

APPENDIX 3

League of Women Voters Plaintiffs

ADDITIONAL PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF
LAW

DATED JULY 11, 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

COMMON CAUSE, *et al.*,

PLAINTIFFS,

v.

ROBERT A. RUCHO, in his official capacity as
Chairman of the North Carolina Senate
Redistricting Committee for the 2016 Extra
Session and Co-Chairman of the Joint Select
Committee on Congressional Redistricting,
et al.,

DEFENDANTS.

CIVIL ACTION
NO. 1:16-CV-1026-WO-JEP

THREE-JUDGE COURT

LEAGUE OF WOMEN VOTERS OF NORTH
CAROLINA, *et al.*,

PLAINTIFFS,

v.

ROBERT A. RUCHO, in his official capacity as
Chairman of the North Carolina Senate
Redistricting Committee for the 2016 Extra
Session and Co-Chairman of the 2016 Joint
Select Committee on Congressional
Redistricting, *et al.*,

DEFENDANTS.

CIVIL ACTION
NO. 1:16-CV-1164-WO-JEP

THREE JUDGE PANEL

**LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA PLAINTIFFS'
ADDITIONAL PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF
LAW**

TABLE OF CONTENTS

PROPOSED FINDINGS OF FACT	1
I. SELECTION OF PLAN 2-297.....	1
II. DISTRICT-BY-DISTRICT ANALYSIS	2
PROPOSED CONCLUSIONS OF LAW	32
I. STANDING.....	32
II. LIABILITY	32

PROPOSED FINDINGS OF FACT

In accordance with Civil L.R. 40.1(c) the League of Women Voters of North Carolina (“LWVNC”) plaintiffs, through their undersigned counsel, submit the following additional proposed findings of fact and conclusions of law.

I. SELECTION OF PLAN 2-297

1. To demonstrate the 2016 Plan’s unnecessary cracking and packing of Democratic voters throughout North Carolina, Professor Jowei Chen selected one of the district maps that he previously generated: Plan 297 in Simulation Set 2 (“Plan 2-297”). Supplemental Declaration of Professor Jowei Chen, dated July 11, 2018 (“Supp. Chen Dec.”) ¶ 1.

2. Professor Chen selected Plan 2-297 through the following procedure: (1) start with the 1,000 maps in Simulation Set 2, all of which protect more incumbents than the 2016 Plan and split fewer counties, Ex. 2010 at 15-19; (2) of these maps, identify the ones that contain a district with a black voting age population above 40%, Ex. 2011; (3) of these maps, identify the ones that contain seven Republican districts and six Democratic districts using Dr. Thomas Hofeller’s seven-election average (and thus an efficiency gap near zero), Ex. 2010 at 33; and (4) of these maps, identify the one that has the most compact districts, on average, considering both Reock and Polsby-Popper compactness. Supp. Chen. Dec. ¶ 1.

3. Plan 2-297 is far from unique in its uncracking and unpacking of Democratic voters throughout North Carolina, compared to the 2016 Plan. Many of

Professor Chen's maps uncrack and unpack Democratic voters to at least the same extent.

Supp. Chen. Dec. ¶ 6.

II. DISTRICT-BY-DISTRICT ANALYSIS

District 1:

4. Plaintiff William Collins lives at 302 E Fourth Street, Plymouth, NC, 27962. Mr. Collins's home is in precinct "Plymouth 1" in Washington County and in District 1 of the Contingent Congressional Plan for 2016 ("2016 Plan"). Ex. 4060.

5. Plaintiff Collins is a registered Democratic voter and regularly votes in Democratic primary elections in North Carolina. Ex. 4060.

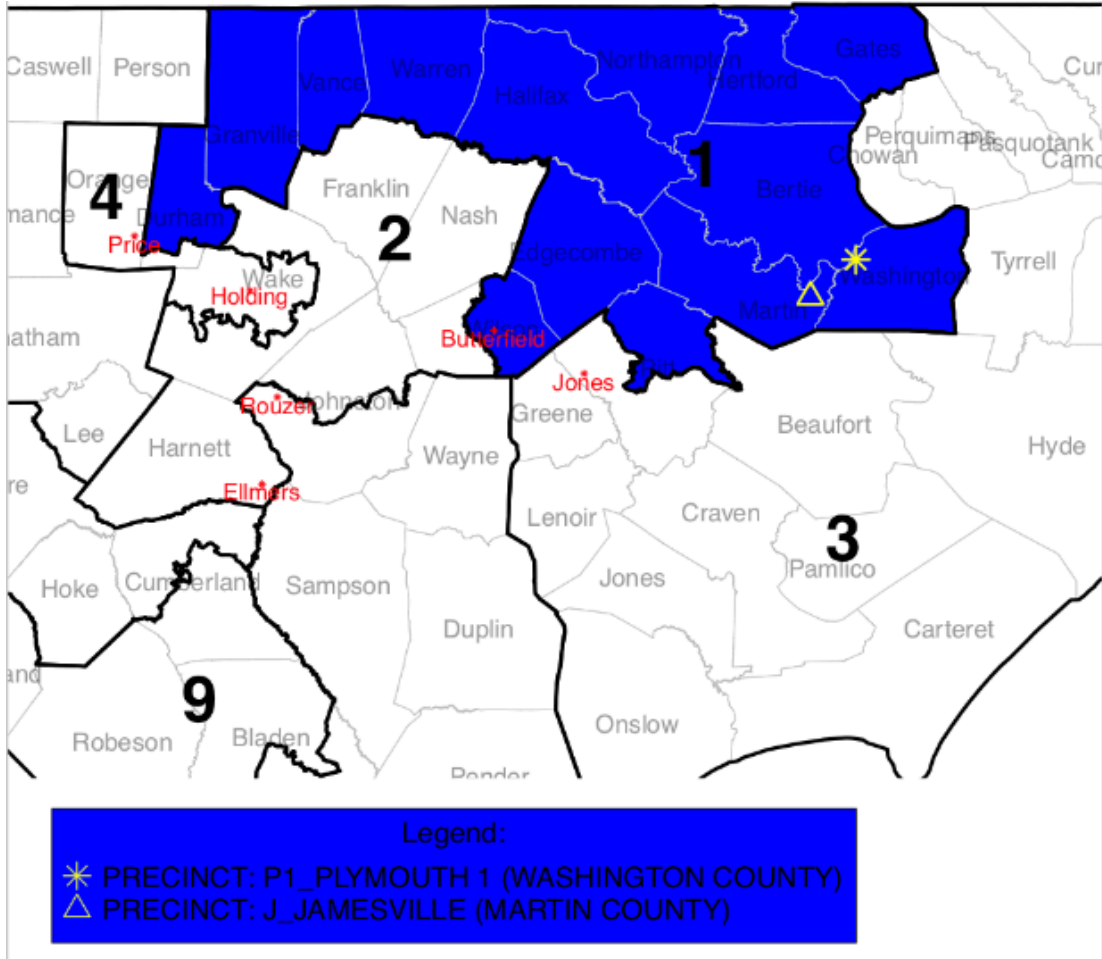
6. Plaintiff Willis Williams lives at 1250 New Street, Jamesville, NC, 27846. Mr. Williams's home is in precinct "Jamesville" in Martin County and in District 1 of the 2016 Plan. Ex. 4054.

7. Plaintiff Williams is a registered Democratic voter and regularly votes in Democratic primary elections in North Carolina. Ex. 4054.

8. District 1 of the 2016 Plan is located in northeastern North Carolina. It contains most of the region's Democratic voters. Ex. 1001; Ex. 4007; Ex 4071; Ex. 4072.

9. To create District 1 of the 2016 Plan, the Plan's authors intentionally packed Democratic voters such as Mr. Collins and Mr. Williams. Using his seven-race partisan average, Dr. Hofeller predicted that District 1 would have a Democratic vote share of 69%. Ex. 5116 at 9.

10. As expected, District 1 was won by the Democratic candidate in 2016 with 69% of the vote. Ex. 1018 at 2.



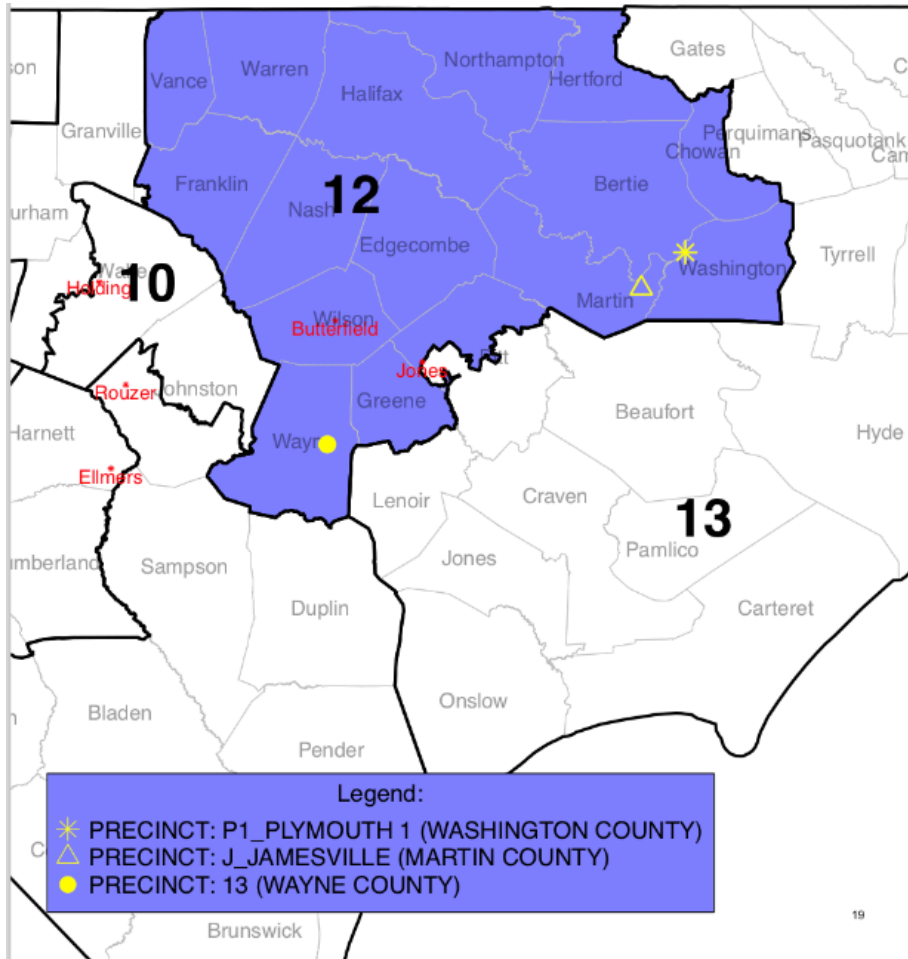
Supp. Chen. Dec. at 21.

