PERKINSCOIE

700 13th Street, NW
Suite 600
Washington, DC 20005-3960

T +1.202.654.6200
F +1.202.654.6211
perkinscoie.com

June 6, 2017

Marc Erik Elias
MElias@perkinscoie.com
D. +1.202.434.1609
F. +1.202.654.9126

**BY MESSENGER**

The Honorable Scott Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington D.C. 20543

**Re: *Harris v. Cooper*, No. 16-166**

Dear Mr. Harris:

Appellants David Harris and Christine Bowser submit this letter brief pursuant to this Court's Order issued May 26, 2017, to address the following two questions:

> 1) Do the appellants have standing to challenge the remedial map as a partisan gerrymander?
>
> 2) Is the District Court's order denying the appellants' objections to the remedial map appealable under 28 U.S.C. § 1253?

For the reasons that follow, Appellants respectfully submit that they have standing, and that the district court's order denying Appellants' objections to the remedial map is appealable under 28 U.S.C. § 1253.

## I. BACKGROUND

This case was filed on October 24, 2013, challenging the constitutionality of North Carolina Congressional Districts ("CDs") 1 and 12 as racial gerrymanders in violation of the Equal Protection Clause of the Fourteenth Amendment and seeking declaratory and injunctive relief. Compl. ¶¶ 1, 6. Plaintiffs David Harris and Christine Bowser were, under the districting plan then in effect, residents of CDs 1 and 12, respectively. *Id.* ¶¶ 7-8.

On February 5, 2016, the three-judge panel of the district court (the "Panel") issued an opinion finding that CDs 1 and 12 were unconstitutional racial gerrymanders. *See generally* Jurisdictional Statement ("J.S.") App. B. Appellees[1] appealed from this merits determination,

[1] Named appellees are Governor Roy Cooper (substituted for original defendant, former Governor Patrick McCrory), the North Carolina State Board of Elections, and Chairman of the North Carolina State Board of

and on May 22, 2017, this Court affirmed. *See Cooper v. Harris*, No. 15-1262, 2017 WL 2216930 (U.S. May 22, 2017) (the "Slip Op."). The original plan had packed African-American voters into CDs 1 and 12, thereby suppressing minority influence in surrounding districts and creating an extreme Republican advantage in North Carolina's congressional delegation. This Court noted that even "if legislators use race as their predominant districting criterion with the end goal of advancing their partisan interests . . . their action still triggers strict scrutiny." Slip Op. at *15 n.7.

In its February 5, 2016, opinion, the Panel gave the North Carolina General Assembly until February 19, 2016, to adopt a remedial plan to redress the racial gerrymander. *See* J.S. App. 56a. Three days later, Appellees filed an emergency motion to stay that order pending appeal, which the Panel denied on February 9. Dkt. No. 148. Appellees subsequently applied for a stay in this Court. On February 19, 2017, this Court denied Appellees' application for a stay pending appeal and the General Assembly thereafter adopted a new congressional districting plan as ordered by the Panel (the "New Plan").

As described in detail in Appellants' jurisdictional statement, in "remedying" the racial gerrymander, the General Assembly replaced an unconstitutional racial gerrymander with an unconstitutional partisan gerrymander. J.S. 12-21. The New Plan packed Democrats into three districts to continue to force North Carolinians to elect ten Republicans and three Democrats to Congress despite their voting preferences. *Id.* at 15. The New Plan's architects "acknowledge[d] freely that [the New Plan] would be a political gerrymander," Dkt. No. 155 at 103 (Tr. 46:8-14), announcing that the map was designed to secure "partisan advantage" for Republicans and to elect as many Republicans (and as few Democrats) as mathematically possible. *Id.* at 104-05 (Tr. 47:18-48:14).

