
APPENDIX F

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION**

FILE NO. 21 CVS 015426

[Filed: February 23, 2022]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

NORTH CAROLINA LEAGUE, OF)
CONSERVATION VOTERS, INC., <i>et al.</i> ,)
<i>Plaintiffs,</i>)
)
COMMON CAUSE,)
<i>Plaintiff-Intervenor,</i>)
)
v.)
)
REPRESENTATIVE DESTIN HALL,)
in his official capacity as Chair of the)
House Standing Committee on)
Redistricting, <i>et al.</i> ,)
<i>Defendants.</i>)

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 21 CVS 500085

STATE OF NORTH CAROLINA
COUNTY OF WAKE

REBECCA HARPER, <i>et al.</i> ,)
<i>Plaintiffs,</i>)
)
v.)
)
REPRESENTATIVE DESTIN HALL,)
in his official capacity as Chair of the)
House Standing Committee on)
Redistricting, <i>et al.</i> ,)
<i>Defendants.</i>)

ORDER ON REMEDIAL PLANS

[*** tables omitted in this appendix ***]

THIS MATTER comes before the undersigned three-judge panel pursuant to the February 4, 2022, Order of the Supreme Court of North Carolina (“Supreme Court Remedial Order) for review of Remedial Redistricting Plans to apportion the state legislative and congressional districts within North Carolina (hereinafter collectively referred to as the “Remedial Plans”) enacted by the North Carolina General Assembly on February 17, 2022. 2022 N.C. Sess. Laws. 2 (also known as Senate Bill 744 and hereafter referred to as “Remedial Senate Plan”); 2022 N.C. Sess. Laws. 4 (also known as House Bill 980 and hereafter referred

to as “Remedial House Plan”); 2022 N. C. Sess. Laws. 3 (also known as Senate Bill 745 and hereafter referred to as “Remedial Congressional Plan”).

The Remedial Plans were enacted following entry of the Supreme Court Remedial Order. This Court entered a Judgment on January 11, 2022, wherein the Court upheld the constitutionality of the 2021 Enacted State Legislative and Congressional redistricting plans (hereinafter “Enacted Plans”). Thereafter, Harper Plaintiffs, North Carolina League of Conservation Voters Plaintiffs, and Plaintiff-Intervenor Common Cause (hereinafter collectively referred to as “Plaintiffs”) appealed this Court’s Judgment directly to the Supreme Court of North Carolina. On February 4, 2022, the Supreme Court of North Carolina entered its Remedial Order, with opinion to follow, adopting in full this Court’s findings of fact in the January 11, 2022, Judgment; however, the Supreme Court concluded that the Enacted Plans are unconstitutional under N.C. Const., art. I, §§ 10, 12, 14, and 19 and remanded the action to this Court for remedial proceedings. On February 14, 2022, the Supreme Court filed its full opinion in this action. *Harper v. Hall*, 2022-NCSC-17 (Feb. 14, 2022).

Pursuant to the Supreme Court Remedial Order and full opinion, and after reviewing all remedial and alternative plans submitted to this Court, as well as additional documents, materials, and information pertaining to the submitted plans, including the report of this Court’s appointed Special Masters and comments received from the parties, this Court sets out the following:

FINDINGS OF FACT

I. Summary of Requirements for Remedial Process

1. The Supreme Court's Order required the submission to this Court of remedial state legislative and congressional redistricting plans that "satisfy all provisions of the North Carolina Constitution"; both the General Assembly, and any parties to this action who chose to submit proposed remedial plans for this Court's consideration, were required to submit such plans, and additional information, on or before February 18, 2022, at 5:00 p.m.

2. The Supreme Court's Order also provided for a comment period in which parties to these consolidated cases were permitted to file and submit to this Court comments on any plans submitted for this Court's consideration by February 21, 2022 at 5:00 p.m.

3. The Supreme Court's Order also mandated that this Court must approve or adopt constitutionally compliant remedial plans by noon on February 23, 2022.