11. Mr. Collins's home is in District 12 of Plan 2-297. Supp. Chen Dec. at 6.

12. Mr. Williams's home is in District 12 of Plan 2-297. Supp. Chen Dec. at 6.

13. Using Dr. Hofeller's seven-race partisan average, District 12 of Plan 2-297 has a Democratic vote share of 59%. Supp. Chen Dec. at 4.

14. Therefore Mr. Collins and Mr. Williams could have been placed in a more competitive Democratic district (District 12 of Plan 2-297) rather than a packed Democratic district (District 1 of the 2016 Plan).



Supp. Chen Dec. at 19.

District 2:

Plaintiff LWNVC member in Precinct 20-11 in Wake County

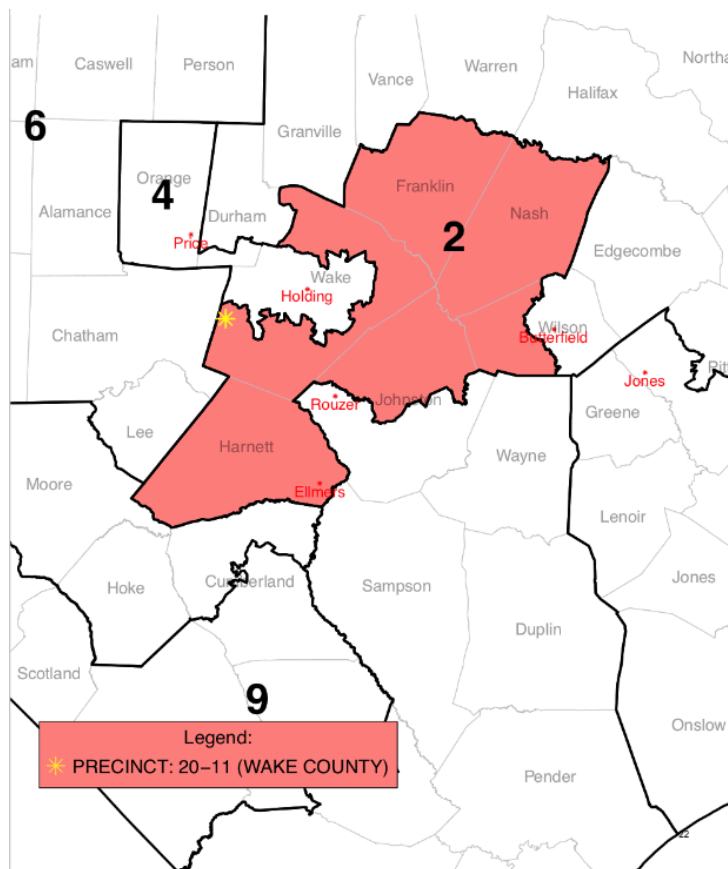
15. Plaintiff LWNVC has at least one member who lives in Precinct 20-11 in Wake County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Declaration of Walter L. Salinger dated July 10, 2018 (“Salinger Dec.”) at ¶ 6a.

16. Precinct 20-11 in Wake County is in District 2 of the 2016 Plan. District 2 of the 2016 Plan is located in central North Carolina. It avoids the large concentrations of

Democratic voters in Raleigh-Durham and in northeastern North Carolina. Ex. 1001; Ex. 4007; Ex 4069; Ex. 4072.

17. To create District 2 of the 2016 Plan, the plan's authors intentionally cracked Democratic voters such as the LWNVC member(s) in Precinct 20-11 in Wake County. Using his seven-race partisan average, Dr. Hofeller predicted that District 2 would have a Republican vote share of 56%. Ex. 5116 at 9.

18. As expected, District 2 was won by the Republican candidate in 2016 with 57%. Ex. 1018 at 2.

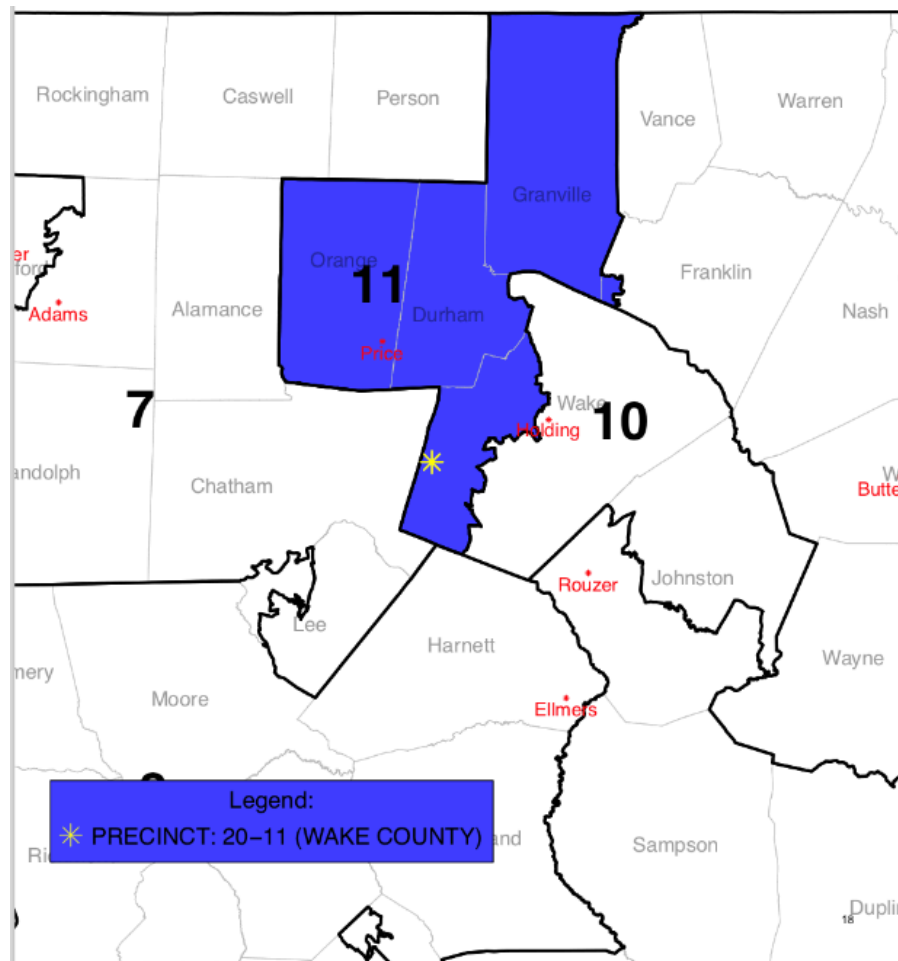


Supp. Chen Dec. at 22.

19. Precinct 20-11 in Wake County is in District 11 of Plan 2-297. Supp. Chen Dec. at 6.

20. Using Dr. Hofeller's seven-race partisan average, District 11 of Plan 2-297 has a Democratic vote share of 59%. Supp. Chen Dec. at 4.

21. Therefore at least one LWNVC member and Democratic voter could have been placed in a Democratic district (District 11 of Plan 2-297) rather than a cracked Republican district (District 2 of the 2016 Plan).



Supp. Chen Dec. at 18.

District 4:

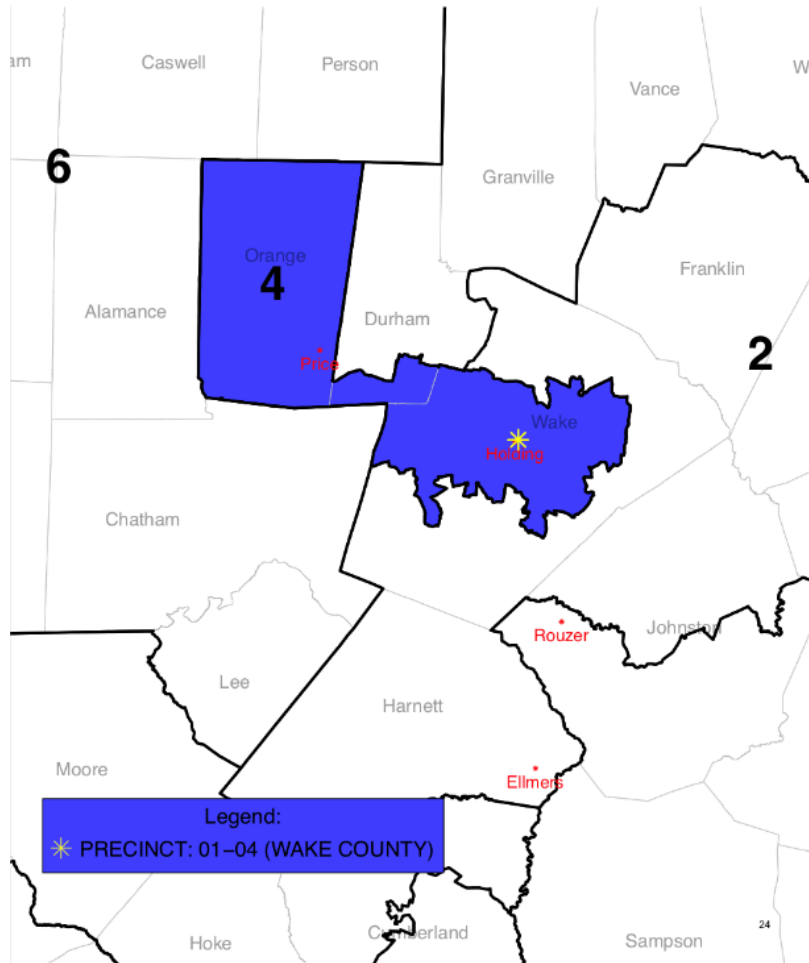
Plaintiff LWNVC member in Precinct 01-04 in Wake County

22. Plaintiff LWNVC has at least one member who lives in Precinct 01-04 in Wake County, who is a registered Democratic voter, and regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6b.

23. Precinct 01-04 in Wake County is in District 4 of the 2016 Plan. District 4 is located in central North Carolina. It contains most of the Democratic voters in Durham and Wake Counties. Ex. 1001; Ex. 4007; Ex. 4072.

24. To create District 4 of the 2016 Plan, the plan's authors intentionally packed Democratic voters such as the LWNVC member(s) in Precinct 01-04 in Wake County. Using his seven-race partisan average, Dr. Hofeller predicted that District 4 would have a Democratic vote share of 63%. Ex. 5116 at 9.

