

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:23-cv-01104

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

Plaintiffs, )

v. )

PHILIP BERGER, et al., )

Defendants. )

**STATE DEFENDANTS’  
ANSWER**

Defendants, the North Carolina State Board of Elections; its members in their official capacity, Alan Hirsch, Jeff Carmon, Stacy Eggers, IV, Kevin N. Lewis, Siobhan O’Duffy Millen; its Executive Director, Karen Brinson Bell; and the State of North Carolina (collectively, the “State Defendants”), hereby answer Plaintiffs’ Complaint [D.E. 1] as follows:

**NATURE OF THE ACTION**

1. It is admitted that the North Carolina General Assembly enacted legislation in October 2023 which established new state senate, state house, and congressional districts. Otherwise, State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

2. It is admitted that the North Carolina General Assembly enacted legislation in October 2023 which established new state senate, state house, and congressional districts. Otherwise, State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

3. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. The remainder of the allegation is neither admitted nor denied to the extent that the allegation cites legal authority that is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

4. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

5. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory

allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

6. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. The remainder of the allegation is neither admitted nor denied to the extent that the allegation cites legal authority that is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

7. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

### **JURISDICTION AND VENUE**

8. Admitted upon information and belief.

9. Admitted.

10. Admitted upon information and belief.

11. Admitted.

12. Admitted.

13. Admitted upon information and belief.

## **PARTIES**

### *Plaintiffs*

14. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

15. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

16. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

17. State Defendants lack sufficient information to admit or deny the allegations of this paragraph.

18. Admitted to the extent it is alleged that Calvin Jones is a registered voter residing in Norlina, Warren County, whose residence is within N.C. Senate District 2, N.C. House District 27, and Congressional District 1 under the 2023 Plans and was within N.C. House District 27 and Congressional District 1 under the plans used in the 2022 election. Denied to the extent that the paragraph alleges Mr. Jones' residence was within N.C. Senate District 2 under the state senate plan used in the 2022 election. Review of information available through the State Election Information Management System ("SEIMS") indicates that Mr. Jones' residence was within N.C. Senate District 3 under the state senate plan used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

19. Admitted to the extent it is alleged that Corine Mack is a registered voter residing in Charlotte, Mecklenburg County, whose residence is within N.C. Senate District 41 under the 2023 N.C. Senate Plan and was within that same district under the state senate plan used in the 2022 general election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

20. Admitted to the extent it is alleged that Dawn Daly-Mack is a registered voter residing in Gaston, Northampton County, whose residence is within N.C. Senate District 1, N.C. House District 27, and Congressional District 1 under the 2023 Plans and was within N.C. Senate District 3, N.C. House District 27, and Congressional District 1 under the plans used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

21. Admitted to the extent it is alleged that Hollis Briggs is a registered voter residing in Wilmington, New Hanover County, whose residence is within N.C. Senate District 8 under the 2023 N.C. Senate Plan and was within N.C. Senate District 7 under the state senate plan used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

22. Admitted to the extent it is alleged that Mitzi Reynolds Turner is a registered voter residing in High Point, Guilford County, whose residence is within N.C. Congressional District 6 under the 2023 Congressional Plan and was within that same district under the congressional plan used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

23. Admitted to the extent it is alleged that Joan Chavis is a registered voter

residing in Fuquay-Varina, Wake County, whose residence is within N.C. House District 37 under the 2023 N.C. House Plan and was within that same district under the state house plan used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

24. Admitted to the extent it is alleged that Linda Sutton is a registered voter residing in Winston-Salem, Forsyth County, whose residence is within N.C. House District 71 under the 2023 N.C. House Plan. State Defendants are unable to confirm whether the residence was within N.C. House District 71 under the state house plan used in the 2022 election as, upon information and belief, there are two registered voters with the name Linda Sutton in Forsyth County. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

25. Admitted to the extent it is alleged that Syene Jasmin is a registered voter residing in Winterville, Pitt County, whose residence is within in Congressional District 3, N.C. Senate District 5, and N.C. House District 9 under the 2023 Plans and was within Congressional District 1, Senate District 5, and House District 9 under the plans used in the 2022 election. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

*Defendants*

26. Admitted upon information and belief.

27. Admitted upon information and belief.

28. Admitted upon information and belief.

29. Admitted upon information and belief.

30. Admitted upon information and belief.
31. Admitted upon information and belief.
32. Admitted.
33. Admitted.
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.

