) An identification card issued by The University of North Carolina and its constituent institutions; (g) An identification card issued by a North Carolina community; (h) An identification card issued to a fireman, EMS, hospital employee, or law enforcement officer. (2) A tribal identification card. (3) An identification card that bears a date of expiration and was not expired on the day the voter reached the age of 70 issued by a branch, department, agency, or entity of the United States, this State, or any other state.
6. The U.S. Supreme Court issued its decision in *Shelby County v. Holder* on June 25, 2013.
7. The version of H.B. 589 reported and adopted by the Senate's Committee on Rules and Operations on July 23, 2013, permitted voting using the following forms of identification: As used in this section, "photo identification" means any one of the following that contains a photograph of the registered voter. In addition, the photo identification shall have a printed expiration date and has not expired, provided that any voter having attained the age of 70 years at the time of presentation at the voting place shall be permitted to present an expired form of any of the following that was unexpired on the voter's 70th birthday. Notwithstanding the previous sentence, in the case of identification under subdivisions (4) through (6) of this subsection, if it does not contain a printed expiration date, it shall be acceptable if it has a printed issuance date that is not more than eight years before it is presented for voting: (1) A North Carolina driver's license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license. (2) A special identification card for nonoperators issued under G.S. 20-37.7. (3) A United States passport. (4) A United States military identification card, except there is no requirement that it have a printed expiration or issuance date. (5) A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities , except

there is no requirement that it have a printed expiration or issuance date. (6) A tribal enrollment card issued by a federally recognized tribe or a tribe recognized by this State under Chapter 71A of the General Statutes. (7) A driver's license or nonoperators identification card issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

8. The North Carolina General Assembly passed H.B. 589 on July 25, 2013.
9. As passed on July 25, 2013, H.B. 589 provided: As used in this section, "photo identification" means any one of the following that contains a photograph of the registered voter. In addition, the photo identification shall have a printed expiration date and shall be unexpired, provided that any voter having attained the age of 70 years at the time of presentation at the voting place shall be permitted to present an expired form of any of the following that was unexpired on the voter's 70th birthday. Notwithstanding the previous sentence, in the case of identification under subdivisions (4) through (6) of this subsection, if it does not contain a printed expiration date, it shall be acceptable if it has a printed issuance date that is not more than eight years before it is presented for voting: (1) A North Carolina driver's license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license. (2) A special identification card for nonoperators issued under G.S. 20-37.7. (3) A United States passport. (4) A United States military identification card, except there is no requirement that it have a printed expiration or issuance date. (5) A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities, except there is no requirement that it have a printed expiration or issuance date. (6) A tribal enrollment card issued by a federally recognized tribe. (7) A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria: a. Is issued in accordance with a process approved by the State Board of Elections that requires an application and proof of identity equivalent to the requirements for issuance of a special identification card by the Division of Motor Vehicles under G.S. 20-7 and G.S. 20-37.7. b. Is signed by an elected official of the tribe. (8) A driver's license or nonoperators identification card issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.
10. The following individual legislators in the House, all Republicans, voted in favor of H.B. 589 in vote M11 concur: Arp; Avila; Bell, J.; Blackwell; Blust;

Boles; Brawley, R.; Brawley, W.; Brody; Brown, B.; Brown, R.; Bryan; Bumgardner; Burr; Catlin; Collins; Conrad; Daughtry; Davis; Dixon; Dollar; Elmore; Faircloth; Ford; Fulghum; Hager; Hardister; Hastings; Hollo; Holloway; Horn; Hurley; Iler; Jeter; Johnson; Jones; Jordan; Langdon; Lewis; Malone; Martin, S; McElraft; McGrady; McNeill; Millis; Moffitt; Moore, T.; Murry; Pittman; Presnell; Ramsey; Riddell; Ross, S.; Saine; Samuelson; Schaffer; Setzer; Shepard; Speciale; Stam; Starnes; Steinburg; Stone; Szoka; Tillis (Speaker); Torbett; Turner; Warren, H.; Wells; West; Whitmire; Younts.

