

The following is an excerpt from the complaint filed in *Harper v. Lewis*. This excerpt was prepared by legislative staff for the Joint Select Committee on Congressional Redistricting solely to provide a snapshot of the plaintiffs' specific complaints about each congressional district used in the 2016 and 2018 elections for the U.S. House of Representatives. This excerpt was prepared at the direction of the committee. This excerpt omits any maps included in the filed complaint, and one footnote (footnote 2, on page 30, in the filed complaint).

E. The 2016 Plan Packs and Cracks Democratic Voters in Every District

77. The 2016 Plan meticulously packs and cracks Democratic voters in each and every district—without exception. The sections below describe some of the most egregious examples of cracking and packing in each district.

Congressional District 1

78. District 1 is a packed Democratic district that stitches together the heavily Democratic areas of Durham, Wilson, and Pitt Counties with a handful of rural Democratic counties in the northeastern portion of the State.

79. The following image (and others below) shows the district's boundaries and the partisanship of its VTDs using the results of the 2016 North Carolina Attorney General race, with darker blue shading for the VTDs that voted more heavily Democratic, darker red for VTDs that voted more heavily Republican, and lighter shading for VTDs that were closer to a tie:

(map omitted in this excerpt)

80. The 2016 Plan divides Pitt County for partisan ends, placing Pitt County's most Democratic VTDs in District 1 to the north, while putting the county's more moderate and Republican VTDs in District 3 to the south.

81. The 2016 Plan does the same in Wilson County. In dividing Wilson County, the plan builds a fence between Democratic and Republican voters, nearly straight down the middle of the county, putting the Democratic VTDs in District 1 to the east and the Republican VTDs in District 2 to the west.

82. The 2016 Plan's packing of Democratic voters in District 1 has produced an overwhelmingly Democratic district. In 2016 and 2018, the Democratic candidate won District 1 with 70.3% and 69.9% of the vote, respectively.

Congressional District 2

83. District 2 cracks Democratic voters. It carefully avoids the most Democratic areas of Wake County (to the west) and Wilson County (to the east), instead picking up only those counties' moderate and Republican-leaning VTDs. The map further cracks the Democratic voters of Johnston County, splitting them between District 2 to the north and District 7 to the south. The following image shows this extreme cracking of Democratic voters:

(map omitted in this excerpt)

84. Legislative Defendants' extreme gerrymandering of this district has ensured that it remains a Republican seat. The Republican candidate won District 2 with 56.7% and 52.8% of the vote in 2016 and 2018, respectively.

Congressional District 3

85. Legislative Defendants likewise engineered District 3 to be a safe Republican seat. Whereas District 1 was the recipient of all of Pitt County's most Democratic VTDs, District 3 contains all of Pitt County's most Republican VTDs. The district further avoids a handful of moderate and Democratic counties in eastern North Carolina.

(map omitted in this excerpt)

86. District 3 has performed as designed. The Republican candidate won uncontested in 2018, and won 67.2% of the vote in 2016.

Congressional District 4

87. District 4 is a clear example of the subordination of traditional districting principles to partisan ends. Dr. Hofeller admitted in sworn testimony that he intentionally drew District 4 to be “predominantly Democratic.” Hofeller Dep. at 192:7-16. To achieve maximum packing of Democratic voters, Legislative Defendants connected Wake County’s most Democratic VTDs with the extremely Democratic VTDs in southern Durham County as well as the entirety of Democratic-leaning Orange County. This allowed Wake County’s more Republican VTDs to be put into District 2 to ensure a Republican seat.

(map omitted in this excerpt)

88. The result of this packing is that the Democratic candidate has won District 4 by lopsided margins, winning 68.2% and 75.1% of the vote in 2016 and 2018, respectively.

Congressional District 5

89. Legislative Defendants constructed District 5 to minimize the voting power of Democratic voters in Forsyth County. The 2016 Plan connects Winston-Salem’s predominantly Democratic voters with far-flung rural communities to the west.

(map omitted in this excerpt)

90. Legislative Defendants succeeded in wasting the votes of the Democratic voters of Forsyth County. District 5 elected a Republican by comfortable margins in the 2016 and 2018 elections, with 58.4% and 57.3% of the vote, respectively.

Congressional District 6

91. Greensboro is the third-largest city in North Carolina and home to one of the largest concentrations of Democratic voters in the state. It also fell victim to one of the most egregious examples of cracking in the 2016 Plan.

