

## Moore v. Harper

### Background:

On December 13, 2021, Common Cause North Carolina, represented by Southern Coalition for Social Justice and Hogan Lovells, intervened in the consolidated cases of Harper v. Hall and League of Conservation Voters v. Hall. Specifically, we argued that **the North Carolina Legislature's process for drawing state legislative and Congressional voting maps ignored long-standing precedent and resulted in extreme partisan gerrymanders in violation of the North Carolina State Constitution.** The motion to intervene challenged the Legislature's maps themselves, alleging that state legislators **crafted illegal partisan gerrymanders with devastating consequences for Black voters and their ability to elect the candidates of their choice.**

After an expedited briefing and discovery period, a trial was held January 3-6, 2022 before a three-judge panel. In a disappointing decision, the three-judge panel found for the Legislative Defendants and denied plaintiffs' claims. Common Cause and the other plaintiffs quickly appealed to the North Carolina Supreme Court, which held oral arguments on February 2nd, 2021 after another expedited briefing schedule.

On February 4th, the North Carolina Supreme Court overturned the three-judge panel, finding that the House, Senate, and Congressional maps were all unconstitutional partisan gerrymanders in violation of the North Carolina Constitution and laws. The NC Supreme Court ordered the North Carolina General Assembly to redraw all three maps and gave them a deadline of February 18th to submit the maps to the three-judge panel (and their special masters) for review. The Court also allowed any plaintiff in the case to submit maps.

[See an analysis of the NC General Assembly maps here.](#)

Common Cause, along with the other plaintiffs filed objections to all three proposed maps. The three-judge panel approved the proposed state house and senate maps. However, the panel found that the proposed congressional maps did not meet the constitutional standards and redrew the map with help from the special masters.

All plaintiffs and the Legislative Defendants filed petitions to stay the maps at the NC Supreme Court. The Court denied the stays and ordered the candidate filing period to begin on February 24th.

On March 2nd, the Legislative Defendants filed an Application for Emergency Stay at the Supreme Court of the United States arguing that the three-judge panel and the NC Supreme Court were prohibited from drawing a congressional map under the Elections Clause of the US

Constitution. We filed a brief in opposition arguing that this request is untimely, unnecessary, and would require SCOTUS to overturn decades of precedent and judicial process.

On March 7, 2022, the U.S. Supreme Court rejected North Carolina lawmakers' attempts to reinstate gerrymandered congressional maps. The Legislative Defendants filed for a petition for a writ of certiorari, and on May 20, 2022, Common Cause [filed a response brief](#).

The Legislative Defendants' petition relies on a dangerous and unprecedented "**independent state legislature theory**," which, if accepted, would give the North Carolina General Assembly **unchecked power to dramatically upend legal protections governing voting rights and redistricting**.

**The U.S. Supreme Court granted certiorari on June 30, 2022.** They will begin to hear oral arguments during the October 2022 term.