

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

DAVID LEWIS, IN HIS OFFICIAL CAPACITY AS SENIOR
CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON
REDISTRICTING, *et al.*,

Defendants.

**MOTION FOR LEAVE TO
FILE *AMICUS CURIAE*
BRIEF**

The North Carolina State Conference of the NAACP (“NC NAACP”) respectfully moves this Court for leave to file the attached *amici curiae* material attached hereto as Exhibit 1—specifically a letter to the Court from The Reverend Dr. T. Anthony Spearman, president of the NC NAACP—regarding the NC NAACP’s strong support for the public disclosure of the files currently under seal of the Court relating to political consulting by Dr. Thomas B. Hofeller (“Hofeller files”).

In support of this Motion, the NC NAACP states as follows:

1. The NC NAACP is the North Carolina branch of the National Association for the Advancement of Colored People--the nation’s oldest and largest civil rights organization. For over 110 years, the NAACP has been dedicated to ensuring the rights of all persons to political, educational, social, and economic equality, and to eliminate racial discrimination.
2. The NC NAACP seeks permission to provide information to the Court solely to apprise the Court of the importance of public releasing the remaining Hofeller files.
3. The Hofeller files are a matter of state and national importance. In addition to

records that were made public in this case and in the United States District Court for the Southern District of New York, news outlets are now reporting about records that are, as far as the NC NAACP knows, under seal of this Court. *See, e.g.,* Michael Wines, *Republican Gerrymander Whiz Had Wider Influence Than Was Known*, N.Y. Times (Sept. 10, 2019), <https://www.nytimes.com/2019/09/10/us/republican-gerrymander-thomas-hofeller.html>.

4. In the above-referenced New York Times article, the author explained a few ways that the Hofeller files were used to influence the voter photo identification legislation:

In 2014, Mr. Hofeller compiled a database of more than 318,000 college students who had registered to vote in the state, broken down by a host of factors including age, sex, race and Hispanic ethnicity, party and address. Mr. Hofeller also matched lists of registered college students with state driver's license data; a license was one of the acceptable proofs of eligibility under North Carolina's voter ID law.

Another project singled out registered voters who lacked a driver's license or state ID card, and then tagged their addresses to determine how far they lived from an office that issues driver's licenses.

Both databases later figured in a defense of the state's voter ID law against a lawsuit charging that the law discriminated against certain classes of people who predominantly voted Democratic. But the information also had great political value. For example, Mr. Hofeller proposed analyzing the list of voters without IDs to determine whether any were noncitizens or lived outside the state.

See Wines, supra.

5. In David Daley, "The Secret Files of the Master of Modern Republican Gerrymandering," *The New Yorker*, Sept. 6, 2019, the author described Hofeller files detailing his plan to divide North Carolina A&T State University's campus in half to entrench Republican voting power.

6. The documents described in the press, as well as those revealed in this case and the federal census litigation in the Southern District of New York, strongly indicate that

disclosure of these public records (Dr. Hofeller was paid by the State of North Carolina) is in the public interest.

Accordingly, the NC NAACP respectfully requests that this Court (1) grant it leave to submit the attached *amici curiae* matter as Exhibit 1, and (b) grant such other relief as the Court deems just and proper.

Dated: September 13, 2019

s/ Irving Joyner

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CERTIFICATE OF SERVICE

I certify that today, I caused the foregoing Motion for Leave to File *Amici Curiae* Brief and the attached letter to be served on all counsel by email and U.S. mail, addressed to:

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This 13th day of September, 2019.

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