11. The following individual legislators in the Senate, all Republicans, voted in favor of H.B. 589 on third reading: Allran; Apodaca (Chair); Barefoot; Barringer; Berger; Bingham; Brock; Brown; Brunstetter; Cook; Curtis; Daniel; Davis, J.; Goolsby; Gunn; Harrington; Hartsell; Hise; Hunt; Jackson; Meredith; Newton; Pate; Rabin; Rabon; Randleman; Rucho; Sanderson; Soucek; Tarte; Tillman; Tucker; Wade.
12. The following individual legislators in the Senate, all Democrats, voted against H.B. 589 on third reading: Blue; Bryant; Clark; Davis, D.; Ford; Graham; Kinnaird; McKissick; McLaurin; Nesbitt; Parmon; Robinson; Stein; Woodard.
13. The following individual legislators in the House, all Democrats, voted against H.B. 589 in vote M11 concur: Adams; Alexander; Baskerville; Bell, L.; Brandon; Carney; Cotham; Cunningham; Earle; Farmer-Butterfield; Fisher; Floyd; Foushee; Gill; Glazier; Goodman; Graham, C.; Graham, G.; Hall, D.; Hall, L.; Hamilton; Hanes; Harrison; Holley; Insko; Jackson; Lucas; Luebke; Martin, G; McManus; Michaux; Mobley; Moore, R.; Pierce; Queen; Richardson; Terry; Tine; Tolson; Waddell; Wilkins.
14. H.B. 589 was challenged in federal court in a lawsuit filed on September 30, 2013, alleging that H.B. 589 violated the Fourteenth and Fifteenth Amendments of the United States Constitution, and the Voting Rights Act (VRA), under the case caption *NAACP v. McCrory*, 1:13-cv-00861-TDS-JEP.
15. On June 22, 2015, the North Carolina General Assembly amended H.B. 589 to include a “reasonable impediment” exception.
16. The Fourth Circuit ordered that certain provisions of H.B. 589 be enjoined in *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016), *cert denied* 137 S. Ct. 1399 (2017).
17. On June 29, 2018, the North Carolina General Assembly ratified H.B. 1092.

18. H.B. 1092 added to the November 6, 2018 election ballot a referendum for a “Constitutional amendment to require voters to provide photo identification before voting in person.”
19. North Carolina held state and local elections on November 6, 2018.
20. On November 6, 2018, voters passed four referenda to amend the Constitution of North Carolina: the amendment referenced in H.B. 1092, the amendment referenced in Marsy’s Law (H.B. 551), the amendment referenced in S.B. 677, and the amendment referenced in S.B. 75.
21. Between November 6, 2018 and January 1, 2019, Republicans held 75 of 120 seats in the North Carolina House of Representatives.
22. Between November 6, 2018 and January 1, 2019, Republicans held more than three-fifths of the total seats in the North Carolina House of Representatives.
23. Between November 6, 2018 and January 1, 2019, Republicans held 35 of 50 seats in the North Carolina Senate.
24. Between November 6, 2018 and January 1, 2019, Republicans held more than three-fifths of the total seats in the North Carolina Senate.
25. Since January 1, 2017, the governor of North Carolina has been Roy Cooper. Governor Cooper has been a member of the Democratic Party since at least January 1, 2017.
26. As a result of the election on November 6, 2018, Republicans lost 10 of the 75 seats they had previously held in the North Carolina House of Representatives to Democratic candidates.
27. As a result of the election on November 6, 2018, Republicans no longer held three-fifths of the seats in the North Carolina House of Representatives on January 1, 2019.
28. As a result of the election on November 6, 2018, Republicans lost 6 of the 35 seats they had previously held in the North Carolina Senate to Democratic candidates.
29. As a result of the election on November 6, 2018, Republicans no longer held three-fifths of the seats in the North Carolina Senate on January 1, 2019.
30. The General Assembly adjourned its regular session on June 29, 2018 and reconvened the regular session on November 27, 2018.

31. House Joint Resolution 1101 provided that, “[d]uring the regular session that convenes on Tuesday, November 27, 2018, the restrictions contained in Section 3.2 of Resolution 2017-12 and the request and filing deadlines in the Permanent Rules of the Senate and the House of Representatives do not apply.”
32. Prior to the November 2018 General Election, a party with a veto-proof majority in the North Carolina General Assembly had never lost that majority while the Governor was a member of a different party.
33. Governor Cooper’s veto of S.B. 824 was the first time in history a Governor of North Carolina vetoed legislation implementing a constitutional amendment since North Carolina Governors received the power to veto acts of the North Carolina Legislature in 1995.
34. During the session reconvened between the November 6, 2018 election and January 1, 2019, the General Assembly acted upon 38 bills and resolutions and passed 10 laws in total.
35. The session reconvened between the November 6, 2018 election and January 1, 2019 did not address the amendment referenced in Marsy’s Law.
36. The implementing legislation for the amendment referenced in Marsy’s Law was passed on August 28, 2019.
37. Under Article II, Section 9 of the North Carolina Constitution, legislators’ terms begin on the first day of the January after their election. The convening date for the 2019 General Assembly was January 9, 2019.
38. North Carolina General Assembly Staff Attorney Jessica Sammons gave a presentation on the initial draft legislation of S.B. 824 to the Joint Elections Oversight Committee on November 26, 2018.
39. The draft language of S.B. 824 was first filed with the Senate Principal Clerk on November 27, 2018.
40. S.B. 824 was introduced in the Senate on November 27, 2018.
41. The primary sponsors of S.B. 824 were Senators Krawiec, Ford, and Daniel.
42. The Joint Elections Oversight Committee received public comment on S.B. 824 at the November 26, 2018 hearing from the 30 people who offered to make public comment at the hearing.

