

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NO. 1:16-CV-1164

**LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, WILLIAM
COLLINS, ELLIOTT FELDMAN,
CAROL FAULKNER FOX, ANNETTE
LOVE, MARIA PALMER, GUNTHER
PECK, ERSLA PHELPS, JOHN
QUINN, III, AARON SARVER, JANIE
SMITH SUMPTER, ELIZABETH
TORRES EVANS, and WILLIS
WILLIAMS,**

Plaintiffs,

v.

ROBERT A. RUCHO, *in his official
capacity as Chairman of the North
Carolina Senate Redistricting Committee
for the 2016 Extra Session and Co-
Chairman of the 2016 Joint Select
Committee on Congressional Redistricting,*

DAVID R. LEWIS, *in his official capacity
as Chairman of the North Carolina House
of Representatives Redistricting Committee
for the 2016 Extra Session and Co-
Chairman of the 2016 Joint Select
Committee on Congressional Redistricting,*

TIMOTHY K. MOORE, *in his official
capacity as Speaker of the North Carolina
House of Representatives,*

PHILIP E. BERGER, *in his official
capacity as President Pro Tempore of the
North Carolina Senate,*

AMENDED COMPLAINT

EQUITABLE RELIEF SOUGHT

THREE JUDGE PANEL REQUESTED

A. GRANT WHITNEY, JR., *in his official capacity as Chairman and acting on behalf of the North Carolina State Board of Elections,*

THE NORTH CAROLINA STATE BOARD OF ELECTIONS, and

THE STATE OF NORTH CAROLINA,

Defendants.

Plaintiffs, complaining of Defendants, allege:

INTRODUCTION

1. Plaintiffs seek a declaratory judgment that the North Carolina Congressional Plan adopted in February 2016 (the “2016 Plan”) violates the First and Fourteenth Amendments of the United States Constitution and an order permanently enjoining the holding of elections under the 2016 Plan. As explained in greater detail below, the Plan is, by any measure, one of the worst partisan gerrymanders in modern American history. In the 2016 election, the Plan enabled Republican candidates to win *ten of thirteen* seats even though the statewide congressional vote was closely divided. Moreover, the Plan will continue to produce a Republican supermajority of seats even if Democratic candidates earn a majority of the statewide vote—and, indeed, even if the largest Democratic wave in a generation occurs.

2. The 2016 Plan’s dramatic pro-Republican tilt is deliberate. Its designers were instructed to draw a map that was “likely to elect ten Republicans and three Democrats.” One of the Plan’s architects also freely admitted that “this would be a

political gerrymander,” and that he advocated a ten-three seat division only “because [he did] not believe it’s possible to draw a map with 11 Republicans and two Democrats.”

3. The 2016 Plan’s pro-Republican tilt cannot be justified by the State’s political geography or legitimate redistricting objectives. The map used by North Carolina in the 2000s abided by all federal and state legal requirements, but, unlike the 2016 Plan, did not favor either party. Additionally, when hundreds of congressional maps are drawn using a computer algorithm—all at least matching the 2016 Plan in terms of compliance with traditional redistricting criteria—*none* of them are as biased as the 2016 Plan.

4. This kind of partisan gerrymandering is both unconstitutional and profoundly undemocratic. It is unconstitutional because it treats voters unequally, diluting the electoral influence of one party’s supporters in violation of the Equal Protection Clause; and because it burdens voters’ freedom of speech and freedom to associate based on their political beliefs in violation of the First Amendment. Severe partisan gerrymandering is also contrary to core democratic values because it enables a political party to win many more districts—and thus much more legislative power—than is warranted by that party’s popular support. By sharply distorting the relationship between votes and seats, it causes policies to be enacted that do not accurately reflect the public will.

5. The United States Supreme Court has recognized that excessive partisan gerrymandering is unconstitutional. Nevertheless, recent challenges have failed because litigants have been unable to offer a workable standard to distinguish between

permissible political line-drawing and unlawful partisan gerrymandering. In this case, Plaintiffs propose a test that *is* workable, based on the concept of *partisan symmetry*. This is simply the idea that a district plan should treat the major parties symmetrically with respect to the conversion of votes to seats, and that neither party should enjoy a systematic advantage in how efficiently its popular support translates into legislative power.

6. One way to measure a district plan's partisan symmetry is to calculate its *efficiency gap*. The efficiency gap captures in a single number all of a plan's *cracking* and *packing*—the two fundamental ways in which partisan gerrymanders are constructed. Cracking means dividing a party's supporters among multiple districts so they fall short of a majority in each one. Packing means concentrating a party's supporters in a few districts so their preferred candidates win by overwhelming margins. Both cracking and packing result in “wasted” votes: votes cast either for a losing candidate (in the case of cracking) or for a winning candidate but in excess of what she needed to prevail (in the case of packing). The efficiency gap is simply the difference between the parties' respective wasted votes in an election, divided by the total number of votes cast.

7. Partisan symmetry forms the backbone of Plaintiffs' proposed three-prong test for partisan gerrymandering. This test's first prong is *discriminatory intent*, that is, whether a district plan was enacted with the purpose of benefiting one party or disadvantaging another party. The test's second prong is *discriminatory effect*, that is, whether the plan exhibits a level of partisan asymmetry that is high and durable relative to historical norms. And the test's third prong is *justification*, that is, whether the State

can justify the plan's asymmetry based on the State's political geography or legitimate redistricting objectives.

8. The 2016 Plan is plainly unconstitutional under this test. First, it was designed pursuant to criteria explicitly labeled "Partisan Advantage" and "Political Data." Its own authors also admit that it was intended to "gain partisan advantage" and be a "political gerrymander" that is "likely to elect ten Republicans and three Democrats."

9. Second, the 2016 Plan's predecessor (enacted in 2011) exhibited pro-Republican efficiency gaps of over **20 percent** in 2012 and 2014, and the 2016 Plan itself produced a pro-Republican efficiency gap of **19 percent** in 2016. To put these scores in perspective, the 2011 Plan had the largest average efficiency gap of all maps analyzed from 1972 to the present, and the 2016 Plan had the largest efficiency gap of all maps analyzed in 2016. Efficiency gaps this extreme mean that the 2016 Plan's asymmetry is virtually certain to endure for the remainder of the decade.

