

FILED

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

COUNTY OF WAKE

2021 DEC 17 P 12:37
SUPERIOR COURT DIVISION
21 CVS 015426

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

REBECCA HARPER, et al.,

Plaintiffs,

Consolidated with
21 CVS 500085

vs.

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

Defendants.

LEGISLATIVE DEFENDANTS' ANSWER TO VERIFIED COMPLAINT FILED BY
REBECCA HARPER, ET AL.

Defendants Representative Destin Hall, in his official capacity as Chair of the House Standing Committee on Redistricting; Senators Warren Daniel, Ralph E. Hise, Jr., and Paul Newton, in their official capacities as Co-Chairmen of the Senate Standing Committee on Redistricting and Elections; Representative Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives; and Senator Philip E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate (collectively, "Legislative Defendants"), by and through counsel, and answer the Amended Complaint of Plaintiffs Rebecca Harper, et al. as follows:

INTRODUCTION

In their Verified Complaint (filed in 21 CVS 500085, which is now consolidated with 21 CVS 015426), Rebecca Harper and 25 other individual plaintiffs challenge the redistricting maps recently enacted by the North Carolina General Assembly—the maps for the U.S. Congress (the “Enacted Congressional Plan”), the North Carolina Senate (the “Enacted Senate Plan”), and the North Carolina House of Representatives (the “Enacted House Plan”) (collectively, the “Enacted Plans”), on various grounds under the North Carolina State Constitution. Legislative Defendants deny that the Enacted Plans suffer from any constitutional infirmities.

FIRST DEFENSE

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

SECOND DEFENSE

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

THIRD DEFENSE

Plaintiffs are asking this Court to create districts that elect Democratic candidates by removing Republican voters from districts where those voters currently elect a Republican candidate and “packing” them in other districts that already elect Republican candidates. Under

plaintiffs' standardless and politically biased theory of liability, doing so will violate the First and Fourteenth Amendments to the United States Constitution and Article I, Secs. 10, 12, 14, and 19 of the North Carolina Constitution.

FOURTH DEFENSE

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

FIFTH DEFENSE

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

SIXTH DEFENSE

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

SEVENTH DEFENSE

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

EIGHTH DEFENSE

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

NINTH DEFENSE

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

TENTH DEFENSE

The constitutional authority to draw state senate and state house districts has been reserved by the People to the General Assembly, subject to the express limitations found only in Article II, Secs. 2, 3, 4, and 5 of the North Carolina Constitution. The 2021 legislative redistricting plans fully comply with these provisions of the State Constitution.

ELEVENTH DEFENSE

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

TWELFTH DEFENSE

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

THIRTEENTH DEFENSE

Plaintiffs do not have standing to bring this action because the claims raised by Plaintiffs are non-justiciable and should be dismissed pursuant to Rule 12(b)(1), N.C.R. Civ. P.

FOURTEENTH DEFENSE

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

FIFTEENTH DEFENSE

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

SIXTEENTH DEFENSE

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

1. With regard to the allegations in paragraph 1, Legislative Defendants admit that the cited cases and other sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 1.

2. With regard to the allegations in paragraph 2, Legislative Defendants admit that the cited cases and other sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 2.

3. With regard to the allegations in paragraph 3, Legislative Defendants admit that the cited cases and other sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 3.

4. Legislative Defendants deny the allegations of paragraph 4.

5. Legislative Defendants deny the allegations of paragraph 5.

6. Legislative Defendants deny the allegations of paragraph 6.

7. Legislative Defendants deny the allegations of paragraph 7.

8. With regard to the allegations in paragraph 8, Legislative Defendants admit that the cited cases and other sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 8.

9. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 9.

10. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 10.

11. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 11.

12. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 12.

13. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 13.

14. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 14.

15. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 15.

16. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 16.

17. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 17.

18. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18.

19. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 19.

20. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20.

21. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 21.

22. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22.

23. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23.

24. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 24.

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

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

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

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

29. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 29.

30. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 30.

31. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 31.

32. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 32.