43. The Joint Elections Oversight Committee allocated two minutes for each individual to make public comment on S.B. 824 at the November 26, 2018 hearing.
44. The Committee also accepted written statements and other documents from the speakers and from other members of the public.
45. After S.B. 824 passed its first reading and was reported favorably out of two committees, the Senate held floor debate on November 28, 2018, during which eleven amendments to the bill were proposed and six were adopted.
46. The North Carolina Senate voted in favor of Amendment 1 to S.B. 824 on November 28, 2018 at 4:59 p.m., by a vote of 43-0.
47. The North Carolina Senate voted in favor of tabling Amendment 6 to S.B. 824 on November 28, 2018 by a margin of 29 to 13, with 28 Republicans and 1 Democrat voting aye, and 13 Democrats voting no.
48. The North Carolina Senate did not reconsider Amendment 6 to S.B. 824 after the amendment was tabled.
49. The North Carolina Senate voted in favor of tabling Amendment 7 to S.B. 824 on November 28, 2018 by a margin of 31 to 12, with 29 Republicans and two Democrats voting aye, and 12 Democrats voting no.
50. The North Carolina Senate did not reconsider Amendment 7 to S.B. 824 after the amendment was tabled.
51. The North Carolina Senate did not reconsider Amendment 8 to S.B. 824 after the amendment was tabled.
52. The North Carolina Senate voted in favor of tabling Amendment 9 to S.B. 824 on November 28, 2018 by a margin of 30 to 12, with 29 Republicans and one Democrat voting aye, and 12 Democrats voting no.
53. The North Carolina Senate did not reconsider Amendment 9 to S.B. 824 after the amendment was tabled.
54. The North Carolina Senate voted in favor of Amendment 11 to S.B. 824 on November 28, 2018 at 5:55 p.m., by a vote of 40 to 3.
55. The North Carolina Senate passed S.B. 824 on its Second Reading on November 28, 2018 at 5:56 p.m. after the President called for any further discussion or debate and none was offered. The vote was 32 to 11, with

twenty-nine Republicans and three Democrats voting aye, and eleven Democrats voting no.

56. The North Carolina Senate passed S.B. 824 on its Third Reading on November 29, 2018 by a vote of 30 to 10. Twenty-eight Republicans and two Democrats voted aye, and 10 Democrats voted no.
57. On December 4, 2018, S.B. 824 was placed on the calendar to be considered by the North Carolina House of Representatives.
58. On December 5, 2018, S.B. 824 passed in the North Carolina House of Representatives on its Second Reading on December 5, 2018 at 4:43 p.m. by a vote of 67 to 40. Sixty-five Republicans and two Democrats voted aye, and thirty-nine Democrats and one Republican voted no.
59. S.B. 824 passed in the North Carolina House of Representatives on its Third Reading by a margin of 67 to 40 on December 5, 2018 at 4:44 p.m. by a vote of 67 to 40. Sixty-five Republicans and two Democrats voted aye, and thirty-nine Democrats and one Republican voted no.
60. Discussion and debate on S.B. 824 in committee or on the floor of House of Representatives lasted between 12 and 13 hours.
61. The General Assembly passed S.B. 824 on December 6, 2018.
62. The following individual legislators in the House voted in favor of S.B. 824 on third reading: Adams (R); J. Adcock (R); Arp (R); Blust (R); Boles (R); Brawley (R); Brenden Jones (R); Brisson (R); Brody (R); Bumgardner (R); Burr (R); Clampitt (R); Cleveland (R); Collins (R); Conrad (R); Corbin (R); Davis (R); Destin Hall (R); Dixon (R); Dobson (R); Dollar (R); Duane Hall (D); Dulin (R); Faircloth (R); Ford (R); Fraley (R); Goodman (D); K. Hall (R); Hardister (R); Hastings (R); Henson (R); Horn (R); Howard (R); Hurley (R); Iler (R); Johnson (R); Lambeth (R); Lewis (R); Malone (R); McElraft (R); McGrady (R); McNeill (R); T. Moore (Speaker) (R); Muller (R); Murphy (R); Pittman (R); Potts (R); Presnell (R); Riddell (R); Rogers (R); Ross (R); Saine (R); Sauls (R); Setzer (R); Shepard (R); Speciale (R); Steinburg (R); Stone (R); Strickland (R); Szoka (R); Torbett (R); R. Turner (R); Warren (R); Watford (R); White (R); Yarborough (R); Zachary (R).
63. The following individual legislators in the Senate voted in favor of S.B. 824 on third reading: Alexander (R); Ballard (R); Barefoot (R); Barrett (R); Barringer (R); Berger (R); Bishop (R); Britt (R); Brown (R); Cook (R); Daniel (R); D. Davis (D); J. Davis (R); Dunn (R); Edwards (R); Ford (D); Gunn (R); Hise (R); Horner (R); B. Jackson (R); Krawiec (R); McInnis (R);