Appellants requested a briefing schedule "to determine the validity of the remedial plan enacted by the General Assembly." Dkt. No. 150 at 1. The Panel subsequently ordered Appellants to "file any objections" to the New Plan by February 29, 2016. Dkt. No. 153 at 1. Appellants did so, requesting that the Panel "reject the New Plan based on its failure to provide a legal remedy to the original racial gerrymander and proceed to adopt a lawful remedial plan that fully and fairly remedies the constitutional violation." Dkt. No. 154-1 at 39-40. Appellees contested Appellants' claim that the New Plan was a "political gerrymander," Dkt. No. 159 at 33, and asked the Panel

---

Elections. Subsequent to Appellants filing this appeal, the General Assembly passed Senate Bill 68, which eliminates the State Board of Elections and creates a new State Board of Elections and Ethics Enforcement. *See* N.C. Sess. Laws 2017-6, http://www.ncleg.net/EnactedLegislation/SessionLaws/PDF/2017-2018/SL2017-6.pdf. No members have been appointed to the State Board of Elections and Ethics Enforcement. *See Ruling leaves no one on merged NC elections, ethics board*, Charlotte Observer (June 5, 2017, 4:29 PM), http://www.charlotteobserver.com/news/state/north-carolina/article154465239.html. Because the State Board of Elections has been eliminated, it appears that Governor Cooper is effectively the only remaining Appellee.

to "overrule" Appellants' objections "and allow North Carolina's [upcoming 2016] congressional elections to proceed" under the New Plan, *id.* at 39.

On June 2, 2016, the Panel denied Appellants' objections to the New Plan, noting that while it was "very troubled" by the General Assembly's representations about the New Plan, its "hands appear[ed] to be tied" by this Court's plurality opinion in *Vieth v. Jubelirer*, 541 U.S. 267 (2004). J.S. App. 5a. This appeal followed.

The General Assembly's bald partisan gerrymander is part of what can only be described as an ongoing assault on representative democracy in North Carolina by an entrenched majority in the General Assembly. To that end, the General Assembly has attempted to strip the newly elected Democratic governor of various executive powers[2] and disenfranchise black North Carolinians because they overwhelmingly vote for Democratic candidates.[3] What is happening in North Carolina goes well beyond the ordinary thrust and parry of politics. It is an effort to shut those who do not share the General Assembly's views out of the political process.

## II. ARGUMENT

On May 26, 2017, this Court issued an order directing the parties to file letter briefs to clarify two issues in light of the procedural posture of this case. For the reasons that follow, Appellants have standing to challenge the New Plan as an unconstitutional partisan gerrymander, and this appeal is properly before this Court pursuant to 28 U.S.C. § 1253. This Court should thus note probable jurisdiction and set this matter for full briefing.

### A. Appellants Have Standing

To establish standing under Article III of the Constitution, litigants must be able to demonstrate that they (1) have suffered "a concrete and particularized injury" that (2) "is fairly traceable to the challenged conduct" and (3) "is likely to be redressed by a favorable judicial decision." *Hollingsworth v. Perry*, 133 S. Ct. 2652, 2661 (2013) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992)).

---

[2] *See, e.g.*, Emery P. Dalesio, *Judge temporarily blocks new law limiting power of incoming North Carolina governor*, PBS Newshour (Dec. 30, 2016, 4:20 PM), http://www.pbs.org/newshour/rundown/north-carolinas-incoming-governor-sues-republican-lawmakers/; Donna King, *Cooper sues the state legislature again*, North State Journal (May 27, 2017, 9:07 AM), http://www.nsjonline.com/article/2017/05/cooper-sues-the-legislature-again.

[3] *See, e.g., N. Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204, 222 (4th Cir. 2016) ("Using race as a proxy for party may be an effective way to win an election. But intentionally targeting a particular race's access to the franchise because its members vote for a particular party, in a predictable manner, constitutes discriminatory purpose."), *cert. denied sub nom. North Carolina v. N. Carolina State Conference of NAACP*, 137 S. Ct. 1399 (2017).

In brief, litigants must be able to show that they have an "injury in fact" or "an invasion of a legally protected interest" that is "'actual or imminent, not "conjectural" or "hypothetical."'" *Lujan*, 504 U.S. at 560 (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990)). Further, "there must be a causal connection between the injury and the conduct complained of—the injury has to be 'fairly . . . trace[able] to the challenged action . . . and not . . . th[e] result [of] the independent action of some third party not before the court.'" *Id.* at 560-61 (quoting *Simon v. E. Ky. Welfare Rights Org.*, 426 U.S. 26, 41-42 (1976)).