4. This Court subsequently entered an order on February 8, 2022, providing initial guidance on the remedial phase of the litigation before this Court, requiring written submissions containing the information the Supreme Court set forth in its Order pertaining to redistricting plans in general and the ordered Remedial Plans specifically. The written submissions were required to provide an explanation of the data and other considerations the mapmaker relied upon to create any submitted proposed remedial plan

and to determine that the proposed remedial plan was constitutional—*i.e.*, compliant with the Supreme Court Remedial Order. The full opinion of the Supreme Court, *Harper v. Hall*, 2022-NCSC-17, thereafter provided further guidance for the Remedial Plans.

5. On February 16, 2022, this Court entered an Order appointing three former jurists of our State appellate and trial courts—Robert F. Orr, Robert H. Edmunds, Jr., and Thomas W. Ross—to serve as Special Masters for the purposes of: 1) assisting this Court in reviewing any Proposed Remedial Plans enacted and submitted by the General Assembly or otherwise submitted to the Court by a party in these consolidated cases; and, 2) assisting this Court in fulfilling the Supreme Court’s directive to this Court to develop remedial plans based upon the findings in this Court’s January 11, 2022, Judgment should the General Assembly fail to enact and submit Proposed Remedial Plans compliant with the Supreme Court’s Order within the time allowed. This Appointment Order also required the submission of additional information, data, and materials for review by the Court, the parties, and the Special Masters.

6. The Appointment Order further provided that the Special Masters were authorized to hire assistants and advisors reasonably necessary to complete their work. Pursuant to this authorization, the Special Masters hired the following advisors to assist in evaluating the Remedial Plans:

- a. Bernard Grofman: PhD in political science from the University of Chicago, and currently the Jack W. Peltason Endowed Chair and

Distinguished Professor at the University of California, Irvine, School of Social Sciences;

- b. Tyler Jarvis: PhD in mathematics from Princeton University, and currently a Professor at Brigham Young University's College of Physical and Mathematical Sciences;
- c. Eric McGhee: PhD in political science from the University of California, Berkeley, and currently a Senior Fellow at Public Policy Institute of California, a non-partisan, non-profit think tank; and,
- d. Samuel Wang: PhD in Neurosciences from Stanford University, and currently a Professor of neuroscience at Princeton University and Director of the Electoral Innovation Lab.

7. The Court finds that these advisors were reasonably necessary to facilitate the work of the Special Masters to provide this Court with an analysis of the Remedial Plans.¹

¹ On February 20, 2022, counsel for Harper Plaintiffs submitted a notice of communications wherein the Court was informed that Dr. Wang and Dr. Jarvis had contacted some of Harper Plaintiffs' retained experts by email regarding their algorithms and analysis models. Legislative Defendants subsequently filed a motion to disqualify Dr. Wang and Dr. Jarvis from assisting the Special Masters. The Special Masters have provided additional review of the issues presented in this motion, as noted in the Report attached to this Order, and the Court will address the Motion in a separate order that will be filed contemporaneously herewith.

II. The General Assembly's Remedial Plans as a Whole

8. Pursuant to the Supreme Court's directive, the General Assembly enacted Remedial Plans and, through the Legislative Defendants, timely submitted the Remedial Plans to this Court on February 18, 2022.

A. Participants in the General Assembly's Drawing of Remedial Plans

9. The House participants involved in the drawing of the Remedial Plans consisted of twenty-one Republican members and one Democratic member, with five Republican staff members and two Democratic staff members.

10. The Senate participants involved in the drawing of the Remedial Plans consisted of four Republican members and five Democratic members, with four Republican staff members and one Democratic staff member.

11. The General Assembly members were also supported by fifteen Legislative Analysis and Bill Drafting Division staff members, as well as four Information Systems Division staff members.