25. As expected, District 4 was won by the Democratic candidate in 2016 with 68%. Ex. 1018 at 2.

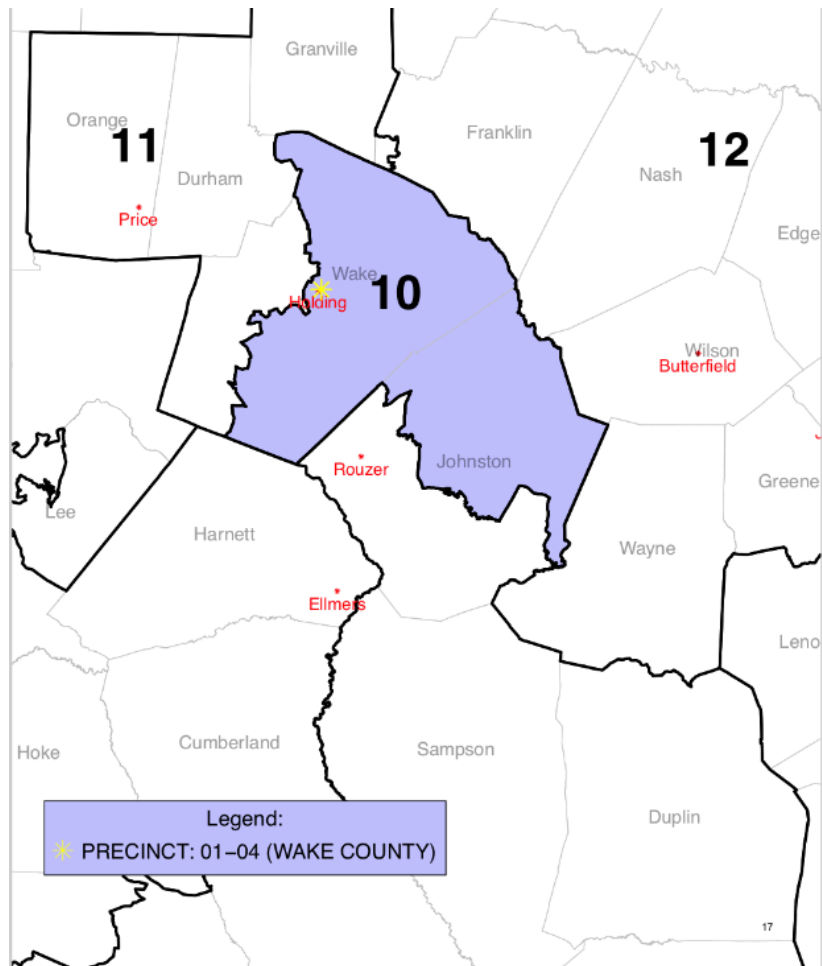


Supp. Chen Dec. at 24.

26. Precinct 01-04 in Wake County is in District 10 of Plan 2-297. Supp. Chen Dec. at 6.

27. Using Dr. Hofeller’s seven-race partisan average, District 10 of Plan 2-297 has a Democratic vote share of 53%. Supp. Chen Dec. at 4.

28. Therefore at least one LWVNC member and Democratic voter could have been placed in a less packed Democratic District (District 10 of Plan 2-297), rather than a more packed district (District 4 of the 2016 Plan).



Supp. Chen Dec. at 17.

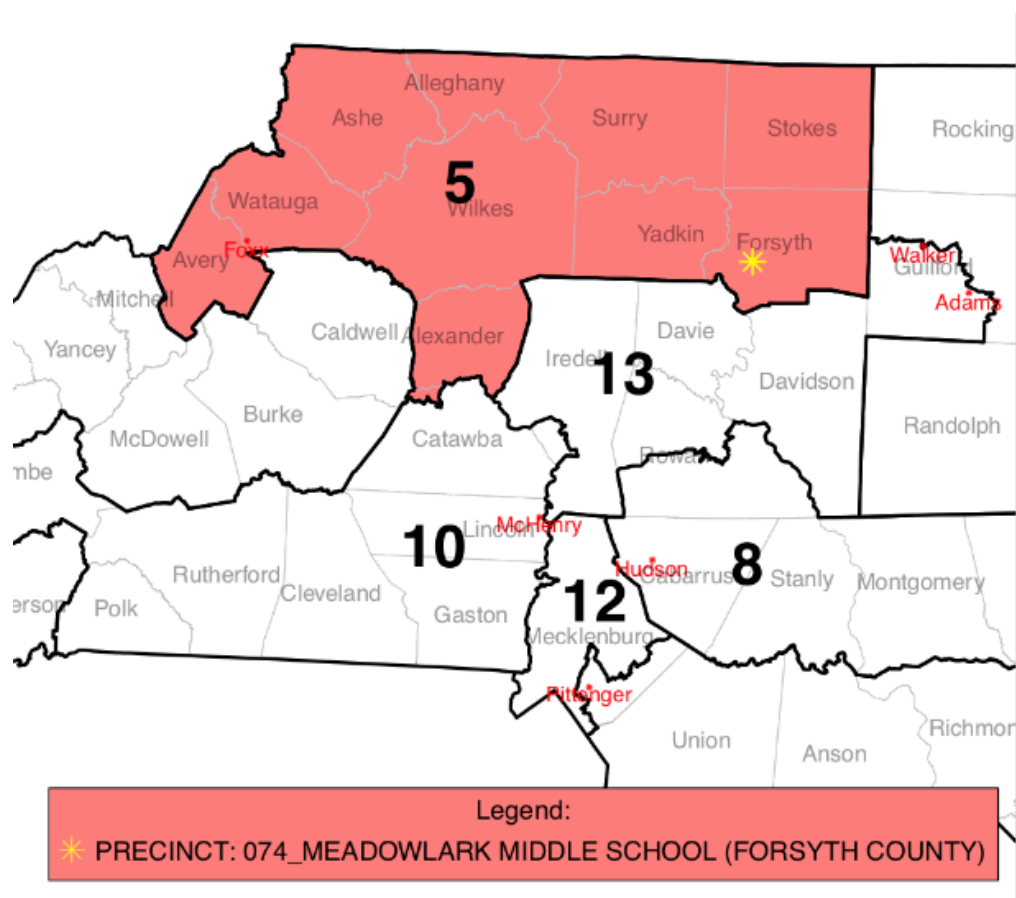
District 5:

29. Plaintiff L WVNC has at least one member who lives in Precinct 074 in Forsyth County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6c.

30. Precinct 074 in Forsyth County is in District 5 of the 2016 Plan. District 5 is located in northwestern North Carolina. It submerges highly Democratic Winston-Salem within a larger mass of Republican voters. Ex. 1001; Ex. 4007; Ex. 4068.

31. To create District 5 of the 2016 Plan, the Plan's authors intentionally cracked Democratic voters such as the LWNVC member(s) in Precinct 074 in Forsyth County. Using his seven-race partisan average, Dr. Hofeller predicted that District 5 would have a Republican vote share of 56%. Ex. 5116 at 9.

32. As expected, District 5 was won by the Republican candidate in 2016 with 58% of the vote. Ex. 1018 at 2.

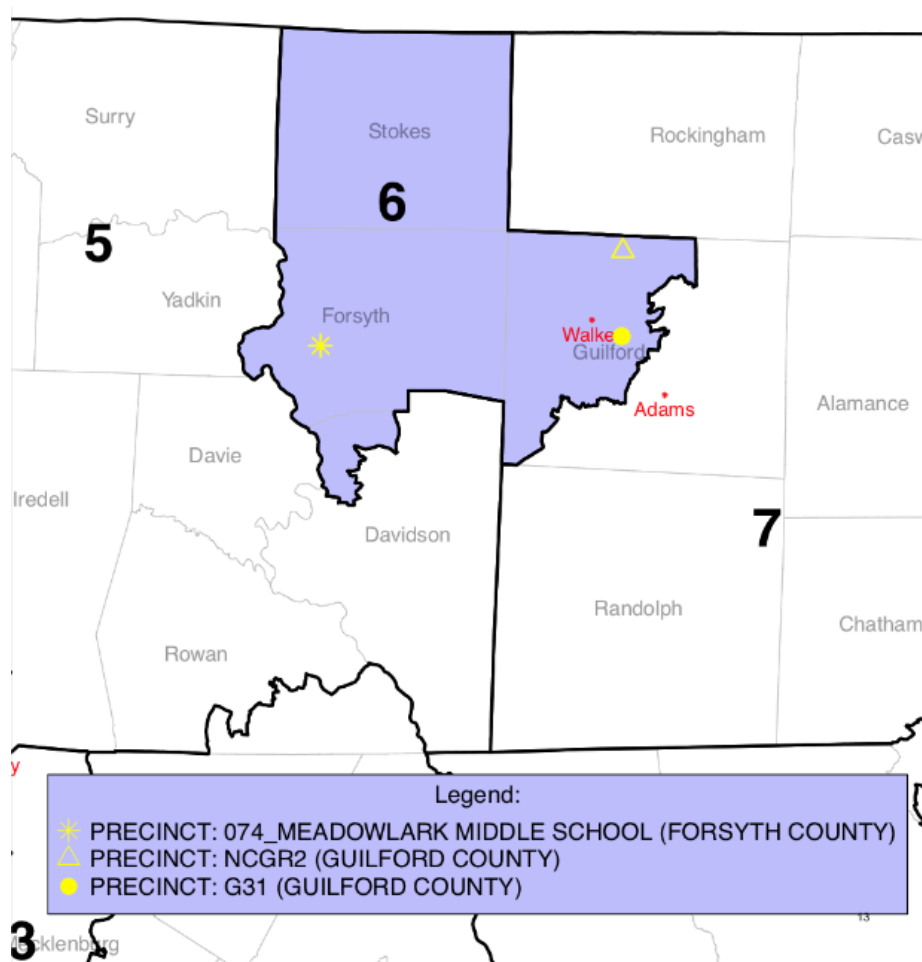


Supp. Chen Dec. at 25.

33. Precinct 074 in Forsyth County is in District 6 of Plan 2-297. Supp. Chen Dec. at 6.

34. Using Dr. Hofeller's seven-race partisan average, District 6 of Plan 2-297 has a Democratic vote share of 51%. Supp. Chen Dec. at 4.

35. Therefore at least one LWVNC member and Democratic voter could have been placed in a Democratic district (District 6 of Plan 2-297) rather than a cracked Republican district (District 5 of the 2016 Plan).



Supp. Chen Dec. at 13.