33. Legislative Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 33.

34. Legislative Defendants admit the allegations of paragraph 34.

35. Legislative Defendants admit the allegations of paragraph 35.

36. Legislative Defendants admit the allegations of paragraph 36.

37. Legislative Defendants admit the allegations of paragraph 37.

38. Legislative Defendants admit the allegations of paragraph 38.

39. Legislative Defendants admit the allegations of paragraph 39.
40. Legislative Defendants admit the allegations of paragraph 40.
41. Legislative Defendants admit the allegations of paragraph 41.
42. Legislative Defendants admit the allegations of paragraph 42.
43. Legislative Defendants admit the allegations of paragraph 43.
44. Legislative Defendants deny the allegations in paragraph 44.
45. Legislative Defendants admit the allegations of paragraph 45.
46. Legislative Defendants deny the allegations in paragraph 46.
47. Legislative Defendants admit the allegations in paragraph 47.
48. Legislative Defendants admit the allegations in paragraph 48.
49. With regard to the allegations in paragraph 49, Legislative Defendants admit that North Carolina's historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 49.
50. With regard to the allegations in paragraph 50, Legislative Defendants admit that North Carolina's historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 50.
51. Legislative Defendants deny the allegations in paragraph 51.
52. With regard to the allegations in paragraph 52, Legislative Defendants admit that RSLC undertook a plan named "REDMAP," that there was a REDMAP website, and that the contents of the website speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 52.
53. Legislative Defendants deny the allegations in paragraph 53.

54. With regard to the allegations in paragraph 54, Legislative Defendants admit that North Carolina's historical campaign finance records speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 54.

55. With regard to the allegations in paragraph 55, Legislative Defendants admit that North Carolina's historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 55.

56. Legislative Defendants admit the allegations in paragraph 56.

57. Legislative Defendants admit the allegations in paragraph 57.

58. With regard to the allegations in paragraph 58, Legislative Defendants admit that the Dr. Hofeller did not communicate with Democratic members of the General Assembly during the 2011 redistricting process. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 58.

59. With regard to the allegations in paragraph 59, Legislative Defendants admit that the cited source and case speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 59.

60. With regard to the allegations in paragraph 60, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 60.

61. With regard to the allegations in paragraph 61, Legislative Defendants admit that it drew remedial maps and that at the time Republicans held supermajorities in both chambers of the General Assembly. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 61.

62. With regard to the allegations in paragraph 62, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 62.

63. With regard to the allegations in paragraph 63, Legislative Defendants admit that on February 12, 2016, Representative Lewis and Senator Rucho were appointed co-chairs of the Joint Select Committee on Redistricting. The Joint Committee consisted of 25 Republicans and 12 Democrats. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 63.

64. With regard to the allegations in paragraph 64, Legislative Defendants admit that the Joint Committee held a public hearing on February 16, 2016. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 64.

65. Legislative Defendants admit the allegations in paragraph 65.

66. Legislative Defendants admit the allegations in paragraph 66.

67. With regard to the allegations in paragraph 67, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 67.

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

69. Legislative Defendants admit the allegations in paragraph 69.

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

71. Legislative Defendants admit the allegations in paragraph 71.

72. With regard to the allegations in paragraph 72, Legislative Defendants admit that the voting records maintained by the General Assembly speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 72.

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

74. With regard to the allegations in paragraph 74, Legislative Defendants admit that North Carolina's historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 74.

75. Legislative Defendants deny the allegations in paragraph 75.

76. With regard to the allegations in paragraph 76, Legislative Defendants admit that on August 10, 2017 the House and Senate Redistricting Committees voted on criteria to govern the plans. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 76.

77. With regard to the allegations in paragraph 77, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 77.

78. With regard to the allegations in paragraph 78, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 78.

79. With regard to the allegations in paragraph 79, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 79.

80. With regard to the allegations in paragraph 80, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 80.

81. With regard to the allegations in paragraph 81, Legislative Defendants admit that the Senate and House committees adopted the plans proposed by Dr. Hofeller. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 81.

82. With regard to the allegations in paragraph 82, Legislative Defendants admit that on August 31, 2017, the General Assembly passed the House plan (designated HB 927) and the Senate plan (designated SB 691), that no Democratic Senator voted in favor of either plan, that the sole Democratic member of the House who voted for the plans was Representative William Brisson, and that Brisson subsequently changed parties and became a Republican. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 82.

83. With regard to the allegations in paragraph 83, Legislative Defendants admit that North Carolina's historical election results speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 83.

84. With regard to the allegations in paragraph 84, Legislative Defendants admit that the remedial plans were challenged and invalidated by three-judge panels of this Court. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 84.

85. Legislative Defendants admit the allegations in paragraph 85.

86. With regard to the allegations in paragraph 86, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 86.

87. With regard to the allegations in paragraph 87, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 87.

88. With regard to the allegations in paragraph 88, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 88.

89. With regard to the allegations in paragraph 89, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 89.

90. With regard to the allegations in paragraph 90, Legislative Defendants admit that the cited order speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 90.

