Exhibit 3
(2 of 2)

Dickson Plaintiffs' Amended Complaint
creating this group of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

243. District 99 begins in the eastern side of Mecklenburg County and is bounded by Districts 106 and 107 in the northwest and District 100 in the southwest. It extends an arm into District 103 in the East.

244. District 103 hugs the eastern border of Mecklenburg County and is bordered by Districts 99, 100, 104, and 105.
245. Below is a map of Lewis-Dollar-Dockham 4 Districts 99, 102, 103, and 106.

246. Below is a map of the equivalent area under the 2009 House Plan.
247. In House District 99, represented by an African American, Rep. Rodney Moore, the current BVAP of 41.26 percent increases to 54.65 percent BVAP.

248. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 99 and decrease the number of black voters in District 103. In turn, the number of white voters in District 103 is increased.

249. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest.

250. The design of these districts also rejects the traditional redistricting principles of compactness.

251. Additionally, Lewis-Dollar-Dockham 4 draws Districts 102 and 106 to be two additional and unnecessary majority-minority districts in Mecklenburg. District 102, rises from 42.74 percent to 53.53 percent. District 106 is a new district in the county, drawn with a BVAP of 51.12 percent.

252. District 102 and 106 are racial classifications, drawn intentionally to increase the number of black voters in the district and decrease the number of black voters in adjacent districts.

253. These new majority-minority districts are not required for compliance with Section 2 of the Voting Rights Act.

254. To create these additional and unnecessary majority-minority districts, the entirety of Mecklenburg County is drawn with less consideration for compactness and communities of interest.

255. Lewis-Dollar-Dockham 4's Mecklenburg area rated less compact than the Mecklenburg area in the AFRAM Plan in 7 out of 7 measures.
256. The creation of unnecessary majority-minority districts leads to less compact
adjacent districts. District 92, adjacent to District 102, is less compact than the equivalent district
in the AFRAM Plan.

257. District 107, adjacent to Districts 92, 98, 99, 101 and 106 is less compact than the
equivalent district in the AFRAM Plan.

258. The design of these districts does not respect traditional communities of interest.
In Mecklenburg County, 49 out of the county’s 195 precincts were split.

259. In District 99, 7 precincts were split.

260. In District 103, 3 precincts were split.

261. In District 102, 7 precincts were split.

262. In District 106, 3 precincts were split.

263. An egregious example of race-based precinct splits occurred in the Mecklenburg
area. Precinct 235 in Mecklenburg County was split into two sub-precincts, which divided
between House District 100 and 103. District 100 wrapped around one small predominantly
black area, removing it from District 103. Adjacent Precinct 94 was split to pull white voters
into 103.

264. As a result of the inflated black population of District 99, 102, and 106, minorities
in the District 103 and throughout the Mecklenburg area have less ability to elect the candidate
of their choice and less influence in the electoral process.

Chatham-Lee Region

265. The Lewis-Dollar-Dockham 4 Plan draws District 54 to scoop black voters out of
District 51 in Lee County In turn, the voting power of minorities remaining in District 51 is
diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of
compactness and preserving communities of interest.
266. The Plan draws Districts 54 as containing Chatham County in its entirety then reaches an arm into District 51 in Lee County.
267. Below is a map of Lewis-Dollar-Dockham 4 Districts 51 and 54.

268. Below is a map of the equivalent area under the 2009 House Plan.
269. The total BVAP of District 54 is 17.98.

270. The BVAP of the Lee County piece of District 54 is 36.5 percent of the population of the Lee County piece.

271. District 54's excursion into Lee County accounts for approximately 40 percent of the entire BVAP of the district.

272. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 54 and decrease the number of black voters in District 51. In turn, the number of white voters in District 51 is increased.

273. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest.

The Halifax-Nash-Franklin Region

274. Lewis-Dollar-Dockham 4 Plan draws District 7 and District 25 as a pair of highly irregular, ragged districts that ignores the historic community of interest that unites Nash and Halifax Counties. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

275. District 7 winds its way through the northern portions of Franklin and Nash Counties, with arms that reach into the southern half of Nash County. District 25 includes the remainder of Franklin and Nash Counties unclaimed by District 7.
276. Below is a map of Lewis-Dollar-Dockham 4 Districts 7 and 25.

277. Below is a map of the equivalent area under the 2009 House Plan.
278. The design of these two districts does not respect traditional communities of interest, such as precincts. In Districts 7 and 25, 22 precincts were split.

279. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 7 rated less compact than the equivalent district in the AFRAM plan on 6 out of 7 tests.

**State Senate Redistricting**

280. On January 27, 2011, the Senate Redistricting Committee was appointed and Senator Bob Rucho was named as Chair of the Committee.

281. The Senate Redistricting Committee considered a plan named “Rucho Senate 2.”

282. In addition to Rucho Senate 2, two legislators introduced alternative plans: (1) the plan presented by Minority Leader, Senator Martin Nesbitt, called “Senate Fair and Legal;” and (2) the plan presented by Senator Floyd McKissick for the Legislative Black Caucus, the “LBC Plan.” In addition, an alternative plan was developed by a coalition of community-based organizations called AFRAM (Alliance for Fair Redistricting and Minority Voting Rights) and submitted at the June 23, 2011 public hearing, “AFRAM map.”

