

STATE OF NORTH CAROLINA
COUNTY OF WAKE
COMMON CAUSE et al.,
BY _____
Plaintiffs,

FILED

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WAKE COUNTY, C.S.C.

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IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 14001

v.
REPRESENTATIVE DAVID LEWIS et al.,
Defendants.

STATE DEFENDANTS' POSITION ON
PROPOSED SCHEDULES

Pursuant to the Court's 23 January 2019 order, the State Board of Elections¹ and the State of North Carolina² ("State Defendants") set forth their position as follows.

The parties conferred about scheduling in this matter on 28 January 2019 but were unable to reach agreement. The State Defendants understand that the Plaintiffs and Legislative Defendants will be submitting separate proposed schedules to the Court today.


Rather than submit a third proposal to the Court, the State Defendants note their belief that an expedited schedule is appropriate and necessary. An expedited resolution of this matter will permit the State Board to act with certainty and with sufficient time to implement any Court rulings in advance of candidate filing deadlines and upcoming elections.

¹ There are currently no members appointed to the State Board. It is anticipated that members will take positions with the Board on or soon after 31 January 2019.

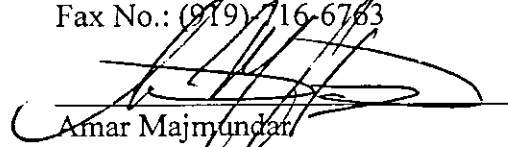
² The undersigned counsel in the North Carolina Department of Justice have appeared on behalf of the State of North Carolina pursuant to Section 7(2) of Article III of the North Carolina Constitution, and N.C. GEN. STAT. § 114-2. Counsel for the Legislative Defendants have contended that, in addition to appearing on behalf of the Legislative Defendants, they also appear on behalf of the State. In doing so, they rely upon recent amendments to N.C. GEN. STAT. § 1-72.2. The Attorney General objects to and reserves the right to challenge, in an appropriate setting, the interpretation of N.C. GEN. STAT. § 1-72.2 that the Legislative Defendants appear to be relying upon in purporting to speak on behalf of the State, as well as the validity of the relied-upon portions of N.C. GEN. STAT. § 1-72.2 under the North Carolina Constitution and other relevant law.

To that end, the State Defendants do not oppose the schedule proposed by Plaintiffs, as it is most likely to provide the State Board with certainty going forward. However, the State Defendants defer to the Court concerning the specific deadlines and trial date.

This the 29th day of January, 2019.



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*Counsel for the State of North
Carolina and the Members of the
State Board of Elections*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing STATE DEFENDANTS' POSITION ON PROPOSED SCHEDULES in the above titled action upon all parties to this cause by depositing a copy in the United States Mail, postage prepaid to:

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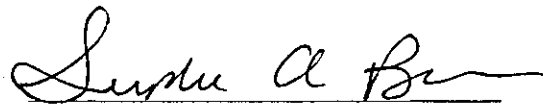
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This the 29 day of January, 2019.


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