In the context of districting litigation, there is no question that a voter impacted by an unconstitutional districting plan has suffered a redressable injury. *See United States v. Hays*, 515 U.S. 737, 745 (1995) (racial gerrymandering plaintiffs in challenged districts have standing if they "ha[ve] been denied equal treatment because of the legislature's reliance on racial criteria"); *Evenwel v. Abbott*, 136 S. Ct. 1120, 1131 n.12 (2016) ("[S]tanding in one-person, one-vote cases has rested on plaintiffs' status as voters whose votes were diluted.").

This Court has not developed a unique or distinct test governing standing in partisan gerrymandering cases. Instead, on the few occasions it has considered the viability of a partisan gerrymandering claim, this Court has focused its attention on the broader question of whether such claims are justiciable at all.

For present purposes, this Court need not delve deeply into the issue of standing in partisan gerrymandering cases. Appellants have standing to pursue this appeal whether this Court approaches standing on a district-specific or statewide basis.

Appellants are both registered Democrats and continue to reside in the two districts (CDs 1 and 12) originally challenged as racial gerrymanders in this matter. *See* Appendix A.[4] In the objections to the New Plan that gave rise to this appeal, Appellants contended that the General Assembly made radical revisions to the entire congressional map, including CDs 1 and 12, to draw a plan that would result in the election of the maximum number of Republicans mathematically possible. *See, e.g.*, Dkt. No. 157 at 13-16. Appellants noted specific features of the new CDs 1 and 12 that they contended were the result of unconstitutional partisan gerrymandering, *id.* at 35, and argued that "the General Assembly locked in place a political result that minimizes minority and Democratic participation," *id.* at 34. In short, Appellants allege that (a) they reside in districts that were specifically and unconstitutionally gerrymandered for partisan advantage in the New Plan and, indeed, (b) *every* district in the New Plan is the result of an unconstitutional partisan gerrymander.

[4] The congressional districts in which Appellants currently reside, and their status as registered Democrats, are a matter of public record given that this information is in the State of North Carolina's online voter registration database. North Carolina State Board of Elections, Voter Search, https://vt.ncsbe.gov/RegLkup/ (last visited May 29, 2017). Printouts from this database for Harris and Bowser are attached as Appendix A to this letter brief.

Standing in racial gerrymandering cases is district-specific. *Miller v. Johnson*, 515 U.S. 900, 912 (1995). Assuming, for the sake of argument, that standing in partisan gerrymandering cases is also district-specific, Appellants have standing. *See, e.g.*, *Vieth v. Pennsylvania*, 188 F. Supp. 2d 532, 540 n.9 (M.D. Pa. 2002) ("[T]o the extent that an individual plaintiff is required to live in an allegedly gerrymandered district, Plaintiffs have met that requirement[.]"). This Court need go no further to conclude that Appellants have standing for purposes of this appeal. That is, at this preliminary stage, this Court need not assess the scope of the relief to which Appellants may be entitled if they prevail on the merits of their partisan gerrymandering claim: The only issue at hand is whether they have standing at all. And as Democratic residents of districts they allege were drawn to target Democrats because of their political views, waste Democratic votes, and suppress Democratic voting strength, they certainly do.

Further, though this Court need not reach the issue, Appellants, as North Carolina residents, have standing to challenge the New Plan *as a whole* on grounds that it is an unconstitutional partisan gerrymander, and they pursue such a challenge here. A gerrymander designed to maximize one party's advantage is generally created to operate as a cohesive whole, artfully allocating voters to "waste" the votes of those supporting the disfavored party and to maximize the voting power of those supporting the favored party. Thus, while it is certainly possible that a plaintiff could choose to limit a partisan gerrymandering claim to a single district, the reality is that partisan gerrymandering claims typically challenge a plan as a whole. For example, in *Davis v. Bandemer*, 478 U.S. 109 (1986), the plurality considered the viability of a statewide partisan gerrymandering claim without offering any suggestion that such a claim would fail at the outset for lack of standing:

> [T]he claim made by the appellees in this case is a claim that the 1981 apportionment discriminates against Democrats on a statewide basis. Both the appellees and the District Court have cited instances of individual districting within the State which they believe exemplify this discrimination, but the appellees' claim, as we understand it, is that Democratic voters over the State as a whole, not Democratic voters in particular districts, have been subjected to unconstitutional discrimination. Although the statewide discrimination asserted here was allegedly accomplished through the manipulation of individual district lines, the focus of the equal protection inquiry is necessarily somewhat different from that involved in the review of individual districts.