283. All three alternative plans adhered to the traditional redistricting criteria of compactness, contiguity, and preserving communities of interest. The plans also provided appropriate and effective voting districts for minority voters in compliance with Section 2 and Section 5 of the Voting Rights Act.

284. The State Senate plan currently in effect is known as the “2003 Senate Plan.” The 2003 Plan was ratified in 2003, and was used in the 2004 through 2010 elections. It is the benchmark used for Section 5 analysis.
285. On July 27, 2011, the General Assembly passed the State Senate Redistricting Plan, S.L. 404, known as the “Rucho Senate 2” plan.

286. No African-American Senators or Representatives voted for the Rucho Senate 2 Plan.

287. On November 7, 2011, the General Assembly passed curative legislation to assign all the areas left unassigned by the Senate Redistricting Plan, 2011 S.L. 404. The revised Plan was enacted into law as 2011 S.L. 413.

288. No African-American Senators or Representatives voted for the curative legislation.

289. In the Rucho Senate 2 Plan, 10 districts have a BVAP greater than 40 percent and 9 of these districts have a BVAP over 50 percent.

290. By comparison, in the 2003 Senate Plan, no district had a BVAP greater than 50 percent. Eight districts had a BVAP greater than 40 percent, ranging from 42.52 percent to 49.7 percent. From these eight districts, seven black Senators were elected.

291. The Rucho Senate 2 Plan segregates many black voters into districts with greater than 50 percent BVAP or less than 30 percent BVAP. In the Plan, only 1 district has a BVAP between 30 and 50 percent.

292. In comparison, the 2003 Plan had 15 districts with a BVAP between 30 and 50 percent.

293. The BVAP of the Rucho Senate 2 Plan and the 2003 Plan are shown below where each dot represents one of the 50 districts in the plan. The vertical axis is the percent BVAP of the district and the horizontal axis is the number of the district.
294. In drawing these districts, the Rucho Senate 2 plan intentionally carved black voters out of existing majority-white districts to increase the BVAP of districts already providing
African-American voters an opportunity to elect their candidates of choice and to decrease the number of black voters in the remaining majority white districts. The Rucho Senate 2 Plan divided black voters from their neighborhoods and communities by splitting the precincts in which they vote and packing them in existing, performing minority districts.

295. Rucho Senate 2 divides 257 precincts in 12 counties. A voting age population of approximately 1,000,000 citizens resides within these divided precincts.

296. The Rucho Senate 2 Plan splits more precincts than any alternative plan submitted to the Senate Redistricting Committee. The enacted plan splits 43 times the number of precincts than the Senate Fair & Legal Plan, which split only 6 precincts. Additionally the enacted plan split many more precincts than the Senate LBC and Senate AFRAM plans, which split 5 precincts and 70 precincts, respectively.

297. The Rucho Senate 2 Plan repeatedly split precincts based on race.

298. The plaintiffs are harmed by this excessive splitting of precincts.

299. The Rucho Senate 2 Plan also fails to preserve the traditional redistricting principle of compactness. In measures of compactness, the Rucho Senate 2 Plan rated less compact than the Senate Fair & Legal Plan in 6 out of 7 tests and the AFRAM and LBC Plans in 5 out of 7 tests.

The Durham-Granville Area

300. Rucho Senate 2 draws District 20 and District 22 as a pair of highly irregular, ragged districts to pack as many black voters as possible into District 20. In turn, the voting power of minorities remaining in District 22 is diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

301. District 20 includes Granville County in its entirety and then extends a southern tentacle into Durham County to reach into Durham, a city with a large black population.
302. District 22 includes Caswell and Person Counties in their entirety, and the remainder of Durham County unclaimed by District 20.
303. Below is a map of Rucho Senate 2 Districts 20 and 22.

304. Below is a map of the equivalent area under the 2003 Senate Plan.
305. In Senate District 20, represented by an African-American, Sen. Floyd McKissick, the current BVAP of 44.64 percent increases to 51.04 percent under the new plan.

306. District 20 was already effectively electing the black candidate of choice and a majority BVAP district was not needed to comply with Section 2 of the Voting Rights Act.

307. District 20’s reach into Durham targets black voters. In the area of District 20 in Durham County, the BVAP is 59.18 percent. In contrast, the BVAP of the rest of Durham County, located in District 22, is only 17.73 percent.

308. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 20 and decrease the number of black voters in District 22. In turn, the number of white voters in District 22 is increased.

309. The design of these two districts does not respect traditional communities of interest. In Durham County, the majority of precincts (35 out of 55) were split. Districts 20 and 22 also had 35 split precincts.

310. The design of these districts rejects the traditional redistricting principles of compactness. In measures of compactness, District 20 rated less compact than the equivalent district in the AFRAM plan on 7 out of 7 tests.

311. As a result of the inflated black population of District 20, minorities in the Durham/Granville area risk losing the ability to elect the candidate of their choice.