12. Legislative Defendants, through counsel, also relied for limited purposes on their experts and non-testifying experts in this case, including Clark Bensen and Sean Trende for statistical analysis, Dr. Jeffrey Lewis to conduct a Racially Polarized Voting Analysis for both the 2021 and the 2022 districts, and Dr. Michael Barber for statistical analyses of the Remedial Plans and other BVAP-related information.

B. The General Assembly's Remedial Criteria for Drawing the Remedial Plans

13. The General Assembly's Remedial Criteria governing the remedial map drawing process were those neutral and traditional redistricting criteria adopted by the Joint Redistricting Committees on August 12, 2021, (received into evidence at trial as exhibit LDTX15) unless the criteria conflicted with the Supreme Court Remedial Order and full opinion.

14. Although expressly forbidden by the previously-used August 2021 Criteria, the General Assembly as part of its Remedial Criteria intentionally used partisan election data as directed by the Supreme Court's Remedial Order. The General Assembly did so by loading such data into Maptitude, the map drawing software utilized by the General Assembly in creating districting plans. The elections used by the General Assembly to evaluate the projected partisan effects of district lines were as follows: Lt. Gov 2016, President 2016, Commissioner of Agriculture 2020, Treasurer 2020, Lt. Gov. 2020, US Senate 2020, Commissioner of Labor 2020, President 2020, Attorney General 2020, Auditor 2020, Secretary of State 2020, and Governor 2020.

15. The Court finds that the General Assembly's use of partisan data in this manner comported with the Supreme Court Remedial Order.

C. The General Assembly's Racially Polarized Voting Analysis

16. Paragraph 8 of the Supreme Court Remedial Order required the General Assembly to "assess

whether, using current election and population data, racially polarized voting is legally sufficient in any area of the state such that Section 2 of the Voting Rights Act requires the drawing of a district to avoid diluting the voting strength of African-American voters.”

17. The General Assembly conducted an abbreviated racially polarized voting (“RPV”) analysis to determine whether racially polarized voting is legally sufficient in any area of the state such that Section 2 of the Voting Rights Act *requires* the drawing of a district to avoid diluting the voting strength of African American voters during the remedial process. Legislative Defendants’ expert Dr. Jeffery B. Lewis ran an analysis and concluded that all three Remedial Plans provide African Americans with proportional opportunity to elect their candidates of choice.

18. The Court finds that the General Assembly satisfied the directive in the Supreme Court Remedial Order to determine whether the drawing of a district in an area of the state is required to comply with Section 2 of the Voting Rights Act.

D. Plaintiffs’ Objections and Comments to the Plans

19. Pursuant to the Supreme Court’s directive, Plaintiffs timely submitted comments on and objections to the Remedial Plans on February 21, 2022.

20. NCLCV Plaintiffs object to the Remedial Senate and Congressional Plans. NCLCV Plaintiffs do not specifically object to the Remedial House Plan but instead request the Court conduct its own analysis of the Remedial House Plan.

21. Harper Plaintiffs object to the Remedial Congressional Plan and Remedial Senate Plan. Harper Plaintiffs do not object to the Remedial House Plan.

22. Plaintiff Common Cause objects to all three Remedial Plans in general and specifically contends the Remedial Senate and House Plans must be redrawn for Senate District 4 and House District 10.

E. Report of Special Masters

23. Pursuant to this Court's Appointment Order, the Special Masters prepared a Report containing their analysis and submitted that Report to this Court for its consideration. The Report is attached to this Order as an exhibit and has been filed with the Court.

24. The Special Masters, and their advisors, conducted an analysis of the Remedial Plans using a variety of metrics to determine whether the submitted maps meet the requirements of the North Carolina Constitution as set out by the Supreme Court of North Carolina in its Remedial Order and full opinion.

25. The Special Masters' findings demonstrate that the Remedial House and Senate Plans meet the requirements of the Supreme Court's Remedial Order and full opinion.

26. The Special Masters' findings demonstrate that the Remedial Congressional Plan does not meet the requirements of the Supreme Court's Remedial Order and full opinion.

