

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Civil Action No. 1:13-CV-00949

DAVID HARRIS and CHRISTINE)
BOWSER,)
)
Plaintiffs,)
)
v.)
)
PATRICK MCCRORY, in his capacity)
as Governor of North Carolina; NORTH)
CAROLINA STATE BOARD OF)
ELECTIONS; and JOSHUA HOWARD,)
in his capacity as Chairman of the North)
Carolina State Board of Elections,)
)
Defendants.)

**PARTIES' JOINT
FACTUAL STIPULATION**

The parties hereby stipulate that the following facts are true and accurate and shall be taken as true for the purposes of the trial in this matter, without the need for further factual proof or evidence:

1. The plaintiffs are each citizens of the United States and the State of North Carolina residing at the following addresses:

David Harris
609 Saddle Ridge Ave.
Durham, North Carolina 27704

Christine Bowser
3028 DePaul Ct.
Charlotte, NC 28216

2. The plaintiffs' residences are each located in the following current Congressional districts:

David Harris:
Congressional District 1

Christine Bowser:
Congressional District 12

3. On January 27, 2011, Senator Robert Rucho was appointed Chair of the North Carolina Senate Redistricting Committee. On February 15, 2011, Representative David Lewis was appointed Chair of the House Redistricting Committee. Senator Rucho and Representative Lewis were jointly responsible for developing a Congressional map for consideration and approval by the General Assembly.

4. Senator Rucho and Representative Lewis, through counsel, engaged Dr. Thomas Brooks Hofeller to draw proposed Congressional maps.

5. On July 28, 2011, following the 2010 Decennial Census, the General Assembly passed Session Law 2011-403, which established a redistricting plan for the Congressional Districts. Session Law 2011-403 was passed by the North Carolina Senate by a vote of 28 to 17 and by the North Carolina House by a vote of 68 to 51, and was precleared by the United States Department of Justice on November 1, 2011.

6. On November 7, 2011, the General Assembly passed curative legislation for the Congressional District Map, Session Law 2011-414, which passed the Senate by a vote of 25 to 12 and by the House by a vote of 62 to 46. Session Law 2011-414 was precleared by the United States Department of Justice on December 8, 2011. Together, Session Laws 2011-403 and 2011-414 established a redistricting plan for North Carolina's Congressional Districts ("Congressional Plan").

7. As of the date the Congressional Plan was enacted, Representative G.K. Butterfield represented Congressional District 1 and Representative Mel Watt represented Congressional District 12.

8. Since the 1992 general election, Congressional District 1 has been served by Representatives Eva Clayton, Frank Ballance, and G.K. Butterfield, all of whom are African American.

9. The following counties or portions thereof are in the 2011 First Congressional District: Beaufort, Bertie, Chowan, Craven, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Warren, Washington, Wayne, and Wilson.

10. The following counties included in the 2011 First Congressional District were covered by Section 5:

Bertie, Chowan, Craven, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Vance, Washington, Wayne, Wilson

11. The following counties or portions thereof included in the 2011 First Congressional District were included in majority-black Senate or House districts enacted by the General Assembly in 1984 following a finding of liability by the district court and then approved by the Supreme Court in *Gingles v. Edmisten*, 590 F.Supp. 345 (E.D.N.C. 1984), *aff'd in part and rev'd in part*, *Thornburg v. Gingles*, 478 U.S. 30 (1986): Bertie, Chowan, Edgecombe, Gates, Halifax, Martin, Nash, Northampton, Washington, and Wilson.

12. The following counties or portions thereof included in the 2011 First Congressional District were also included in the 1997 version of the First Congressional District approved by the district court in *Cromartie v Hunt*, 133 F. Supp. 2d 407 (E.D.N.C. 2000) *aff'd in part and rev'd in part*, *Easley v. Cromartie*, 532 U.S. 234 (2001) (*Cromartie II*): Beaufort, Bertie, Craven, Edgecombe, Gates, Granville, Greene, Halifax, Hertford, Lenoir, Martin, Northampton, Pitt, Vance, Warren, Washington, Wayne, and Wilson.

13. The following counties or portions thereof were included in the 2001 and 2011 versions of Congressional District 12: Mecklenburg, Cabarrus, Rowan, Davidson, Guilford, and Forsyth.

14. Representative Watt. Representative was elected to represent Congressional District 12 at each General Election from 1992 through 2012. Representative Watt is an African American.

So stipulated, this the 12th day of October, 2015.

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*Local Rule 83.1
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*Co-counsel for Defendants North
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Joshua Howard, in his capacity as
Chairman of the North Carolina State
Board of Elections*

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a copy of the foregoing **PARTIES' JOINT FACTUAL STIPULATION** to be made by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

This the 12th day of October, 2015.

/s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.