The Hoke-Cumberland Area

312. The Rucho Senate 2 Plan draws District 19 and District 21 as a pair of convoluted districts to pack as many black voters as possible into District 21. In turn, the voting power of minorities remaining in District 19 is diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.
313. District 21 is subject to Section 5 preclearance. It includes Hoke County in its entirety and then extends east in five separate “fingers” into Cumberland County. These fingers stretch into Fayetteville, a city with a large black population.

314. District 19 contains the portion of Cumberland County unclaimed by District 21.
315. Below is a map of Rucho Senate 2 Districts 19 and 21.

316. Below is a map of the equivalent area under the 2003 Senate Plan.
317. In Senate District 21, represented by African-American Sen. Eric Mansfield, the current BVAP of 44.93 percent increases to 51.53 percent.

318. District 21 was already effectively electing the black candidate of choice and complied with the Voting Rights Act.

319. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 21 and decrease the number of black voters in District 19. In turn, the number of white voters in District 19 is increased.

320. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest.

321. The design of these two districts does not respect traditional communities of interest. Within Districts 19 and 21, 33 precincts were split in each district. More than one-half the precincts are divided by Senate districts in Cumberland County (33 of 48).

322. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 21 rated less compact than the equivalent district in the AFRAM plan on 7 out of 7 tests.

323. As a result of the inflated black population of District 21, minorities in District 19 have less ability to elect the candidate of their choice and less influence in the electoral process.

**The Guilford Area**

324. The Rucho Senate 2 Plan draws District 27 and District 28 as a pair of convoluted, interlocked districts to pack as many black voters as possible into District 28. In turn, the voting power of minorities remaining in District 27 is diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

325. District 28 is subject to Section 5. It is entirely included in Guilford County.
326. Below is a map of Rucho Senate 2 Districts 27 and 28.

327. Below is a map of the equivalent area under the 2003 Senate Plan.
328. In Senate District 28, represented by an African American, Sen. Gladys Robinson, the current BVAP of 47.20 percent increases to 56.49 percent.

329. District 28 was already effectively electing the black candidate of choice and complied with the Voting Rights Act.

330. This district is a racial classification, drawn intentionally to increase the number of black voters in the district.

331. The use of race in drawing this district is not narrowly tailored to meet a compelling governmental interest.

332. The design of these two districts does not respect traditional communities of interest. In Guilford, 16 precincts were split by Senate districts.

333. In District 28, 15 precincts were split.

334. In District 27, 14 precincts were split.

335. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 28 rated less compact than the equivalent district in the AFRAM plan on 4 out of 7 tests.

336. As a result of the inflated black population of District 28, minorities in District 27 have less ability to elect the candidate of their choice and less influence in the electoral process.

**The Forsyth Area**

337. The Rucho Senate 2 Plan draws District 31 and District 32 as a pair of highly irregular, unwieldy districts. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

338. District 32 spreads from the center of Forsyth County, sprouting tentacles in each direction.
339. District 31 is the adjacent district, retaining the rest of Forsyth and containing Yadkin County in its entirety.
340. Below is a map of Rucho Senate 2 Districts 31 and 32.

341. Below is a map of the equivalent area under the 2003 Senate Plan.
342. District 32 is drawn to be 42.53 percent black.

343. District 31 pairs two incumbents, Republican Senator Peter Brunstetter and Democratic Senator Linda Garrou. It has a BVAP of 6.42 percent

344. Districts 31 and 32 do not respect traditional communities of interest. In Forsyth County, 43 of 101 precincts are divided.

345. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 32 rated less compact than the equivalent district in the AFRAM plan on 6 out of 7 tests.

The Greene-Wayne-Lenoir-Pitt Area

346. The Rucho Senate 2 Plan draws District 5 and District 7 across four counties to create a majority-black District 5. In turn, the voting power of minorities remaining in District 7 is diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

347. District 5 is subject to Section 5 preclearance. It includes Greene County in its entirety and then extends a southward tendril into Wayne and Lenoir Counties. Finally it extends northeast into Pitt County.

348. District 7 is the adjacent district, retaining the rest of Wayne, Lenoir and Pitt Counties.
349. Below is a map of Rucho Senate 2 Districts 5 and 7.

350. Below is a map of the equivalent area under the 2003 Senate Plan.
351. District 5 is a new district in the region, drawn to be a majority-minority district with a BVAP of 51.97 percent.

352. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 5 and decrease the number of black voters in District 7. In turn, the number of white voters in District 7 is increased.

353. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest.

354. The design of these two districts does not respect traditional communities of interest. In Districts 5 and 7, 40 precincts were split in each district.

355. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 5 rated less compact than the equivalent district in the AFRAM plan on 7 out of 7 tests.

356. As a result of the inflated black population of District 5, minorities in District 7 have less ability to elect the candidate of their choice and less influence in the electoral process.

**Wake County**

357. The Rucho Senate 2 Plan draws District 14 and District 18 as a pair of convoluted districts within Wake and Franklin Counties to pack as many black voters as possible into District 14. In turn, the voting power of minorities remaining in District 18 is diluted. In creating this pair of districts, the Plan neglects the core redistricting principles of compactness and preserving communities of interest.