27. This Court adopts in full the findings of the Special Masters and sets out additional specific

findings on the Remedial Plans' compliance with the Supreme Court Remedial Order below.

III. Remedial Congressional Plan

A. The General Assembly's Starting Point and Subsequently Proposed Amendments

28. In determining the base map for the Congressional Districts in the Remedial Congressional Plan that was eventually enacted, the Senate started from scratch.

29. There was a House Draft of a remedial congressional plan that was never voted on and therefore never considered by a committee or the full General Assembly.

30. Senator Clark offered one amendment to the Remedial Congressional Plan, a statewide plan, that was tabled.

31. The Remedial Congressional Plans passed the Senate by a vote of 25-19. The "aye" votes in the Senate were solely by members of the Republican party, while the "no" votes in the Senate were solely by members of the Democratic Party. The Remedial Congressional Plan passed the House by voice vote along party lines.

B. Analysis of Partisanship Reflected in the Remedial Congressional Plan

32. The Remedial Congressional Plan reflects key differences from the 2021 Enacted Congressional Plan in the projected partisan makeup of certain districts.

- a. Four congressional districts are some of the most politically competitive in the country (i.e., presidential election differences of less than 5%): District 6, District 7, District 13, and District 14.
- b. Wake and Mecklenburg Counties are only split across two districts unlike in the 2021 Enacted Congressional Plan when each county was split across three districts.

33. The Supreme Court Remedial Order stated that a combination of different methods could be used to evaluate the partisan fairness of a districting plan; of those methods, the General Assembly used the “mean-median” test and the “efficiency gap” test to analyze the partisan fairness of the Remedial Plans.

34. The Court finds, based upon the analysis performed by the Special Masters and their advisors, that the Remedial Congressional Plan is not satisfactorily within the statistical ranges set forth in the Supreme Court’s full opinion. *See Harper v. Hall*, 2022-NCSC-17, if ¶166 (mean-median difference of 1% or less) and , ¶167 (efficiency gap less than 7%).

35. The Court finds that the partisan skew in the Remedial Congressional Plan is not explained by the political geography of North Carolina.

IV. Remedial Senate Plan

A. The General Assembly's Starting Point and Subsequently Proposed Amendments

36. In determining the base map for the State Senate Districts, the Senate also started from scratch. The Senate altered two county groupings and adopted groupings for Senate Districts 1 and 2 that were preferred by Common Cause Plaintiffs. The remaining county groupings remained the same. As a result, the 13 wholly-contained single district county groupings in the Remedial Plan were kept from the Enacted Plan.

37. Alternative county groupings were proposed but not adopted.

- a. The Senate considered the Democratic members' preferred alternate grouping for Forsyth County, which pairs it with Yadkin instead of Stokes County, but it was determined that the resulting districts in Alexander, Wilkes, Surry, and Stokes Counties would have been less compact. Additionally, Yadkin County is more Republican than Stokes County.
- b. Alternative county groupings around Buncombe County were considered as well, but the Senate determined that any change from the chosen grouping would have resulted in districts that would have been significantly less compact.

38. The Remedial Senate Plan passed the Senate by a vote of 26-19. The "aye" votes in the Senate were

solely by members of the Republican party, while the “no” votes in the Senate were solely by members of the Democratic Party. The Remedial Senate Plan passed the House by voice vote along party lines.

B. Analysis of Partisanship Reflected in the Remedial Senate Plan

39. The process for the development of the Remedial Senate Plan began with separate maps being drawn by the Senate Democratic Caucus and the Republican Redistricting and Election Committee members, respectively. The plans were then exchanged and discussed; however, after the two groups could not come to a resolution, the plan proposed by the Republican Redistricting and Election Committee members was then put to a vote by the Senate Committee and advanced to the full chamber.

40. The Remedial Senate Plan includes ten districts that were within ten points in the 2020 presidential race.

41. The Remedial Senate Plan reflects key differences from the 2021 Enacted Senate Plan in the projected partisan makeup of districts in certain county groupings.

