

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP, CHAPEL HILL—
CARRBORO NAACP, GREENSBORO
NAACP, HIGH POINT NAACP, MOORE
COUNTY NAACP, STOKES COUNTY
BRANCH OF THE NAACP, WINSTON-
SALEM—FORSYTH COUNTY NAACP,

Plaintiffs,

v.

ROY ASBERRY COOPER III, in his official
capacity as the Governor of North Carolina;
ROBERT CORDLE, in his official capacity as
Chair of the North Carolina State Board of
Elections; STELLA ANDERSON, in her
official capacity as Secretary of the North
Carolina State Board of Elections; KENNETH
RAYMOND, JEFFERSON CARMON III, and
DAVID C. BLACK, in their official capacities
as members of the North Carolina State Board
of Elections,

Defendants

and

VOTER INTEGRITY PROJECT NC, INC.,

Proposed Defendant-Intervenor.

Case No. 1:18-CV-1034

**PROPOSED ANSWER OF DEFENDANT-INTERVENOR
VOTER INTEGRITY PROJECT**

Defendant-Intervenor Voter Integrity Project NC, Inc. (hereinafter, “VIP-NC”) by and through counsel, and without waiving any motions or defenses, hereby answers Plaintiffs’ Complaint. (Doc. 1.)

Many of the paragraphs in the Complaint state conclusions of law, to which no response is required. Many other paragraphs consist of baseless hyperbole and biased narrative designed to persuade the Court into accepting Plaintiffs’ skewed paradigm. For example, Plaintiffs refer to “voter suppression” throughout. “Voter suppression” is not a term defined by law nor a term that provides a federal cause of action. To the extent any such paragraphs contain proper factual allegations, such are outside the scope of the VIP-NC’s knowledge; as a result, they can neither be admitted nor denied by VIP-NC and thus are deemed denied. Any other allegations not expressly admitted herein are deemed denied.

1. To the extent this introductory paragraph purports to selectively quote from an opinion from the Fourth Circuit Court of Appeals as to a different law, VIP-NC states that such opinion speaks for itself. To the extent this introductory paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 1 are denied.

2. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC deny any factual allegations.

3. To the extent this paragraph purports to characterize an opinion from the Fourth Circuit Court of Appeals as to a different law, VIP-NC states that such opinion speaks for itself. To the extent this paragraph attempts to selectively summarize legislative history, VIP-NC states that the legislative histories speaks for themselves. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

4. VIP-NC denies the contention that North Carolina does not have a need for voter photo identification. For example, voter photo identification serves as a check against errors. Also, voter photo identification aids in the prosecution of election laws, including laws against double voting. To the extent this paragraph attempts to selectively summarize a North Carolina State Board of Elections' study, VIP-NC states that the study speaks for itself. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

5. VIP-NC denies the Plaintiffs' attacks on poll observers. VIP-NC contends that observers are a critical element to ensure open and honest elections. Elections must be transparent to the broader public. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the

truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 5 are denied.

6. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 6 are denied.

7. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

8. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

9. VIP-NC admits that Plaintiffs are requesting the extraordinary relief outlined in this paragraph. VIP-NC denies that Plaintiffs are entitled to any of the requested relief.

10. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 10 are denied.

11. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 11 are denied.

12. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 12 are denied.

13. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 13 are denied.

14. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 14 are denied.

15. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 15 are denied.

16. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 16 are denied.

17. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 17 are denied.

18. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 18 are denied.

19. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 19 are denied.

20. VIP-NC notes that Roy Asberry Cooper has now been dismissed from the suit. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 20 are denied.

21. VIP-NC denies that Joshua Malcom is now the Chair of the North Carolina State Board of Elections. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 21 are denied.

22. VIP-NC denies that Ken Raymond is now the Secretary of the North Carolina State Board of Elections. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 22 are denied.

23. VIP-NC denies that Robert Cordle, Stacy Eggers IV, Jay Hemphill, Valerie Johnson, and John Lewis are now members of the North Carolina State Board of Elections. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 23 are denied.

24. To the extent this paragraph seeks to characterize documents written by the Department of Justice, VIP-NC contends that the documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph

states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 24 are denied.

25. To the extent this paragraph seeks to characterize a binding Supreme Court opinion, VIP-NC contends that the opinion speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 25 are denied.

26. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 26 are denied.

27. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 27 are denied.

28. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 28 are denied.

29. To the extent this paragraph seeks to characterize documents written by the Attorney General, VIP-NC contends that the documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 29 are denied.

30. To the extent this paragraph seeks to characterize court filings, VIP-NC contends that the filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 30 are denied.