## **STATEMENT OF FACTS**

### **I. Redistricting Requirements in North Carolina.**

39. Neither admitted nor denied to the extent that the legal authorities cited and referenced are matters of public record, speak for themselves, and are the best evidence of their contents.

40. Neither admitted nor denied to the extent that the legal authorities cited are matters of public record, speak for themselves, and are the best evidence of their contents.

41. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

42. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

43. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

44. Neither admitted nor denied to the extent that the law cited is a matter of public record, speaks for itself, and is the best evidence of its content.

45. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

46. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

47. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions

48. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions

## **II. Discriminatory Redistricting in North Carolina.**

49. Neither admitted nor denied to the extent that the materials cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.



50. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

51. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

52. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

53. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

54. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

55. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

56. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal

conclusions.

57. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

58. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

59. Neither admitted nor denied to the extent that the allegation cites cases that are matters of public record, speak for themselves, are the best evidence of their content, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

60. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. It is also neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

61. Neither admitted nor denied to the extent that the cases cited are matters of

public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

62. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

63. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

### **III. Redistricting After the Release of the 2020 Census.**

64. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content.

65. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State

Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

66. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

67. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

68. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content.

69. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

70. State Defendants neither admit nor deny this allegation as it is not directed

at State Defendants. Neither admitted nor denied to the extent that the matter referenced is a matter of public record and speaks for itself. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

71. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

72. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

73. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient

information to admit or deny the argument, conclusory allegations, or any remaining allegations.

74. Neither admitted nor denied to the extent that the matter referenced and case cited are matters of public record, speak for themselves, are the best evidence of their content, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

75. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

76. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

77. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content.

78. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

79. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

80. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

81. Neither admitted nor denied to the extent that the legislation cited is a matter of public record, speaks for itself, and is the best evidence of its content.

82. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

83. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

#### **IV. The 2023 Redraw.**

84. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

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

86. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

87. State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

88. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

89. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

90. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information



to admit or deny the argument, conclusory allegations, or any remaining allegations.

91. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

92. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

93. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content.

94. Neither admitted nor denied to the extent that the materials referenced are matters of public record, speak for themselves, and are the best evidence of their content.

95. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content.

96. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

97. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

98. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

99. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

100. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

101. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

102. Neither admitted nor denied to the extent that the matter referenced is a

matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

103. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

104. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

105. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

106. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

107. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations

in this paragraph.

108. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

109. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

110. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

111. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

112. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining

allegations.

113. Neither admitted nor denied to the extent that the letter referenced is a matter of public record, speaks for itself, and is the best evidence of its content.

114. Neither admitted nor denied to the extent that the letter referenced is a matter of public record, speaks for itself, and is the best evidence of its content.

115. Neither admitted nor denied to the extent that the letter referenced is a matter of public record, speaks for itself, and is the best evidence of its content.

116. Neither admitted nor denied to the extent that the letter referenced is a matter of public record, speaks for itself, and is the best evidence of its content.

117. Neither admitted nor denied to the extent that the letter referenced is a matter of public record, speaks for itself, and is the best evidence of its content.

118. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

119. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

120. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To

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

121. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

122. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

123. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

124. Neither admitted nor denied to the extent that the matter referenced is a

matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

125. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

126. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

127. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

128. Neither admitted nor denied to the extent that the matter referenced is a

matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

129. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

**V. The Enactment of the 2023 Plans Was Intentionally Delayed to Frustrate Judicial Review.**

130. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

131. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is



required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

132. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

#### **VI. The Discriminatory Harm to Black Voters in the 2023 Plans.**

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

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

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

136. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

A. 2023 Senate Plan

*North Carolina's Black Belt (Senate Districts 1 and 2)*

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

139. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

140. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

142. Neither admitted nor denied to the extent that the allegation references matters and cites legal authority that are matters of public record, speak for themselves, are the best evidence of their content, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