- a. In the Cumberland-Moore County grouping, Senate District 21 is now more competitive.
- b. In the Iredell-Mecklenburg County grouping, one district is more competitive.

- c. In New Hanover County, the districts were made more competitive, resulting in a Senate District 7 that leans Democratic.
- d. In Wake County, Senate Districts 17 and 18 are more Democratic leaning.

42. The Court finds, based upon the analysis performed by the Special Masters and their advisors, that the Remedial Senate Plan is satisfactorily within the statistical ranges set forth in the Supreme Court’s full opinion. *See Harper v. Hall*, 2022-NCSC-17, ¶166 (mean-median difference of 1% or less) and ¶167 (efficiency gap less than 7%).

43. The Court finds that to the extent there remains a partisan skew in the Remedial Senate Plan, that partisan skew is explained by the political geography of North Carolina.

C. The General Assembly’s Consideration of Incumbency Protection and Traditional Neutral Districting Criteria

44. For the Remedial Senate Plan, current members of either chamber who announced retirement or their intention to seek another office were not considered as “incumbents.”

45. In the Senate, incumbency was considered evenly. No Senators are double bunked unless as a result of the mandatory county groupings, and no Democratic members are double bunked with other incumbents.

46. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial Senate Plan were applied evenhandedly.

47. The current membership of the General Assembly was elected under a districting plan that was approved by the trial court in *Common Cause v. Lewis* and, as stated above, the General Assembly began anew the process of drawing district lines after choosing county groupings for the remedial state legislative districts in this case.

48. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial Senate Plan do not perpetuate a prior unconstitutional redistricting plan.

49. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial Senate Plan are consistent with the equal voting power requirements of the North Carolina Constitution.

50. The Court finds that the General Assembly did not subordinate traditional neutral districting criteria to partisan criteria or considerations in the Remedial Senate Plan.

V. Remedial House Plan

A. The General Assembly's Starting Point and Subsequently Proposed Amendments

51. In determining the base map for the State House Districts, the House started from scratch after keeping only the 14 districts that were the product of single district county groupings.

52. The Remedial House Plan was ultimately amended by six amendments offered by Democratic Representatives.

- a. Three amendments, drawn by Representative Reives, redrew certain districts in Wake, Mecklenburg, and Buncombe, which were already Democratic leaning, to be more Democratic leaning.
- b. An additional amendment, also drawn by Representative Reives, added an additional district in Cabarrus County that is more Democratic leaning.
- c. An amendment offered by Representative Meyer swapped two precincts in Orange County in order to keep Carrboro whole.
- d. An amendment offered by Representative Hawkins adjusted district lines in Durham County in order to better follow educational district lines.

53. The Remedial House Plan passed the House by a vote of 115-5 and was passed by the Senate by a vote of 41-3. The "aye" votes in the House and Senate were

by members of both political parties. The “no” votes in the House and Senate were solely by members of the Democratic Party.

B. Analysis of Partisanship Reflected in the Remedial House Plan

54. The Remedial House Plan reflects key differences from the 2021 Enacted House Plan in the projected partisan makeup of districts in certain county groupings.

- a. Buncombe County, which consisted of 1 Republican and 2 Democratic districts in the Enacted Plan, consists of 3 Democratic districts in the Remedial House Plan.
- b. Pitt County, which consisted of 1 Republican and 1 Democratic district in the Enacted Plan, consists of 2 Democratic districts in the Remedial House Plan.
- c. Guilford County now consists of 6 Democratic leaning districts.
- d. Cumberland County now consists of 3 Democratic districts and 1 competitive district.
- e. Mecklenburg and Wake Counties now consist of 13 Democratic leaning districts each.
- f. New Hanover, Cabarrus, and Robeson Counties now contain an additional competitive district each.

55. The Court finds, based upon and confirmed by the analysis of the Special Masters and their advisors, that the Remedial House Plans are satisfactorily within the statistical ranges set forth in the Supreme Court’s full opinion. *See Harper v. Hall*, 2022-NCSC-17, ¶166 (mean-median difference of 1% or less) and ¶167 (efficiency gap less than 7%).