Newton (R); Rabin (R); Rabon (R); Randleman (R); Sanderson (R); Sawyer (R); Tillman (R); Wells (R).

64. The following individual legislators in the House voted against S.B. 824 on third reading: G. Adcock (D); Ager (D); Alexander (D); Autry (D); Ball (D); Beasley (D); Belk (D); L. Bell (D); Black (D); Brockman (D); Butler (D); Carney (D); Cunningham (D); Earle (D); Farmer-Butterfield (D); Fisher (D); Floyd (D); Garrison (D); Gill (D); C. Graham (D); Harrison (D); Holley (D); Hunter (D); Insko (D); Jackson (D); John (D); Jordan (R); Lucas (D); G. Martin (D); Michaux (D); Montgomery (D); Morey (D); Pierce (D); Quick (D); Reives (D); B. Richardson (D); Terry (D); B. Turner (D); Willingham (D); Wray (D).
65. The following individual legislators in the Senate voted against S.B. 824 on third reading: Chaudhuri (D); Fitch (D); Foushee (D); Lowe (D); McKissick (D); Robinson (D); Smith (D); Van Duyn (D); Waddell (D); Woodard (D).
66. S.B. 824 was presented to Governor Roy Cooper on December 6, 2018.
67. Governor Cooper vetoed S.B. 824 on December 14, 2018.
68. The North Carolina Senate overrode Governor Cooper's veto by a vote of 33-12 on December 18, 2018.
69. On December 18, 2018, Republicans in the North Carolina Senate voted in favor of overriding Governor Cooper's veto of S.B. 824 by a margin of 32 to 0. Three Republican members were excused absences and did not vote.
70. On December 18, 2018, Democrats in the North Carolina Senate voted against overriding Governor Cooper's veto of S.B. 824 by a margin of 12 to 1. One Democratic Senator was present but did not vote and another was an excused absence and did not vote.
71. On December 19, 2018, the North Carolina House of Representatives voted in favor of overriding Governor Roy Cooper's veto of S.B. 824 by a margin of 72 to 40.
72. On December 19, 2018, Republicans in the North Carolina House of Representatives voted in favor of overriding Governor Cooper's veto of S.B. 824 by a margin of 71 to 0. Two Republican Representatives were present but did not vote and two were excused absences and did not vote.
73. On December 19, 2018, Democrats in the North Carolina House of Representatives voted against overriding Governor Cooper's veto of S.B.

824 by a margin of 40 to 1. Four Democratic Representatives were excused absences and did not vote.