10. Third, the 2016 Plan's bias is entirely unjustifiable. Of the hundreds of computer-drawn district maps of North Carolina, ***all of them*** treat the major parties more symmetrically while performing at least as well on every other dimension.

11. To be clear, Plaintiffs do not aim to replace a pro-Republican gerrymander with a pro-Democratic one. Rather, Plaintiffs seek the enactment of a balanced map that does not give either side an unfair partisan advantage as a remedy.

JURISDICTION AND VENUE

12. This action is brought pursuant to the United States Constitution and 28 U.S.C. § 2284(a). A three-judge panel should hear this case.

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

14. This Court has personal jurisdiction over each Defendant because each is a citizen of North Carolina.

15. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) because a substantial portion of the events giving rise to the claims occurred in this district, and each Defendant conducts business in this district.

PARTIES

16. Plaintiff LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA (“LWVNC”) is a nonpartisan community-based organization, formed in 1920, immediately after the enactment of the Nineteenth Amendment granting women’s suffrage. The LWVNC is dedicated to encouraging its members and the people of North Carolina to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. The mission of LWVNC is to promote political responsibility through informed and active participation in government and to act on selected governmental issues. The LWVNC impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. Currently LWVNC has 15 local leagues and over 972 members, each of whom, upon information and belief, is a registered voter in North Carolina. LWVNC is affiliated with the League of Women Voters of the United States, which was also founded in 1920. LWVNC began as an organization focused on the needs of women and training women voters. It has evolved into an organization

concerned with educating, advocating for, and empowering all North Carolinians. With members in almost every county in the State, the LWNVC's local leagues are engaged in numerous activities, including hosting public forums and open discussions on issues of importance to the community. Individual league members invest substantial time and effort in voter training and civic engagement activities, including voter registration and get-out-the-vote (GOTV) efforts. LWNVC has developed a Voter Engagement Program that partners with local election boards and schools to encourage young voters to register to vote. LWNVC also devotes substantial time and effort to ensuring that government at every level works as effectively and fairly as possible. This work involves continual attention to and advocacy concerning issues of transparency, a strong and diverse judiciary, fair and equal nonpartisan redistricting, and appropriate government oversight.

17. LWNVC has standing to challenge the 2016 Plan. The Plan discriminates against North Carolina voters who associate with the Democratic Party by diluting their votes for the purpose of maintaining a 10-to-3 Republican advantage in congressional seats. The Plan thus directly impairs LWNVC's mission of encouraging civic engagement and nonpartisan redistricting reform. Additionally, LWNVC is a membership organization, and its members are harmed by the Plan because it dilutes Democratic votes and impairs Democratic voters' ability to elect their preferred congressional candidates. LWNVC's members' right to participate freely and equally in the political process is burdened as well by the Plan, which in many cases denies the ability to cast a meaningful vote altogether.

18. Plaintiff WILLIAM COLLINS is a 66-year-old U.S. Citizen who has been an active Democratic voter in North Carolina since he was 18 years of age. Mr. Collins retired from Domtar Paper Company, LLC approximately 10 years ago. Mr. Collins is a resident of Washington County, and lives in the 1st Congressional District at issue in this case.

19. Plaintiff ELLIOTT FELDMAN is a 74-year-old U.S. citizen who has been an active voter in North Carolina since 1994. In 2003, Mr. Feldman retired from the United States Customs and Border Protection, where he worked for approximately 25 years. Prior to retirement, Mr. Feldman was registered as an independent. However, in 2002, he registered as a Democrat and has registered as such since then. Mr. Feldman is a resident of Mecklenburg County, North Carolina, and lives in the 12th Congressional District at issue in this case.

20. Plaintiff CAROL FAULKNER FOX is a 52-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 17 years. Ms. Fox is a Lecturing Fellow at Duke University. She is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

21. Plaintiff ANNETTE LOVE is a 59-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 28 years. Ms. Love is a retired independent contractor in the real estate and mortgages profession. She is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

22. Plaintiff MARIA PALMER is a 56-year-old U.S. citizen who has been an active Democratic voter in North Carolina for nearly 20 years. Dr. Palmer is an employee

of Carolina Donor Services, an organ procurement organization, and is a Council Member for the Town of Chapel Hill, North Carolina. Dr. Palmer is a resident of Orange County, North Carolina, and lives in the 4th Congressional District at issue in this case.

23. Plaintiff GUNTHER PECK is a 53-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Mr. Peck is an Associate Professor at Duke University. He is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

24. Plaintiff ERSULA PHELPS is a 43-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Ms. Phelps is a Mortgage Operation Specialist for BB&T Bank. Ms. Phelps is a resident of Wilson County, and lives in the 2nd Congressional District at issue in this case.

25. Plaintiff JOHN QUINN, III is a 64-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Mr. Quinn retired from the Federal Deposit Insurance Corporation over 11 years ago. He is a resident of Buncombe County, and lives in the 10th Congressional District at issue in this case.

26. Plaintiff AARON SARVER is a 39-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for nearly seven years. Mr. Sarver is the Communications Director at Campaign for Southern Equality. Mr. Sarver is a resident of Asheville, North Carolina, and lives in the 11th Congressional District at issue in this case.

27. Plaintiff JANIE SMITH SUMPTER is a 70-year-old U.S. citizen who has been an active voter registered as a Democrat in North Carolina since 1987. Mrs.

Sumpter retired from the United States Postal Service in 2008. Mrs. Sumpter has been involved with voter education and registration throughout the State. Mrs. Sumpter is a resident of Mecklenburg County, North Carolina, and lives in the 12th Congressional District at issue in this case.

28. Plaintiff ELIZABETH TORRES-EVANS is a 61-year-old U.S. citizen who has been an active voter registered as a Democrat in North Carolina since 2002. Mrs. Torres-Evans has been a paralegal for approximately 20 years, and currently works in that capacity. Mrs. Torres-Evans is a resident of Granville County, North Carolina, and lives in the 1st Congressional District at issue in this case.