*Id.* at 127 (plurality) (citation omitted).

Accordingly, although the case law on this issue is scarce, every court to have considered the issue squarely has held that a plaintiff who resides anywhere in a state has standing to bring a

"statewide" partisan gerrymandering claim. *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016) ("[A]n individual Democrat has standing to assert a challenge to the statewide map": "The concern" in a partisan gerrymandering claim brought by a Democrat "is the effect of a statewide districting map on the ability of Democrats to translate their votes into seats" and "[t]he harm is the result of the entire map, not simply the configuration of a particular district."); *Vieth*, 188 F. Supp. 2d at 540 ("[U]nlike a claim for race-based gerrymandering, a plaintiff in a partisan gerrymandering claim need not allege that he lives in a particular district that has been gerrymandered on the basis of political affiliation."); *cf. Common Cause v. Rucho*, No. 1:16-CV-1026, 2017 WL 876307, at *12 n.5 (M.D.N.C. Mar. 3, 2017) ("Defendants fail to cite any decision holding that a plaintiff has standing to challenge as an unconstitutional partisan gerrymander *only* that electoral district in which he resides, nor have we found any such decision.").

Here, Appellants allege that the General Assembly drew the New Plan to systematically favor Republicans and disfavor Democrats, targeting Appellants (and other Democrats) because of their political views, in violation of the First Amendment, and denying them equal protection, in violation of the Fourteenth Amendment. Regardless of the precise districts in which they reside, Appellants have standing to challenge the New Plan as a partisan gerrymander in its entirety because they are Democratic voters residing in North Carolina who challenge the effect of the New Plan on the ability of Democrats across the state to translate their votes into seats on an equal footing.

One way or the other, Appellants have standing. If district-specific standing is required, Appellants allege that they are harmed by residing in districts specifically drawn to secure partisan advantage for the Republican Party. If district-specific standing is not required (and it is not), Appellants have standing to pursue a statewide challenge to the New Plan.

**B. This Court Has Jurisdiction Pursuant to 28 U.S.C. § 1253**

Next, this Court has jurisdiction because Appellants appealed from an opinion of the Panel denying Appellants' request that the Panel prohibit the State of North Carolina from holding elections under the New Plan. Although not captioned as such, this was functionally an order denying an application for an "injunction." As such, this Court has mandatory jurisdiction under 28 U.S.C. § 1253.

A district court of three judges must be convened for "an action . . . challenging the constitutionality of the apportionment of congressional districts." 28 U.S.C. § 2284(a). The three-judge court is required to "hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction." *Id.* § 2284(b)(3). Direct appeal to this Court is available "from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act

of Congress to be heard and determined by a district court of three judges." *Id.* § 1253. When a case is appealed as authorized under § 1253, this Court has "no discretion to refuse adjudication of the case on its merits." *McCutcheon v. Fed. Election Comm'n*, 134 S. Ct. 1434, 1444 (2014) (citation omitted).

In most cases, it is not difficult to determine from the style of the order under review whether a three-judge panel's order granted or denied an injunction. *See, e.g.*, *Page v. Va. State Bd. of Elections*, No. 3:13cv678 (E.D. Va. June 5, 2015) (Order) ("[T]he Commonwealth of Virginia is hereby enjoined from conducting any elections for the office of United States Representative until a new redistricting plan is adopted[.]"); *Harris v. McCrory*, No. 1:13-cv-949 (M.D.N.C. Feb. 5, 2016) (Final Judgment) ("North Carolina is . . . enjoined from conducting any elections for the office of U.S. Representative until a new redistricting plan is in place.").