District 6:

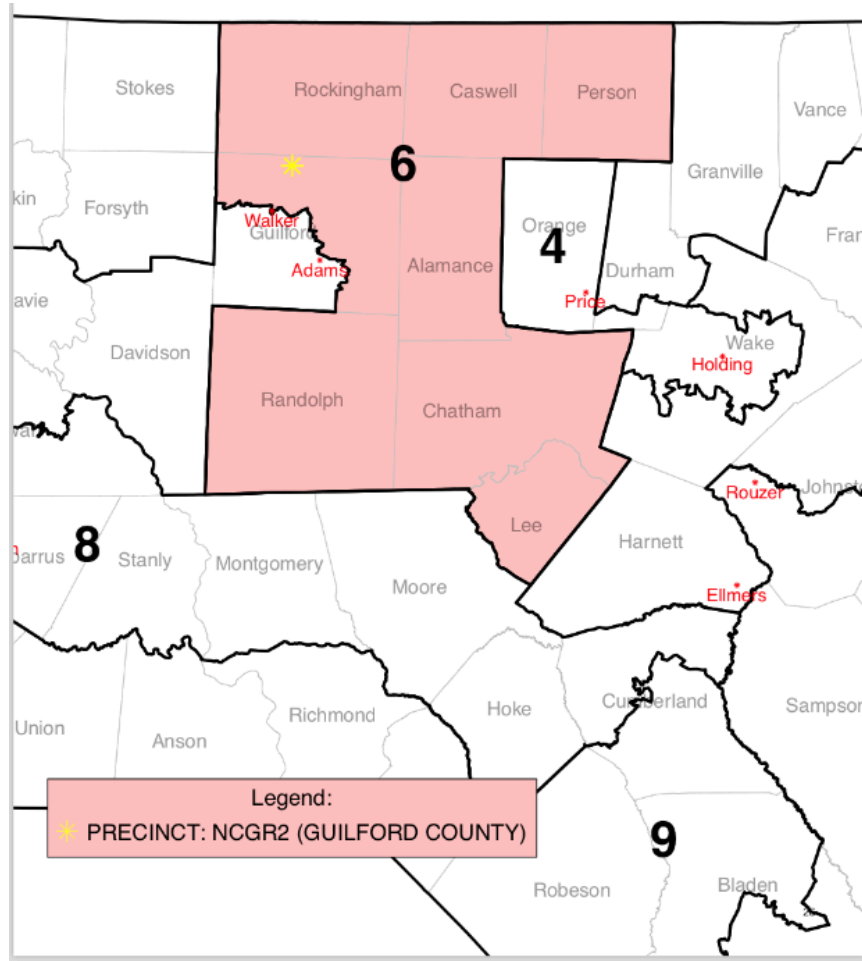
Plaintiff L WVNC member in precinct NCGR1 in Guilford County

36. Plaintiff L WVNC has at least one member that lives in Precinct NCGR2 in Guilford County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6d.

37. Precinct NCGR2 in Guilford County is in District 6 of the 2016 Plan. District 6 is located in central North Carolina. It avoids the large concentration of Democratic voters in Raleigh-Durham and splits the smaller Democratic cluster in Greensboro. Ex. 1001; Ex. 4007; Ex. 4068; Ex. 4072.

38. To create District 6 of the 2016 Plan the plan's authors intentionally cracked Democratic voters such as the L WVNC member(s) in Precinct NCGR2 in Guilford County. Using his seven-race partisan average, Dr. Hofeller predicted that District 6 would have a Republican vote share of 54%. Ex. 5116 at 9.

39. As expected, District 6 was won by the Republican candidate in 2016 with 59%. Ex. 1018 at 3.

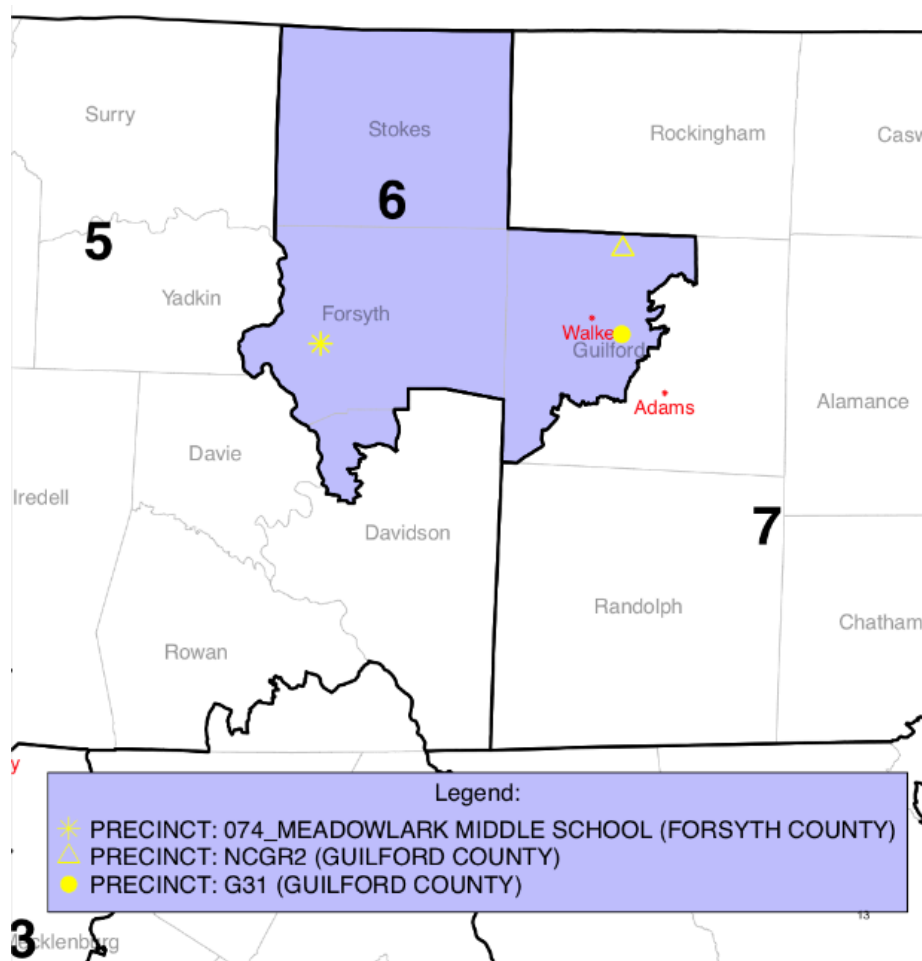


Supp. Chen Dec. at 26.

40. Precinct NCGR2 in Guilford County is in District 6 of Plan 2-297. Supp. Chen Dec. at 6.

41. Using Dr. Hofeller’s seven-race partisan average, District 6 of Plan 2-297 has a Democratic vote share of 51%. Supp. Chen Dec. at 4.

42. Therefore at least one LWVNC member and Democratic voter could have been placed in a Democratic district (District 6 of Plan 2-297), rather than a cracked Republican district (District 6 of the 2016 Plan).



Supp. Chen Dec. at 13.

District 7:

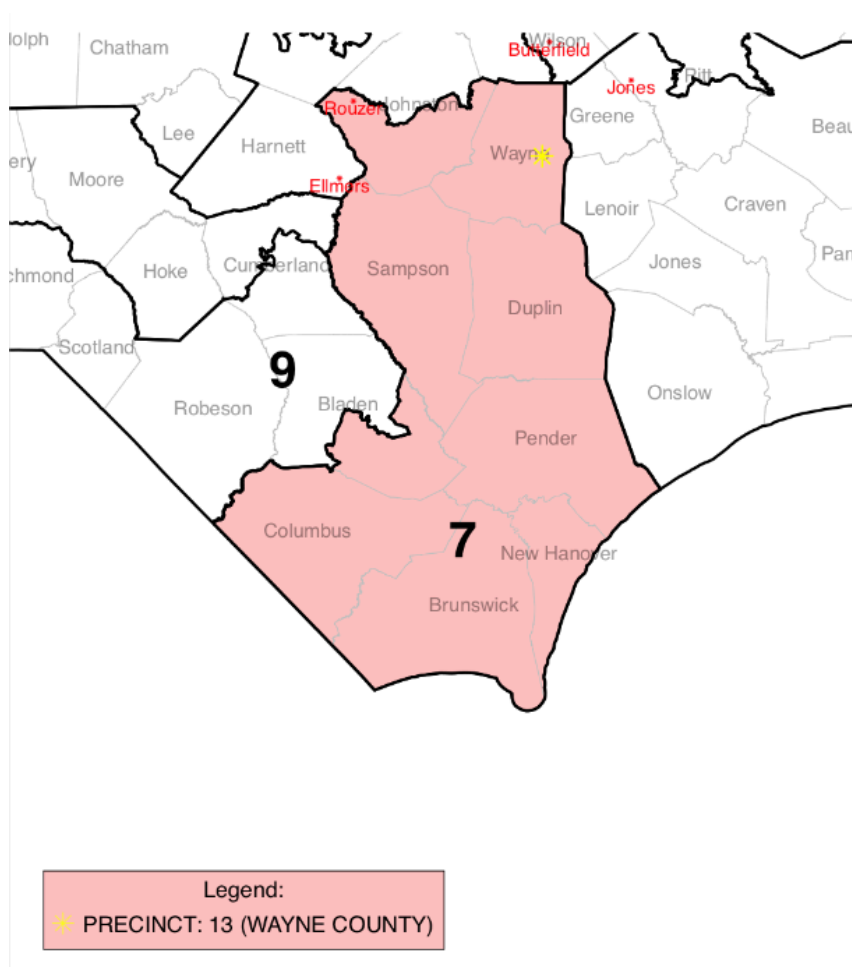
Plaintiff LWNVC member in Precinct 23, Wayne County

43. Plaintiff LWNVC has at least one member who lives in Precinct 13 in Wayne County, who is a registered Democratic voter, and regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6e.

44. Precinct 13 in Wayne County is in District 7 of the 2016 Plan. District 7 is located in southeastern North Carolina. It submerges highly Democratic Wilmington within a larger mass of Republican voters. Ex. 1001; Ex. 4007; Ex. 4073.

45. To create District 7 of the 2016 Plan, the plan's authors intentionally cracked Democratic voters such as the LWNK member(s) in Precinct 13 in Wayne County. Using his seven-race partisan average, Dr. Hofeller predicted that District 7 would have a Republican vote share of 54%. Ex. 5116 at 9.