358. District 14 is entirely included in Wake County.

359. District 18 includes Franklin County in its entirety and parts of Wake County.

360. Below is a map of Rucho Senate 2 Districts 14 and 18.
361. Below is a map of the equivalent area under the 2003 Senate Plan.
362. In Senate District 14, represented by an African American, Sen. Dan Blue, the current BVAP of 42.62 percent increases to 51.28 percent.

363. District 14 was already effectively electing the black candidate of choice and complied with Section 2 of the Voting Rights Act.

364. The drawing of this pair of districts in this manner is a racial classification, designed to increase the number of black voters in District 14 and decrease the number of black voters in District 18. In turn, the number of white voters in District 18 is increased.

365. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest. The design of these two districts does not respect traditional communities of interest.

366. In District 14, 29 precincts were split. In District 18, 22 precincts were split.

367. The design of these districts also rejects the traditional redistricting principles of compactness. In measures of compactness, District 14 rated less compact than the equivalent district in the AFRAM plan on 6 out of 7 tests.

368. As a result of the inflated black population of District 14, minorities in the Wake County area of District 18 have less ability to elect the candidate of their choice and less influence in the electoral process.

**The Mecklenburg Region**

369. District 41 is a highly irregular shaped district, beginning in the north of Mecklenburg County. From there it tapers into a thin line hugging the western border of Mecklenburg, growing wide again in the southeast portion of the county.

370. Districts 38 and 40 border District 41 on the south.

371. Below is a map of Rucho Senate 2 Districts 38, 40, and 41.
372. Below is a map of the equivalent area under the 2003 Senate Plan.
373. District 41's strange shape is based on the exclusion of black voters from the District. Rucho Senate 2 draws District 41 with a remarkably low BVAP of 13.15 percent, down from 22.31 in the prior plan.

374. This BVAP is at least 7.5 percent lower than any of the alternative plans. The black voters excluded from District 41 are pushed into Districts 38 and 40.

375. The BVAP in District 38 rose from a BVAP of 46.97 to a new BVAP of 52.51 percent.

376. The BVAP of District 40 rose from 35.43 percent to 51.84 percent.

377. The drawing of this group of districts in this manner is a racial classification, designed to increase the number of black voters in Districts 38 and 40 and decrease the number of black voters in District 41. In turn, the number of white voters in District 41 is increased.

378. The use of race in drawing these districts is not narrowly tailored to meet a compelling governmental interest.

379. The design of these three districts does not respect traditional communities of interest.

380. In District 41, 16 precincts were split.

381. In District 38, 8 precincts were split.

382. In District 40, 16 precincts were split.

383. As a result of the deflated minority population in District 41, minorities in the district and greater Mecklenburg area have less ability to elect the candidate of their choice and less influence in the electoral process.
Congressional Redistricting

384. The Congressional Plan currently in effect is known as the “2001 Plan.” The 2001 Plan was ratified in 2001, and was used in the 2002 through 2010 elections.


386. In addition to the 2011 Congressional Plan, two legislators introduced alternative plans: 1) the plan presented by Senator Josh Stein, called “Congressional Fair and Legal;” and (2) the plan presented by Senator Dan Blue, called “Fourth, Fair, Legal, Compact” Plan. In addition, a plan was developed by a coalition of community-based organizations called AFRAM (Alliance for Fair Redistricting and Minority Voting Rights), and submitted at the May 9, 2011 public hearing, “AFRAM Plan.”

387. All three alternative plans adhered to the traditional redistricting criteria of compactness, contiguity, and preserving communities of interest. The maps also provided appropriate and effective voting districts for minority voters in compliance with Section 2 and Section 5 of the Voting Rights Act.


389. On 7 out of 7 measures for compactness, the enacted plan scored less compact on average than the AFRAM Plan.

District 1

390. Race was the predominant factor in drawing District 1.

391. Under the benchmark plan, the BVAP of District 1 was 47.76 percent. In comparison, District 1 has a new BVAP of 52.65 percent, showing that the district was drawn to increase the percentage of black voters in the 2011 Plan.
392. As race was the predominant factor in drawing District 1, the district is a racial classification subject to strict scrutiny.

393. In District 1, 35 precincts were split.

394. District 1 fails to be narrowly tailored to serve a compelling state interest. The majority-minority district created by the plan is not required by the North Carolina State Constitution or by any federal statute, including the Voting Rights Act.

**District 12**

395. Race was the predominant factor in drawing District 12.

396. District 12 has a new BVAP of 50.66 percent, showing that the district was drawn to increase the percentage of black voters in the 2011 Plan.

397. As race was the predominant factor in drawing District 12, the district is a racial classification subject to strict scrutiny.

398. District 12 fails to be narrowly tailored to serve a compelling state interest. The majority-minority district created by the plan is not required by the North Carolina State Constitution or by any federal statute, including the Voting Rights Act.

**District 4**

399. The 2011 Congressional Plan draws District 4 to incorporate narrow segments of 7 counties: Alamance, Orange, Chatham, Durham, Wake, Harnett, and Cumberland into the District.