But this Court has not adopted an overly formalistic approach. *See Thomas v. Union Carbide Agric. Prods. Co.*, 473 U.S. 568, 587 (1985) ("[P]ractical attention to substance rather than doctrinaire reliance on formal categories should inform application of Article III."); *Commodity Futures Trading Comm'n v. Schor*, 478 U.S. 833, 851 (1986) ("[T]he Court has declined to adopt formalistic and unbending rules."). The word "injunction" need not be used as a talisman to allow appeal to this Court. For example, just this term, in *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017), this Court heard an appeal from a decision of a three-judge panel upholding the constitutionality of certain state legislative districts. The opinion below did not note that the panel was considering (or denying) a request for injunctive relief, and held instead "that each of the twelve Challenged Districts withstands constitutional scrutiny under the Equal Protection Clause, and judgment will be entered for the Defendants and the Intervenor–Defendants." *Bethune-Hill v. Va. State Bd. of Elections*, 141 F. Supp. 3d 505, 571 (2015).[5]

Also instructive in this respect is a case this Court heard on direct review following a three-judge panel decision regarding orders of the Interstate Commerce Commission ("ICC"). *Aberdeen & Rockfish R.R. Co. v. Students Challenging Regulatory Agency Procedures (S.C.R.A.P.)*, 422 U.S. 289 (1975). Until February 28, 1975, federal law required a three-judge court to consider any "interlocutory or permanent injunction restraining the enforcement, operation or execution, in whole or in part, of any order of the Interstate Commerce Commission." *Id.* at 307 (quoting 28 U.S.C. § 1253).[6] In *Aberdeen*, the three-judge court had vacated orders of the ICC and ordered the ICC to prepare a new impact statement on the issues related to the ordered rate increases (and to hold hearings on the issues), but it declined to enjoin the collection of increased rates. This Court noted that the "question under the statutory language is whether the order being appealed

[5] In the accompanying judgment, the *Bethune-Hill* court likewise did not state that it was denying a requested injunction, stating: "For the reasons set forth in the accompanying Memorandum Opinion, it is hereby ORDERED that judgment is entered in favor of the defendants and that this case is dismissed with prejudice." *Bethune-Hill v. Va. State Bd. of Elections*, No. 3:14cv852 (E.D. Va. Oct. 22, 2015) (Order).

[6] The statutory provision requiring use of three-judge panels for these purposes has since been repealed. *Id.* at 306.

from is an 'injunction' within the meaning of that word as used in § 1253." *Id.* at 307. The appellees argued that because the district court had not restrained collection of the increased rates, the order was not an injunction but was instead a declaratory judgment. *Id.* This Court rejected that argument, noting that although the district court did not restrain collection of the increased rates, it did direct the ICC to perform certain acts and therefore "was plainly cast in injunctive terms." *Id.* Thus, this Court looked to the functional effect of the order of the three-judge court, rather than whether the order was cast as a grant or denial of injunctive relief.

Here, there is no question that a three-judge court was properly convened under § 2284. *See* Dkt. No. 16. That is the basis on which this Court decided the first appeal of this action. Slip Op. at *7 n.2 ("Challenges to the constitutionality of congressional districts are heard by three-judge district courts, with a right of direct appeal to this Court. See 28 U.S.C. §§ 2284(a), 1253.").

This appeal, like the first appeal, addresses a "challenge[] [to] the constitutionality of the apportionment of congressional districts." 28 U.S.C. § 2284(a). After the General Assembly adopted the New Plan, Dkt. No. 149, Appellants promptly moved that the Panel establish a briefing schedule under which it would determine whether the New Plan constituted an effective and constitutional remedy, noting that their preliminary analysis suggested it was "no more appropriate than the version struck down." Dkt. No. 150 at 2. In response, the Panel ordered Appellants to "file any objections" to the New Plan, after which Appellees were allowed to respond and Appellants allowed to reply. Dkt. No. 153.

