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STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF WAKE

2021 NOV 16 P 4:29

CVS

NORTH CAROLINA LEAGUE OF CONSERVATION  
VOTERS, INC.; HENRY M. MICHAUX, JR.;  
DANDRIELLE LEWIS; TIMOTHY CHARTIER; TALIA  
FERNÓS; KATHERINE NEWHALL; R. JASON  
PARSLEY; EDNA SCOTT; ROBERTA SCOTT; YVETTE  
ROBERTS; JEREANN KING JOHNSON; REVEREND  
REGINALD WELLS; YARBROUGH WILLIAMS, JR.;  
REVEREND DELORIS L. JERMAN; VIOLA RYALS  
FIGUEROA; and COSMOS GEORGE,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his official  
capacity as Chair of the House Standing Committee on  
Redistricting; SENATOR WARREN DANIEL, in his  
official capacity as Co-Chair of the Senate Standing  
Committee on Redistricting and Elections; SENATOR  
RALPH E. HISE, JR., in his official capacity as Co-Chair  
of the Senate Standing Committee on Redistricting and  
Elections; SENATOR PAUL NEWTON, in his official  
capacity as Co-Chair of the Senate Standing Committee on  
Redistricting and Elections; REPRESENTATIVE  
TIMOTHY K. MOORE, in his official capacity as Speaker  
of the North Carolina House of Representatives; SENATOR  
PHILIP E. BERGER, in his official capacity as President  
Pro Tempore of the North Carolina Senate; THE STATE  
OF NORTH CAROLINA; THE NORTH CAROLINA  
STATE BOARD OF ELECTIONS; DAMON CIRCOSTA,  
in his official capacity as Chairman of the North Carolina  
State Board of Elections; STELLA ANDERSON, in her  
official capacity as Secretary of the North Carolina State  
Board of Elections; JEFF CARMON III, in his official  
capacity as Member of the North Carolina State Board of  
Elections; STACY EGGERS IV, in his official capacity as  
Member of the North Carolina State Board of Elections;  
TOMMY TUCKER, in his official capacity as Member of  
the North Carolina State Board of Elections; and KAREN  
BRINSON BELL, in her official capacity as Executive  
Director of the North Carolina State Board of Elections,

Defendants.

AFFIDAVIT OF  
GRACE  
LIBERMAN

I, Grace Liberman, having been duly sworn by an officer authorized to administer oaths, depose and state as follows:

1. I am a Paralegal at Jenner & Block LLP, counsel for Plaintiffs in this matter. On

November 15 and 16, 2021, I watched the recordings of the public hearings conducted in the North Carolina General Assembly during the 2021 redistricting process. I submit this affidavit to attest to the legitimacy of the quotes from those hearings, referenced herein and in Plaintiffs' Verified Complaint, in support of Plaintiffs' Verified Complaint and Motion for Preliminary Injunction.

2. On October 5, 2021, the House Redistricting Committee held a hearing. A recording of that meeting was posted by the North Carolina General Assembly (NCGA) Redistricting account and can be found at [https://www.youtube.com/watch?v=9UsiS\\_6rlUA](https://www.youtube.com/watch?v=9UsiS_6rlUA). In the recording, Representative Hawkins and Chair Hall had the following exchange from 1:49:03 to 1:50:31.

Rep. Hawkins: "My birthday's in May, so I was always used to having a May primary. And I understood you know why we moved it to March to play in the presidential, but this is a midterm. And so is there any appetite, potentially, to move the primary back to May in the midterm versus the way we do it in presidential years—to give us the ample amount of time to work on these maps and have the potential public comment and have the fun that we did last go round on this project?"

Chair Hall: "You know, I'll answer that question by saying, you know, I haven't seen that appetite from the body, you know, I chair Redistricting and Rules, and I will, I will leave it at that, that I, you know, I don't anticipate us moving that deadline back. I think for a number of reasons, but one of the best reasons, I think, is you know folks who folks have planned for that for some time now, and I certainly understand the gentleman's argument that perhaps it gives us more time to get it done but at the same, on the same token, you have got folks who have been running for may be statewide offices, and you've got folks who have planned to run at given times, and so at this point in the game, I anticipate keeping our filing deadlines as is."

