

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
19 CVS 012667

REBECCA HARPER, et al.,

Plaintiffs,

v.

DAVID LEWIS, IN HIS OFFICIAL CAPACITY AS SENIOR  
CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON  
REDISTRICTING, et al.,

Defendants.

**[PROPOSED] ORDER ON  
PLAINTIFFS' MOTION FOR  
A PRELIMINARY  
INJUNCTION**

The Court, having considered the Plaintiffs' Motion for a Preliminary Injunction hereby GRANTS the motion and ORDERS as follows:

1. Legislative Defendants and State Defendants, and their respective agents, officers, and employees, are preliminarily enjoined from preparing for or administering the 2020 primary and general U.S. House elections using the 2016 Plan;
2. The Court will afford the General Assembly two weeks from the date of this Order, namely through November \_\_\_\_\_, 2019, to enact a remedial congressional map for the 2020 primary and general elections (hereinafter, the "Remedial Map") in conformity with this Order.
3. Except as otherwise noted in this Order, the following criteria shall exclusively govern the drawing of the Remedial Map:

- a. Equal Population: The mapmakers shall use the 2010 federal decennial census data as the sole basis of population for the establishment of districts in the Remedial Map. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.
- b. Contiguity: Congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.
- c. Compactness and the Division of Counties and VTDs: The mapmakers shall make reasonable efforts to construct districts in the Remedial Map that improve the compactness of the districts in place prior to the 2016 Plan and that keep more counties and VTDs whole as compared to the districts in place prior to the 2016 Plan. Division of counties shall only be made for reasons of equalizing population. Reasonable efforts shall be made not to divide a county into more than two districts.
- d. Incumbency: Candidates for Congress are not required by law to reside in a district they seek to represent. However, reasonable efforts may be made to ensure that incumbent members of Congress are not paired with another incumbent in one of the new districts constructed in the Remedial Map.

4. In redrawing the relevant districts in the Remedial Map, neither the invalidated 2011 districts nor the invalidated 2016 districts may be used as starting points for drawing new districts, and no effort may be made to preserve the cores of invalidated 2011 or 2016 districts.
5. Legislative Defendants and their agents shall conduct the entire remedial process in full public view. At a minimum, this requires all map drawing to occur at public hearings, with any relevant computer screen visible to legislators and public observers. Legislative Defendants and their agents shall not undertake any steps to draw or revise the new districts outside of public view. Legislative Defendants shall ensure that equivalency files for all proposed maps and amendments are publicly posted to a General Assembly website in a timely manner.
6. To the extent that Legislative Defendants wish to retain one or more individuals who are not current legislative employees to assist in the map-drawing process, Legislative Defendants must seek and obtain prior approval from the Court to engage any such individuals.
7. Notwithstanding the General Assembly having the opportunity to draw the Remedial Map in the first instance, the Court, by subsequent Court Order, shall promptly appoint a Referee to (1) assist the Court in reviewing any Remedial Map enacted by the General Assembly; and (2) to develop a remedial map for the

Court should the General Assembly fail to enact a lawful Remedial Map within the time allowed.

8. No later than November \_\_\_\_, 2019, the parties may submit to the Court names and qualifications of suggested referees. The Court will thereafter appoint a referee by subsequent Court Order.
9. The Court orders that the remedial process will commence immediately upon entry of this Order.
10. The Court, on its own motion, denies a stay of the remedial process pending appeal.
11. The Court retains jurisdiction to move the primary date for the U.S. House elections, or all of the State's 2020 primaries, including for offices other than the U.S. House, should doing so become necessary to provide effective relief in this case.

So ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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The Honorable Paul C. Ridgeway  
Superior Court Judge

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The Honorable \_\_\_\_\_  
Superior Court Judge

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The Honorable \_\_\_\_\_  
Superior Court Judge