

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SANDRA LITTLE COVINGTON, *et al.*,

*Plaintiffs,*

v.

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

*Defendants.*

No. 1:15-cv-00399

**MEMORANDUM IN SUPPORT OF MOTION OF  
DEMOCRACY NORTH CAROLINA AND LEAGUE OF WOMEN VOTERS OF  
NORTH CAROLINA FOR LEAVE TO FILE *AMICI CURIAE* BRIEF IN  
OPPOSITION TO DEFENDANTS' REDISTRICTING PLAN AND IN SUPPORT  
OF PLAINTIFFS**

Democracy North Carolina (“Democracy NC”) and the League of Women Voters of North Carolina (“LWV NC”) have a special interest in this litigation and can offer their unique perspective to the Court as it considers the redistricting plan offered by the Defendants, the Plaintiffs’ response, and what the Court intends to do. Specifically, proposed *amici* closely followed the recent public hearings held by Defendants—which Defendants have told the Court were very important—and they have catalogued the comments at those hearings and the public’s response. Further, proposed *amici* have experience with how the hearings could have been different, more relevant, and more effective. Democracy NC and LWV NC thus respectfully requests leave to file the accompanying proposed *amici curiae* brief in opposition to the Defendants’ redistricting

plan.

## **ARGUMENT**

The Local Rules of this court dictate that parties requesting leave to file an Amicus Brief “concisely state the nature of the movant’s interest, identify the party or parties supported, and set forth the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.” M.D.N.C. Local Rule 7.5(b) (2017). Proposed *amici* here do not seek to re-iterate Plaintiffs’ legal arguments, but rather they wish to illuminate for this court the factual circumstances surrounding the creation of these remedial maps for the Court’s consideration. Democracy NC and LWV NC, being statewide organizations with supporters deeply involved in the redistricting process, are in a unique position to make “useful contributions to [this] litigation.” *See Stuart v. Huff*, 706 F.3d 345, 355 (4th Cir. 2013)

### **I. INTEREST OF PROPOSED AMICI.**

Proposed *amicus* Democracy NC is a nonpartisan, nonprofit corporation that uses research, organizing, public education, and advocacy in order to increase voter participation—put simply, it aims to maximize the number of citizens at the polls, the number of eligible ballots counted, and the effect and importance of each vote. The organization has supporters throughout North Carolina who are registered voters and who vote in North Carolina elections. Democracy NC also works for pro-democracy reforms that improve government accountability and ethics and address the issue of money in politics. Through original research, policy advocacy, grassroots organizing, civic

engagement, and leadership training, Democracy NC seeks to achieve a government that is truly of the people, for the people, and by the people. In furtherance of its mission to protect North Carolina's democracy and improve government accountability, Democracy NC conducts a redistricting reform campaign through which it seeks to educate North Carolina voters about the importance of fair maps, to engage voters in the redistricting process, and to promote policy change to put an end to partisan and racial gerrymandering.

Proposed *amicus* League of Women Voters of NC is a nonpartisan, community-based organization formed in 1920 after the enactment of the Nineteenth Amendment granting women the right to vote. The LWV NC is dedicated to encouraging its members and the people of North Carolina to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. The mission of LWV NC is to promote political responsibility through informed and active participation in government. The LWV NC strives to promote citizen education and make democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process—including partisan and racial gerrymandering. Currently, LWV NC has 17 local leagues across the state with members who are registered and regular voters.

Proposed *amici* are also plaintiffs in *Dickson v. Rucho*, currently on remand before the North Carolina Supreme Court. In *Dickson*, proposed *amici* challenged many of the very same districts at issue in this case, asserting that these districts were unconstitutionally based on race. As such, proposed *amici* have a special interest in the remedial maps that are enacted as a result of this Court's judgment.

**I. THE MATTERS ASSERTED IN THE *AMICI* BRIEF ARE USEFUL AND RELEVANT TO THE DISPOSITION OF THE CASE.**

Due to the active, statewide participation of their membership in the redistricting process, proposed *amici* are in a unique position to provide this Court with an important perspective on the recent public hearings recently held by Defendants, which Defendants asserted were crucial to the creation of these maps. Given their mission and history, and their monitoring of the recent public hearings, proposed *amici* desire to share with the Court what happened at the hearings, and what could have happened at the hearings.

Proposed *amici*, through their membership base, their supporters, and their organizational resources, have gained an intimate understanding of the factual circumstances under which the the remedial maps currently before this Court have been drafted. Given Defendants' repeated emphasis to this Court that the opportunity for public input was of high priority, proposed *amici* wish to illuminate for the Court the ways in which that public input was sought, the difficulties that the participants at public hearings faced, and the minimal value that was placed upon the input received. Further, proposed *amici* hope to demonstrate for the Court the public disillusionment and loss of trust in a representative government that has occurred as a result of Defendants' actions in connection with creating these remedial maps.

As organizations dedicated to ensuring the quality of North Carolina's democracy and the accountability of its elected officials, proposed *amici* hope that their perspective will help the Court to determine the appropriate course of remedial action to be taken in

light of the circumstances, to ensure that the electoral districts for all North Carolinians are truly fair and that their elected officials truly represent their interests.

**CONCLUSION**

For the foregoing reasons, Democracy NC and LWV NC respectfully ask that this Court grant the Motion for Leave to File *Amici Curiae* Brief in Opposition to Defendants' Redistricting Plan and In Support of Plaintiffs.

Dated: September 15, 2017

Respectfully submitted,

/s/ Mark R. Sigmon

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**CERTIFICATE OF SERVICE**

I certify that on this day, I filed the foregoing **Memorandum in Support of Motion of Democracy North Carolina and League of Women Voters of North Carolina for Leave to File *Amici Curiae* Brief in Opposition to Defendants' Redistricting Plan and In Support of Plaintiffs** with the clerk's office via the CM/ECF system, which will send notification of filing to the following counsel of record:

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