Following the order of the Panel, Appellants submitted precisely what the Panel had requested—"objections" to the New Plan. *See* Dkt. No. 157. It was in that context that Appellants captioned that document as "objections" to the New Plan rather than as a "motion" to enjoin the New Plan. In those objections, Appellants argued that the New Plan did not cure the unconstitutional racial gerrymander and was an unconstitutional partisan gerrymander. *See generally* Dkt. No. 157; *see also* Dkt. No. 163 at 2 (arguing that the Panel "should not lend its imprimatur to a remedial plan that refuses to remedy the injury inflicted by the original racial gerrymander and that unabashedly seeks to replace one unconstitutional districting scheme with another"). Appellants further requested that the Panel prevent the New Plan from being used for future elections and instead adopt a remedial plan that "fully and fairly remedie[d] the constitutional violation." Dkt. No. 157 at 39-40 ("Plaintiffs respectfully request this Court reject the New Plan based on its failure to provide a legal remedy to the original racial gerrymander and proceed to adopt a lawful remedial plan that fully and fairly remedies the constitutional violation."). That is, Appellants' request was in function, if not in form, a request for an injunction: that the Panel "reject" the New Plan as a unconstitutional and enjoin its implementation.

Appellees, for their part, submitted to the Panel's jurisdiction to enjoin the New Plan. After Appellants requested a briefing schedule to determine the constitutional validity of the New Plan, the Panel found "that Defendants should have a chance to be heard on this request before any

briefing commences" and ordered that Appellees "may respond, if at all," by stating their "position as to the process proposed by [Appellants], without any substantive argument in response to [Appellants] as to the merits of the new plan." Dkt. No. 151 at 2. In response, Appellees simply "defer[red] to the discretion of the Court regarding the setting of a briefing and hearing schedule." Dkt. No. 152. Notably, Appellees did not argue that the Panel lacked jurisdiction to even consider Appellants' challenges to the New Plan. Appellees proceeded to defend the New Plan on the merits against Appellants' objections, *see generally* Dkt. No. 159, and requested that the Panel "overrule" those objections and "allow North Carolina's congressional elections to proceed" under the New Plan, *id.* at 39.

On June 2, 2016, the Panel denied Appellants' objections in the absence of clear guidance from this Court delineating standards for resolving partisan gerrymandering claims, allowing the New Plan to go into effect. *See* Dkt. No. 171.[7] This appeal followed.

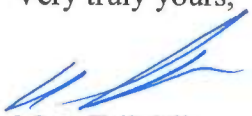
As in *Aberdeen*, the analysis here regarding whether the order below was appealable under § 1253 turns on whether it was effectively the denial of an injunction. Much like the orders in *Bethune-Hill* and *Aberdeen*, the order appealed from in this case functions as a denial of an injunction, although it is not so captioned. Nothing more is required to establish jurisdiction. It is the substance that matters, not the form. Indeed, to allow the vagaries of a caption to affect this Court's jurisdiction would make this Court's jurisdiction based on happenstance—that Appellants captioned a document to respond directly to the Panel order granting them leave to file a written challenge to the New Plan. This is, to put it mildly, an unattractive proposition. *See, e.g.*, *Astiana v. Hain Celestial Grp., Inc.*, 783 F.3d 753, 759 (9th Cir. 2015) ("Just as one can't judge a book by its cover, a pleading caption is hardly dispositive of the nature of the pleading. [To treat it as such] overlooks the reality of what occurred in the briefing of the motion."); *Buckhanon v. Percy*, 708 F.2d 1209, 1212 (7th Cir. 1983) ("In deciding whether the order before us is appealable . . . our cases direct us to consider the substance rather than the form of the motion[.]"); *see also Technicon Instruments Corp. v. Alpkem Corp.*, 866 F.2d 417, 420 (Fed. Cir. 1989) ("Our jurisdiction should not depend upon . . . happenstance[.]"); *Gaunce v. deVincentis*, 708 F.2d 1290, 1294 (7th Cir. 1983) ("It would be unprincipled if our jurisdiction was dependent on . . . happenstance[.]").

For these reasons, Appellants have standing to challenge the New Plan as a partisan gerrymander, and this Court has jurisdiction under 28 U.S.C. § 1253 to consider that challenge. Appellants therefore respectfully request that this Court note probable jurisdiction.

