



## STATE OF NORTH CAROLINA OFFICE OF STATE BUDGET AND MANAGEMENT

BEVERLY EAVES PERDUE  
GOVERNOR

ANDY WILLIS  
STATE BUDGET DIRECTOR

November 7, 2011

### MEMORANDUM

TO: Senator Phil Berger, President Pro-Tempore of the Senate  
Representative Thom Tillis, Speaker of the House of Representatives

FROM: Jennifer Hoffmann, Asst State Budget Officer for Infrastructure

SUBJECT: Allotments from the Contingency and Emergency Account

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The Office of State Budget and Management (OSBM) must report to the Joint Legislative Commission on Governmental Operations on allotments from the Contingency and Emergency Account as required by G.S. 143C-4-4(c). The following allotment has been approved by the Council of State since the last meeting of the Joint Legislative Commission on Governmental Operations in October 2011.

#### **Legal Services for Blakenship v. Bartlett - \$148,511.61**

As provided under 143C-4-4, and in accordance with an October 5, 2011 order signed by Senior Resident Superior Court Judge Donald W. Stephens, an allotment from the Contingency and Emergency Account in the amount of \$148,511.61 was approved in order to pay complainant's legal fees in reference to the case of Blakenship vs. Bartlett.

This lawsuit challenged the way in which superior court districts were drawn in Wake County, with plaintiffs alleging that superior court districts must, under the North Carolina Constitution, be proportional in terms of population. The Superior Court districts challenged in this lawsuit – Districts 10-A, 10-B, 10-C and 10-D – were created by 1987 Session Law 509. Each of the districts thusly created then elected a single judge, except for District 10-B, which elected two judges. In 1993, the legislature enacted legislation that provided for the election of two resident superior court judges from District 10-A.

By the time this action was filed in 2005 and according to the 2000 Census, District 10-A had a total population of 64,398 residents electing two judges, while District 10-B had a total population of 281,493 residents electing two judges, District 10-C had a total population of 158,812 residents electing one judge and District 10-D had a population of 123,143 residents electing one judge. Plaintiffs argued that this disparity in population and number of judges elected violated the Equal Protection Clause of the North Carolina Constitution because the constituents of District 10-A had greater voting power than constituents residing in Districts 10-B, 10-C and 10-D.

This case ultimately wound up before the North Carolina Supreme Court and on discretionary review, the Court held that there is a population proportionality requirement for judicial districts.

This allotment was approved by the Council of State on November 1, 2011.

cc: Andy Willis  
David Brown

Chloe Gossage  
Mark Bondo