46. As expected, District 7 was won by the Republican candidate in 2016 with 61%. Ex. 1018 at 3.

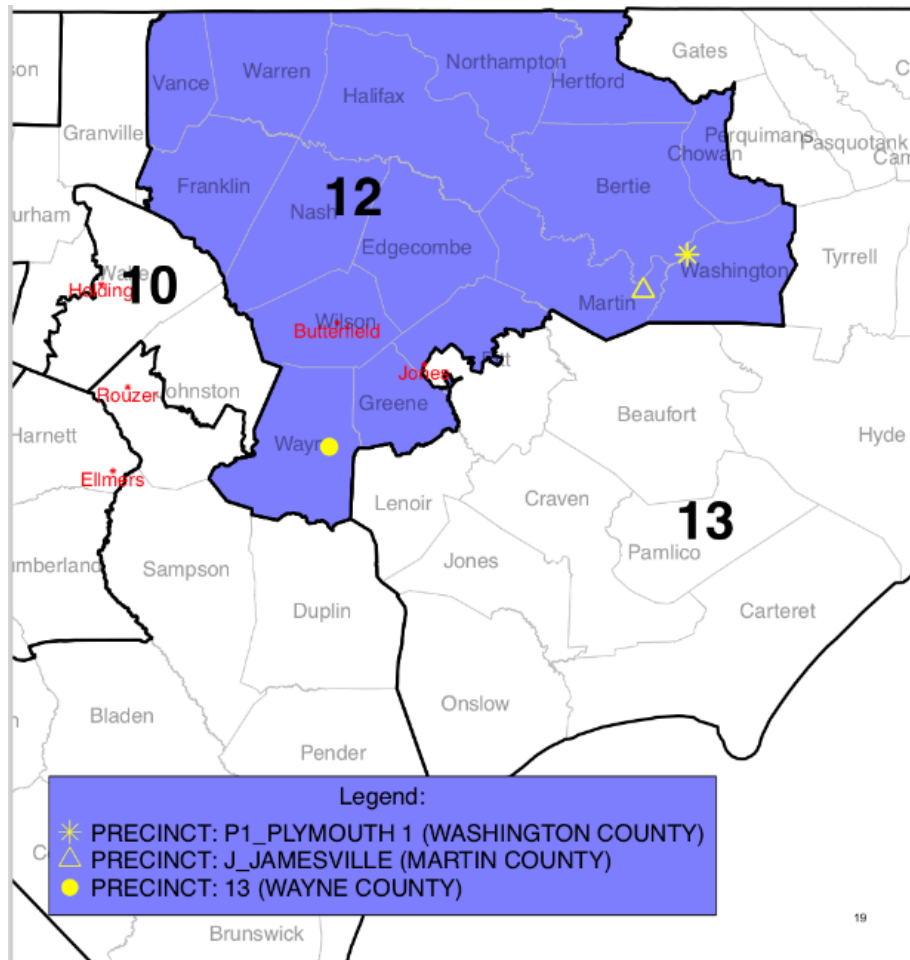


Supp. Chen Dec. at 27.

47. Precinct 13 in Wayne County is in District 12 of Plan 2-297. Supp. Chen Dec. at 6.

48. Using Dr. Hofeller's seven-race partisan average, District 12 of Plan 2-297 has a Democratic vote share of 59%. Supp. Chen Dec. at 4.

49. Therefore at least one LWFNC member and Democratic voter could have been placed in a Democratic district (District 12 of Plan 2-297) rather than a cracked Republican district (District 7 of the 2016 Plan).



Supp. Chen Dec at 19.

District 8:

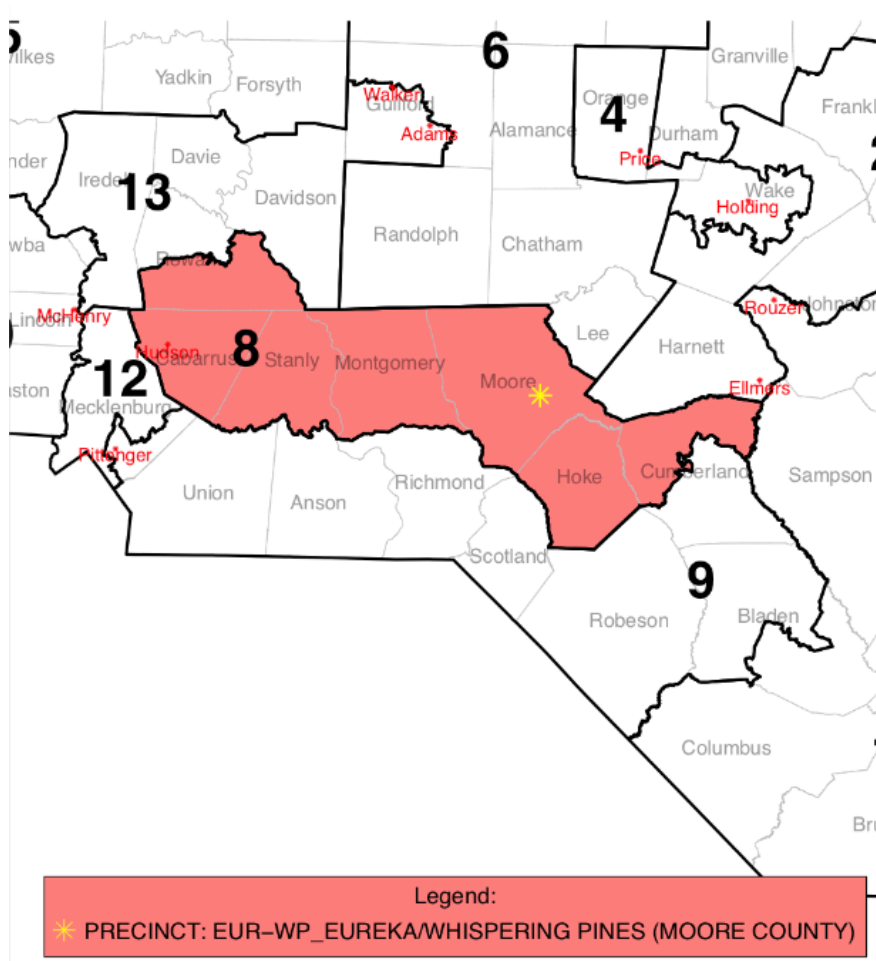
Plaintiff L WVNC member in Precinct “Eureka / Whispering Pines” in Moore County

50. Plaintiff L WVNC has at least one member that lives in Precinct “Eureka / Whispering Pines” in Moore County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6f.

51. Precinct “Eureka / Whispering Pines” in Moore County is in District 8 of the 2016 Plan. District 8 is located in central North Carolina. It avoids the large concentration of Democratic voters in Charlotte-Mecklenburg and splits the smaller Democratic cluster in Fayetteville. Ex. 1001; Ex. 4007; Ex. 4067; Ex. 4070.

52. To create District 8 of the 2016 Plan, the plan’s authors intentionally cracked Democratic voters such as the L WVNC member(s) in Precinct “Eureka / Whispering Pines” in Moore County. Using his seven-race partisan average, Dr. Hofeller predicted that District 8 would have a Republican vote share of 55%. Ex. 5116 at 9.

53. As expected, District 8 was won by the Republican candidate in 2016 with 59%. Ex. 1018 at 3.

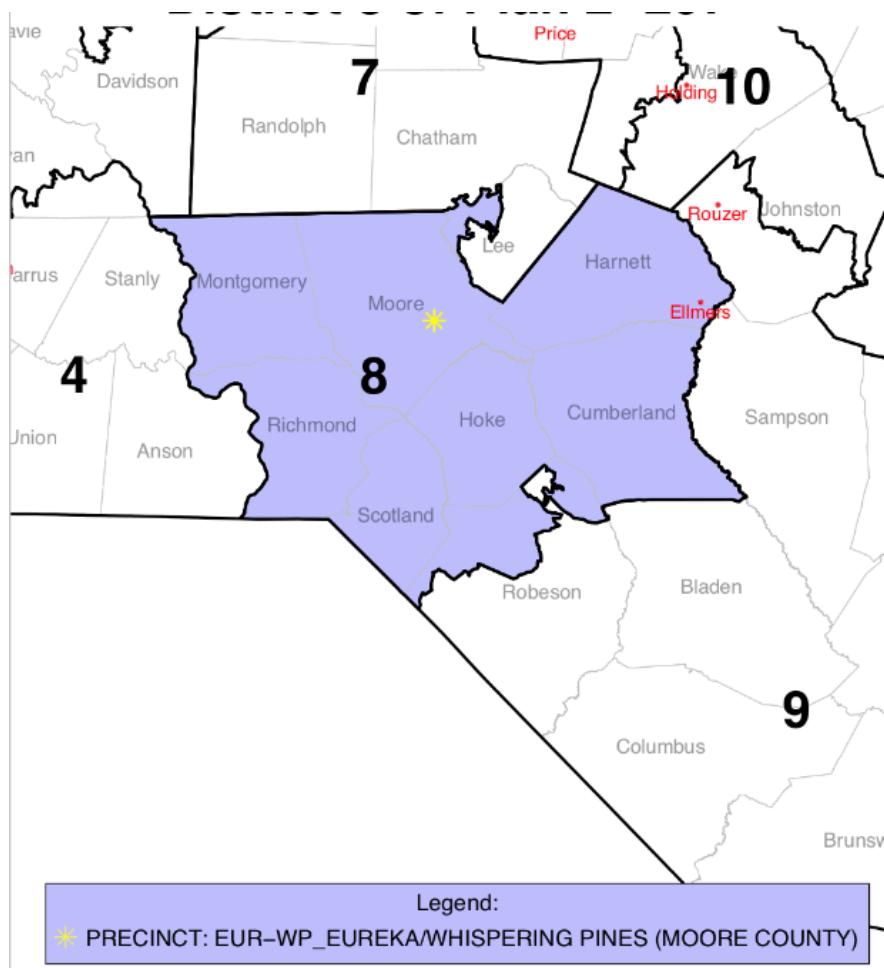


Supp. Chen Dec. at 28.

54. Precinct “Eureka / Whispering Pines” in Wayne County is in District 8 of Plan 2-297. Supp. Chen Dec. at 6.

55. Using Dr. Hofeller’s seven-race partisan average, District 8 of Plan 2-297 has a Democratic vote share of 54%. Supp. Chen Dec. at 4.

56. Therefore at least one LWVNC member and Democratic voter could have been placed in a Democratic district (District 8 of Plan 2-297), rather than a cracked Republican district (District 8 of the 2016 Plan).



Supp. Chen Dec at 15.

District 9:

Plaintiff Elliot Feldman

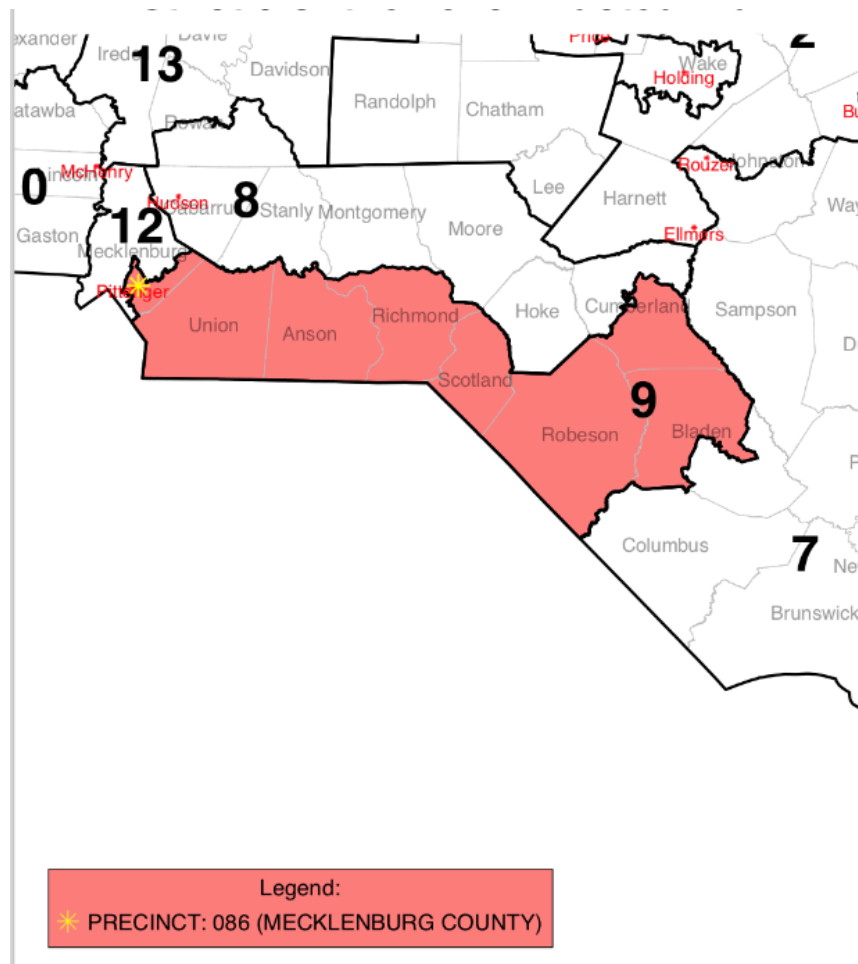
57. Plaintiff Elliot Feldman lives at 3116 Lauren Glen Road, Charlotte NC 28226. Mr. Feldman's home is in precinct 086 in Mecklenburg County and in District 9 of the 2016 Plan. Ex. 4055.

