

Exhibit 1

Affidavit of Senator Dan Blue

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

Case No. 4:23-cv-193-D

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS, ALAN HIRSCH, in his
official capacity as Chair of the North
Carolina State Board of Elections, JEFF
CARMON III in his official capacity as
Secretary of the North Carolina State
Board of Elections, STACY "FOUR"
EGGERS IV in his official capacity as a
member of the North Carolina State Board
of Elections, KEVIN N. LEWIS in his
official capacity as a member of the North
Carolina State Board of Elections,
SIOBHAN O'DUFFY MILLEN in her
official capacity as a member of the North
Carolina State Board of Elections, PHILIP
E. BERGER in his official capacity as
President Pro Tem of the North Carolina
Senate, and TIMOTHY K. MOORE in his
official capacity as Speaker of the North
Carolina House of Representatives,

Defendants.

AFFIDAVIT OF DAN BLUE

Dan Blue, being first duly sworn, deposes and says:

1. I have served as a member of the North Carolina General Assembly for more than 38 years. From 1980 to 2002 and from 2006 to 2009, I served as a member of the House of Representatives; since 2009 I have served as a member of the Senate. From 1991 to 1994 I served two terms as Speaker of the House, and at present I am Minority Leader of the Senate. This year I celebrated my 50th year practicing law.

2. During my legislative tenure, the General Assembly has enacted 13 House redistricting maps¹, 12 Senate redistricting maps² and 10 congressional maps³. I have participated in the enactment of each of those 35 maps as an appointed member of one or more redistricting committees and in other leadership roles. Many of these maps were drawn or redrawn in the context of litigation and in response to orders of the state or federal courts. At least once over each of the five decades I served in the General Assembly, the General Assembly has redrawn one or more redistricting maps during the period between February and May of the election years for legislative and congressional elections and held primaries for those offices between May and September of those years.

- a. On March 8, 1984, the General Assembly adopted four acts redrawing the legislative districts invalidated by the Gingles district court. 1983 SL 1es, 2es, 3es and 4es. On that same day, the General Assembly bifurcated the 1984 election schedules for the Senate and House districts covered by these four acts from the election schedules for all other Senate and House districts. The elements of this bifurcation included: voiding the filing period already completed in the revised districts; establishing new filing periods for election in those districts for April and May; and rescheduling primaries in those districts for June and July. 1983 SL 2es2.
- b. On May 21, 1998, in the context of the Shaw litigation the General Assembly redrew the State's congressional map for the 2008

¹ 1981 SL 5es2; 1984 SL 6; 1991 SL 5es; 2001 SL 458; 2002 SL 1; 2003 SL 434 2009 SL 78; 2011 SL 402; 2017 SL 207; 2019 SL 219; 2021 SL 173; 2022 SL 2; 2023 SL 146.

² 1981 SL --; 1984 SL 4 and 5; 1991 SL 5es; 2001 SL 458; 2002 SL 1; 2003 SL 434; 2011 SL 404; 2017 SL 208; 2019 SL 220; 2021 SL 175; 2022 SL 4; 2023 SL 149.

³ 1981 SL 7es2; 1992 SL 7; 1997 SL 11; 1998 SL 2; 2001 SL 479; 2016 SL 1; 2019 SL 249; 2021 SL 174; 2022 SL 3; 2023 SL 145.

elections. 1998 SL 2. The 1998 primary elections for the 1998 congressional elections were held on September 15.

- c. On May 20, 2002, in the context of the Stephenson litigation, the General Assembly redrew the House and Senate maps for the 2002 elections. 2002 SL 1. The primary elections for the General Assembly in 2002 were held on September 10.
- d. On February 19, 2016, in the context of the Harris v. Cooper litigation, the General Assembly redrew the State's congressional map for the 2016 elections. 2016 SL 1. The 2016 primary elections for Congress were held on June 9, 2016.
- e. On February 17, 2022, in the context of the Harris v. Hall litigation, the General Assembly redrew the State Senate map, 2022 SL 2, and the State House map, 2022 SL 4, and the primary elections were held on May 17, 2022.