400. This assortment of county pieces fails to reflect existing and historic communities of interest.

401. District 4 reflects excessive partisanship that violates the North Carolina Constitution’s “for the good of the whole” clause in Article I, § 2.

402. In District 4, 14 precincts were split.
403. In measures of compactness, District 4 scored less compact than the AFRAM Plan in 7 out of 7 measures.

**District 10**

404. The 2011 Congressional Plan irrationally excludes Asheville from the Mountain Region represented by District 11 and instead places it in District 10.

405. The Mountain Region of North Carolina is a vital community of interest with its own unique culture and economy.

406. Asheville has long been recognized as the urban center of the Mountain Region and an important part of its economic and political climate.

407. Never in the history of the State has a redistricting plan separated Asheville from the mountains.

408. In separating Asheville from the Mountain Region, the 2011 Congressional Plan places the city with communities in the Piedmont Region, such as Gastonia. These Piedmont communities have far less in common with Asheville than the communities of the Mountain Region.

409. District 10 reflects excessive partisanship that violates the North Carolina Constitution’s “for the good of the whole” clause. Article I, § 2.

**PLAINTIFFS’ FIRST CLAIM FOR RELIEF**

(Violation of the Equal Protection Clause, Article I, § 19 of the State Constitution, State House Redistricting Legislation, S.L. 416)

410. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

411. Under the Equal Protection Clause of the North Carolina State Constitution, no person shall “be denied the equal protection of the laws; nor … be subjected to discrimination by the State because of race, color, religion, or national origin.” N.C. Const. Art. I, § 19.
412. Art. I, § 19 requires the court to apply strict scrutiny of classifications based on race. To survive strict scrutiny, the State must demonstrate that the classification is narrowly tailored to advance a compelling state interest.

413. The Defendants' practice of dividing precincts based on race violates Article 1, § 19 of the North Carolina State Constitution which prohibits racial discrimination and guarantees equal protection of the laws.

414. A legislative district that amounts to a racial classification "reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their constituency as a whole." Shaw v. Reno, 509 U.S. 630, 650 (U.S. 1993).

415. The Redistricting Committee Chairs admit moving black voters from one district to another based intentionally on the voters' race, thereby creating racial classifications.

416. House Districts 5, 21, 24, 29, 32, 38, 42, 48, 54, 57, 99, 102 and 106 are racial classifications designed to inflate the black voting age population of each district and decrease the black voting age population of adjacent districts.

417. House Districts 1, 2, 4, 8, 30, 34, 45, 49, 51, 59, 66, and 103 are racial classifications designed to decrease the black voting age population of each district and increase the white voting age population.

418. The 2011 House Plan fails to meet the requirements of strict scrutiny. It is not narrowly tailored to advance a compelling state interest. The majority-minority districts created by the plan are not required by the North Carolina State Constitution or by the federal Voting Rights Act or any other federal statute.

419. The excessive number of split precincts in the enacted plan creates two large and unequal classes of citizens and voters: (1) a class of individuals who live in divided precincts –
and in counties with many divided precincts – who will experience voter-education gaps, elevated risks of election administration problems, and other harms described herein; and (2) a class of individuals living in whole precincts and counties with only whole precincts, who will experience “business as usual” in the election process. Individuals in the first class are also disproportionately African-American voters.

420. The enacted House Districts listed in paragraphs 387 and 388 above are not sufficiently compact to meet the equal protection clause’s requirement of consistently recognizing local governmental subdivisions and geographical-based communities of interest, and they create a crazy quilt of districts unrelated to a legitimate governmental interest.

421. The individual and organizational plaintiffs suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate equally in the political process and inherent harm to their dignity by the racial discrimination and denial of equal protection described herein.

PLAINTIFFS’ SECOND CLAIM FOR RELIEF
(Violation of Article I, § 19 of the State Constitution, State Senate Redistricting Legislation, S.L. 413)

422. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

423. Under the Equal Protection Clause of the North Carolina State Constitution, no person shall “be denied the equal protection of the laws; nor … be subjected to discrimination by the State because of race, color, religion, or national origin.” N.C. Const. Art. I § 19.

424. Art. I, § 19 requires the court to apply strict scrutiny of classifications based on a race. To survive strict scrutiny, the State must demonstrate that the classification is narrowly tailored to advance a compelling state interest.
425. The Defendants’ practice of dividing precincts based on race violates Article 1, § 19 of the North Carolina State Constitution which prohibits racial discrimination and guarantees equal protection of the laws.

426. A legislative district that amounts to a racial classification “reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their constituency as a whole.” Shaw v. Reno, 509 U.S. 630, 650 (U.S. 1993).

427. The Redistricting Committee Chairs admit moving black voters from one district to another based on the voters’ race, thereby creating racial classifications.

428. Senate Districts 5, 14, 20, 21, 28, 32, 38 and 40 are racial classifications designed to inflate the black voting age population of each district and decrease the black voting age population of adjacent districts.

429. Senate Districts 7, 18, 19, 22, 27, 31, and 41 are racial classifications designed to decrease the black voting age population of each district and increase the white voting age population.