31. To the extent this paragraph seeks to characterize a court opinion, VIP-NC contends that the opinion speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 31 are denied.

32. To the extent this paragraph seeks to characterize a Supreme Court opinion, VIP-NC contends that the opinion speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as

to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 32 are denied.

33. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 33 are denied.

34. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 34 are denied.

35. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 35 are denied.

36. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 36 are denied.

37. To the extent this paragraph seeks to characterize legislative history and public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history and public testimony speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 37 are denied.

38. To the extent this paragraph seeks to characterize public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any public testimony speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 38 are denied.

39. To the extent this paragraph seeks to characterize public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any public testimony

speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 39 are denied.

40. To the extent this paragraph seeks to characterize public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any public testimony speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 40 are denied..

41. To the extent this paragraph seeks to characterize public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any public testimony speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 41 are denied.

42. To the extent this paragraph seeks to characterize legislative history and public testimony, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history and public testimony speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal

conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 42 are denied.

43. To the extent this paragraph seeks to characterize public statements, for which Plaintiffs failed to include a citation, VIP-NC contends that any public statements speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 43 are denied.

44. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 44 are denied.

45. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 45 are denied.

46. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 46 are denied.

47. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 47 are denied.

48. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 48 are denied.

49. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks

knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 49 are denied.

50. To the extent this paragraph seeks to characterize court filings, for which Plaintiffs failed to include a citation, VIP-NC contends that any court filings speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 50 are denied.

51. To the extent this paragraph seeks to characterize documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any public documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 51 are denied.

52. To the extent this paragraph seeks to characterize documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any public documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 52 are denied.

53. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 53 are denied.

54. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 54 are denied.

55. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 55 are denied.

56. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC

lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 56 are denied.

57. To the extent this paragraph seeks to characterize court documents, VIP-NC contends that any court documents speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 57 are denied.

58. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 58 are denied.

59. To the extent this paragraph seeks to characterize documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any documents speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 59 are denied.

60. This paragraph contains mere accusation. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 60 are denied.

61. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 61 are denied.

62. To the extent this paragraph seeks to characterize public documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any public documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 62 are denied.

63. To the extent this paragraph seeks to characterize public documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any public documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these

allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 63 are denied.

64. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 64 are denied.

65. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 65 are denied.

66. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 66 are denied.

67. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To

the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 67 are denied.

68. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 68 are denied.

69. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 69 are denied.

70. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 70 are denied.

71. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 71 are denied.

72. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 72 are denied.

73. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 73 are denied.

74. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks

knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 74 are denied.

75. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 75 are denied.

76. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 76 are denied.

77. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 77 are denied.

78. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 78 are denied.

79. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 79 are denied.

80. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

81. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

82. To the extent this paragraph seeks to characterize S.B. 824, VIP-NC contends that the bill speaks for itself. To the extent this paragraph's characterizations are different from the bill itself, such characterizations are denied.

83. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 83 are denied.

84. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

85. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 85 are denied.

86. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 86 are denied.

87. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

88. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history

speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 88 are denied.

89. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 89 are denied.

90. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 90 are denied.

91. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 91 are denied.

92. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 92 are denied.

93. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 93 are denied.

94. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 94 are denied.

95. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that any legislative history speaks for itself. To the extent this paragraph states factual allegations, VIP-NC lacks

knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 95 are denied.

96. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 96 are denied.

97. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 97 are denied.

98. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 97 are denied.

99. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a

basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 99 are denied.

100. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 100 are denied.

101. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 101 are denied.

102. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 102 are denied.

103. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 103 are denied.

104. This paragraph contains conjecture and hyperbole. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 104 are denied.

105. VIP-NC re-allege and incorporate paragraphs 1 through 104 of this Answer, as those fully set forth herein.

106. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 106 are denied.

107. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 107 are denied.

108. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 108 are denied.

109. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge

or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 104 are denied.

110. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 110 are denied.

111. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 111 are denied.

112. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 112 are denied.

113. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 113 are denied.

114. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge

or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 114 are denied.

115. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 115 are denied.

116. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 116 are denied.

117. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 117 are denied.

118. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 118 are denied.

119. VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 119 are denied.

120. VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 120 are denied.

121. VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 121 are denied.

122. To the extent this paragraph seeks to characterize court documents, for which Plaintiffs failed to include a citation, VIP-NC contends that any court documents speak for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 122 are denied.

123. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that legislative history speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. To the extent this paragraph states a legal conclusion, no response is required. Other than as admitted, the allegations contained in paragraph 123 are denied.

124. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge

or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 124 are denied.

