

No. 89PA22

DISTRICT 3A

SUPREME COURT OF NORTH CAROLINA

ERIC STEVEN FEARRINGTON,
AND CRAIG D. MALMROSE,

Plaintiff-Appellees,

v.

CITY OF GREENVILLE AND
PITT COUNTY BOARD OF
EDUCATION,

Defendant-Appellants.

From the Court of Appeals

No. COA20-877

From Pitt County

No. 19 CVS 1217

MOTION OF THE AMERICAN CIVIL LIBERTIES UNION OF NORTH
CAROLINA LEGAL FOUNDATION FOR LEAVE TO FILE A BRIEF AS
AMICUS CURIAE IN SUPPORT OF PLAINTIFFS

Pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure, the American Civil Liberties Union of North Carolina Legal Foundation moves for leave to file a brief as amicus curiae in support of Plaintiffs.

INTEREST OF AMICUS CURIAE

The American Civil Liberties Union of North Carolina Legal Foundation (ACLU-NC) is a statewide, nonprofit, nonpartisan affiliate of the ACLU with approximately 21,000 members and thousands of other supporters dedicated to defending the constitutional rights of all North Carolinians through educational programs, public statements, and litigation. ACLU-NC has filed numerous amicus briefs in state and federal court addressing civil rights issues. ACLU-NC has an interest in this case as it involves an effort by the government to circumvent constitutional requirements to use a privatized, profit-driven system as a funding stream for North Carolina schools, which is contrary to the intent of our constitution's drafters.

REASONS WHY THE BRIEF IS DESIRABLE

Amicus has extensive experience with civil rights litigation—including issues specific to North Carolina law, public education, and profit-driven policing—that would benefit the Court in its consideration of this appeal.

ISSUES TO BE ADDRESSED

Amicus wishes to address two issues. First, Amicus will discuss why profit-driven law enforcement undermines public safety. Second, Amicus will

discuss why profit-driven policing is regressive, extractive, and a bad way to fund public services.

CONCLUSION

The Court should grant Amicus leave to file a brief in support of Plaintiffs.

Respectfully submitted this the 7th day of August, 2023

/s/ Michele Delgado*

**I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this **BRIEF OF AMICUS CURIAE THE AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA** was served this day upon all parties via electronic mail, in accordance with N.C. App. P. R. 26(c), addressed to the following:

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BRIEF OF AMICUS CURIAE

THE AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA
IN SUPPORT OF PLAINTIFFS-APPELLEES

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BRIEF OF AMICUS CURIAE¹

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IN SUPPORT OF PLAINTIFFS-APPELLEES

INTRODUCTION

In North Carolina, public education is a fundamental right and a prerequisite to a functioning system of democratic self-governance. *See, e.g.,*

¹ Counsel for *amici curiae* states pursuant to Fed. R. App. P. 29(a)(4)(E) that (1) no party’s counsel authored this brief in whole or in part; (2) no party or party’s counsel contributed money that was intended to fund preparing or submitting this brief; and (3) no person, other than amici curiae or their counsel, contributed money that was intended to fund preparing or submitting this brief. All parties have consented to the filing of this brief pursuant to Fed. R. App. 29(a)(2).

Leandro v. State, 346 N.C. 336, 348, 488 S.E.2d 249, 255 (1997) (“*Leandro I*”). As a non-profit organization dedicated to protecting constitutional rights, Amicus has vigorously advocated for North Carolina’s public education system to be fully funded and equally open to all. *See, e.g., Peltier v. Charter Day Sch., Inc.*, 37 F.4th 104, 112 (4th Cir. 2022) (en banc), *cert. denied sub nom. Charter Day School, Inc. et al. v. Peltier*, No. 22-238, 2023 WL 4163208 (U.S. June 26, 2023); *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 607, 647–48, 599 S.E.2d 365 (2004) (“*Leandro II*”); *Deminski on behalf of C.E.D. v. State Bd. of Educ.*, 377 N.C. 406, 858 S.E.2d 788, 790 (2021). Amicus agrees with Defendants that, as a policy matter, more funding for North Carolina’s public schools is better than less. It is critical, however, that the funding streams for North Carolina schools remain consistent with and faithful to the intent of our constitution’s drafters.