144. Because this paragraph contains argument or conclusory allegations, no

response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

*Wilmington area (Senate Districts 7 and 8)*

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

147. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

148. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

149. Neither admitted nor denied to the extent that the matter referenced and

case cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

150. Neither admitted nor denied to the extent that the matter referenced and case cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

151. Neither admitted nor denied to the extent that the matter referenced and case cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

*Mecklenburg/Iredell Cluster (Senate District 42)*

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

155. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

156. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

157. Neither admitted nor denied to the extent that the matter referenced is a matter of public record which speaks for itself and is the best evidence of its content. Otherwise, State Defendants lack sufficient information to admit or deny the allegations in this paragraph.

158. Neither admitted nor denied to the extent that the matters referenced are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

159. Neither admitted nor denied to the extent that the matters referenced are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

160. Neither admitted nor denied to the extent that the matters referenced are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

allegations.

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

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

B. 2023 House Plan

*North Carolina's Black Belt (House Districts 4, 5, 7, 10, 12, 24, 25, 32)*

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

165. Neither admitted nor denied to the extent that the matters referenced and case cited are matters of public record, speak for themselves, are the best evidence of their content, and contain legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.



166. Neither admitted nor denied to the extent that the matters referenced are matters of public record, which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

168. Neither admitted nor denied to the extent that the materials referenced are matters of public record, speak for themselves, and are the best evidence of their contents.

169. Neither admitted nor denied to the extent that the materials referenced and case cited are matters of public record, speak for themselves, and are the best evidence of their content. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

170. Because this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient

information to admit or deny the argument, conclusory allegations, or any remaining allegations.

171. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

*Wake County*

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

175. Neither admitted nor denied to the extent that the matters referenced are

matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

176. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

177. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

178. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack

sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

179. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

*Forsyth-Stokes County*

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

183. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

184. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

185. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

188. Because this paragraph contains argument or conclusory allegations, no

response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

C. 2023 Congressional Plan

*North Carolina's Black Belt (Congressional District 1)*

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

190. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

191. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

192. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

*The Triad (Congressional Districts 5, 6, 9, and 10)*

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

196. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations,

no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

**VII. Defendants Cannot Claim Immunity from the Protections Afforded Black Voters Under the Voting Rights Act and the U.S. Constitution by Merely Claiming a Partisan Intent.**

199. Neither admitted nor denied to the extent that the laws cited are matters of public record, speak for themselves, and are the best evidence of their content.

200. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

**VIII. The Totality of the Circumstances Shows that the 2023 Plans Will Deny Black Voters Equal Opportunity to Participate in the Political Process on Account of Race, Not Politics.**

201. Neither admitted nor denied to the extent that the cases referenced are



matters of public record which speak for themselves and are the best evidence of their contents.

202. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

203. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

204. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

205. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

206. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

207. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

208. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their

contents.

209. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

210. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

211. Neither admitted nor denied to the extent that the cases and other matters referenced are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

212. Neither admitted nor denied to the extent that the case and other matters referenced are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

213. State Defendants neither admit nor deny this allegation as it is not directed at State Defendants. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

214. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

215. Neither admitted nor denied to the extent that the materials referenced are matters of public record, speak for themselves, and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

216. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

217. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

218. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

219. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

220. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

221. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

222. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

223. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

224. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

225. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

226. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

227. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

228. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

229. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

230. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

231. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

232. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

233. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

234. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

235. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

236. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants and references matters that are of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

237. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants and references matters that are of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

238. State Defendants neither admit nor deny the allegation as it is not directed at State Defendants and references matters that are of public record which speak for themselves and are the best evidence of their contents. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a

response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

239. Neither admitted nor denied to the extent that the matters referenced are matters of public record which speak for themselves and are the best evidence of their contents.