430. The 2011 Senate Plan fails to meet the requirements of strict scrutiny. It is not narrowly tailored to advance a compelling state interest. The majority-minority districts created by the plan are not required by the North Carolina State Constitution or by the federal Voting Rights Act or any other federal statute.

431. As a result of this racial gerrymander, the 2011 Senate Plan fails to comply with the traditional redistricting principles in Stephenson v. Bartlett, 355 NC 357 (2002). Following Stephenson, the legislature must strive for compactness, contiguity, and respect for political subdivisions. Id.
432. The excessive number of split precincts in the enacted plan creates two large and unequal classes of citizens and voters: (1) a class of individuals who live in divided precincts – and in counties with many divided precincts – who will experience voter-education gaps, elevated risks of election administration problems, and other harms described herein; and (2) a class of individuals living in whole precincts and counties with only whole precincts, who will experience “business as usual” in the election process. Individuals in the first class are also disproportionately African-American voters.

433. The enacted Senate Districts listed in paragraphs 399 and 400 above are not sufficiently compact to meet the equal protection clause’s requirement of consistently recognizing local governmental subdivisions and geographical-based communities of interest, and they create a crazy quilt of districts unrelated to a legitimate governmental interest.

434. The individual and organizational plaintiffs suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate equally in the political process and inherent harm to their dignity by the racial discrimination and denial of equal protection described herein.

PLAINTIFFS’ THIRD CLAIM FOR RELIEF
(Violation of Article I, § 19 of the State Constitution, Congressional Redistricting Legislation, S.L. 403)

435. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

436. Under the Equal Protection Clause of the North Carolina State Constitution, no person shall “be denied the equal protection of the laws; nor ... be subjected to discrimination by the State because of race, color, religion, or national origin.” N.C. Const. Art. I, § 19.

437. Art. I, § 19 requires the court to apply strict scrutiny of classifications based on a race. To survive strict scrutiny, the State must demonstrate that the classification is narrowly tailored to advance a compelling state interest.
438. A legislative district that amounts to a racial classification "reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their constituency as a whole." *Shaw v. Reno*, 509 U.S. 630, 650 (U.S. 1993).

439. The Redistricting Committee Chairs admit moving black voters from one district to another based on the voters' race, thereby creating racial classifications.

440. The 2011 Congressional Plan fails to meet the requirements of strict scrutiny. It is not narrowly tailored to advance a compelling state interest. The racially-based Districts 1 and 12 created by the plan are not required by the North Carolina State Constitution or by any federal statute, including the Voting Rights Act.

441. Districts 4 and 10 in the 2011 Congressional Plan are not sufficiently compact to meet the equal protection clause's requirement of consistently recognizing local governmental subdivisions and geographical-based communities of interest, and they create a crazy quilt of districts unrelated to a legitimate governmental interest.

442. The individual and organizational plaintiffs suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate equally in the political process and inherent harm to their dignity by the racial discrimination and denial of equal protection described herein.

**PLAINTIFFS’ FOURTH CLAIM FOR RELIEF**
(Violation of Article II, § 3 of the State Constitution, Senate Redistricting Plan (Traditional Redistricting Principles))

443. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

444. Article II, § 3 of the North Carolina State Constitution provides: "No county shall be divided in the formation of a senate district," a provision that requires the General Assembly
to respect the traditional redistricting principles of compactness and respect for political subdivisions and communities of interest. *Stephenson v. Bartlett*, 355 NC 357 (2002).

445. Defendants divided an unprecedented number of precincts and communities of interest in addition to drawing non-compact districts in the 2011 Senate Plan without justification under the Constitution or federal statute.

446. The 2011 Senate Plan fails to comply with the traditional redistricting principles required by *Stephenson v. Bartlett*, 355 NC 357 (2002).

**PLAINTIFFS’ FIFTH CLAIM FOR RELIEF**  
(Violation of Article II, § 5 of the State Constitution, House Redistricting Plan)

447. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

448. Article II, § 5 of the North Carolina State Constitution reads: “No county shall be divided in the formation of a representative district,” a provision that requires the General Assembly to respect the traditional redistricting principles of compactness and respect for political subdivisions and communities of interest. *Stephenson v. Bartlett*, 355 NC 357 (2002).

449. Defendants violated Plaintiffs’ rights under Article II, § 5 of the Constitution in dividing an unprecedented number of precincts and communities of interest, in addition to drawing non-compact districts in the 2011 House Plan.

450. The Lewis-Dollar-Dockham 4 Plan fails to comply with the traditional redistricting principles required by *Stephenson v. Bartlett*, 355 NC 357 (2002).

**PLAINTIFFS’ SIXTH CLAIM FOR RELIEF**  
(Violation of Article I, § 2 of the State Constitution, House Plan)

451. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

452. Article II, § 5 of the Constitution mandates that Defendants redistrict the 120 seats in the House of Representatives following the 2010 census.
453. Article I § 2 of the North Carolina Constitution mandates that the General Assembly legislate “for the good of the whole.”