91. With regard to the allegations in paragraph 91, Legislative Defendants admit that the cited cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 91.

92. With regard to the allegations in paragraph 92, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 92.

93. With regard to the allegations in paragraph 93, Legislative Defendants admit that on October 30, 2019, Speaker Moore announced the creation of a joint House and Senate Select

Committee to draw a remedial plan, and that the full House and Senate passed the remedial plan, on November 14 and 15, 2019. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 93.

94. With regard to the allegations in paragraph 94, Legislative Defendants admit that the cited order speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 94.

95. With regard to the allegations in paragraph 95, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 95.

96. With regard to the allegations in paragraph 96, Legislative Defendants admit that the Court subsequently lifted the injunction on the filing period. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 96.

97. Legislative Defendants deny the allegations in paragraph 97.

98. With regard to the allegations in paragraph 98, Legislative Defendants admit that the U.S. Census Bureau released data for states to begin redistricting efforts on August 12, 2021, that North Carolina gained a congressional seat following the 2020 census, and that North Carolina's new congressional map accordingly contains 14 congressional districts. Legislative Defendants also admit the 2021 U.S. Census Data speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 98.

99. Legislative Defendants admit the allegations in paragraph 99.

100. With regard to the allegations in paragraph 100, Legislative Defendants admit that the cited source speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 100.

101. Legislative Defendants deny the allegations in paragraph 101.

102. Legislative Defendants deny the allegations in paragraph 102.

103. Legislative Defendants deny the allegations in paragraph 103.

104. Legislative Defendants deny the allegations in paragraph 104.

105. With regard to the allegations in paragraph 105, Legislative Defendants admit that House and Senate Committees scheduled public hearings for October 25 and 26, 2021. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 105.

106. Legislative Defendants deny the allegations in paragraph 106.

107. Legislative Defendants admit the allegations in paragraph 107.

108. Legislative Defendants deny the allegations in paragraph 108.

109. Legislative Defendants deny the allegations in paragraph 109.

110. Legislative Defendants admit the allegations in paragraph 110.

111. With regard to the allegations in paragraph 111, Legislative Defendants admit that the full Senate and House passed the 2021 Congressional Plan on November 2 and November 4, 2021, respectively. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 111.

112. With regard to the allegations in paragraph 112, Legislative Defendants admit that the 2021 House Plan was voted out of the House Committee on November 1 and that the General Assembly enacted the 2021 House Plan on November 4. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 112.

113. With regard to the allegations in paragraph 113, Legislative Defendants admit that the 2021 House Plan was voted out of the House Committee on November 1 and that the General

Assembly enacted the 2021 House Plan on November 4. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 113.

114. Legislative Defendants deny the allegations in paragraph 114.

115. Legislative Defendants deny the allegations in paragraph 115.

116. Legislative Defendants deny the allegations in paragraph 116.

117. Legislative Defendants deny the allegations in paragraph 117.

118. Legislative Defendants deny the allegations in paragraph 118.

119. Legislative Defendants deny the allegations in paragraph 119.

120. With regard to the allegations in paragraph 120, Legislative Defendants admit that Plaintiff's map illustration following paragraph 120 speaks for itself. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the map illustrations, and therefore deny that it "shows the district's boundaries and the partisanship of its VTDs using a composite of the results of the 2020 North Carolina Attorney General and 2020 North Carolina Labor Commissioner races, with darker blue shading for the VTDs that voted more heavily Democratic, darker red for VTDs that voted more heavily Republican, and lighter shading for VTDs that were closer to a tie—with the shading adjusted for the VTD's population."