This case concerns whether localities must follow the rules the North Carolina Constitution establishes for how those funds may be raised. On this question, Amicus agrees with the Court of Appeals below and Plaintiffs that the interlocal agreement between the City of Greenville and the Pitt County Board of Education violates article IX, section 7 of the North Carolina Constitution as defined and implemented by N.C.G.S. § 115C-437. This Court should not allow governments to circumvent constitutional requirements “by the elaborate diversion of funds or cleverly drafted contracts.” *Fearrington v.*

City of Greenville, 282 N.C. App. 218, 238, 871 S.E.2d 366, 381 (2022). Instead, this Court should “follow [its] long-standing principle of substance over form.” *State v. Newborn*, 887 S.E.2d 868, 870 (N.C. 2023).

Amicus submits this brief in support of Plaintiffs to emphasize the harmful consequences of a loose interpretation of article IX, section 7 that would allow vital public services to become dependent on private entities’ collections of penalties, forfeitures, and fines. Simply put, the laudable goal of directing resources towards North Carolina’s public schools does not justify governmental reliance on regressive law enforcement schemes like the one at issue here. Through constitutional provisions and statutes limiting how fines and fees can be collected and diverted, our lawmakers have decided that enforcement of traffic laws should be driven by officials who are accountable to public safety and public welfare concerns, not profit. For these reasons, Amicus urges this Court to affirm the decision below.

ARGUMENT

I. Profit-driven law enforcement undermines public safety.

The Pitt County Board of Education argues that this Court should reverse because “without reimbursement from the School Board, the City has no incentive to spend the money to operate the red-light camera program, as it would bear all of the costs of the program.” Board New Br. at 21. This argument illustrates the importance of enforcing constitutional limitations on

municipalities' authority to offload the costs of collecting penalties and fees to out-of-state, for-profit entities like American Traffic Solutions (ATS). If it is true that, absent full reimbursement from the Board, the City of Greenville would "have no incentive" to implement the red-light program, then the program has dubious worth to the only constituency that should matter: the residents of Greenville.

The logic of the Board's argument is incompatible with the good governance principles promoted by article IX, section 7 and N.C.G.S. § 115C-437 in two ways. First, it allows municipalities to offload the costs of enforcement to third-parties, obviating the need for elected officials to assess whether increased enforcement enhances public safety and improves the public welfare. Because the program is "costless" to the governments who implement it, those governments have little incentive to examine its consequences or consider alternative enforcement strategies. Second, it makes a vital public service dependent on imposing and collecting fines and penalties, creating a perpetual constituency (and ready-made justification) for an enforcement strategy regardless of its efficacy. The county, city, and ATS have powerful incentives to continue maintaining the red-light program, and to expand it, even if the program does not improve public safety.

From a governance perspective, the Fines and Fees Clause's restraint on "costless" law enforcement strategies is a salutary aspect of North Carolina's

constitutional design. Study after study confirms that when governments are immunized from the costs of the law enforcement programs they authorize—and when law enforcement decisions are driven by the revenue streams they generate—public safety suffers.² When revenue from enforcement provides agencies with a flexible, nearly on-demand funding stream, there is a high risk that they will make decisions based on financial calculations rather than public safety aims.³ Researchers have found that police are more likely to enforce laws related to lower-level, often victimless offenses that create a larger windfall for the department, such as traffic offenses, than to pursue more serious crimes that lack a clear fiscal benefit to the agency.⁴ This Court should reject Defendants’ attempt to justify their unlawful interlocal agreement on policy grounds and instead affirm the constitution’s important restraint on profit-driven policing.

A. Failure to account for costs.

Beyond the immediate financial costs associated with implementing a law enforcement strategy, there are the costs borne by those targeted for

² See Ram Subramanian et al., *Revenue Over Public Safety: How Perverse Financial Incentives Warp the Criminal Justice System*, Brennan Center for Justice, (July 6, 2022), <https://www.brennancenter.org/our-work/research-reports/revenue-over-public-safety>.

³ *Id.*

⁴ *Id.*

enforcement and their families and communities, and the costs of maintaining the broader system of fine collection systems, courts, jails, and prisons, which diverts resources away from other enforcement priorities. There are also costs in the form of foregone opportunities to direct resources towards alternative, potentially more effective non-punitive approaches. All of these costs should be weighed against the likely public safety benefits of an enforcement program before that program is pursued.