56. The Court finds that to the extent there remains a partisan skew in the Remedial House Plan, that partisan skew is explained by the political geography of North Carolina.

C. The General Assembly’s Consideration of Incumbency Protection and Traditional Neutral Districting Criteria

57. For the Remedial House Plan, current members of either chamber who announced retirement or their intention to seek another office were not considered as “incumbents.”

58. In the House, incumbency was considered evenly. The only discretionary double bunking in the Remedial House Plan pairs two Republican members. There was no discretionary double bunking of Democratic members. The few double bunked members are double bunked solely as a result of the mandatory county groupings.

59. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial House Plan were applied evenhandedly.

60. The current membership of the General Assembly was elected under a districting plan that was approved by the trial court in *Common Cause v. Lewis* and, as stated above, the General Assembly began anew the process of drawing district lines after choosing county groupings for the remedial state legislative districts in this case.

61. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial House Plan do not perpetuate a prior unconstitutional redistricting plan.

62. The Court finds that the measures taken by the General Assembly for the purposes of incumbency protection in the Remedial House Plan are consistent with the equal voting power requirements of the North Carolina Constitution.

63. The Court finds that the General Assembly did not subordinate traditional neutral districting criteria to partisan criteria or considerations in the Remedial House Plan.

VI. Plaintiffs' Alternative Remedial Plans

64. The following alternative remedial plans for the Court's consideration were submitted by NCLCV Plaintiffs, Harper Plaintiffs, and Plaintiff-Intervenor Common Cause on February 18, 2022 (hereinafter referred to as "NCLCV Alternative Plans"; "Harper Alternative Plans"; "Common Cause Alternative Plans"; or collectively, "Alternative Plans").

65. Although Plaintiffs submitted Alternative Plans, because the Court is satisfied with the Remedial House

and Senate Plans, the Court did not need to consider an alternative plan for adoption.

66. Furthermore, the Court, in following N.C.G.S. § 120-2.4(a1), has chosen to order the use of an interim districting plan for the 2022 North Carolina Congressional election that differs from the Remedial Congressional Plan to the extent necessary to remedy the defects identified by the Court.

VII. Special Masters' Interim Congressional Plan

67. As part of their Report, the Special Masters have developed a recommended congressional plan (“Interim Congressional Plan”) for this Court to consider due to their findings, which the Court has adopted, that the Remedial Congressional Plan does not satisfy the requirements of the Supreme Court Remedial Order and full opinion.

68. The Court finds that the Interim Congressional Plan recommended by the Special Masters was developed in an appropriate fashion², is consistent with N.C.G.S. § 120-2.4(a1), and is consistent with the North Carolina Constitution and the Supreme Court’s full opinion.

Based upon the foregoing findings of fact, the Court makes the following:

² The data files (e.g., block equivalency, shape files, population deviation results) are included in the court file with this order in native format. The equivalent of the “stat pack” has been requested from the Special Masters’ advisor and will be placed in the court file and provided to the parties as soon as available.

CONCLUSIONS OF LAW

1. In *Harper v. Hall*, 2022-NCSC-17, the Supreme Court stated:

We do not believe it prudent or necessary to, at this time, identify an exhaustive set of metrics or precise mathematical thresholds which conclusively demonstrate or disprove the existence of an unconstitutional partisan gerrymander. *Cf. Reynolds v. Sims*, 377 U.S. 533, 578 (1964) (“What is marginally permissible in one [case] may be unsatisfactory in another, depending on the particular circumstances of the case. Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of . . . apportionment.”). As in *Reynolds*, “[l]ower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation.” *Id.* However, as the trial court’s findings of fact indicate, there are multiple reliable ways of demonstrating the existence of an unconstitutional partisan gerrymander. In particular, mean-median difference analysis; efficiency gap analysis; close-votes, close-seats analysis; and partisan symmetry analysis may be useful in assessing whether the mapmaker adhered to traditional neutral districting criteria and whether a meaningful partisan skew necessarily results from North Carolina’s unique political

geography. If some combination of these metrics demonstrates there is a significant likelihood that the districting plan will give the voters of all political parties substantially equal opportunity to translate votes into seats across the plan, then the plan is presumptively constitutional.