74. The following individual legislators in the House voted in favor of overriding Governor Cooper's veto of S.B. 824: Adams (R); J. Adcock (R); Arp (R); J. Bell (R); Bert Jones (R); Blackwell (R); Blust (R); Boles (R); Boswell (R); Bradford (R); Brawley (R); Brenden Jones (R); Brisson (R); Brody (R); Bumgardner (R); Burr (R); Clampitt (R); Cleveland (R); Collins (R); Conrad (R); Corbin (R); Davis (R); Destin Hall (R); Dixon (R); Dobson (R); Dollar (R); Duane Hall (D); Elmore (R); Faircloth (R); Ford (R); Fraley (R); Grange (R); K. Hall (R); Hardister (R); Hastings (R); Henson (R); Horn (R); Howard (R); Hurley (R); Iler (R); Johnson (R); Jordan (R); Lambeth (R); Lewis (R); Malone (R); McElraft (R); McGrady (R); McNeill (R); T. Moore (Speaker) (R); Muller (R); Murphy (R); Pittman (R); Potts (R); Presnell (R); Riddell (R); Rogers (R); Ross (R); Saine (R); Sauls (R); Setzer (R); Shepard (R); Speciale (R); Steinburg (R); Stevens (R); Stone (R); Strickland (R); Szoka (R); R. Turner (R); Warren (R); Watford (R); White (R); Yarborough (R).
75. The following individual legislators in the Senate voted in favor of overriding Governor Cooper's veto of S.B. 824: Alexander (R); Ballard (R); Barefoot (R); Barrett (R); Barringer (R); Berger (Chair) (R); Bishop (R); Britt (R); Brown (R); Cook (R); Daniel (R); J. Davis (R); Dunn (R); Edwards (R); Ford (D); Gunn (R); Harrington (R); Hise (R); Horner (R); B. Jackson (R); Krawiec (R); Lee (R); McLinis (R); Meredith (R); Newton (R); Rabin (R); Rabon (R); Sanderson (R); Sawyer (R); Tarte (R); Tillman (R); Tucker (R); Wells (R).
76. The following individual legislators in the House voted against overriding Governor Cooper's veto of S.B. 824: G. Adcock (D); Ager (D); Alexander (D); Autry (D); Ball (D); Beasley (D); Belk (D); L. Bell (D); Black (D); Brockman (D); Butler (D); Carney (D); Cunningham (D); Earle (D); Farmer-Butterfield (D); Floyd (D); Garrison (D); Gill (D); C. Graham (D); Harrison (D); Holley (D); Hunter (D); Insko (D); Jackson (D); John (D); Lucas (D); G. Martin (D); Meyer (D); Michaux (D); Montgomery (D); R. Moore (D); Morey (D); Pierce (D); Quick (D); Reives (D); B. Richardson (D); W. Richardson (D); Terry (D); Willingham (D); Wray (D).
77. The following individual legislators in the Senate voted against overriding Governor Cooper's veto of S.B. 824: Chaudhuri (D); Clark (D); D. Davis (D); Fitch (D); Foushee (D); J. Jackson (D); McKissick (D); Robinson (D); Smith (D); Van Duyn (D); Waddell (D); Woodard (D).
78. In the November 2018 General Election, the people of North Carolina adopted a constitutional amendment ("Voter ID Amendment") that provides,

“Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions.” *See 2018 Constitutional Amendments as adopted by the N.C. Constitutional Amendments Publication Commission*, N.C. STATE BD. OF ELECTIONS, <https://bit.ly/3oPBzou>) (DX189).

79. 2,049,121 voters voted for the Voter ID Amendment, while 1,643,983 voters voted against the Voter ID amendment. *See 11/06/2018 Official General Election Results – Statewide*, N.C. STATE BD. OF ELECTIONS, <http://bit.ly/2YHALaC> (DX187).
80. 55.49% of voters voted for the Voter ID Amendment, while 44.51% of voters voted against the Voter ID Amendment. *See 11/06/2018 Official General Election Results – Statewide*, N.C. STATE BOARD OF ELECTIONS, <http://bit.ly/2YHALaC> (DX187).
81. On November 26, 2018, the Joint Elections Oversight Committee held a meeting in which implementation of the Voter ID Amendment was discussed. *See Transcript of November 26, 2018 Joint Elections Oversight Committee (SB 824)* (DX68). On November 27, 2018, Senate Bill 824 (“S.B. 824”) was filed in the North Carolina Senate. *See Senate Bill 824 as Filed* (DX2).
82. S.B. 824’s primary sponsors were Senators Krawiec, Ford, and Daniel. *See Senate Bill 824 as Filed* (DX2).
83. On November 28, 2018, the Senate adopted Senate Amendment A1 to S.B. 824. *See Amendment No. A1 to SB 824 by Sen. Ford* (DX42).
84. Senate Amendment A1 to S.B. 824 was sponsored by Senator Ford. *See Amendment No. A1 to SB 824 by Sen. Ford* (DX42).
85. On November 28, 2018, the Senate adopted Senate Amendment A10 to S.B. 824. *See Amendment No. A10 to SB 824 by Sen. McKissick* (DX46).
86. Senate Amendment A10 was sponsored by Senator McKissick, an African American Democrat. *See Amendment No. A10 to SB 824 by Sen. McKissick* (DX46).
87. On November 28, 2018, the Senate adopted Senate Amendment A11 to S.B. 824. *See Amendment No. A11 to SB 824 by Sen. Clark* (DX47).
88. Amendment Senate A11 was sponsored by Senator Clark, an African American Democrat. *See Amendment No. A11 to SB 824 by Sen. Clark* (DX47).