Interlocal agreements like the one at issue here absolve municipalities of their responsibility to weigh these costs and benefits, narrowing the focus of enforcement to maximizing dollars and cents. Because Greenville is reimbursed fully for the costs of the red-light program, it need not meaningfully examine the program's potential consequences. Judged from a profit-oriented perspective, there's simply no downside. But that perspective obscures the inevitable trade-offs that occur when the city adopts one particular approach to enforcing its laws.

Relieving municipalities of the need to account for the costs of policy decisions negatively impacts the decisions those municipalities make. As Dean Richard A. Bierschbach and now-federal appellate Judge Stephanos Bibas have written, "American criminal justice systematically overpunishes in large part because few mechanisms exist to force consideration of the full social costs of criminal justice interventions." Richard A. Bierschbach & Stephanos Bibas,

Rationing Criminal Justice, 116 Mich. L. Rev. 187, 187 (2017). “Unhinged from cost, actors overuse the most punitive and immediately rewarding criminal justice tools (like stop-and-frisks, pretrial detention, and prison beds) and underuse others (like community policing, alternative sanctions, and reentry programs, all of which probably generate positive externalities).” *Id.* at 189.

Requiring municipalities to bear some of the financial costs of their own law enforcement strategies will not solve the systemic issue of government’s inability to “account for and manage criminal justice’s hidden tradeoffs, as well as long-term and third-party costs.” *Id.* at 210. But relieving municipalities of any obligation to consider the financial costs of enforcement programs will only exacerbate this problem. It eliminates an annually-recurring opportunity to closely examine the wisdom of that particular policy choice. From the City’s perspective, there’s simply no reason not to implement a red-light program—if the cost of the program is covered by someone else, then the program appears “costless.” Yet from a public welfare perspective, there are ample reasons to think carefully about implementing such a program, including the mixed evidence of their efficacy.⁵

⁵ While the public safety justification for red-light camera programs may seem straightforward, evidence of their effects on vehicular safety is mixed. One recent study in Houston found “no evidence that cameras reduce the total number of accidents” and “no evidence that the camera program reduced the number of traffic-related injuries or the likelihood of incurring an incapacitating injury.” Justin Gallagher, *Red Light Cameras May Not Make*

B. Revenue-driven enforcement.

States and municipalities have finite resources. Every day, elected officials must choose which of the various challenges facing their communities to prioritize addressing, and which of the available strategies for addressing those challenges they will fund. Financial considerations inevitably shape those decisions. As stewards of resources derived from the public, governments have an obligation to spend scarce public dollars intelligently, efficiently, and transparently.

Yet municipalities are not private corporations. The point of government spending is to improve public welfare, not maximize financial returns. This principle is especially important when it comes to choices regarding how to enforce civil and criminal laws. It is easy to predict what happens when decisions about how to enforce laws are driven by the revenue enforcement

Streets Safer, Scientific American (Aug. 16, 2018) (describing results of study of Houston's red-light camera program finding), <https://www.scientificamerican.com/article/red-light-cameras-may-not-make-streets-safer/#:~:text=We%20found%20no%20evidence%20that,ambulance%20transport%20to%20a%20hospital>; see also Barbara Langland-Orban et al., *Red Light Running Cameras: Would Crashes, Injuries and Automobile Insurance Rates Increase If They Are Used in Florida?*, 5 Florida Public Health Review 1, 1 (2008) (“[C]omprehensive studies conclude cameras actually increase crashes and injuries, providing a safety argument not to install them.”), <https://digitalcommons.unf.edu/fphr/vol5/iss1/1/>.

generates: there is more enforcement, as study after study has documented.⁶ The problem is that more enforcement, particularly of minor violations like traffic infractions, often disproportionately benefits private corporations and government officials at the expense of citizens' rights and community well-being.