29. Plaintiff WILLIS WILLIAMS is a 74-year-old disabled veteran who has been an active Democratic voter in North Carolina for well over 50 years. Even during his military service, Mr. Williams voted absentee. Mr. Williams is a resident of Martin County, North Carolina, and lives in the 1st Congressional District at issue in this case.

30. The individual Plaintiffs have standing to bring this action. They are all registered voters and Democrats who support the public policies espoused by the Democratic Party and Democratic Party candidates. Along with other Democratic voters across the State, they have been harmed by the 2016 Plan's unconstitutional partisan gerrymandering because the Plan treats Democrats unequally based on their political beliefs and impermissibly burdens their rights of free speech and association. Some of the Plaintiffs have been packed into a handful of districts where Democratic voters make up enormous majorities, while others have been cracked among numerous districts where

Democratic candidates are virtually certain to lose. Either way, the Plan's purpose and effect are to dilute Plaintiffs' electoral influence because of their political views.

31. Defendant ROBERT A. RUCHO is being sued in his official capacity as Chairman of the North Carolina Senate Redistricting Committee for the 2016 Extra Session and Co-Chairman of the 2016 Joint Select Committee on Congressional Redistricting.

32. Defendant DAVID R. LEWIS is being sued in his official capacity as Chairman of the North Carolina House of Representatives Redistricting Committee for the 2016 Extra Session and Co-Chairman of the 2016 Joint Select Committee on Congressional Redistricting.

33. Defendant TIMOTHY K. MOORE is being sued in his official capacity as Speaker of the North Carolina House of Representatives.

34. Defendant PHILIP E. BERGER is being sued in his official capacity as President Pro Tempore of the North Carolina Senate.

35. Defendant A. GRANT WHITNEY, JR. is being sued in his official capacity as Chairman of the North Carolina State Board of Elections.

36. Defendant NORTH CAROLINA STATE BOARD OF ELECTIONS is the agency responsible for the administration of the election laws of the State of North Carolina and charged with the duty of "general supervision over the primaries and elections in the State," N.C. Gen. Stat. § 163-22(a), including elections of the thirteen members of the United States House of Representatives from North Carolina.

37.

Defendant STATE OF NORTH CAROLINA is a sovereign state in the United States.

STATEMENT OF FACTS

The 2016 Plan Was Enacted with the Intent of Discriminating Against Democrats

38. In 2001, pursuant to the North Carolina State Constitution, Art. II, § 3, the North Carolina General Assembly adopted a congressional district plan (the “2001 Plan”) for the State’s thirteen congressional districts.

39. Between 2001 and 2010, five congressional elections were held under the 2001 Plan (in 2002, 2004, 2006, 2008, and 2010). In all of these elections, the more successful party received between 51 and 55 percent of the statewide vote, and in all of the elections except one, the more successful party also won a majority of the Plan’s seats.¹ In 2002, Republicans won 52 percent of votes and seven of thirteen seats. In 2004, Republicans won 51 percent of votes and seven of thirteen seats. In 2006, Democrats won 52 percent of votes and seven of thirteen seats. In 2008, Democrats won 55 percent of votes and eight of thirteen seats. And in 2010, Republicans won 54 percent of votes and six of thirteen seats.

40. In 2011, the North Carolina General Assembly, now newly under unified Republican control, enacted a congressional district plan (the “2011 Plan”) that radically reshaped the State’s districts. As a three-judge panel of this Court eventually held, race was the predominant factor motivating the creation of two of the Plan’s districts: the First

¹ The statewide vote shares reported in this paragraph are adjusted using imputations for uncontested races.

and Twelfth Congressional Districts. *See Harris v. McCrory*, No. 1:13-CV-949, 2016 WL 482052 (M.D.N.C. Feb. 5, 2016), *appeal docketed*, No.15-1262 (U.S. Apr. 11, 2016).

41. Under the 2011 Plan, Democratic candidates won 51 percent of the statewide vote in 2012. However, **Republican** candidates won nine of thirteen seats (and nearly won a tenth seat, losing the Seventh Congressional District by just 654 votes). In 2014, Republican candidates won a narrow statewide majority of 54 percent of the vote. But this slim victory translated into a supermajority of ten of thirteen seats.²

42. After the 2011 Plan was invalidated in *Harris*, the Republican leadership in the Legislature appointed a Joint Select Committee on Redistricting (the “Committee”) to draft a new congressional district plan. This Committee, like its predecessor that designed the 2011 Plan, was chaired by Republican Senator Robert Rucho and Republican Representative David Lewis. The Committee was made up of 25 Republican legislators and 12 Democratic legislators.

43. On February 16, 2016, the Committee met to discuss the adoption of written redistricting criteria composed prior to the meeting by Senator Rucho and Representative Lewis. These criteria included **“Partisan Advantage”**: “The partisan makeup of the congressional delegation under the enacted plan is **10 Republicans and 3 Democrats**. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina’s congressional delegation.” *See* Contingent Congressional Plan Committee Adopted Criteria (attached hereto as Exhibit A).

² Again, the statewide vote shares are adjusted to take into account uncontested races.

44. The criteria also described the use of ***“Political Data”***: “The only data other than population data to be used to construct congressional districts shall be ***election results*** in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan.” *See id.*

45. The “Partisan Advantage” and “Political Data” criteria amount to overt admissions that the 2016 Plan was intended to benefit Republicans and disadvantage Democrats. This conclusion is bolstered by Representative Lewis’s comments at the February 16, 2016 Committee hearing. Discussing the “Partisan Advantage” criterion, he stated that its aim was that, “to the extent possible, the map drawers create a map which is perhaps likely ***to elect 10 Republicans and 3 Democrats.***” North Carolina Joint Select Committee on Congressional Redistricting Hearing Transcript at 48 (Feb. 16, 2016) (attached hereto as Exhibit B). He added, “I acknowledge freely that ***this would be a political gerrymander***, which is not against the law.” *Id.* He continued, “I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats because I do not believe it’s possible to draw a map with 11 Republicans and 2 Democrats.” *Id.* at 50.