58. Mr. Feldman is a registered Democratic voter and regularly votes in Democratic primary elections in North Carolina. Ex. 4055.

59. District 9 of the 2016 Plan is located in southern North Carolina. It avoids the large concentration of Democratic voters in Charlotte-Mecklenburg and splits the smaller Democratic cluster in Fayetteville. Ex. 1001; Ex. 4007; Ex. 4067; Ex. 4070.

60. To create District 9 of the 2016 Plan, the plan's authors intentionally cracked Democratic voters such as Mr. Feldman. Using his seven-race partisan average, Dr. Hofeller predicted that District 9 would have a Republican vote share of 56%. Ex. 5116 at 9.

61. As expected, District 9 was won by the Republican candidate in 2016 with 58%. Ex. 1018 at 3.

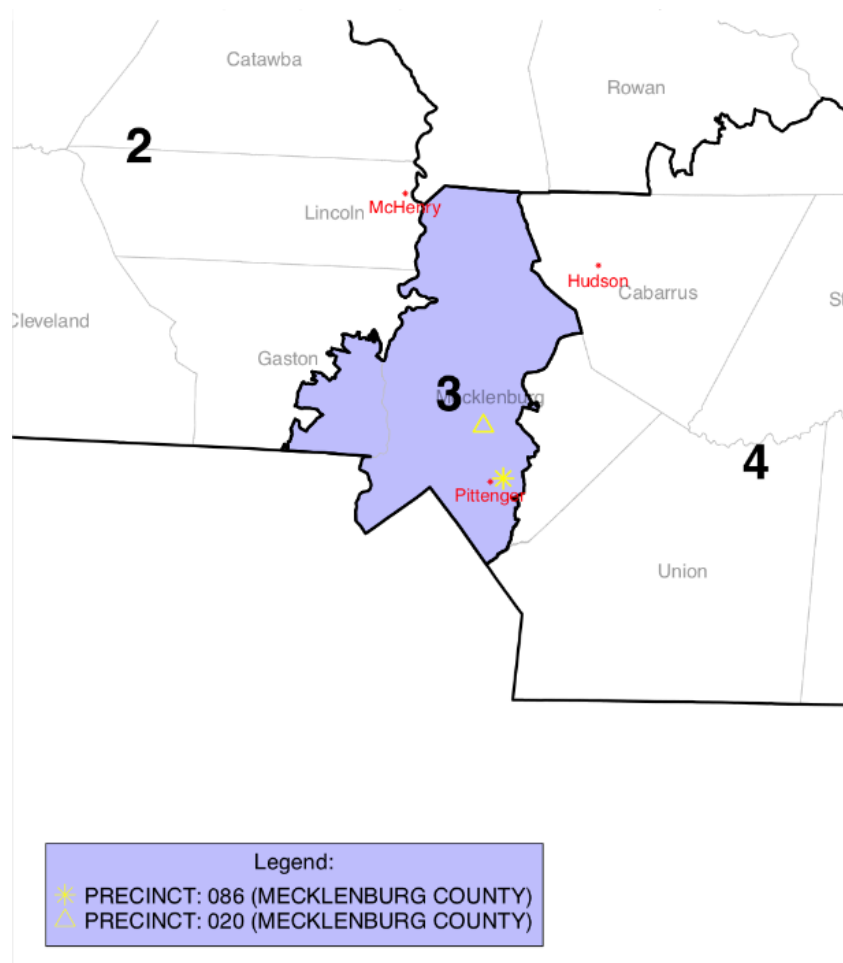


Supp. Chen Dec at 29.

62. Mr. Feldman's home is in District 3 of Plan 2-297. Supp. Chen Dec. at 6.

63. Using Dr. Hofeller's seven-race partisan average, District 3 of Plan 2-297 has a Democratic vote share of 54%. Supp. Chen Dec. at 4.

64. Therefore Mr. Feldman could have been placed in a Democratic district (District 3 of Plan 2-297), rather than Republican district (District 9 of the 2016 Plan).



Supp. Chen Dec at 10.

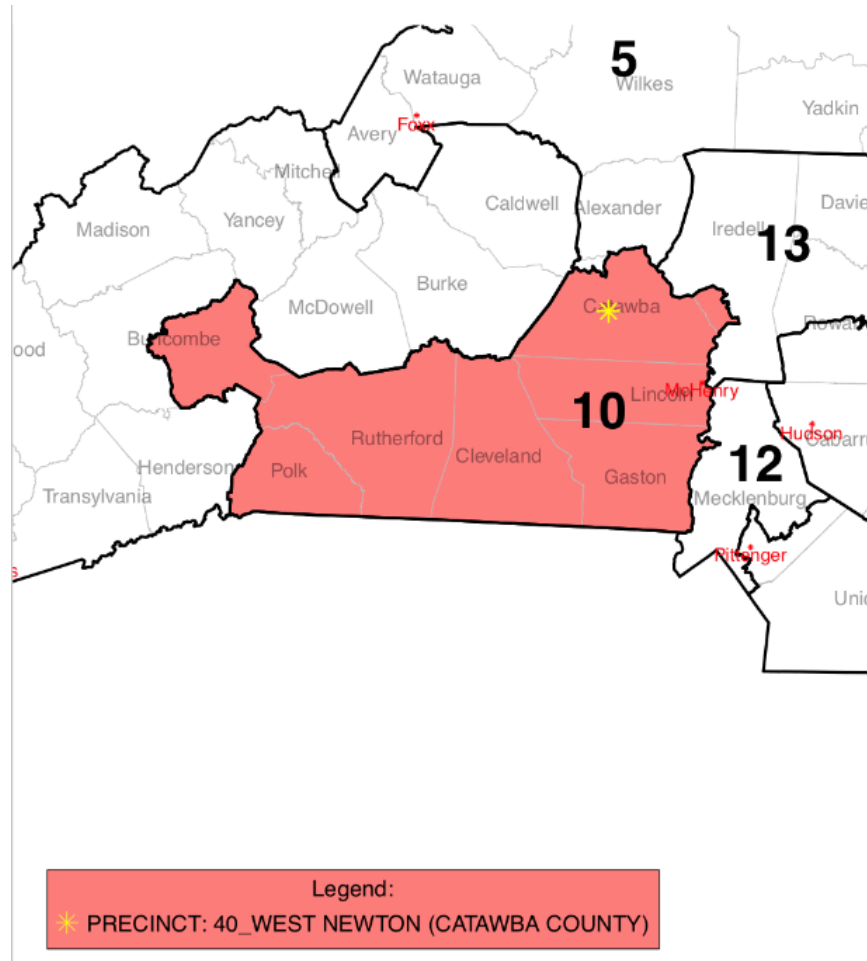
District 10:

65. Plaintiff LWFNC has at least one member who lives in Precinct “West Newton” in Catawba County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6g.

66. Precinct “West Newton” in Catawba County is in District 10 of the 2016 Plan. District 10 is located in western North Carolina. It avoids the large concentration of Democratic voters in Charlotte-Mecklenburg and splits the smaller Democratic cluster in Asheville. Ex. 1001; Ex. 4007; Ex. 4066; Ex 4070.

67. To create District 10 of the 2016 Plan, the Plan’s authors intentionally cracked Democratic voters such as the LWFNC member(s) in Precinct “West Newton” in Catawba County. Using his seven-race partisan average, Dr. Hofeller predicted that District 10 would have a Republican vote share of 58%. Ex. 5116 at 9.

68. As expected, District 10 was won by the Republican candidate in 2016 with 63% of the vote. Ex. 1018 at 3.



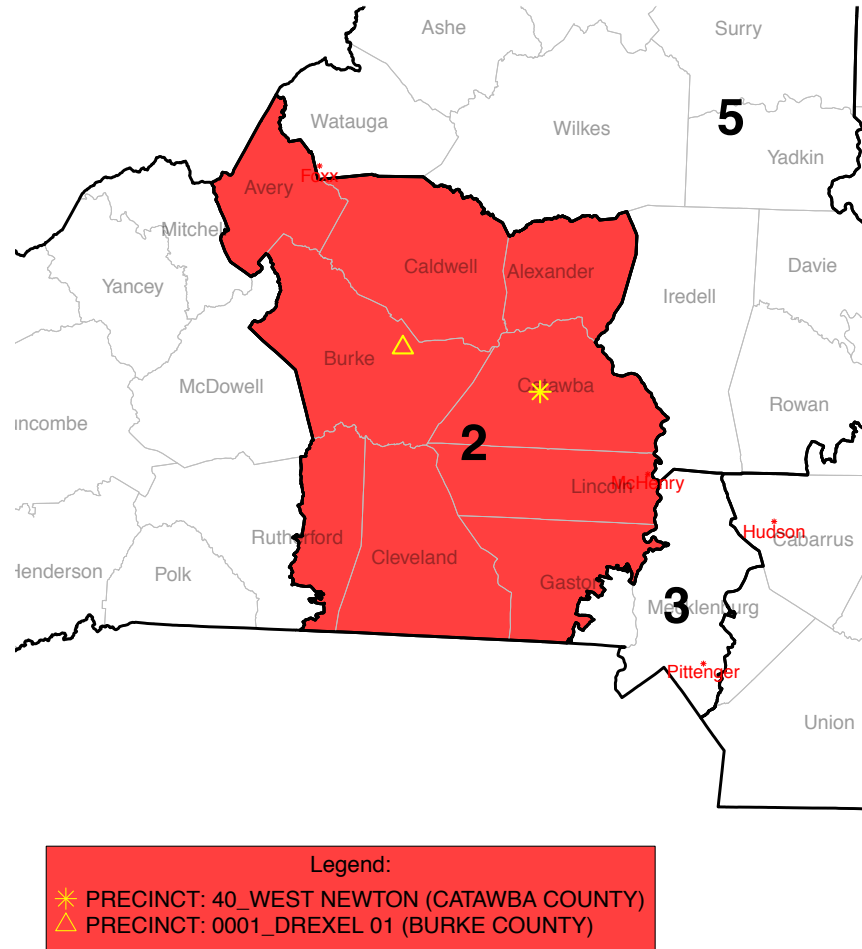
Supp. Chen Dec. at 30.