Take, for example, the practice of civil asset forfeiture. There is widespread agreement that seizing the assets of individuals who have not been convicted of a crime is unfair, discriminatory, and does little to advance public safety.⁷ Yet "because the law enforcement entity responsible for seizing the property often keeps it, these entities have strong incentives to pursue

⁶ See e.g., Michael D. Makowsky et al., *To Serve and Collect: The Fiscal and Racial Determinants of Law Enforcement*, 48 J. Legal Stud. 189 (2019) (finding that "revenue-driven law enforcement can distort police behavior and decision-making," and that enforcement (and enforcement in minority communities in particular) increased when governments face budget deficits)); Jordan Zvonkovich & R. Barry Ruback, *A Continuum of Coercive Costs: A State-Level Analysis of the Imposition and Payment Enforcement of Statutory Fees*, 34 Fed. Sent. R. 113, 113 (2022) ("Many local communities, particularly small cities with limited tax bases, have come to rely on fines and fees to provide a substantial amount of revenue for operating the government. Such cities are likely to focus law enforcement on crimes that generate greater revenue, such as drug arrests, rather than arrests for violent crimes.").

⁷ See, e.g., *Why Civil Asset Forfeiture is Legalized Theft*, The Leadership Conference on Civil and Human Rights (July 23, 2015), <https://civilrights.org/resource/why-civil-asset-forfeiture-is-legalized-theft/>; Jon Guze, *Protecting North Carolinians from Asset Forfeiture Abuse*, John Locke Foundation (May 15, 2023), <https://www.johnlocke.org/protecting-north-carolinians-from-asset-forfeiture-abuse/>.

forfeiture.” *Leonard v. Texas*, 137 S. Ct. 847, 848 (2017) (Thomas, J., statement respecting the denial of certiorari). Even though this practice “has led to egregious and well-chronicled abuses,” *id.*, “reform typically falls victim to well-organized law enforcement opposition, whether overt or behind the scenes.” Lisa Knepper et al., *Policing for Profit: The Abuse of Civil Asset Forfeiture*, Institute for Justice (Dec. 2020), <https://ij.org/report/policing-for-profit-3/pfp3content/barriers-to-forfeiture-reform/>.

Or consider how revenue incentives have warped the enforcement of motor vehicle laws in municipalities across the country. In Ferguson, Missouri, a U.S. Department of Justice investigation detailed how the city’s reliance on municipal fines and fees “ha[d] a profound effect on [the Ferguson Police Department’s] approach to law enforcement,” leading to “aggressive enforcement of Ferguson’s municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation.” *Investigation of the Ferguson Police Department*, United States Department of Justice Civil Rights Division, 2 (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

Similarly, in Brookside, Alabama, the Institute for Justice filed a class action lawsuit alleging that the city’s approach to law enforcement was “a top-down scheme pushed by its police chief, mayor and council [which] prioritized

. . . generating money.” *Brookside, Alabama Fines*, Institute for Justice (2022), <https://ij.org/case/brookside-alabama-fines/>. The U.S. Department of Justice filed a statement of interest in that litigation emphasizing that “unnecessarily aggressive law enforcement aimed at generating income through fines and fees . . . stand to punish the poor for their poverty and put law enforcement at odds with the communities they are meant to serve.” Statement of Interest of the United States, *Coleman v. Town of Brookside*, No. 2:22-cv-00423-RDP (S.D. Al. July 26, 2022).

The interlocal agreement at issue in this case introduces similar incentive-distorting dynamics into what should be solely a question of public safety, pursued within the boundaries of constitutional and statutory design. These dynamics may be exacerbated where, as here, a municipality outsources operation and maintenance of its red-light program to a for-profit, out-of-state corporation that has no investment in the community it is policing.⁸

⁸ Travis Madsen & Phineas Baxandall, *Caution: Red Light Cameras Ahead. The Risks of Privatizing Traffic Law Enforcement and How to Protect the Public*, U.S. PIRG Education Fund, 14 (2011) (“Contracts between cities and camera system vendors can be written in ways that put revenue first, and put the public interest at risk. . . . payment models can encourage private vendors and public officials to take actions designed primarily to increase the number of citations issued, regardless of the impact on public safety.”), <https://publicinterestnetwork.org/wp-content/uploads/2011/12/Caution-Red-Light-Cameras-Ahead-1.pdf>.