89. On November 28, 2018, S.B. 824 passed Second Reading in the Senate. *See* Senate Roll Call Vote Transcript for Roll Call #810 re: Second Reading of SB 824 (DX55).
90. Senators Clark, Don Davis, and Ford voted for S.B. 824 on Second Reading in the Senate. *See* Senate Roll Call Vote Transcript for Roll Call #810 re: Second Reading of SB 824 (DX55).
91. Senator Don Davis is an African American Democrat.
92. On November 29, 2018, S.B. 824 passed Third Reading in the Senate by a vote of 30-10. Senate Roll Call Vote Transcript for Roll Call #811 re: Third Reading of SB 824 (DX70).
93. Senators Don Davis and Ford voted for S.B.824 on Third Reading in the Senate. *See* Senate Roll Call Vote Transcript for Roll Call #811 re: Third Reading of SB 824 (DX56).
94. Senator Clark was an excused absence from the vote for S.B. 824 on Third Reading in the Senate. *See* Senate Roll Call Vote Transcript for Roll Call #811 re: Third Reading of SB 824 (DX56).
95. On December 5, 2018, the House adopted House Amendment A1 to S.B. 824. *See* Amendment No. A1 to SB 824 by Rep. Harrison (DX13).
96. House Amendment A1 was sponsored by Representative Harrison, a Democrat. *See* Amendment No. A1 to SB 824 by Rep. Harrison (DX13).
97. On December 5, 2018, the House adopted House Amendment A2 to S.B. 824. *See* Amendment No. A2 to SB 824 by Rep. Beasley (DX14).
98. House Amendment A2 was sponsored by Representative Beasley, an African American Democrat. *See* Amendment No. A2 to SB 824 by Rep. Beasley (DX14).
99. On December 5, 2018, the House adopted House Amendment A4 to S.B. 824. *See* Amendment No. A4 to SB 824 by Rep. Floyd (DX15).
100. House Amendment A4 was sponsored by Representative Floyd, an African American Democrat. *See* Amendment No. A4 to SB 824 by Rep. Floyd (DX15).
101. On December 5, 2018, the House adopted House Amendment A5 to S.B. 824. *See* Amendment No. A5 to SB 824 by Rep. Warren (DX16).

102. House Amendment A5 was sponsored by Representative Warren, a Democrat. *See* Amendment No. A5 to SB 824 by Rep. Warren (DX16).
103. On December 5, 2018, House Amendment A6 to S.B. 824 failed. *See* Amendment No. A6 to SB 824 by Rep. Warren (DX22).
104. House Amendment A6 was sponsored by Representative Warren, a white Republican. *See* Amendment No. A6 to SB 824 by Rep. Warren (DX22).
105. On December 5, 2018, House Amendment A9 to S.B. 824 failed. *See* Amendment No. A9 to SB 824 by Rep. Pittman (DX23).
106. House Amendment A9 was sponsored by Representative Pittman, a white Republican. *See* Amendment No. A9 to SB 824 by Rep. Pittman (DX23).
107. On December 5, 2018, the House adopted House Amendment A11 to S.B. 824. *See* Amendment No. A11 to SB 824 by Rep. C. Graham (DX19).
108. House Amendment A11 was sponsored by Representative Charles Graham, a Native American Democrat. *See* Amendment No. A11 to SB 824 by Rep. C. Graham (DX19).
109. On December 5, 2018, House Amendment A12 to S.B. 824 failed. *See* Amendment No. A12 to SB 824 by Rep. Pittman (DX24).
110. House Amendment A12 was sponsored by Representative Pittman, a white Republican. *See* Amendment No. A12 to SB 824 by Rep. Pittman (DX24).
111. Democrats sponsored a total of thirteen non-withdrawn amendments to S.B. 824. *See* DX13, DX14, DX15, DX19, DX21, DX25, DX42, DX46, DX47, DX48, DX49, DX50, DX51.
112. Seven amendments to S.B. 824 sponsored by Democrats were adopted. *See* DX13, DX14, DX15, DX19, DX42, DX46, DX47.
113. One Democrat-sponsored amendment to S.B. 824 that was not adopted, Senate Amendment A6, dealt with the use of free county board of elections voter IDs for non-voting purposes. *See* Amendment No. A6 to SB 824 by Sen. Clark (DX22).
114. One Democrat-sponsored amendment to S.B. 824 that was not adopted, Senate Amendment A7, would have delayed the date on which free county board of elections voter IDs became available to voters. *See* Amendment No. A7 to SB 824 by Sen. Van Duyn (DX49).