46. Discussing the “Political Data” criterion, Representative Lewis stated that “to the extent [we] are going to use political data in drawing this map, ***it is to gain partisan advantage.***” *Id.* at 54; *see also id.* (“making clear that our intent is to use . . . the political data we have to our partisan advantage”). He also explained the method through

which political data would benefit Republicans. “[Y]ou would want to draw the lines so that more of the whole VTDs [Voter Tabulation Districts] voted for the Republican on the ballot than they did the Democrat.” *Id.* at 57.

47. The Committee was compelled to vote on the adoption of the criteria on February 16, 2016, the very day on which its members (other than Senator Rucho and Representative Lewis) learned about the criteria’s existence. *See* North Carolina Joint Select Committee on Congressional Redistricting Hearing Transcript at 37 (Feb. 17, 2016) (attached hereto as Exhibit C). Unsurprisingly, all Democrats on the Committee voted against the criteria, while all Republicans voted in favor. Ex. B at 69.

48. After the criteria were adopted, the Committee’s members were given only twenty-four hours to design maps based on them. Ex. C at 36. On February 17, 2016, the very next day, the Committee met again to consider a congressional district plan—the 2016 Plan—presented by Senator Rucho and Representative Lewis. The Committee approved the Plan on a straight party-line vote. *Id.* at 72.

49. On February 18, 2016, the 2016 Plan was introduced in and passed by the North Carolina Senate, with all Democrats voting against it and all Republicans voting in favor.

50. On February 19, 2016, the 2016 Plan was introduced in and passed by the North Carolina House of Representatives, with all Democrats voting against it and all Republicans voting in favor.

The 2016 Plan Has the Effect of Discriminating Against Democrats

The Efficiency Gap Captures the Extent of Partisan Gerrymandering

51. The Supreme Court has unanimously agreed that partisan gerrymandering can rise to the level of a constitutional violation. *See Vieth v. Jubelirer*, 541 U.S. 267, 293 (2004) (plurality opinion) (“[A]n *excessive* injection of politics is *un*lawful. So it is, and so does our opinion assume.”).

52. In *LULAC v. Perry*, 548 U.S. 399 (2006), a majority of the Justices expressed interest in a test for unconstitutional partisan gerrymandering based on the concept of *partisan symmetry*. Partisan symmetry is a “require[ment] that the electoral system treat similarly-situated parties equally.” *Id.* at 466 (Stevens, J., concurring in part and dissenting in part). In other words, a plan is symmetric when it creates a level playing field, giving neither major party a systematic advantage over its opponent in the conversion of electoral votes into legislative seats.

53. In *LULAC*, the Court considered one particular measure of partisan symmetry, called *partisan bias*. Partisan bias refers to the divergence in the share of seats that each party would win given the same share (typically 50 percent) of the statewide vote. *See id.* at 419-20 (opinion of Kennedy, J.); *id.* at 466 (Stevens, J., concurring in part and dissenting in part).

54. Partisan bias is not the only measure of partisan symmetry. In recent years, political scientists and legal academics have developed a new symmetry metric, called the *efficiency gap*. *See, e.g.,* Eric M. McGhee, *Measuring Partisan Bias in Single-Member District Electoral Systems*, 39 Legis. Stud. Q. 55 (2014); Nicholas O. Stephanopoulos & Eric M. McGhee, *Partisan Gerrymandering and the Efficiency Gap*,

82 U. Chi. L. Rev. 101 (2015); Expert Report of Prof. Simon D. Jackman in *Whitford v. Nichol*, No. 15-cv-421-bbc (July 7, 2015).

55. The efficiency gap is rooted in the insight that, given the constitutional requirement of equal population, there are only two ways to implement a partisan gerrymander. First, a party's supporters can be ***cracked*** among a large number of districts so that they fall somewhat short of a majority in each one. These voters' preferred candidates then predictably lose each race. Second, a party's backers can be ***packed*** into a small number of districts in which they make up enormous majorities. These voters' preferred candidates then prevail by overwhelming margins. All partisan gerrymandering is accomplished through cracking and packing, which enable the party controlling the mapmaking to manipulate vote margins in its favor.

56. Both cracking and packing produce so-called "***wasted***" votes—that is, votes that do not directly contribute to a candidate's election. When voters are cracked, their votes are wasted because they are cast for losing candidates. Similarly, when voters are packed, their votes are wasted to the extent they exceed the 50 percent-plus-one threshold required for victory (in a two-candidate race). Partisan gerrymandering can also be understood as the manipulation of wasted votes in favor of the gerrymandering party, so that it wastes fewer votes than its adversary.

57. The efficiency gap is ***the difference between the parties' respective wasted votes in an election, divided by the total number of votes cast***. Suppose, for example, that there are five districts in a plan with 100 voters each. Suppose also that Party A wins three of the districts by a margin of 60 votes to 40, and that Party B wins

two of them by a margin of 80 votes to 20. Then Party A wastes 10 votes in each of the three districts it wins and 20 votes in each of the two districts it loses, adding up to 70 wasted votes. Likewise, Party B wastes 30 votes in each of the two districts it wins and 40 votes in each of the three districts it loses, adding up to 180 wasted votes. The difference between the parties' respective wasted votes is 110, which, when divided by 500 total votes, yields an efficiency gap of 22 percent in favor of Party A.

58. The efficiency gap is *not* based on the principle that parties have a right to proportional representation based on their share of the statewide vote, nor does it measure the deviation from seat-vote proportionality. Instead, by aggregating all of a plan's cracking and packing into a single number, the efficiency gap measures a party's surplus seat share: the proportion of seats a party receives that it would *not* have received under a balanced plan in which both sides had approximately equal wasted votes. In the above example, for instance, the 22 percent efficiency gap in favor of Party A means that it won 22 percent more seats—that is, one more seat out of five—than it would have under a balanced plan.