Both the City and the Board argue that the decision below is contrary to public policy because it would deprive the Pitt County school system of “additional and much needed financial resources . . . that would not otherwise be available.” City of Greenville New Br. at 17; *see also* Board of Ed. Br. at 18. Generating revenue for public education is a worthy goal, but it is not one which should drive decisions about how to enforce a city’s laws. There is a strong countervailing public policy interest in this case in restraining revenue-driven law enforcement, as the examples of Ferguson, Brookside, and countless other municipalities make abundantly clear.

II. Profit-driven policing is regressive, extractive, and a bad way to fund public services.

Defendants are wrong that, without full reimbursement, Greenville would “bear all of the costs of the [red-light] program.” Bd. of Educ. Br. at 21. Indeed, under the current arrangement, it is not the Board that “bear[s] all of the costs,” either. This argument ignores the true costs of the red-light program, first and foremost the costs borne by city residents and visitors subject to enforcement actions. While promoting safe driving is undoubtedly an important interest, red-light programs can ensnare innocent drivers in an escalating cycle of fines and fees with devastating consequences on their lives and economic well-being. Moreover, there is evidence that red-light programs exact a disparate toll on minority and low-wealth communities. This Court

should reject Defendants' myopic view of the costs their red-light program imposes on everyday North Carolinians.

A. Consequences of red-light programs.

Fines and fees of all kinds, including traffic tickets, exact a punishing toll on individuals and communities who can least afford them. A citation for speeding might be a minor inconvenience for wealthy families, but it can be a major setback for families in poverty, who must divert a substantially higher share of their income to paying their debt. This disparate economic burden produces cascading legal consequences for North Carolinians who may lack the resources to quickly satisfy a legal financial obligation. It can lead to a crippling debt cycle, civil judgments that reflect negatively on credit reports, bankruptcy, license revocation, incarceration, and additional civil penalties. When aggressive collection practices against an indigent defendant are coupled with these debilitating collateral consequences, court cost debt imposes an enduring burden that may sometimes exceed the penalty for the crime. *See State v. Davis*, 159 Ohio St. 3d 31, 36, 146 N.E.3d 560, 565 (2020) (citing Appleman, *Nickel and Dimed into Incarceration: Cash-Register Justice in the Criminal System*, 57 B.C. L. Rev. 1483 (2016); *Development in the Law: Policing, Chapter One Policing and Profit*, 128 Harv. L. Rev. 1723 (2015)). The burdens imposed by assessing court costs on indigent defendants are significant. *Id.*

It is also well documented that people of color are disproportionately impacted by court fines and fees.⁹ Consistent with findings from other states, driver's license suspensions are frequent and unequal in North Carolina.

[T]here are 1,225,000 individuals with active driver's license suspensions in North Carolina--827,000 for FTAs, 263,000 for FTCs, and 135,000 for both. This constitutes about one in seven, or 15 percent, of all adult drivers--who total about 8.25 million people--in North Carolina. These driver's license suspensions are heavily disproportionate in their imposition on black and Latinx drivers. As Table 1 reveals, of those with driver's license suspensions, 33 percent of those with FTA suspensions are Black and 24 percent are Latinx, while 36 percent are white. For FTC suspensions, 47 percent of drivers with such suspensions are Black, 11 percent are Latinx, and 37 percent are white. By comparison, the North Carolina driving population is 21 percent Black, 8 percent Latinx, and 65 percent white.

William E. Crozier, Brandon L. Garrett, *Driven to Failure: An Empirical Analysis of Driver's License Suspension in North Carolina*, 69 Duke L.J. 1585, 1606 (2020).

Red-light cameras pose similar inequities, including disproportionate impact on Black and Latinx North Carolinians. Investigative journalists found that traffic cameras in Chicago disproportionately ticket Black and Latinx motorists, and explained that similar racial and income disparities in camera-based ticketing have been documented around the country:

⁹ American Civil Liberties Union of North Carolina, “*At All Costs: The Consequences of Rising Court Fines and Fees in North Carolinas*” (2019), https://www.acluofnorthcarolina.org/sites/default/files/field_documents/aclu_n_c_2019_fines_and_fees_report_17_singles_final.pdf.