Rep. Hawkins: "Sure, well, I would just argue, Mr. Chairman, that it gives those people—North Carolina has 10.5 million people, and it's a pretty big state—so that would give the statewide folks a lot of time to get to know people of North Carolina."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:50:45 to 1:51:24:

Rep. Harrison: "When you were talking about us being bound by the criteria of not using race or partisan data, so any individual can any member of the House can draw a district—will they be bound by the same criteria?"

Chair Hall: "Yes, so to be clear, only a map that's drawn in this room is going to be considered by this Committee. And on these computers in this room, you essentially are bound by that criteria because there is no racial data or election data that's loaded into these computers."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:51:44 to 1:52:39:

Rep. Harrison: "But it seems like if you come in and you might have the material with you, it might not be actually loaded in the software, but you might actually have—I just didn't know if there was some way to enforce that, or how do you plan to do that?"

Chair Hall: "Well, you know, I don't plan to search every member who comes into this committee room, nor do I want to do that. I don't want to know what some of y'all have in there, but you know, it's one of those things, where at the end of the day, the members of this committee are elected representatives. You're elected by your constituents to come up here and do a job, and you know, I'm not going to, I always try not to question people's motives when they do something, and I think this falls in that same vein, so you know, members can, are free to handle those issues as they see fit, but they will follow the criteria in the sense that that data is not in these computers, but I'm not going to, I'm not going to search their bags when they walk in."

In the same hearing, as recorded in the NCGA video linked above, Representative

Harrison and Chair Hall had the following exchange from 1:53:24 to 1:54:44:

Rep. Harrison: "I don't want to belabor the point, but in the last meeting we had, on August 18th, I, several of us had had gotten together, and advocates had

proposed a public participation process and a transparency process. We also all received a letter from Caroline Frye (sp) on Friday that came from a large group of advocates asking for procedures to be followed by this committee. One of those is transparency related to third party participation, disclosure of that. Is there any plan to, to the extent that folks are consulting with counsel or data people, or is there any plan for disclosure of that sort of issue?"

Chair Hall: "You know in the same vein of as Chair of this Committee, I'm not going to make it a practice to search people's folders or their bags when they come into this room, I'm also not going to inquire into everybody that they're talking to one way or the other. Again, we're all elected here, you've got a duty to your constituents, and you've got a decision to make as to how you want to carry out that duty. But I as the Chair of this Committee, I'm not going to police who folks are talking to."

In the same hearing, as recorded in the NCGA video linked above, Representative Reives and Chair Hall had the following exchange from 2:05:22 to 2:08:05:

Rep. Reives: "My concern is similar to Representative Harrison's concern, because here here seems to be the problem that you run into—so let's say somebody, I mean, and I'll use somebody who would never do this, I'll use Representative Bell – So, let's say Representative Bell comes in and he's gone and he's talked to you know non-member Billy Richardson and Billy has said oh man this would be a great map for you John Bell, because you know, you put all the Democrats over here, you put all the Republicans here, and then you got all the black people here and white people here and all that stuff—obviously using racial and partisan data that we're not using. And so, then he says here's my map, so you don't have to worry about drawing it. Well, if Representative Bell, under what I'm hearing, brings that map in, sits it down in front of him at the terminal and just draws it on the computer, then he at that time has been allowed to draw a map that's been drawn on a computer, so it can be used, but it's still using racial and partisan data, and and I'm just like Representative Harrison, I'm definitely not asking anybody police anyone. But do we have anything in place that would kind of help prevent that, because to me that seems an easy get around in a legal sense, around the criteria that we've set up."