The 2016 Plan Is an Outlier by State and National Standards

59. Over the 1972-2016 period—since the end of the reapportionment revolution of the 1960s—the distribution of congressional plans' efficiency gaps has been normal and has had a mean and a median close to zero. *See* Stephanopoulos & McGhee, *supra*, at 870. This indicates that neither major party has enjoyed an overall advantage in congressional redistricting for most of the modern era from 1972 to the present.

60. Recently, the average magnitude of the efficiency gap has increased sharply. This metric stayed roughly constant from 1972 to 2010. But in the current cycle, fueled by rising partisanship and greater technological sophistication, it has spiked to the highest level recorded in the modern era. *See id.* at 873. This means that the severity of today's partisan gerrymandering is historically unprecedented.

61. Between 1972 and the present, the partisan fairness of North Carolina's congressional plans went through three distinct phases. In the 1970s and 1980s, the plans substantially favored Democrats, with average efficiency gaps around 9 percent. In the 1990s and 2000s, the plans were almost perfectly balanced, with average efficiency gaps around 1 percent. And in the current cycle, both the 2011 Plan and the 2016 Plan massively advantaged Republicans. The 2011 Plan exhibited efficiency gaps larger than **20 percent** in 2012 and 2014. Similarly, the 2016 Plan produced an efficiency gap of **19 percent** in 2016. These are by far the worst scores observed in North Carolina's modern history.

62. To place these scores in a national context, they can be compared to the entire distribution of relevant congressional plans' efficiency gaps in the modern era (spanning more than 500 elections from 1972 to 2016). The 2011 Plan's efficiency gaps in 2012 and 2014 are in roughly the worst **2 percent** of this distribution, and generate the largest average of **any** plan in this period. The 2016 Plan's efficiency gap in 2016 is also in approximately the worst **4 percent** of the historical distribution, and the single worst score of all relevant congressional plans in the country in 2016.

63. This conclusion is confirmed by partisan bias, the measure of partisan symmetry considered by the Supreme Court in *LULAC*. From the 1970s to the 2000s, North Carolina’s congressional plans had average partisan biases that either modestly favored Democrats or were almost perfectly balanced. But in 2012 and 2014, the 2011 Plan exhibited pro-Republican partisan biases larger than **25 percent**. In 2016, likewise, the 2016 Plan produced a pro-Republican partisan bias of **27 percent**. Again, these scores are by far the worst in North Carolina’s modern history and at the far edge of the nationwide distribution.

64. The 2016 election results also highlight **how** this extreme level of partisan unfairness was achieved: namely, the rampant cracking and packing of North Carolina’s Democratic voters, resulting in their votes being disproportionately wasted. Among “cracked” districts in which the prevailing candidate received less than 60 percent of the vote, Republican candidates won **all six** of them (Districts 2, 5, 6, 8, 9, and 13). Conversely, the one “packed” district in which the prevailing candidate received more than 70 percent of the vote (District 1) was won by a Democratic candidate. Due to this systematic manipulation, Republican candidates won their ten seats by an average margin of 20 percentage points, while Democratic candidates won their three seats by an average margin of **37 percentage points**.

The 2016 Plan’s Partisan Asymmetry Is Highly Durable

65. Not only is the 2016 Plan highly asymmetric in its treatment of the major parties, but this asymmetry is nearly certain to persist under all plausible electoral environments. Since 1992, the Democratic statewide vote share in North Carolina

congressional elections has fluctuated between roughly 45% and 55%. Over this range of conditions, under the Plan, Democrats would *never* win more than five out of thirteen districts—and, indeed, would keep winning just three seats even if voter sentiment swung by up to *six points* in their favor. Unsurprisingly, the Plan’s pro-Republican efficiency gap would remain enormous across these scenarios, averaging 22%, peaking at 31%, and never falling below 15%.

66. The durability of the 2016 Plan’s partisan skew can also be demonstrated through historical analysis of congressional plans nationwide. Based on the relationship between these plans’ *initial* and *lifetime average* efficiency gaps over the last half-century, the Plan is virtually certain to exhibit a very large pro-Republican average efficiency gap over the period it is in effect. In fact, based on historical data, there is close to a *zero percent* chance that the Plan will, on average, favor Democratic candidates over its lifetime.

The 2016 Plan’s Partisan Asymmetry Cannot Be Justified

67. Not only is the 2016 Plan an extreme and durable pro-Republican gerrymander, but these features cannot be justified by North Carolina’s political geography or legitimate redistricting objectives. The congressional plan in effect during the 2000s (the 2001 Plan) is proof. It complied with all federal and state legal requirements, but had an average efficiency gap of only *2 percent*, or almost *20 percentage points* less than the 2011 Plan and the 2016 Plan.

68. Similar evidence that the 2016 Plan’s partisan asymmetry is unjustifiable comes from hundreds of North Carolina congressional district plans created through a

computer algorithm. These maps were designed using traditional redistricting criteria, and comply with federal and state legal requirements. *All* of the maps also have much smaller efficiency gaps than the 2016 Plan. In fact, the vast majority of the maps have efficiency gaps close to *zero*.

FIRST CLAIM FOR RELIEF

(Denial of Equal Protection under the Fourteenth Amendment of the U.S. Constitution
Pursuant to 42 U.S.C. § 1983)

69. Plaintiffs rely upon and incorporate the facts alleged in paragraphs 1-68 of this Complaint.

70. The 2016 Plan is a partisan gerrymander so extreme that it violates Plaintiffs' Fourteenth Amendment right to equal protection of the laws. The Plan intentionally, severely, durably, and unjustifiably cracks and packs Democratic voters, thus disproportionately wasting their votes and diluting their electoral influence. Accordingly, the Plan deprives Plaintiffs of their civil rights under color of state law in violation of the Fourteenth Amendment and 42 U.S.C. § 1983.