454. The excessive partisanship exercised by Defendants in drawing the 2011 House Plan created non-compact districts and split precincts and communities of interest without justification.

455. Defendants have failed to act “for the good of the whole” in drawing the 2011 House Plan.

PLAINTIFFS’ SEVENTH CLAIM FOR RELIEF
(Violation of Article I, § 2 of the State Constitution, Senate Plan)

456. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

457. Article II, § 3 of the Constitution imposed on Defendants the duty to redistrict the 50 seats in the State Senate following the 2010 census.

458. Article I, § 2 of the North Carolina Constitution mandates that the General Assembly legislate “for the good of the whole.” The excessive partisanship exercised by Defendants in drawing the 2011 Senate Plan created non-compact districts and split precincts and communities of interest without justification. Defendants have failed to act “for the good of the whole” in drawing the 2011 Senate Plan.

PLAINTIFFS’ EIGHTH CLAIM FOR RELIEF
(Violation of Article I, § 2 of the State Constitution, Congressional Plan)

459. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

460. Federal statute (2 U.S.C. §§ 22a and 2c) grants authority to the General Assembly to redistrict the 13 seats held by North Carolina in the United States House of Representatives.

461. Article I § 2 of the North Carolina Constitution mandates that the General Assembly legislate “for the good of the whole.”
462. The excessive partisanship exercised by Defendants in drawing the 2011 Congressional Plan created non-compact districts and split precincts and communities of interest without justification.

463. Defendants have failed to act “for the good of the whole” in drawing Districts 4 and 10.

PLAINTIFFS’ NINTH CLAIM FOR RELIEF
(Violation of the Equal Protection Clause of the 14th Amendment of the U.S. Constitution, House Plan)

464. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

465. The 14th Amendment to the United States Constitution forbids racial classifications unless narrowly tailored to serve a compelling interest.

466. The Defendants’ practice of dividing precincts based on race violates the Equal Protection Clause of the 14th Amendment to the U.S. Constitution which prohibits racial discrimination and guarantees equal protection of the laws.

467. House Districts 5, 21, 24, 29, 32, 38, 42, 48, 54, 57, 99, 102 and 106 are racial classifications designed to create majority-black districts despite no requirement by the Voting Rights Act to do so.

468. House Districts 1, 2, 4, 8, 30, 34, 45, 49, 51, 59, 66, and 103 are racial classifications designed to decrease the black voting age population of each district and increase the white voting age population.

469. Defendants failed to narrowly tailor these districts to meet any compelling interest, including any compelling interest in meeting the requirements of the federal Voting Rights Act.

471. The individual and organizational plaintiffs suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate equally in the political process and inherent harm to their dignity by the racial discrimination and denial of equal protection described herein.

PLAINTIFFS' TENTH CLAIM FOR RELIEF
(Violation of the Equal Protection Clause of 14th Amendment of the U.S. Constitution, Senate Plan)

472. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

473. The 14th Amendment to the United States Constitution forbids racial classifications unless narrowly tailored to serve a compelling interest.

474. The Defendants' practice of dividing precincts based on race violates the Equal Protection Clause of the 14th Amendment to the U.S. Constitution which prohibits racial discrimination and guarantees equal protection of the laws.

475. Defendants drew district lines in Senate Districts 5, 14, 20, 21, 28, 32, 38 and 40 to increase the number of black voters in the district, despite no requirement by the Voting Rights Act to draw increased minority districts.

476. Senate Districts 7, 18, 19, 22, 27, 31, and 41 are racial classifications designed to decrease the black voting age population of each district and increase the white voting age population.

477. Defendants failed to narrowly draw these districts to meet any compelling interest including any compelling interest in meeting the requirements of the federal Voting Rights Act.

478. The Senate Districts drawn in this way constitute an unjustified use of racial classifications that violates Plaintiffs' rights under the 14th Amendment and 42 U.S.C. 1983.

479. The individual and organizational plaintiffs suffer representational harms, impediments to their missions, activities and interests, a diminution in their ability to participate
equally in the political process and inherent harm to their dignity by the racial discrimination and
denial of equal protection described herein.

**PLAINTIFFS’ ELEVENTH CLAIM FOR RELIEF**
(Violation of the Equal Protection Clause of the 14th Amendment of the U.S.
Constitution, Congressional Plan)

480. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

481. The 14th Amendment to the United States Constitution forbids racial
classifications unless narrowly tailored to serve a compelling interest.

482. Defendants drew district lines in Districts 1 and 12 to increase the number of
black voters in the district despite no requirement by the Voting Rights Act to do so.

483. Districts 1 and 12 are racial classifications subject to strict scrutiny.

484. Defendants failed to narrowly draw these districts to meet any compelling interest
including any compelling interest in meeting the requirements of the federal Voting Rights Act.

485. The excessive use of race in drawing Congressional Districts 1 and 12 violate
Plaintiffs’ rights under the 14th Amendment and 42 U.S.C. 1983.

486. The individual and organizational plaintiffs suffer representational harms,
impediments to their missions, activities and interests, a diminution in their ability to participate
equally in the political process and inherent harm to their dignity by the racial discrimination and
denial of equal protection described herein.