69. Precinct “West Newton” in Catawba County is in District 2 of Plan 2-297.

Supp. Chen Dec. at 6.

70. Using Dr. Hofeller’s seven-race partisan average, District 2 of Plan 2-297 has a Republican vote share of 64%. Supp. Chen Dec. at 4.

71. Therefore at least one LWVNC member and Democratic voter could have been placed in a safer Republican district (District 2 of Plan 2-297) rather than a cracked Republican district (District 10 of the 2016 Plan).



Supp. Chen Dec. at 9.

District 11:

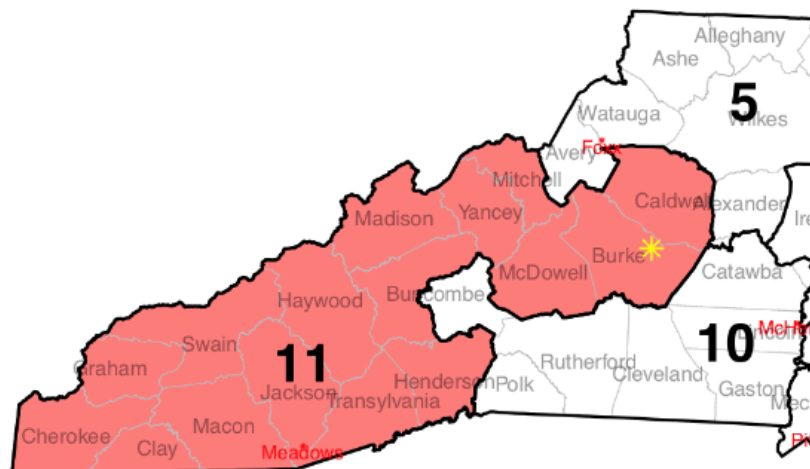
Plaintiff LWNVC member in Precinct Drexel 01 in Burke County

72. Plaintiff LWNVC has at least one member who lives in Precinct “Drexel 01” in Burke County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6h.

73. Precinct “Drexel 01” in Burke County is in District 11 of the 2016 Plan. District 11 is located in far western North Carolina. It splits the smaller Democratic cluster in Asheville. Ex. 1001; Ex. 4007; Ex. 4066.

74. To create District 11 of the 2016 Plan, the plan's authors intentionally cracked Democratic voters such as the LWNVC member(s) in Precinct "Drexel 01" in Burke County. Using his seven-race partisan average, Dr. Hofeller predicted that District 11 would have a Republican vote share of 57%. Ex. 5116 at 9.

75. As expected, District 11 was won by the Republican candidate in 2016 with 64%. Ex. 1018 at 3.



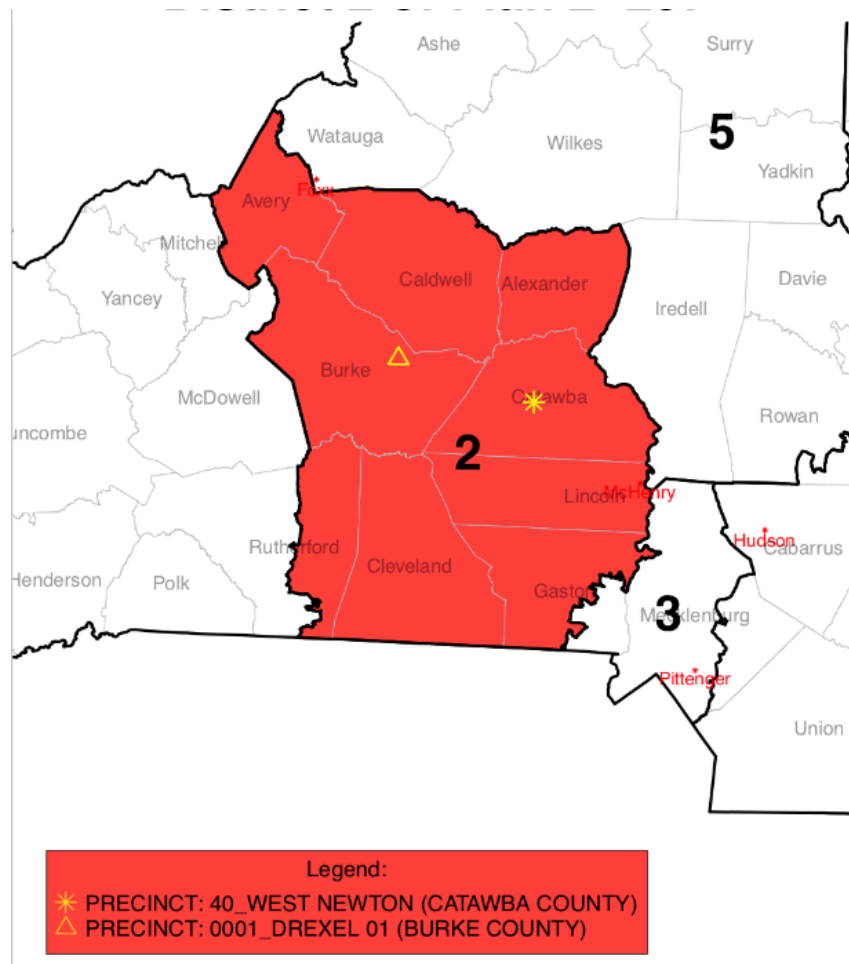
Legend:
* PRECINCT: 0001_DREXEL 01 (BURKE COUNTY)

Supp. Chen Dec. at 31.

76. Precinct "Drexel 01" in Burke County is in District 2 of Plan 2-297. Supp. Chen Dec. at 6.

77. Using Dr. Hofeller's seven-race partisan average, District 2 of Plan 2-297 has a Democratic vote share of 36%. Supp. Chen Dec. at 4.

78. Therefore at least one LWFNC member and Democratic voter could have been placed in a safer Republican district (District 2 of Plan 2-297) rather than a cracked Republican district (District 11 of the 2016 Plan).



Supp. Chen Dec. at 9.

District 12:

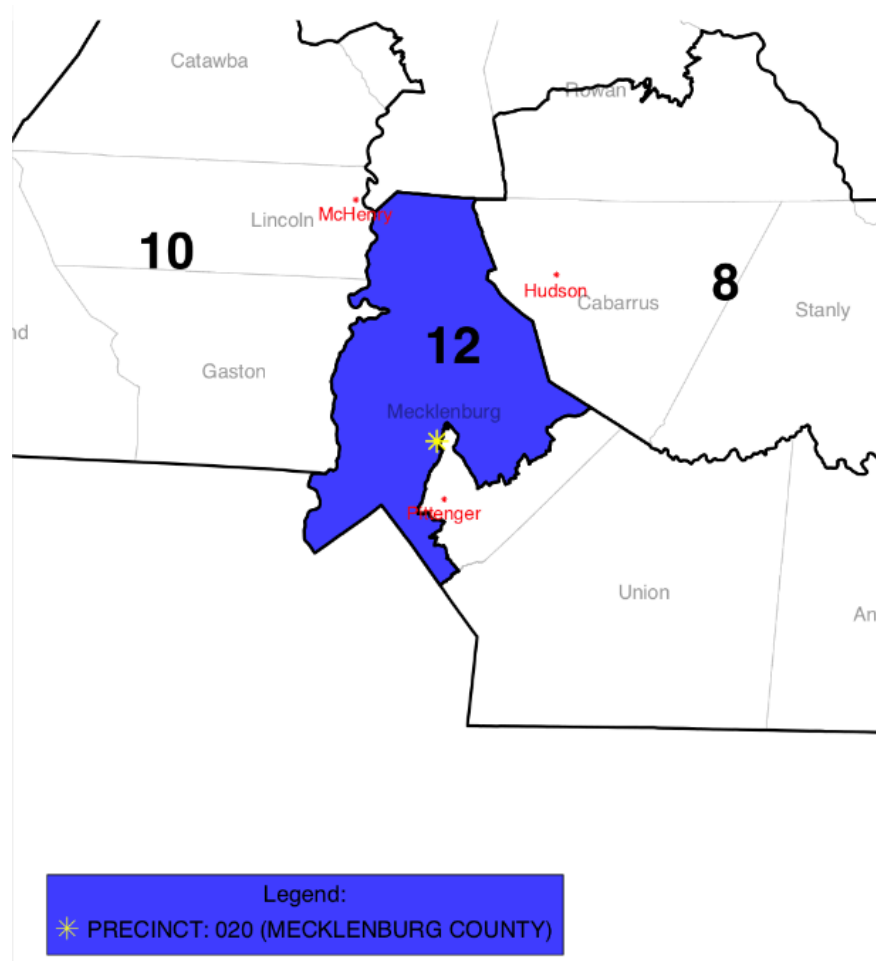
Plaintiff LWNVC member in Precinct 020 in Mecklenburg County

79. Plaintiff LWNVC has at least one member who lives in Precinct 020 in Mecklenburg County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6i.

80. Precinct 020 in Mecklenburg County is in District 12 of the 2016 Plan. District 12 is located in south-central North Carolina. It contains most of the Democratic voters in Charlotte and Mecklenburg County. Ex. 1001; Ex. 4007; Ex. 4070.

81. To create District 12 of the 2016 Plan, the plan's authors intentionally packed Democratic voters such as the LWNVC member(s) in Precinct 020 in Mecklenburg County. Using his seven-race partisan average, Dr. Hofeller predicted that District 12 would have a Democratic vote share of 64% Ex. 5116 at 9.