Id. at ¶163.

2. Plaintiffs have urged upon this court that we must adopt plans that “treat voters of both political parties fairly.” They argue that the “LD Congressional and Senate Plans are not fair.” Further, they argue that the Supreme Court ordered “fair maps” and that “[b]ecause the LD Congressional and Senate Plans are not fair maps, . . . the Court should adopt one of the fairer maps before it—such as the NCLCV Maps.” We see Plaintiffs’ arguments as tantamount to urging this Court to adopt a proportional representation standard, which the Supreme Court, in its order, specifically disavowed. *Id.* at ¶169

3. The Court concludes that the Remedial Senate Plan satisfies the Supreme Court’s standards.

4. The Court concludes that the Remedial House Plan satisfies the Supreme Court’s standards.

5. Because the Court concludes that the enacted Remedial Senate and House Plans meet the Supreme Court’s standards and requirements in the Supreme Court Remedial Order and full opinion, the Remedial Senate and House Plans are presumptively constitutional.

6. Furthermore, no evidence presented to the Court is sufficient to overcome this presumption for the Remedial Senate and House Plans, and those plans are therefore constitutional and will be approved.

7. The Court concludes that the Remedial Congressional Plan does not satisfy the Supreme Court's standards.

8. Plaintiffs suggest that if we conclude that a Remedial Plan passed by the General Assembly does not satisfy the Supreme Court's standards, we should simply jettison that plan and adopt one of their plans. We do not believe that our conclusion on the Remedial Congressional Plan—that it fails to satisfy the Supreme Court's standards—automatically results in the adoption of an alternate plan proposed by Plaintiffs. Given that the ultimate authority and directive is given to the Legislature to draw redistricting maps, we conclude that the appropriate remedy is to modify the Legislative Remedial Congressional Plan to bring it into compliance with the Supreme Court's order. *See* N.C.G.S. § 120-2.4(a1).

9. Because the Court concludes that the enacted Remedial Congressional Plan does not meet the Supreme Court's standards and requirements in the Supreme Court Remedial Order and full opinion, the Remedial Congressional Plan is not presumptively constitutional and is therefore subject to strict scrutiny.

10. The General Assembly has failed to demonstrate that their proposed Congressional map is narrowly tailored to a compelling governmental interest, and we

therefore must conclude that the Remedial Congressional Map is unconstitutional.

11. The Interim Congressional Plan as proposed by the Special Masters satisfies the Supreme Court's standards and should be adopted by this Court for the 2022 North Carolina Congressional elections.

DECREE

BASED UPON THE FOREGOING findings and conclusions, the Court here by ORDERS the following:

1. The Remedial Senate Plan and Remedial House Plan, enacted into law by the General Assembly on February 17, 2022, are hereby APPROVED by the Court.
2. The Remedial Congressional Plan, enacted into law by the General Assembly on February 17, 2022, is hereby NOT APPROVED by the Court.
3. The Interim Congressional Plan as recommended by the Special Masters is hereby ADOPTED by the Court and approved for the 2022 North Carolina Congressional elections.
4. As the Special Masters and their retained experts may be called upon to assist this Court in this matter should the need arise in the future, the prohibition in this Court's prior order appointing the Special Masters against contacting the Special Masters or their experts remains in full force and effect.

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SO ORDERED, this the 23rd day of February, 2022.

/s/A. Graham Shirley

A.Graham Shirley, Superior Court Judge

/s/Nathaniel J. Poovey

Nathaniel J. Poovey, Superior Court Judge

/s/Dawn M. Layton

Dawn M. Layton, Superior Court Judge