---

[7] Appellants filed their objections—and the Panel decided the issue—during an election year and shortly before the congressional primary elections. On the same day the General Assembly adopted the New Plan, it ratified House Bill 2, which moved the congressional primary election to June 7, 2016. *See* Dkt. No. 149-2. Recognizing that the impending election would be enjoined if the Panel granted the relief that Appellants sought, Appellees asked the Panel to "allow North Carolina's congressional elections to proceed" under the New Plan. Dkt. No. 159 at 39. This is the context in which the Panel rejected Appellants' objections on June 2, 2016 (five days before the election).

Very truly yours,



Marc Erik Elias

MEE

Enclosure

# Appendix A

New Search

## Voter Details

DAVID LEE HARRIS SR
2718 THELMA ST
DURHAM, NC 27704

| | |
|---|---|
| **County:** | DURHAM |
| **Status:** | ACTIVE |
| **Voter Reg Num:** | 000030301721 |
| **NCID:** | BL477443 |
| **Party:** | DEM |
| **Race:** | BLACK or AFRICAN AMERICAN |
| **Ethnicity:** | NOT HISPANIC or NOT LATINO |
| **Gender:** | MALE |
| **Registration Date:** | 11/04/2016 |
| **NCDMV Customer:** | Yes |

## Election Day Polling Place

LAKEVIEW SCHOOL
3507 DEARBORN DR
DURHAM, NC 27704

## Jurisdictions

| | |
|---|---|
| **Precinct:** | 22 |
| **VTD:** | 22 |
| **Congress:** | CONGRESSIONAL DISTRICT 1 |
| **NC Senate:** | NC SENATE DISTRICT 20 |
| **NC House:** | NC HOUSE DISTRICT 31 |
| **Superior Court:** | 14B SUPERIOR COURT<br>14TH JUDICIAL |

| | |
|---|---|
| **Judicial:** | |
| **Prosecutorial:** | 14TH PROSECUTORIAL |
| **Municipality:** | DURHAM |
| **Ward:** | WARD 1 |
| **School:** | SCHOOL 1A |

## Sample Ballots

| Election | Ballot(s) |
|---|---|
| 10/10/2017 PRIMARY | Ballots not assigned yet. |
| 11/07/2017 MUNICIPAL | Ballots not assigned yet. |

## Voter History (1)

## Absentee Request (0)

For more information, please contact the Durham County Board of Elections.

New Search

## Voter Details

CHRISTINE R BOWSER
3028 DEPAUL CT
CHARLOTTE, NC 28216

| | |
|---|---|
| **County:** | MECKLENBURG |
| **Status:** | ACTIVE |
| **Voter Reg Num:** | 000000010393 |
| **NCID:** | CW5110 |
| **Party:** | DEM |
| **Race:** | BLACK or AFRICAN AMERICAN |
| **Ethnicity:** | NOT HISPANIC or NOT LATINO |
| **Gender:** | FEMALE |
| **Registration Date:** | 10/01/1960 |
| **NCDMV Customer:** | Yes |

## Election Day Polling Place

WEST CHARLOTTE HIGH SCHOOL-AUXILIARY GYM
2219 SENIOR DR
CHARLOTTE, NC 28216

## Jurisdictions

| | |
|---|---|
| **Precinct:** | PCT 025 |
| **VTD:** | 025 |
| **Congress:** | CONGRESSIONAL DISTRICT 12 |
| **NC Senate:** | NC SENATE DISTRICT 38 |
| **NC House:** | NC HOUSE DISTRICT 107 |
| **Superior Court:** | JUDICIAL DISTRICT 26A |
| | JUDICIAL DISTRICT 26 |

| | |
|---|---|
| **Judicial:** | |
| **Prosecutorial:** | 26TH PROS DIST |
| **County Commissioner:** | BOARD OF COMMISSIONERS DISTRICT 2 |
| **Municipality:** | CHARLOTTE |
| **Ward:** | CITY COUNCIL DISTRICT 2 |
| **School:** | SCHOOL BOARD DIST 2 |

## Sample Ballots

| Election | Ballot(s) |
|---|---|
| 09/12/2017 PRIMARY | Ballots not assigned yet. |
| 10/10/2017 2NDPRIMARY | Ballots not assigned yet. |
| 11/07/2017 GENERAL | Ballots not assigned yet. |

## Voter History (72)

## Absentee Request (0)

For more information, please contact the Mecklenburg County Board of Elections.