82. As expected, District 12 was won by the Democratic candidate in 2016 with 67%. Ex. 1018 at 4.

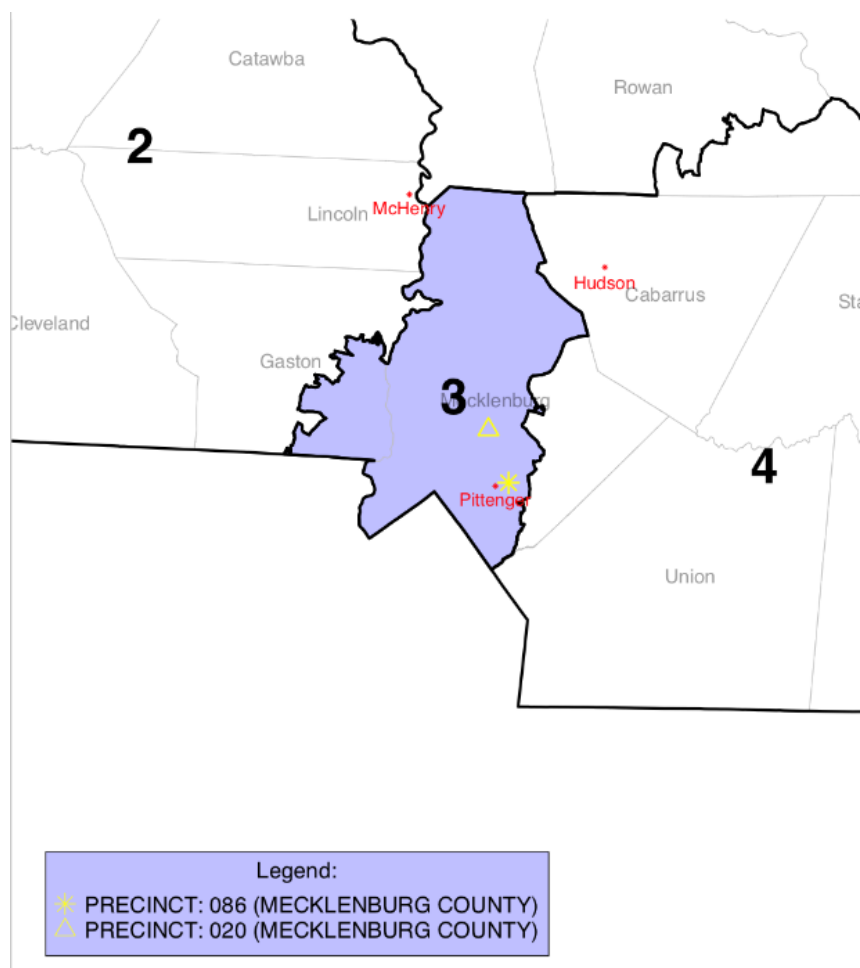


Supp. Chen Dec. at 32.

83. Precinct 020 in Mecklenburg County is in District 3 of Plan 2-297. Supp. Chen Dec. at 6.

84. Using Dr. Hofeller's seven-race partisan average, District 10 of Plan 2-297 has a Democratic vote share of 54%. Supp. Chen Dec. at 4.

85. Therefore at least one LWVNC member and Democratic voter could have been placed in a more competitive Democratic district (District 3 of Plan 2-297) rather than a packed Democratic district (District 12 of the 2016 Plan).



Supp. Chen Dec. at 10.

District 13:

Plaintiff LWNVC member in Precinct G31 in Guilford County

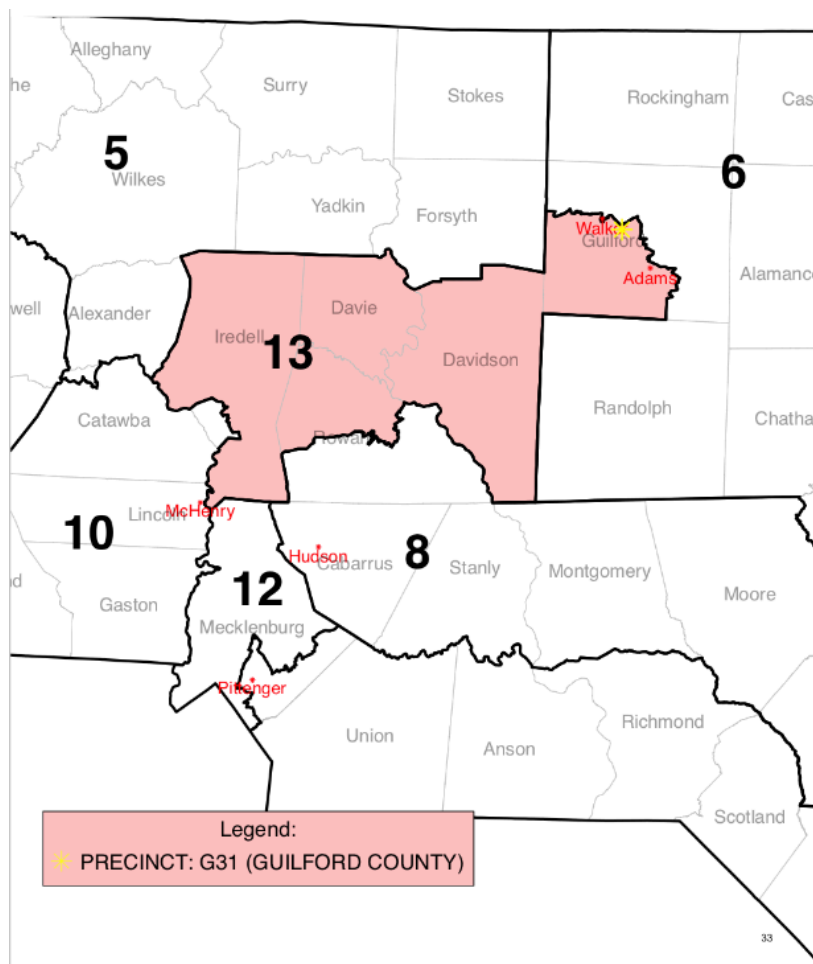
86. Plaintiff LWNVC has at least one member who lives in Precinct G31 in Guilford County, who is a registered Democratic voter, and who regularly votes in Democratic primary elections in North Carolina. Salinger Dec. at ¶ 6j.

87. Precinct G31 in Guilford County is in District 13 of the 2016 Plan. District 13 is located in west-central North Carolina. It avoids the large concentration of

Democratic voters in Charlotte-Mecklenburg and splits the smaller Democratic cluster in Greensboro. Ex. 1001; Ex. 4007; Ex. 4068; Ex. 4070.

88. To create District 13 of the 2016 Plan, the plan's authors intentionally cracked Democratic voters such as the LWNVC member(s) in Precinct G31 in Guilford County. Using his seven-race partisan average, Dr. Hofeller predicted that District 13 would have a Republican vote share of 54%. Ex. 5116 at 9.

89. As expected, District 13 was won by the Republican candidate in 2016 with 56%. Ex. 1018 at 4.

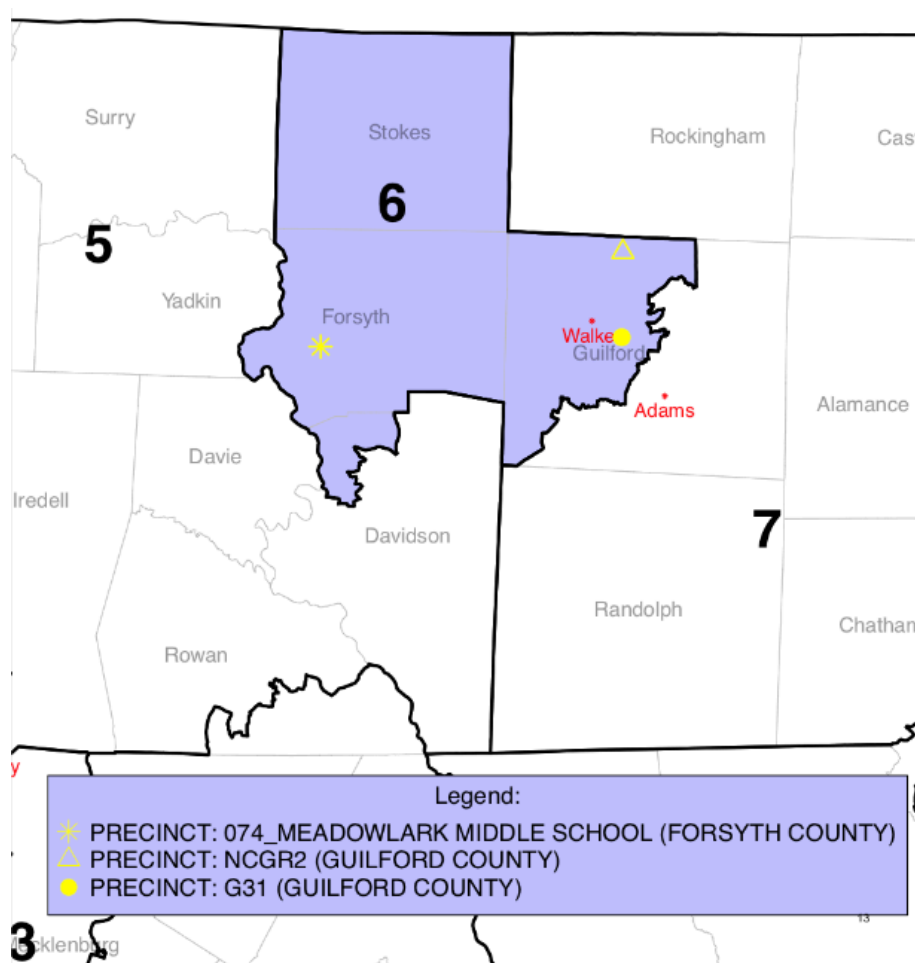


Supp. Chen Dec. at 33.

90. Precinct G31 in Guilford County is in District 6 of Plan 2-297. Supp. Chen Dec. at 6.

91. Using Dr. Hofeller's seven-race partisan average, District 6 of Plan 2-297 has a Democratic vote share of 51%. Supp. Chen Dec. at 4.

92. Therefore at least one LWFNC member and Democratic voter could have been placed in a Democratic district (District 6 of Plan 2-297), rather than a cracked Republican district (District 13 of the 2016 Plan).



Supp. Chen Dec. at 13.

PROPOSED CONCLUSIONS OF LAW

I. STANDING

1. Individual plaintiffs and LWVNC members who live in Districts 1, 4, and 12 of the 2016 Plan have standing to challenge their districts on vote dilution grounds because they (1) were placed in packed Democratic districts; but (2) could have been placed in more competitive Democratic districts by a fair map, such as Plan 2-297.

2. Individual plaintiffs and LWVNC members who live in Districts 2, 5, 6, 7, 8, 9, and 13 of the 2016 Plan have standing to challenge their districts on vote dilution grounds because they (1) were placed in cracked Republican districts; but (2) could have been placed in Democratic districts by a fair map, such as Plan 2-297.

3. LWVNC members who live in Districts 10 and 11 of the 2016 Plan have standing to challenge their districts on vote dilution grounds because they (1) were placed in cracked Republican districts; but (2) could have been placed in safer Republican districts by a fair map, such as Plan 2-297.

II. LIABILITY

4. To construct Districts 1, 4, and 12 of the 2016 Plan, defendants intentionally packed Democratic voters in order to reduce the influence of their votes and benefit Republican candidates and voters.

5. To construct Districts 2, 3, 5, 6, 7, 8, 9, 10, 11, and 13 of the 2016 Plan, defendants intentionally cracked Democratic voters in order to reduce the influence of their votes and benefit Republican candidates and voters.