125. VIP-NC re-allege and incorporate paragraphs 1 through 124 of this Answer, as those fully set forth herein.

126. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 126 are denied.

127. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 127 are denied.

128. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 128 are denied.

129. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

130. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

131. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

132. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 132 are denied.

133. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

134. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 134 are denied.

135. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

136. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

137. VIP-NC re-allege and incorporate paragraphs 1 through 136 of this Answer, as those fully set forth herein.

138. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 138 are denied.

139. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 139 are denied.

140. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these allegations. Other than as admitted, the allegations contained in paragraph 140 are denied.

141. To the extent this paragraph seeks to characterize legislative history, for which Plaintiffs failed to include a citation, VIP-NC contends that legislative history speaks for themselves. To the extent this paragraph states factual allegations, VIP-NC lacks knowledge or information sufficient to form a basis as to the truth of these

allegations. To the extent this paragraph states a legal conclusion, no response is required.

Other than as admitted, the allegations contained in paragraph 141 are denied.

142. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

143. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

144. To the extent this paragraph states a legal conclusion, no response is required.

145. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

146. To the extent this paragraph states a legal conclusion, no response is required. To the extent this paragraph states factual allegations, VIP-NC denies any factual allegations.

147. This paragraph contains Plaintiffs' prayer for relief and does not require a response. To the extent a response is required, VIP-NC denies that Plaintiffs are entitled to any requested relief.

AFFIRMATIVE DEFENSES

The Foundation asserts three affirmative defenses:

First Affirmative Defense: Section 2 of the Voting Rights Act is Unconstitutional as Applied.

1. To the extent that Plaintiffs' Complaint alleges that portions of S.B. 824 enacting voter-identification requirements, expanding the number of poll observers, and increasing the number of people who can challenge ballots, violate the Voting Rights Act, the Voting Rights Act is unconstitutional as applied to these facts and circumstances. Such an application is inconsistent with the purpose of the Fifteenth Amendment and, therefore, exceeds Congress's authority to enforce the right to vote regardless of race as found in the Fifteenth Amendment.

Second Affirmative Defense As Applied Challenge: Utilizing a Disparate Impact Standard to Invalidate a State Election Integrity Law Would Render Section 2 Unconstitutional

2. Count I of Plaintiffs' Complaint misstates a claim under Section 2 of the Voting Rights Act by relying on a disparate impact standard where statistical differences in how a neutral election law may affect various protected racial classes gives rise to liability without a satisfactory inquiry into causality between the challenged statute or procedure and the ability of a racial minority to elect candidates of choice. Plaintiffs' claim should be rejected. And if it were accepted, it would push Section 2 of the Voting Rights Act beyond constitutional boundaries. Plaintiffs borrow standards from a different provision of the Voting Rights Act—Section 5. 52 U.S.C. § 10304. Section 5—which currently does not apply to any state because its former coverage has been found

unconstitutional by the Supreme Court—utilizes an analysis whereby discriminatory impacts give rise to an objection to a new state electoral process. The standard under Section 5 imposes greater burdens to the federalist structure whereby states control their own electoral systems, than does the higher requirements of proof under a proper Section 2 claim. Utilizing the standards of Section 5 in a Section 2 claim, as Plaintiffs attempt to do here with their disparate impact claims, would render that application of Section 2 to be unconstitutional.

There is no constitutional application of Section 2 of the Voting Rights Act that would encompass invalidating a state law related to allowing election observers to observe an election.

Third Affirmative Defense: Inadequate Facts Alleged

3. Federal Rule of Civil Procedure requires a showing of entitlement to relief. Such a showing cannot be made by mere “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The Complaint contains factual allegations that, even if true, do not entitle Plaintiffs to relief under the Constitution or the VRA. Many of these allegations bear no relevance to the claims, while others are simply conclusory. Taken together, they fail to state a plausible claim that the Defendants have violated the Fourteenth and Fifteenth Amendments nor Section 2 of the Voting Rights Act.

Right to Add Affirmative Defenses

VIP-NC reserves the right to add affirmative defenses should additional facts become known through the duration of the case.

VIP-NC requests that this Court deny the relief requested by Plaintiffs, order Plaintiffs to pay VIP-NC's costs and attorneys' fees, and grant any other just relief.

Dated: March 26, 2020

Respectfully Submitted,

/s/ Kaylan L. Phillips

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Local Civil Rule 83.1 Counsel for Proposed Defendant-Intervenor

CERTIFICATE OF SERVICE

I certify that on March 26, 2020, I caused the foregoing to be filed with the United States District Court for the Middle District of North Carolina via the Court's CM/ECF system, which will serve all registered users.

/s/ Kaylan L. Phillips

Kaylan L. Phillips

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