

Timeline: *N.C. N.A.A.C.P. v. Moore*

- July 2011 Racially gerrymandered maps adopted by North Carolina General Assembly
- January 2011 Senator Phil Berger elected to serve as President *Pro Tempore* in the North Carolina Senate. He continues to serve in that position today.
- January 2013 Justice Barringer began serving in the General Assembly representing North Carolina's 17th district as a Senator (elected in 2012).
- June 5, 2017 United States Supreme Court issued a final ruling affirming that the North Carolina General Assembly was unlawfully constituted. *Covington v. North Carolina* ("Covington I"), 316 F.R.D. 117, 117 (M.D.N.C. 2016), *aff'd*, 137 S. Ct. 2211 (2017) (per curiam)
- June 28, 2018 North Carolina General Assembly voted to approve the relevant amendments (voting on HB 1092 (photo ID amendment), SB 75 (income tax amendment)). Senators Barringer and Berger both voted in favor of the voter ID amendment, Senator Berger voted in favor of the state income tax amendment.
- July 24, 2018 North Carolina General Assembly convened a special session wherein it passed House Bill 3, which eliminated the long-standing authority of the Constitutional Amendments Publication Commission to write captions for constitutional amendments on a ballot.
- July 27, 2018 Governor Cooper vetoed House Bill 3.
- August 4, 2018 The North Carolina General Assembly convened a special Saturday session during which it overrode Governor Cooper's veto of House Bill 3 and secured authority to write the language on the ballot for the amendments.
- August 6, 2018 Plaintiffs filed *N.C. N.A.A.C.P. v. Moore* challenging the amendments on two grounds: (1) the ballot questions were misleading; and (2) the General Assembly did not have the authority to initiate constitutional amendments following the final determination that it was the product of a widespread racial

gerrymander. The three-judge panel of superior court judges that initially heard these claims agreed with count one (also brought by Governor Cooper), requiring the General Assembly to change how some of the proposed amendments would appear on the ballots. That same panel determined that it did not have jurisdiction to hear claim two, which was referred back to the superior court. Plaintiffs pursued preliminary injunctive relief to keep the constitutional amendments off the ballot pending judicial review. Defendants Berger and Moore argued that there was no need for an injunction because if plaintiffs ultimately prevailed on claim two in court, the amendments would be declared void.

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| September 19, 2018 | Plaintiffs filed an amended complaint to reflect changes made to the amendments on judicial vacancies and boards and commissions.  |
| November 1, 2018   | Plaintiffs filed their motion for Summary Judgment challenging four constitutional amendments.   |
| November 6, 2018   | Amendments were on the ballot in North Carolina. Voters approved two of the challenged amendments – Voter ID was approved 56% to 44% and the Income Tax amendment was approved 58% to 42% . Amendments related to judicial vacancies and boards and commissions were not approved by voters. |
| January 1, 2019    | Justice Barringer finished serving in the General Assembly   |
| February 22, 2019  | Judge Bryan Collins ruled in favor of the plaintiffs on summary judgment, striking down the Voter ID Amendment and the Income Tax Cap Amendment.   |
| February 25, 2019  | Defendants appealed to the North Carolina Court of Appeals   |
| October 31, 2019   | Argument before the Court of Appeals   |
| September 15, 2020 | The N.C. Court of Appeals reversed (in a 2-1 decision) Judge Collin's ruling that had invalidated the constitutional amendments.   |
| October 14, 2020   | Plaintiff N.C. NAACP filed its Notice of Appeal based on Dissent in the N.C. Supreme Court   |
| November 3, 2020   | Justices Barringer and Berger were elected to the N. C. Supreme Court, and were sworn onto the court in January 2021.  |

December 2, 2020	Plaintiff N.C. NAACP filed its new brief in the N.C. Supreme Court
July 22, 2021	Plaintiff N.C. NAACP filed motion to recuse Justices Barringer and Berger
August 30, 2021	Oral argument scheduled. On August 27, 2021, the case was removed from the calendar.
September 28, 2021	N.C. Supreme Court issued an order requesting supplemental briefing from the parties regarding a wide range of issues related to recusals.