115. One Democrat-sponsored amendment to S.B. 824 that was not adopted, Senate Amendment A8, would have extended early voting to include the last Saturday before an election. *See* Amendment No. A8 to SB824 (DX50).
116. The General Assembly later enacted, and Governor Cooper signed into law, a bill extending one-stop early voting to include the last Saturday before an election. *See* 2019 N.C. Sess. Laws 239 § 2(a) (DX107); *see also* Amendment No. A8 to SB 824 by Sen. Lowe (DX50).
117. One Democrat-sponsored amendment to S.B. 824 that was not adopted, House Amendment A13, would have added certain public assistance IDs to the list of qualifying voter ID. *See* Amendment No. A13 to SB 824 by Rep. Richardson (DX25).
118. The General Assembly later enacted, and Governor Cooper signed into law, a bill allowing for qualifying federal and state public assistance IDs to be used as qualifying voter ID. *See* N.C. Sess. Laws 2020-17 § 10 (DX78).
119. Republicans sponsored a total of 9 non-withdrawn amendments to S.B. 824. *See* DX16, DX17, DX18, DX22, DX23, DX24, DX43, DX44, DX45).
120. Three amendments to S.B. 824 sponsored by Republicans failed. *See* DX22, DX23, DX24.
121. On December 5, 2018, S.B. 824 passed Second Reading in the House by a vote of 67-40. *See* House Roll Call Vote Transcript for Roll Call #1323 re: Second Reading of SB 824 (DX32).
122. Democrat Representatives Duane Hall and Goodman voted for S.B. 824 on Second Reading in the House. *See* House Roll Call Vote Transcript for Roll Call #1323 re: Second Reading of SB 824 (DX32).
123. On December 5, 2018, S.B. 824 passed Third Reading in the House by a vote of 67-40. *See* House Roll Call Vote Transcript for Roll Call #1324 re: Third Reading of SB 824 (DX33).
124. Democrat Representatives Duane Hall and Goodman voted for S.B. 824 on Third Reading in the House. *See* House Roll Call Vote Transcript for Roll Call #1324 re: Third Reading of SB 824 (DX33).
125. On December 6, 2018, the Senate voted to concur in S.B. 824 as amended by the House by a vote of 25-7. *See* Transcript of December 6, 2018 Senate Floor - Concurrence (SB 824) (DX75).

126. Senator Don Davis voted to concur in S.B. 824 as amended by the House. *See Senate Roll Call Vote Transcript for Roll Call #819 (Dec. 6, 2018) (DX26).*
127. Senators Ford and Clark were excused absences in the vote to concur in S.B. 824 as amended by the House. *See Senate Roll Call Vote Transcript for Roll Call #819 (Dec. 6, 2018) (DX26).*
128. On December 18, 2018, the Senate voted to override Governor Cooper's veto of S.B.824 by a vote of 33-12. *See Senate Roll Call Vote Transcript for Roll Call #824 re: Motion 11 Veto Override of SB 824 (DX67).*
129. On December 18, 2018, the House voted to override Governor Cooper's veto of S.B.824 by a vote of 72-40. *House Roll Call Vote Transcript for Roll Call #1354 re: Veto Override of SB 824 (DX41).*
130. Democrat Representative Duane Hall voted to override Governor Cooper's veto. *See House Roll Call Vote Transcript for Roll Call #1354 re: Veto Override of SB 824 (DX41).*
131. Representative Goodman was an excused absence on the vote to override Governor Cooper's veto. *See House Roll Call Vote Transcript for Roll Call #1354 re: Veto Override of SB 824 (DX41).*
132. Discussion and debate on S.B. 824 in committee or on the floor of the House lasted nearly thirteen hours. *See Transcript of December 4, 2018 House Rules Committee (SB824) (DX73); Transcript of House Elections Committee (SB 824) (DX72); Transcript of November 26, 2018 Joint Elections Oversight Committee (SB 824) (DX68); Transcript of December 5, 2018 House Floor Audio - 2nd and 3rd Reading (SB 824) (DX74); Transcript of December 4, 2018 House Elections and Ethics Committee (SB 824) (DX72).* After the exchanged recounted in the preceding four stipulations, there were no additional amendments to S.B. 824 proposed that would have added public assistance ID to the list of acceptable voter ID. *See Transcript of December 5, 2018 House Floor Audio - 2nd and 3rd Reading (SB 824) (DX74).*
133. On March 13, 2019, the General Assembly passed S.B. 214. *See Senate Bill 214 Version 4 (Final Enacted Law) (Mar. 13, 2019), <https://bit.ly/3trfWhM>) (DX183).*
134. On March 14, 2019, Governor Cooper signed S.B. 214 into law. *See Senate Bill 214 Version 4 (Final Enacted Law) (Mar. 13, 2019), <https://bit.ly/3trfWhM>) (DX183).*

