

SUPREME COURT OF NORTH CAROLINA

COMMON CAUSE; NORTH CAROLINA
 DEMOCRATIC PARTY; PAULA ANN
 CHAPMAN; HOWARD DU BOSE JR.;
 GEORGE DAVID GAUCK; JAMES
 MACKIN NESBIT; DWIGHT JORDAN;
 JOSEPH THOMAS GATES; MARK S.
 PETERS; PAMELA MORTON; VIRGINIA
 WALTERS BRIEN; JOHN MARK TURNER;
 LEON CHARLES SCHALLER; REBECCA
 HARPER; LESLEY BROOK WISCHMANN;
 DAVID DWIGHT BROWN; AMY CLARE
 OSEROFF; KRISTIN PARKER JACKSON;
 JOHN BALLA; REBECCA JOHNSON;
 AARON WOLFF; KAREN SUE
 HOLBROOK; KATHLEEN BARNES; ANN
 MCCRACKEN; JACKSON THOMAS
 DUNN, JR.; ALYCE MACHAK; WILLIAM
 SERVICE; DONALD RUMPH; STEPHEN
 DOUGLAS MCGRIGOR; NANCY
 BRADLEY; VINOD THOMAS; DERRICK
 MILLER; ELECTA E. PERSON; DEBORAH
 ANDERSON SMITH; ROSALYN SLOAN;
 JULIE ANN FREY; LILY NICOLE QUICK;
 JOSHUA BROWN; CARLTON E.
 CAMPBELL SR.

Plaintiffs,

v.

DAVID LEWIS, IN HIS OFFICIAL
 CAPACITY AS SENIOR CHAIRMAN OF
 THE HOUSE SELECT COMMITTEE ON
 REDISTRICTING,; RALPH HISE, IN HIS
 OFFICIAL CAPACITY AS CHAIR OF THE
 SENATE STANDING COMMITTEE ON
 REDISTRICTING; SPEAKER OF THE

From Wake County
 No. 18 CVS 014001

NORTH CAROLINA HOUSE OF REPRESENTATIVES TIMOTHY K. MOORE; PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE PHILIP E. BERGER; THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAMON CIRCOSTA, IN HIS OFFICIAL CAPACITY AS CHAIRMAN OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; STELLA ANDERSON, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; KENNETH RAYMOND, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; JEFF CARMON, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS; DAVID C. BLACK, IN HIS OFFICIAL CAPACITY AS MEMBER OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS,

Defendants.

RESPONSE TO PETITION FOR DISCRETIONARY REVIEW PRIOR TO DETERMINATION BY THE COURT OF APPEALS AND MOTION TO SUSPEND APPELLATE RULES

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Defendants the North Carolina State Board of Elections, Damon Circosta, Stella Anderson, Kenneth Raymond, Jeff Carmon, and David C. Black (the “State

Defendants”) hereby respond to Plaintiffs’ Petition for Discretionary Review and Motion to Suspend Appellate Rules, filed on 1 November 2019.

State Defendants take no position on the merits of the appeal; before the trial court, they did not support or contest the proposed remedial districts at issue. State Defendants respond only to highlight their desire for the appeal be resolved as soon as possible.

Candidate filing for the March 2020 primary, which includes contests for the state legislative districts at issue in this appeal, is currently set to occur between 2 December 2019 and 20 December 2019. As explained in the affidavit submitted to the trial court by the State Board’s executive director, which is appended to Plaintiffs’ Petition, the State Board must receive final district lines between now and early-to-mid-December 2019, for the county boards of elections and the State Board to have enough time to prepare the ballots for those contests to be used in the March 2020 primary. *See* Pet. App. 101. The affidavit also explains the various contingencies that affect the ballot-preparation timeline, which is why the State Board’s deadline is expressed as a range of dates in December.

Given the limited time remaining before this deadline, the State Board agrees with Plaintiffs that there is insufficient time for both intermediate appellate review and review by this Court. *See* Pet. 24–25. The State Board further believes that prompt finality of a decision in this case is in the best interests of the voters of

North Carolina and of the orderly administration of the state's elections. Additionally, if this Court were to grant the Petition for Discretionary Review, State Defendants agree that the Appellate Rules should be suspended to facilitate such a prompt decision. *See id.* 25–27.

Respectfully submitted this 6th day of November, 2019.

NORTH CAROLINA DEPARTMENT
OF JUSTICE

Electronically Submitted

Paul M. Cox
Special Deputy Attorney General
State Bar No. 49146

*I certify that all of the attorneys listed
below have authorized me to list their
names on this document as if they had
personally signed it.*

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing document in the above titled action upon all parties to this cause by depositing a copy by email and addressed as follows:

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This the 6th day of November, 2019.

Electronically Submitted
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