

APPENDIX 1

Stephenson v. Bartlett, No. 01-cvs-2885
Johnston County Superior Court
Order of May 8, 2002

NORTH CAROLINA
JOHNSTON COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 01 CvS 2885

ASHLEY STEPHENSON, et al
PLAINTIFFS,

vs.

GARY BARTLETT, et al
DEFENDANTS.

FILED
DATE 5/8/02 TIME 4:30 pm
WILL R. CROCKER
JOHNSTON COUNTY C.S.C.
ORDER BY P. Ryals
DEPUTY

THIS MATTER came on to be heard, and was heard, before the undersigned Judge of the Superior Court on May 8, 2002. In accordance with the Supreme Court's April 30, 2002, opinion in this matter the purpose of this hearing was twofold: (1) to determine whether the General Assembly should be accorded the first opportunity to draw new redistricting plans for the 2002 election for the State House and State Senate and (2) to establish a timetable for action by the General Assembly and subsequent actions by this Court.

Based upon the Supreme Court's opinion, the affidavits filed by the parties and arguments of counsel, it is hereby ordered:

1. The General Assembly shall be accorded the first opportunity to draw new redistricting plans for the State House and the State Senate and it shall have up to and including 12:00 noon, May 20, 2002, to submit those plans to the Court. Primary responsibility for redistricting rests with the General Assembly.

2. If they choose to do so, the parties will submit proposed redistricting plans to the Court no later than Noon on May 20, 2002. Any plans

submitted will comply with all criteria established by the Supreme Court of North Carolina. Any plans submitted will include the following reports generated by the General Assembly's District Builder system: (1) statewide maps; (2) ideal versus actual population based on 2002 Census results; (3) district populations by race and ethnicity, both total population and voting age population; (4) split county report; (5) split precinct report; (6) voter registration by district; (7) 2002 General Election results; and (8) bill text report. Each plan submitted shall also include a report explaining how the plan was constructed.

3. No later than 5:00 p.m. on May 21, 2002, plaintiffs will submit to the Court comments and materials which shall specifically identify any and all defects they claim exist in the legislature's redistricting plans.

4. A hearing shall be held on May 22, 2002, at 2:00 p.m. to determine whether the legislature's plans are constitutional.

5. Should defendants submit a plan by noon on a day earlier than May 20, 2002, this schedule shall be adjusted by the Court accordingly.

6. The Court will defer to any plan by the General Assembly submitted to the Court consistent with this timetable, provided any such plans comply with the criteria established by the Supreme Court of North Carolina. In the event the General Assembly chooses not to submit a plan, the Court will adopt a constitutional plan and seek preclearance of such plan, strictly as an interim remedy for the 2002 election.

7. The Court retains the discretion to consider any additional plans submitted by the General Assembly to correct any constitutional defects that the Court may find.

8. No plan submitted by the General Assembly and approved by this Court, or in the absence of such a plan, no plan adopted by the Court, shall be administered in the 2002 elections until such time as it is precleared pursuant to Section 5 of the Voting Rights Act of 1965.

So ordered, this the 8th day of May, 2002.



HONORABLE KNOX V. JENKINS, JR.
RESIDENT SUPERIOR COURT JUDGE PRESIDING