121. Legislative Defendants deny the allegations in paragraph 121.

122. Legislative Defendants deny the allegations in paragraph 122.

123. Legislative Defendants deny the allegations in paragraph 123.

124. Legislative Defendants deny the allegations in paragraph 124.

125. Legislative Defendants deny the allegations in paragraph 125.

126. Legislative Defendants deny the allegations in paragraph 126.

127. Legislative Defendants deny the allegations in paragraph 127.
128. Legislative Defendants deny the allegations in paragraph 128.
129. Legislative Defendants deny the allegations in paragraph 129.
130. Legislative Defendants deny the allegations in paragraph 130.
131. Legislative Defendants deny the allegations in paragraph 131.
132. Legislative Defendants deny the allegations in paragraph 132.
133. Legislative Defendants deny the allegations in paragraph 133.
134. Legislative Defendants deny the allegations in paragraph 134.
135. Legislative Defendants deny the allegations in paragraph 135.
136. Legislative Defendants deny the allegations in paragraph 136.
137. Legislative Defendants deny the allegations in paragraph 137.
138. Legislative Defendants deny the allegations in paragraph 138.
139. Legislative Defendants deny the allegations in paragraph 139.
140. Legislative Defendants deny the allegations in paragraph 140.
141. Legislative Defendants deny the allegations in paragraph 141.
142. Legislative Defendants deny the allegations in paragraph 142.
143. Legislative Defendants deny the allegations in paragraph 143.
144. Legislative Defendants deny the allegations in paragraph 144.
145. Legislative Defendants deny the allegations in paragraph 145.
146. Legislative Defendants deny the allegations in paragraph 146.
147. Legislative Defendants deny the allegations in paragraph 147.
148. Legislative Defendants deny the allegations in paragraph 148.
149. Legislative Defendants deny the allegations in paragraph 149.

150. Legislative Defendants deny the allegations in paragraph 150.

151. Legislative Defendants deny the allegations in paragraph 151.

152. Legislative Defendants deny the allegations in paragraph 152.

153. Legislative Defendants deny the allegations in paragraph 153.

154. Legislative Defendants deny the allegations in paragraph 154.

155. Legislative Defendants deny the allegations in paragraph 155.

156. With regard to the allegations in paragraph 156, Legislative Defendants admit that Plaintiff's map illustration following paragraph 156 speaks for itself. Legislative Defendants are without knowledge regarding the underlying data and source code used by Plaintiffs to generate the map illustrations, and therefore deny "the alternative grouping of these counties would have given Democrats in heavily Democratic of Bertie, Hertford, Northampton, Halifax, and Warren Counties a meaningful chance of electing a member of their choice."

157. Legislative Defendants deny the allegations in paragraph 157.

158. Legislative Defendants deny the allegations in paragraph 158.

159. Legislative Defendants deny the allegations in paragraph 159.

160. Legislative Defendants deny the allegations in paragraph 160.

161. Legislative Defendants deny the allegations in paragraph 161.

162. Legislative Defendants deny the allegations in paragraph 162.

163. Legislative Defendants deny the allegations in paragraph 163.

164. Legislative Defendants deny the allegations in paragraph 164.

COUNT ONE

165. Legislative Defendants incorporate their responses to paragraphs 1—164 as if fully set out herein.

166. With regard to the allegations in paragraph 166, Legislative Defendants admit that Article I, Section 10 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 166.

167. With regard to the allegations in paragraph 167, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 167.

168. With regard to the allegations in paragraph 168, Legislative Defendants admit that the cited sources speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 168.

169. With regard to the allegations in paragraph 169, Legislative Defendants admit that the cited sources and cases speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 169.

170. With regard to the allegations in paragraph 170, Legislative Defendants admit that the cited order speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 170.

171. With regard to the allegations in paragraph 171, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 171.

172. With regard to the allegations in paragraph 172, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 172.

COUNT TWO

173. Legislative Defendants incorporate their responses to paragraphs 1—172 as if fully set out herein.

174. With regard to the allegations in paragraph 174, Legislative Defendants admit that Article I, Section 19 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 174.

175. With regard to the allegations in paragraph 175, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 175.

176. With regard to the allegations in paragraph 176, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 176.

177. With regard to the allegations in paragraph 177, Legislative Defendants admit that the cited order speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 177.

178. With regard to the allegations in paragraph 178, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 178.

179. With regard to the allegations in paragraph 179, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 179.

COUNT THREE

180. Legislative Defendants incorporate their responses to paragraphs 1—179 as if fully set out herein.

181. With regard to the allegations in paragraph 181, Legislative Defendants admit that Article I, Section 12 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 181.

182. With regard to the allegations in paragraph 182, Legislative Defendants admit that Article I, Section 14 of the North Carolina State Constitution speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 182.

183. With regard to the allegations in paragraph 183, Legislative Defendants admit that the cited order and case speak for themselves. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 183.

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

185. With regard to the allegations in paragraph 185, Legislative Defendants admit that the cited case speaks for itself. Except as specifically admitted herein, Legislative Defendants deny the allegations in paragraph 185.

186. Legislative Defendants deny the allegations in paragraph 186.

187. Legislative Defendants deny the allegations in paragraph 187.

EIGHTEENTH DEFENSE

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

PRAYER FOR RELIEF

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

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

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



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CERTIFICATE OF SERVICE

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

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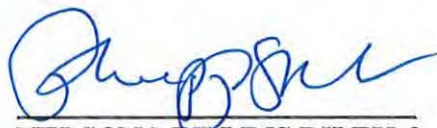
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