**PLAINTIFFS’ TWELFTH CLAIM FOR RELIEF**
(Violation of N.C. Gen. Stat. § 120-2.2, State House and State Senate)

487. Plaintiffs rely herein upon all of the paragraphs of this Complaint.

488. The General Assembly may not divide any precincts in redistricting the House
and Senate unless and until the United States Department of Justice fails to preclear the House
plan or Senate plan following N.C. Gen. Stat. § 120-2.2. In the event that the plans fail
preclearance, the General Assembly may only divide the minimum number of precincts necessary to obtain preclearance.


490. As the United States Department of Justice failed to preclear N.C. Gen. Stat. § 120-2.2, the statute does not govern the 40 counties covered by Section 5 of the Voting Rights Act. The statute, however, remains effective in the 60 counties not covered by Section 5.


PLAINTIFFS' THIRTEENTH CLAIM FOR RELIEF

(Violation of N.C. Gen. Stat. § 163-261.2, Congressional Redistricting Plan)

492. Plaintiffs rely herein upon all of the paragraphs of this Complaint.


494. In the event that the Plans fail preclearance, the General Assembly may only divide the minimum number of precincts necessary to obtain preclearance.

495. As the United States Department of Justice failed to preclear N.C. Gen. Stat. § 163-261.2 so the statute does not govern the 40 counties covered by Section 5 of the Voting Rights Act. The statute however, remains in effect for the 60 counties not covered by Section 5.
496. The 2011 Congressional Redistricting Plan divided 17 precincts in 8 counties not covered by Section 5. Those counties are: Alamance, Buncombe, Catawba, Davidson, Iredell, New Hanover, Randolph and Wake.


PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully move the court:

1. Declare that the State Senate Redistricting Plan (2011 S.L. 413), the State House Redistricting Plan (2011 S.L. 416), and the Congressional Redistricting Plan (2011 S.L. 403) establish racial classifications in violation of the equal protection provisions of Article I, Section 19 of the North Carolina Constitution.

2. Declare that the State Senate Redistricting Plan, the State House Redistricting Plan, and the Congressional Redistricting Plan establish racial classifications in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution and 42 U.S.C 1983.

3. Declare that the State Senate Redistricting Plan, the State House Redistricting Plan, and the Congressional Redistricting Plan were not enacted for the "good of the whole," in violation of Article I, Section 2 of the North Carolina Constitution.


6. Enter a temporary restraining order, preliminary injunction, and a permanent injunction enjoining the Defendants, their agents, officers, and employees, from enforcing or giving any effect to the State Senate Redistricting Plan, the State House Redistricting Plan, and the Congressional Redistricting Plan, including enjoining the Defendants, their agents, officers, and employees from opening any filing period or conducting any primary election or general election based on the State Senate Redistricting Plan, the State House Redistricting Plan, or the Congressional Redistricting Plan.

7. Enter a preliminary and permanent injunction setting a place and time for the court to receive proposed redistricting plans for the Senate, House, and Congress from the parties that comply with the requirements of the United States and North Carolina Constitutions.

8. Enter a permanent injunction adopting redistricting plans for the Senate, House, and Congress for the 2012 primary elections that comply with the United States and North Carolina Constitution as an interim remedy, and that the General Assembly be ordered to enact re-districting plans for the Senate, House, and Congress that comply with the requirements of the United States and North Carolina Constitutions to be used in the General Election of 2014 and all subsequent elections until the Census Bureau issues its 2020 Decennial Census.

9. In the alternative, enter a preliminary and permanent injunction directing the General Assembly to enact re-districting plans for the Senate, House, and Congress that comply with the requirements of the United States and North Carolina Constitutions to be used in the General Election of 2012, provided such plans are enacted and precleared by the United States Attorney General no later than a specific time set by the court. If the General Assembly fails to do so, the Court will adopt its own plans that meet constitutional requirements.

10. Make all further orders as are just, necessary, and proper including orders providing for an expedited and shortened period of discovery and an expedited trial.
11. Require Defendants to pay Plaintiffs' costs and expenses.


13. Grant Plaintiffs such other and further relief the Court deems just and proper.

This the 9th day of December, 2011.

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has served a redlined draft copy of the foregoing *Amended Complaint* in the above titled action upon all other parties to this cause by email on December 5, 2011. A file-stamped copy of the foregoing *Amended Complaint* in the above titled action has been served by the undersigned today by:

[x] Hand delivering a copy hereof to Alexander McC. Peters and Susan K. Nichols;
[ ] Transmitting a copy hereof to each said party via facsimile transmittal;
[x] By email transmittal;
[ ] Depositing a copy hereof, first class postage pre-paid in the United States mail, properly addressed to:

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[ ] Hand delivering a copy hereof to each said party or to the attorney thereof;
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[x] Depositing a copy hereof, first class postage pre-paid in the United States mail, properly addressed to:

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I further certify I have served this day a courtesy copy of the foregoing Amended Complaint on counsel for Plaintiffs in Dickson v. Rucho by email to the following persons at the following address:

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