In Rochester, New York, officials eliminated the city's red-light camera program in 2016 in part because motorists from low-income neighborhoods received the most tickets and the financial harm outweighed any safety benefits. Miami ended its program in 2017 amid complaints from low-income residents who felt unfairly burdened by the fines. And in Washington, D.C., racial justice advocates are researching the city's camera-ticketing program after a local think tank in 2018 and The Washington Post last year found that cameras in Black neighborhoods issued a disproportionate share of tickets there.¹⁰

This is not how North Carolina public education should be funded. North Carolina cannot promote equal access to a sound basic education, then enable revenue sharing with a source that deepens economic disparities in Black and Latinx communities.

B. Public goods should be funded by the public, not on the backs of the least well-off.

This Court unanimously held that under the North Carolina Constitution, the legislative and executive branches have the duty to provide all the children of North Carolina the opportunity for a sound basic education. *Leandro v. State*, 346 N.C. 336, 345, 488 S.E.2d 249 (1997) ("*Leandro I*"). The Pitt County Board of Education cannot ensure a sound basic education for their children while relying on a regressive, for-profit system to fund public education.

¹⁰ Emily Hopkins & Melissa Sanchez, *Chicago's "Race-Neutral" Traffic Cameras Ticket Black and Latino Drivers the Most*, ProPublica, Jan. 11, 2022, <https://www.propublica.org/article/chicagos-race-neutral-traffic-cameras-ticket-black-and-latino-drivers-the-most>.

A county's ability to provide a sound basic education should not depend on the profit moves and success of an out-of-state private company. *See Fearrington*, 282 N.C. App. at 238, 871 S.E.2d at 381 (observing that "it is clear that the framers did not intend" for a substantial portion of fines "to go to private companies such as ATS, a for-profit corporation located in Arizona").

Like any other private company, ATS is susceptible to the vagaries of the market, to its shareholders, and bankruptcy. According to the National Conference of State Legislatures, states have already begun to remove red-light cameras. Maine, Mississippi, New Hampshire, New Jersey, South Carolina, Texas, West Virginia and Wisconsin prohibit speed cameras.¹¹ As Maine Representative Richard Cebra stated, "[w]hile on the surface these cameras may appear to increase public safety, recent studies have shown that they actually increase the occurrences of accidents at intersections where the public is aware that there is a camera."¹² Texas Governor Greg Abbott's office outlined in a report that the use of red-light cameras increase rear end

¹¹ National Conference of State Legislatures, *Traffic Safety Review: State Speed and Red-Light Camera Laws and Programs*, Sept. 26, 2022, <https://www.ncsl.org/transportation/traffic-safety-review-state-speed-and-red-light-camera-laws-and-programs#:~:text=via%20local%20ordinance.-.Maine%2C%20Mississippi%2C%20New%20Hampshire%2C%20New%20Jersey%2C%20South%20Carolina,used%20anywhere%20in%20the%20state>.

¹² *See, Maine Bans Photo Enforcement*, TheNewsPaper.com (June 3, 2009), <https://www.thenewspaper.com/news/27/2796.asp>.

collisions and violate people's constitutional rights.¹³ Over-reliance on these inconsistent funding schemes leaves the school system vulnerable, especially when the unpredictable—e.g., decreased speeding violations, road closures, natural disasters, another pandemic—occurs, leading to reduced revenue. The sound basic education guaranteed by our constitution is not well-served by Greenville's privatized, profit-driven system of red-light cameras—nor does the article IX, section 7 and N.C.G.S. § 115C-437 permit such a system.

CONCLUSION

Putting profits over public safety harms individuals and communities through inequitable enforcement, corrodes the relationship between police and the broader community, destabilizes funding for public schools, and diminishes the legitimacy of the government in the eyes of the governed. Notwithstanding the paramount importance of securing adequate funding for public education, this Court should affirm the decision of the Court of Appeals.

Respectfully submitted this the 7th day of August, 2023

/s/ Michele Delgado*

*I certify that all of the attorneys listed below have authorized me to list their

¹³See, Casey Leins, *Gov. Abbott Outlaws Red-Light Traffic Cameras in Texas* (June 3, 2019), <https://www.usnews.com/news/best-states/articles/2019-06-03/gov-abbott-outlaws-red-light-traffic-cameras-in-texas>.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this **BRIEF OF AMICUS CURIAE THE AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA** was served this day upon all parties via electronic mail, in accordance with N.C. App. P. R. 26(c), addressed to the following:

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