3. The 2024 primary elections for the State Senate and House are scheduled for March, but March is an atypical time for primaries in recent years. Since 1990, there have been 17 primary elections for the State Senate and House. Twelve of those primaries (2022, 2018, 2014, 2012, 2010, 2008, 2006, 2000, 1996, 1994, 1992 and 1990) were held in May. Only two were held in March (2020 and 2016); one was held in July (2004); and two in September (1998 and 2002).

4. The General Assembly has expressly anticipated the need to revise the 2023 Senate districts and alter the 2024 election schedule. On the same day the General Assembly enacted the 2023 Senate map, it also enacted an adjournment resolution. That resolution provides that the General Assembly will reconvene on December 20, 2023, January 17, 2024, February 14, 2024, March 13, 2024, April 4, 2024, and April 10, 2024 and

that on each of those days it may consider “bills responding to actions related to litigation challenging the legality of legislative enactments” and “bills relating to elections laws including bills concerning the districts for Congressional, State House and State Senate.” Resolution 2023-11.

5. North Carolina’s courts have also redrawn districts on occasion over my years of service in the General Assembly. Most notably, on April 30, 2002, the North Carolina Supreme Court in Stephenson invalidated the House and Senate redistricting plans enacted by the General Assembly in November 1991 following the 2000 census. 1991 SL 451 and 458. Two weeks later on May 17, 2002, the General Assembly enacted new maps (2002 SL 1), but those maps were invalidated by the trial court, and the 2002 House and Senate elections were held under maps drawn by the trial judge. The trial judge’s legislative maps were precleared on July 12, 2002 by the United States Department of Justice for use for the 2002 elections; the primaries were held on September 15; and the general elections were held in November. See Stephenson v. Bartlett, 357 N.C. 301 (2003).

6. During the 2023 session of the General Assembly, I served as Minority Leader in the Senate. On April 28, 2023, the North Carolina Supreme Court reversed and voided earlier Supreme Court decisions which had invalidated the House and Senate maps enacted in 2021. Harper v. Hall. ---NC---. Following that decision, the General Assembly could have simply readopted the 2021 House and Senate maps for this decade, but it instead choose to draw new House and Senate maps. These newly redrawn maps were first made public on October 18, 2023. I and other Democratic legislators saw the new maps for the first time on October 18 at the same time they were released to the public. One week later on October 25 those redrawn maps were adopted for the decade on a straight party-line vote. 2023 SL 146 and 149. During the almost six-month interim between April 28 and October 25 the General Assembly enacted more than 120 new laws. In May and June, the


Senate Redistricting and Elections Committee met five times and considered bills but not any redistricting bill.

7. There is no legitimate basis for the General Assembly's almost 6-month delay in adopting new maps. Time and time again the General Assembly, even in the days before high-speed computers and fancy algorithms, has demonstrated the ability to redraw maps in short order. Indeed, there was a wide-spread belief among members of the General Assembly in the Spring of 2023 that the Senate and House maps were revised soon after the April 28, 2023 North Carolina Supreme Court decision in Harper v. Hall allowing revision. The more-than-five month-delay-month delay in presenting revised maps for adoption was a political ploy designed by the Republican super-majority in the General Assembly to corral the ability of the courts to order new maps prior to the 2024 elections. In conversations in May with Senator Berger and members of his team, I was informed that they were awaiting the decision of the U. S. Supreme Court in Allen v. Milligan before adopting new maps. Allen v. Milligan came down on June 8. Maps did not come for another 18 ½ weeks.

This the 20th of December, 2023.


Dan Blue

Sworn to and Subscribed Before
me this 20th day of December, 2023


Notary Public

Sandra J. Chrisawn
My Commission Expires:
12-4-2025