71. In *LULAC*, a majority of the Justices expressed interest in a partisan gerrymandering test based on the concept of partisan symmetry. *See, e.g.*, 548 U.S. at 420 (opinion of Kennedy, J.) (not “discounting its utility in redistricting planning and litigation”); *id.* at 466 (Stevens, J., concurring in part and dissenting in part) (symmetry “is widely accepted by scholars as providing a measure of partisan fairness in electoral systems”); *id.* at 483 (Souter, J., concurring in part and dissenting in part) (noting “the

utility of a criterion of symmetry as a test”). Lower courts have recently confirmed the doctrinal availability—and significant promise—of such an approach. *See, e.g., Whitford v. Nichol*, 151 F. Supp. 3d 918, 930-31 (W.D. Wis. 2015).

72. Plaintiffs propose a three-prong test for partisan gerrymandering that is rooted both in the concept of partisan symmetry and in well-established equal protection doctrine. The test’s first prong asks whether a district plan was enacted with ***discriminatory intent***, that is, in order to engage in “intentional discrimination against an identifiable political group.” *Davis v. Bandemer*, 478 U.S. 109, 127 (1986) (plurality opinion). This element is satisfied when a purpose motivating a map is to benefit one party or to disadvantage another party.

73. The test’s second prong is whether a district plan has a ***discriminatory effect***, that is, whether it exhibits a high and durable level of partisan asymmetry relative to historical norms. This is the prong that takes advantage of the doctrinal opening created by the Court in *LULAC*. The element also parallels the core inquiry in one-person, one-vote cases: whether the total population deviation of a plan’s districts exceeds a reasonable threshold, such as 10 percent for state legislative plans. *See, e.g., Brown v. Thomson*, 462 U.S. 835, 842-43 (1983).

74. Several measures of partisan symmetry exist, including the efficiency gap and partisan bias. The efficiency gap may be used in all electoral settings, while partisan bias is applicable only in competitive States. *See* Stephanopoulos & McGhee, *supra*, at 855-62.

75. The durability of a district plan's asymmetry may be assessed through sensitivity testing, that is, by shifting electoral conditions in both parties' directions and then recalculating the plan's asymmetry. If a plan's partisan imbalance would disappear given plausible electoral shifts, then the plan is not a resilient gerrymander. *See Bandemer*, 478 U.S. at 132-33 (plurality opinion).

76. As in the one-person, one-vote context, the courts may eventually set an asymmetry threshold, above which the effect prong is satisfied and below which it is not. But this threshold need not be set in the present case. *See Whitford v. Nichol*, 180 F. Supp. 3d 583, 597 (W.D. Wis. 2016).

77. Finally, the test's *justification* prong asks whether a district plan's large and durable asymmetry can be "justified by the State" based on the State's political geography or legitimate redistricting objectives. *Brown*, 462 U.S. at 843. Under this element, the burden of justification is on the State; it is the plan's *asymmetry* (not its general contours) that must be justified; and alternative maps are the most probative evidence. *See id.*

78. The 2016 Plan is plainly unconstitutional under Plaintiffs' proposed three-prong test for partisan gerrymandering. *First*, the legislative leaders who proposed and enacted the Plan admit that it was intended to be a "political gerrymander" "likely to elect ten Republicans and three Democrats." The written criteria for the Plan's design confirm that "[t]he partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats."

79. ***Second***, the 2016 Plan’s partisan asymmetry is virtually certain to be both extremely large and extremely durable. The Plan’s predecessor exhibited pro-Republican efficiency gaps and partisan biases above 20 percent in both 2012 and 2014—by far the worst scores in North Carolina’s modern history, and each in roughly the worst 2 percent of the entire historical distribution from 1972 to 2016. The Plan itself produced a pro-Republican efficiency gap of 19 percent and a pro-Republican partisan bias of 27 percent in 2016—scores almost exactly as severe. A variety of analyses also indicate that the Plan will remain heavily tilted in Republicans’ favor for the remainder of the decade, even if Democratic or Republican waves (or any electoral outcomes less extreme than such waves) occur.

80. ***Third***, the State cannot justify the 2016 Plan’s extreme and durable asymmetry based on the State’s political geography or legitimate redistricting objectives. The highly balanced 2001 Plan shows that the State’s geography and redistricting criteria are perfectly compatible with a high level of partisan symmetry. This conclusion is bolstered by the hundreds of computer-drawn maps, all of which at least match the 2016 Plan in terms of federal and state legal requirements—and all of which exhibit far smaller efficiency gaps.

SECOND CLAIM FOR RELIEF

(Violation of the First Amendment Right to Freedom of Speech and Association Pursuant to 42 U.S.C. § 1983)

81. Plaintiffs rely upon and incorporate the facts alleged in paragraphs 1-80 of this Complaint.

82. Under the First Amendment, Plaintiffs have the right to express their political views, to associate with and advocate for the political party of their choice, and to participate in the political process. *See, e.g., Elrod v. Burns*, 427 U.S. 347, 356 (1976) (“[P]olitical belief and association constitute the core of those activities protected.”). Also under the First Amendment, “burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views” is highly disfavored, *Vieth*, 541 U.S. at 314 (Kennedy, J., concurring in the judgment), and is subject to strict scrutiny, *see, e.g., O’Hare Truck Serv., Inc. v. City of Northlake*, 518 U.S. 712, 717 (1996).

83. The 2016 Plan severely “burden[s] or penalize[es]” Democratic voters because of their political beliefs and association with the Democratic party by systematically cracking and packing them, and thus disproportionately wasting their votes and diluting their electoral influence. The Plan employs data about Democratic voters’ political expression to retaliate against them and to prevent them from meaningfully participating in the political process. This burden or penalty, moreover, is entirely intentional; in fact, its imposition was a central objective of the Plan’s authors. The Plan’s infringement of core First Amendment rights also cannot survive strict scrutiny because it does not advance *any* legitimate governmental interest, much less a *compelling* one.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Declare that the 2016 Plan is unconstitutional because it violates the rights of Plaintiffs, and all Democratic voters in North Carolina, under the First and Fourteenth Amendments of the United States Constitution;
2. Declare that the rights of Plaintiffs, and all Democratic voters in North Carolina, will be irreparably harmed without the intervention of this Court to secure those rights for the exercise thereof in a timely and meaningful manner;
3. Preliminarily and permanently enjoin Defendants, their agents, officers and employees, including clerks in all 100 North Carolina counties, from administering, preparing for, or moving forward with any future elections of North Carolina's congressional members using the 2016 Plan;
4. Establish a congressional district plan that complies with the United States Constitution and all federal and state legal requirements, if the North Carolina General Assembly and/or Governor fail to enact a new plan in a timely manner;
5. Make any and all orders that are just, necessary, and proper to preserve Plaintiffs' constitutional rights to equally participate in elections of congressional seats;
6. Award Plaintiffs their costs, disbursements and reasonable attorneys' fees incurred in bringing this action pursuant to 42 U.S.C. §§ 1988, 1973l(e); and
7. Grant any and all other relief this Court deems just and proper.