135. S.B. 214 amended S.B. 824 by postponing enforcement of voter ID to the 2020 elections while providing that “all implementation and educational efforts . . . shall continue.” *See* Senate Bill 214 Version 4 (Final Enacted Law) (Mar. 13, 2019), <https://bit.ly/3trfWhM> (DX183).
136. On May 28, 2019, the General Assembly passed H.B. 646. *See* Session Law 2019-22, House Bill 646 (DX108).
137. On June 3, 2019, Governor Cooper signed H.B. 646 into law. *See* Session Law 2019-22, House Bill 646 (DX108).
138. H.B. 646 amended S.B. 824 to increase the time during which educational institutions and government employees can have their ID approved to qualify as voter ID and relaxed approval requirements. *See* Session Law 2019-22, House Bill 646 (DX108).
139. On October 29, 2019, the General Assembly passed S.B. 683. *See* Senate Bill 683 Version 8 (Final Enacted Law) (Nov. 6, 2019) (DX107).
140. On November 6, 2019, Governor Cooper signed S.B. 683 into law. *See* Senate Bill 683 Version 8 (Final Enacted Law) (Nov. 6, 2019) (DX107).
141. S.B. 683 amended S.B. 824 by changing the reasonable impediment process for absentee ballots. *See* Senate Bill 683 Version 8 (Final Enacted Law) (Nov. 6, 2019) (DX107).
142. S.B. 683 appropriated additional funding to the State Board of Elections to implement voter ID. *See* Senate Bill 683 Version 8 (Final Enacted Law) (Nov. 6, 2019) (DX107).
143. On June 11, 2020, the General Assembly passed H.B. 1169 by a vote of 37-12 in the Senate and 105-14 in the House. *See* Senate Roll Call Vote Transcript for Roll Call #727 re: Third Reading (HB 1169) (DX105); House Roll Call Vote Transcript for Roll Call #959 re: M11 Concur (HB 1169) (DX106).
144. On June 12, 2020, Governor Cooper signed H.B. 1169 into law. *See* NC Session Law 2020-17, House Bill 1169 (DX78).
145. H.B. 1169 amended S.B. 824 by adding to the list of qualifying voter ID an identification card issued by a department, agency, or entity of the United States government or this State for a government program of public assistance. *See* NC Session Law 2020-17, House Bill 1169 (DX78).

Dated: April 15, 2024

Respectfully submitted,

By: /s/ Kathleen E. Roblez

Caitlin A. Swain

NC Bar No. 57042

Kathleen E. Roblez

NC Bar No. 57039

Ashley Mitchell

NC Bar No. 56889

FORWARD JUSTICE

P.O. Box 1932

Durham, NC 27721

Phone: (919) 323-3889

cswain@forwardjustice.org

kroblez@forwardjustice.org

amitchell@forwardjustice.org

By: /s/ Penda D. Hair

Penda D. Hair

DC Bar No. 335133

FORWARD JUSTICE

P.O. Box 42521

Washington, DC 20015

Phone: (202) 256-1976

phair@forwardjustice.org

By: /s/ Irving Joyner

Irving Joyner

NC State Bar No. 7830

P.O. Box 374

Cary, NC 27512

Phone: (919) 319-8353

ijoyner@nccu.edu

By: /s/ Preston Smith

Preston Smith
D.C. Bar No. 1002179
Jeremy C. Karpatkin
D.C. Bar No. 980263
John Freedman
D.C. Bar No. 453075
**ARNOLD & PORTER KAYE
SCHOLER LLP**
601 Massachusetts Avenue, NW
Washington, DC 20001-3743
Phone: (202) 942-6603
Jeremy.Karpatkin@arnoldporter.com

Counsel for Plaintiffs

By: /s/ Nicole J. Moss

Nicole J. Moss (State Bar No. 31958)
COOPER AND KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 220-9600
Fax: (202) 220-9601
nmoss@cooperkirk.com

*Local Civil Rule 83.1 Counsel for
Legislative Defendants*

/s/ David H. Thompson

Peter A. Patterson
Clark L. Hildabrand
Kate Hardiman
COOPER AND KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 220-9600
Fax: (202) 220-9601
dthompson@cooperkirk.com

Counsel for Legislative Defendants

JOSHUA H. STEIN
Attorney General

By: /s/ Terence Steed

Terence Steed
Special Deputy Attorney General
N.C. State Bar No. 52809
E-Mail: tsteed@ncdoj.gov

Mary Carla Babb
Special Deputy Attorney General
N.C. State Bar No. 25731
mcbabb@ncdoj.gov

Laura McHenry
Special Deputy Attorney General
N.C. State Bar No. 45005
lmchenry@ncdoj.gov

N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27602
Telephone: (919) 716-6567
Facsimile: (919) 716-6763

Counsel for the State Board Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing PLAINTIFFS' AND DEFENDANTS' JOINT PROPOSED PRE-TRIAL STIPULATIONS with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This, the 15th day of April 2024.

/s/ Kathleen E. Roblez
Kathleen E. Roblez

RETRIEVED FROM DEMOCRACYDOCKET.COM