92. As shown in the image below, the 2016 Plan splits Greensboro—and Guilford County—and subsumes each half within a much larger concentration of Republican voters. The southwestern half of Guilford County is now part of District 13 and the other half belongs to District 6, cracking that causes both districts to be safe Republican seats. As noted previously, the map also separates the Democratic voters in both of these districts from Forsyth County's Democratic voters in District 5.

(map omitted in this excerpt)

93. In cracking Greensboro's Democratic voters, Legislative Defendants split the campus of North Carolina A&T State University, which is the largest historically black university in the country. The district boundary cuts straight through the campus, placing the west side of campus in District 13 and the east side of campus in District 6, as shown below:

(map omitted in this excerpt)

94. As a result of this cracking, the Republican candidate has won District 6 by comfortable margins, with 59.2% and 56.5% of the vote in 2016 and 2018, respectively.

Congressional District 7

95. The 2016 Plan cracks Democratic voters in District 7. As already explained, at the north end of District 7, the map cracks Johnston County's Democratic voters between Districts 7 and 2. Likewise, on the west side of District 7, the map cracks Democratic voters

in Bladen County, splitting the most heavily Democratic VTDs between Districts 7 and 9.

(map omitted in this excerpt)

96. As a result of this cracking, District 7 has remained a safe Republican seat. The Republican candidate won District 7 with 60.9% and 56.5% of the vote in 2016 and 2018, respectively.

Congressional District 8

97. Fayetteville is North Carolina's sixth most-populous city and is heavily Democratic. The 2016 Plan cracks Fayetteville's Democratic voters nearly down the middle, placing one group in District 8 and the other in District 9. District 8 then slices to the west, picking up Republican voters in county after county until stopping halfway through Rowan County, right before the district would hit the Democratic voters of Salisbury, who are carefully excluded from District 8 and placed into District 13 instead.

(map omitted in this excerpt)

98. As a result of this cracking, District 8 has remained a safe Republican seat. The Republican candidate won District 8 with 58.8% and 55.3% of the vote in 2016 and 2018, respectively.

Congressional District 9

99. District 9 is a near mirror image of District 8. District 9 contains the other half of Fayetteville's Democratic voters and then, like District 8, stretches west to pick up Republican voters. District 9 reaches into Mecklenburg County and picks up the "pizza slice" in Mecklenburg County that contains the county's most Republican-leaning VTDs. District

9's boundaries carefully exclude virtually all of Mecklenburg County's Democratic VTDs, which instead are packed into District 12.

(map omitted in this excerpt)

100. In the elections under the 2016 Plan, District 9 has bent but not broken, remaining a Republican seat. Even the fact that District 9's 2018 Republican candidate was involved in a high-profile election-fraud scandal that resulted in the invalidation of the 2018 election results for that district could not counterbalance the extreme gerrymander. The Republican candidate won the September 2019 special election in District 9 with 51% of the vote.

Congressional Districts 10 and 11

101. The 2016 Plan egregiously cracks Asheville's Democratic voters between Districts 10 and 11 to create two safe Republican seats. This cracking dilutes the voting power of Asheville's Democratic voters and ensures that they cannot elect a candidate of their choice.

(map omitted in this excerpt)

102. The boundary between Districts 10 and 11 splits the campus of UNC Asheville in two, even going so far as to place students living on different sides of the same residential dormitory into different congressional districts, as shown in the image below:

(map omitted in this excerpt)

103. The cracking of Asheville’s Democratic voters has been successful. The Republican candidates in Districts 10 and 11 won both seats with between 58% and 63% of the vote in the 2016 and 2018 elections.

Congressional District 12

104. District 12 is another packed Democratic district. Dr. Hofeller admitted in sworn testimony that he intentionally drew District 12 to be “predominantly Democratic.” Hofeller Dep. 192:7-16. District 12 packs all of Mecklenburg County’s most Democratic VTDs, carefully excluding the Republican-leaning “pizza slice” in the southern part of Mecklenburg County to ensure that District 12 is an overwhelmingly Democratic district.

(map omitted in this excerpt)

105. As a result of this packing, the Democratic candidate won District 12 with 67.0% and 73.1% of the vote in 2016 and 2018, respectively.

Congressional District 13

106. District 13 contains the other cracked half of Guilford County. District 13 groups Guilford County’s heavily Democratic voters in and around Greensboro and High Point with overwhelmingly Republican areas in Davidson, Davie, Rowan, and Iredell Counties, ensuring that Guilford County’s Democratic voters cannot elect a Democrat.

(map omitted in this excerpt)

107. The Republican candidate won District 13 in 2016 and 2018 with 56.1% and 53.1% of the vote, respectively.