This the 10th day of February, 2017.

/s/ Anita S. Earls
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel and parties of record.

This the 10th day of February, 2017.

/s/ Anita S. Earls

Anita S. Earls

EXHIBIT A
“Contingent Congressional Plan Committee Adopted Criteria”

2016 Contingent Congressional Plan Committee Adopted Criteria

Equal Population

The Committee will use the 2010 federal decennial census data as the sole basis of population for the establishment of districts in the 2016 Contingent Congressional Plan. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.

Contiguity

Congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

Political data

The only data other than population data to be used to construct congressional districts shall be election results in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan. Voting districts (“VTDs”) should be split only when necessary to comply with the zero deviation population requirements set forth above in order to ensure the integrity of political data.

Partisan Advantage

The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina’s congressional delegation.

Twelfth District

The current General Assembly inherited the configuration of the Twelfth District from past General Assemblies. This configuration was retained because the district had already been heavily litigated over the past two decades and ultimately approved by the courts. The Harris court has criticized the shape of the Twelfth

District citing its “serpentine” nature. In light of this, the Committee shall construct districts in the 2016 Contingent Congressional Plan that eliminate the current configuration of the Twelfth District.

Compactness

In light of the Harris court’s criticism of the compactness of the First and Twelfth Districts, the Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan that improve the compactness of the current districts and keep more counties and VTDs whole as compared to the current enacted plan. Division of counties shall only be made for reasons of equalizing population, consideration of incumbency and political impact. Reasonable efforts shall be made not to divide a county into more than two districts.

Incumbency

Candidates for Congress are not required by law to reside in a district they seek to represent. However, reasonable efforts shall be made to ensure that incumbent members of Congress are not paired with another incumbent in one of the new districts constructed in the 2016 Contingent Congressional Plan.

EXHIBIT B

**“February 16, 2016 North Carolina General Assembly Joint Committee on
Redistricting Transcript”**

NORTH CAROLINA GENERAL ASSEMBLY
JOINT COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Tuesday, February 16, 2016
Reported by Carol M. Smith

Worley Reporting
P.O. Box 99169
Raleigh, NC 27624
919-870-8070

<p style="text-align: right;">2</p> <p>1 SEN. RUCHO: Let's come to order for a 2 few moments. Would everybody please take their 3 seats? We're going to have about a 10- or 15- 4 minute break to get some papers printed up and 5 ready to go as a part of our agenda, but what we 6 will do first is identify the Sergeant-at-Arms that 7 are here today. We've got -- for the House side, 8 we've got Reggie Sills, Marvin Lee, David Layden 9 and Terry McCraw, and then we've got our Senate 10 Sergeant-at-Arms Jim Hamilton, Ed Kesler and Hal 11 Roach. These folks help us make this meeting 12 organized and run efficiently, and we wouldn't be 13 able to do a good job without them. 14 I appreciate everybody yesterday coming 15 out and helping us accomplish our public hearing. 16 We had a lot of good thoughts and advice, and I 17 hope that you've taken some time to read the public 18 comments that came over the Internet so that we can 19 be able to talk about the subject matter on an 20 intelligent level. 21 Representative Lewis and I want to again 22 remark about the fact that the staff has done a 23 remarkable job for us in putting together 24 yesterday's public hearing and this meeting, and 25 the IT folks were miracle workers in trying to</p>	<p style="text-align: right;">4</p> <p>1 SEN. MCKISSICK: Here. 2 CLERK: Senator Smith? 3 SEN. SMITH: Here. 4 CLERK: Senator Smith-Ingram? 5 SEN. SMITH-INGRAM: Present. 6 CLERK: Senator Wells? 7 SEN. WELLS: Here. 8 CLERK: Senator Blue? 9 SEN. BLUE: Here. 10 CLERK: Senator Ford? 11 (No response.) 12 CLERK: Senator Ford? 13 (No response.) 14 CLERK: Senator Wade? 15 (No response.) 16 CLERK: Senator Barefoot? 17 SEN. BAREFOOT: Here. 18 CLERK: Senator Randleman? 19 SEN. RANDLEMAN: Here. 20 CLERK: Senator Jackson? 21 SEN. JACKSON: Here. 22 CLERK: Representative Lewis? 23 REP. LEWIS: Here. 24 CLERK: Representative Jones? 25 REP. JONES: Here.</p>
<p style="text-align: right;">3</p> <p>1 coordinate six sites plus Raleigh to do a good job 2 and allow us to be able to reach out across the 3 state with this public hearing that is -- that was 4 yesterday, and it was successful, and we're 5 thrilled that they could do such a good job for us. 6 All right, the first point -- and I'm 7 going to have Mr. Verbiest, our clerk, do a roll 8 call, and would you just, as your name is 9 mentioned, please recognize it, or if we hear 10 quiet, we know you're not here. 11 CLERK: Senator Sanderson? 12 SEN. SANDERSON: Present. 13 CLERK: Senator Brown? 14 SEN. BROWN: Here. 15 CLERK: Senator Apodaca? 16 (No response.) 17 CLERK: Senator Clark? 18 SEN. CLARK: Present. 19 CLERK: Senator Harrington? 20 SEN. HARRINGTON: Here. 21 CLERK: Senator Hise? 22 SEN. HISE: Here. 23 CLERK: Senator Lee? 24 SEN. LEE: Here. 25 CLERK: Senator McKissick?</p>	<p style="text-align: right;">5</p> <p>1 CLERK: Representative Hager? 2 REP. HAGER: Here. 3 CLERK: Representative Stevens? 4 REP. STEVENS: Here. 5 CLERK: Representative Hurley? 6 REP. HURLEY: (No response.) 7 CLERK: Representative Stam? 8 REP. STAM: Here. 9 CLERK: Representative Jordan? 10 REP. JORDAN: Here. 11 CLERK: Representative Johnson? 12 REP. JOHNSON: Here. 13 CLERK: Representative Brawley? 14 REP. BRAWLEY: Present. 15 CLERK: Representative Hardister? 16 REP. HARDISTER: Here. 17 CLERK: Representative Davis? 18 REP. DAVIS: Here. 19 CLERK: Representative McGrady? 20 REP. MCGRADY: Here. 21 CLERK: Representative Michaux? 22 REP. MICHAUX: Here. 23 CLERK: Representative Cotham? 24 REP. COTHAM: Here. 25 CLERK: Representative Hanes?</p>