Chair Hall: "Well, you know, I would initially say, that the problem that you face at the end of the day, as the gentleman already knows, and as I've said, I don't think I have the ability to police members of this committee, nor do I want to try to do that. I don't think it can effectively be done. The committees of this, the members of this committee have an elective duty to do things, I think in the right way. And we have a set of criteria that we have used in here. I know I'm not going to bring in a map and sit down and draw it. But the reality is we're elected officials and people talk to us and they call us all the time and throughout this process many members of the committee and the body are going to be told by

folks, whether in their district or in the halls out here, what they think they should do and in fact, as many of the questions today have shown us the members of this committee really want the public's comment, and you know those members of the public may say, Representative Reives, I want you to draw the district this way and I want you to do this precinct and that's up for you, that's up to you to determine how you want to handle doing that but at the end of the day, I think we've done all that we can in the sense of we're only putting the data that's allowed to be used in the computers in this room and we've got a live audio feed and a live video feed. I'm not sure that we can do a whole lot else humanly to prevent any sort of noise, so to speak, from coming in other than doing those things."

3. On November 1, 2021, the Senate Redistricting Committee held a hearing. A recording that meeting was uploaded by the NCGA Redistricting account and can be found at <https://www.youtube.com/watch?v=KgSkfFY7r7g>. In the recording, Senator Nickel made the following statement from 51:39 to 54:27.

Sen. Nickel: "This is what this map is—it's a 10-11, or, sorry, a 10-4 or an 11-3 depending on that one area where G.K. [Butterfield] is. And we've been through decades of litigation on this.

Ten years ago, David Lewis was the lead Republican author when we drew maps. He's now a convicted felon. At the time he said, I think electing Republicans is better than electing Democrats, so I drew this map to help foster what I think is better for the country. He then said, I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats, because I don't believe it would be possible to draw an 11-2 map.

Now, Mr. Chairman, I know you are too smart to say something like that. And I'm not going to try to play gotcha here, because I know you're briefed and you're not going to say something as as as bad as that. But I do recall on the floor the last go-around when Senator Tillman was talking, I thought you were going to have a heart attack, when he started talking about how Republicans were going to draw Republican maps and he made his position very clear about that. And you know, it'd be great if we could have an honest debate about this, but this is what we see here.

And you don't need to say anything, because this map speaks louder than words. You can't argue with the math. And it's right there in front of us: We've heard the public comments. We've heard the outside experts, and you can see in my diagram exactly what's going on. This is a map that robs 10.7 North Carolinians of any real choice at the ballot box. It's a map that guarantees that 10 or 11 Republicans will be elected in our 50-50 state. It doesn't pass the eye

test. It doesn't pass the smell test. I wish I cou- I wish I could make this committee understand why this is so wrong. Why this is so wrong for every single voter in our state.

And I wish we could sit down and have a private conversation about this with folks who would truly listen and truly find a compromise on this. And I wish we could have a competition at the ballot box for for the best ideas. But you can't have a competition at the ballot box for the best ideas when you decide the outcome in advance. This is not a fair fight. You know we could do 50-50 districts in every part of the state. And I think the most important question is very simple. With this whole process, you know in this committee and on the floor of the senate is how greedy are you going to be with these maps. If you pass an 11-3 or a 10-4 map, I think you can guarantee action by the state Supreme Court on state constitutional grounds. We have heard what they said the last go-around and we fixed our maps. We came back and drew an 8-5 map. Now you're taking seats to make an 11-3 map or a 10-4. Control of the next Congress will be decided by just a few seats and just by drawing the lines we can decide who is going to be in control of the next Congress. So, this is a big deal for my constituents, for all of our folks."

4. On November 3, 2021, the House Redistricting Committee held a hearing. A recording of that meeting was uploaded by the NCGA Redistricting account and can be found here:

<https://www.youtube.com/watch?v=M53S7TbN6ew>. In the recording, Representative

Harrison made the following comment from 50:30 to 50:59:

Rep. Harrison: "I think that it was a problem for us not to consider, as I said, on the Senate maps and the House maps, the Voting Rights Act implications for this because I think you have a serious violation here with the African American populations in Greensboro that are all divided up. I - I just don't understand it. I think it's a terrible congressional map. The the partisan analysis shows this as a possible 11-3 in a 50-50 state, and that's just flat wrong."

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Signed this the 16<sup>th</sup> day of November.

District of Columbia

Signed and sworn to (or affirmed) before me on

Nov 16, 2024 by Grace Liberman

Cheryl L. Olson, Notary Public

My commission expires October 31, 2024.

Seal