## CLAIMS

### Count 1

#### *Discriminatory results in violation of § 2 of the Voting Rights Act: 2023 Senate Districts 1 & 2*

240. State Defendants incorporate their previous responses.

241. Neither admitted nor denied to the extent that 52 U.S.C. § 10301(a) speaks for itself and is the best evidence of its content.

242. Neither admitted nor denied to the extent that 52 U.S.C. § 10301(b) speaks for itself and is the best evidence of its content.

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

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

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

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

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

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

**Count 2**

***Racial gerrymandering in violation of the Fourteenth Amendment:  
2023 Senate Districts 7 & 8***

249. State Defendants incorporate their previous responses.

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



allegations.

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

**Count 3**  
***Malapportionment in Violation of the Fourteenth Amendment:  
2023 Senate Plan***

252. State Defendants incorporate their previous responses.

253. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

254. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

255. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

256. Neither admitted nor denied to the extent that the cases cited are matters of public record, speak for themselves, are the best evidence of their contents, and contain legal conclusions.

257. Neither admitted nor denied to the extent that the case cited is a matter of

public record, speaks for itself, is the best evidence of its content, and contains legal conclusions.

258. Neither admitted nor denied to the extent that the case cited is a matter of public record, speaks for itself, is the best evidence of its content, and contains legal conclusions. To the extent that this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

**Count 4**

***Intentional vote dilution in violation of § 2 of the Voting Rights Act:  
2023 Senate Plan***

260. State Defendants incorporate their previous responses.

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

262. Because this paragraph contains argument or conclusory allegations, no response is required. To the extent a response is required, State Defendants lack sufficient

information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

**Count 5**

***Intentional discrimination in violation of the Fourteenth and Fifteenth Amendments:  
2023 Senate Plan***

264. State Defendants incorporate their previous responses.

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

**Count 6**

***Discriminatory Effects in Violation of § 2 of the Voting Rights Act:  
2023 House Districts 4, 5, 7, 10, 12, 24, 25, 32***

266. State Defendants incorporate their previous responses.

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

268. Because this paragraph contains argument or conclusory allegations, no

response is required. To the extent a response is required, State Defendants lack sufficient information to admit or deny the argument, conclusory allegations, or any remaining allegations.

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

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

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

**Count 7**  
***Malapportionment in Violation of the Fourteenth Amendment:***  
***2023 House Plan***

272. State Defendants incorporate their previous responses.

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

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

**Count 8**

***Intentional vote dilution in violation of § 2 of the Voting Rights Act:  
2023 House Plan***

275. State Defendants incorporate their previous responses.

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

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

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

**Count 9**

***Intentional discrimination in violation of the Fourteenth and Fifteenth Amendments:  
2023 House Plan***

279. State Defendants incorporate their previous responses.

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

**Count 10**

***Intentional vote dilution in violation of § 2 of the Voting Rights Act:  
2023 Congressional District 1***

281. State Defendants incorporate their previous responses.

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

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

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

**Count 11**

***Intentional vote dilution in violation of § 2 of the Voting Rights Act:  
2023 Congressional Districts 5, 6, 9, and 10***

285. State Defendants incorporate their previous responses.

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

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

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

**Count 12**

***Intentional discrimination in violation of the Fourteenth and Fifteenth Amendments:  
2023 Congressional Plan***

289. State Defendants incorporate their previous responses.

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

**ANY AND ALL OTHER ALLEGATIONS MADE IN PLAINTIFFS' COMPLAINT, INCLUDING THE RELIEF REQUESTED, EXCEPT AS SPECIFICALLY ADMITTED ABOVE, ARE HEREBY DENIED.**

**FURTHER ANSWERING THE COMPLAINT AND AS FOR ANY DEFENSES THERETO, DEFENDANTS ASSERT THE FOLLOWING:**

**FIRST DEFENSE**

Plaintiffs' claims against the State of North Carolina should be dismissed on the basis of sovereign immunity.

**SECOND DEFENSE**

State Defendants reserve the right to assert defenses against Plaintiffs that may become apparent during the course of litigation and discovery.

Respectfully submitted this the 23rd day of January, 2024.

NORTH CAROLINA  
DEPARTMENT OF JUSTICE

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