<p style="text-align: right;">6</p> <p>1 REP. HANES: Here.</p> <p>2 CLERK: Representative Moore?</p> <p>3 REP. MOORE: Here.</p> <p>4 CLERK: Representative Farmer-</p> <p>5 Butterfield?</p> <p>6 REP. FARMER-BUTTERFIELD: Here.</p> <p>7 CLERK: Representative Dixon?</p> <p>8 (No response.)</p> <p>9 CLERK: Representative Hurley?</p> <p>10 REP. HURLEY: Right here.</p> <p>11 CLERK: Thank you.</p> <p>12 SEN. RUCHO: And I think my name was</p> <p>13 omitted, so I might just mention the fact that I'm</p> <p>14 here today --</p> <p>15 CLERK: Yes. Sorry.</p> <p>16 SEN. RUCHO: -- despite a long day</p> <p>17 yesterday. All right.</p> <p>18 We've got some work to do today. We've</p> <p>19 got just about 15 minutes, and may I ask you to</p> <p>20 just stay at ease for about 15 minutes, and then we</p> <p>21 will begin the meeting and have a full agenda</p> <p>22 before us.</p> <p>23 Representative Lewis, do you have any</p> <p>24 other thoughts or comments you'd like to share?</p> <p>25 REP. LEWIS: No.</p>	<p style="text-align: right;">8</p> <p>1 so under the circumstances, we are taking a</p> <p>2 precaution, and we anticipate some reaction from</p> <p>3 the Supreme Court on the motion for stay which will</p> <p>4 allow the election to continue forward, and then</p> <p>5 allow the court case to continue on its normal</p> <p>6 course, which would be, in my judgment, a better</p> <p>7 way to go, since the election has already been</p> <p>8 started, and we don't want to disenfranchise the</p> <p>9 voters in any manner.</p> <p>10 That being said, we are going to begin</p> <p>11 our agenda. Representative Lewis, would you have</p> <p>12 any comments at this time?</p> <p>13 REP. LEWIS: No, sir.</p> <p>14 SEN. RUCHO: No? Okay. Then we're going</p> <p>15 to go on to the second, which is discussion of the</p> <p>16 criteria of the 2016 Contingent Congressional Maps,</p> <p>17 and what these are, are criteria as to how these</p> <p>18 maps should be drawn to try to meet the</p> <p>19 requirements imposed by the Court and also remain</p> <p>20 within the legal limits of the law. Representative</p> <p>21 Lewis?</p> <p>22 REP. LEWIS: Mr. Chairman, ladies and</p> <p>23 gentlemen of the Joint Select Committee on</p> <p>24 Congressional Redistricting and members of the</p> <p>25 public, I too would like to offer a brief</p>
<p style="text-align: right;">7</p> <p>1 SEN. RUCHO: Okay. Then just at ease for</p> <p>2 about 10 to 15 minutes. Thank you.</p> <p>3 (DISCUSSION OFF RECORD)</p> <p>4 SEN. RUCHO: Spend a few minutes taking a</p> <p>5 look at that, and see from its beginning on through</p> <p>6 the latest maps what has transpired. I think it</p> <p>7 would be very educational. Thank you.</p> <p>8 (RECESS, 10:14 - 10:23 A.M.)</p> <p>9 SEN. RUCHO: All right, let's call this</p> <p>10 Joint Select Committee on Redistricting back into</p> <p>11 order. You have a copy of the agenda before you,</p> <p>12 and there's just one correction on the agenda. On</p> <p>13 the right quadrant, under Senate, it had Harry</p> <p>14 Warren. It should be Senator Harry Brown, so fix</p> <p>15 that. Okay.</p> <p>16 Well, yesterday we had a chance to have a</p> <p>17 public hearing, and I think each of you knows that</p> <p>18 the General Assembly, based on the Harris case,</p> <p>19 there was an opinion given by the three-judge</p> <p>20 panel, and we are responding to that. We still</p> <p>21 believe that the maps that are presently enacted</p> <p>22 are fair, legal, and constitutional, as has been</p> <p>23 validated by five different bodies, including the</p> <p>24 Justice Department, including a three-judge panel,</p> <p>25 including the Supreme Court on three occasions, and</p>	<p style="text-align: right;">9</p> <p>1 historical perspective on what brings us here</p> <p>2 today.</p> <p>3 In 2011, after the release of the Census,</p> <p>4 this General Assembly set out to create fair and</p> <p>5 legal Congressional districts. In doing so, the</p> <p>6 2011 process included an unprecedented number of</p> <p>7 public hearings, 36 scheduled before the release of</p> <p>8 the maps, 7 after the release of our original</p> <p>9 proposed districts, 10 dedicated to receiving</p> <p>10 public comment on the release of the entire plan,</p> <p>11 and an additional 10 after the release of our</p> <p>12 respective proposals for the legislative districts.</p> <p>13 Additionally, we provided easy public</p> <p>14 access for public comment via the North Carolina</p> <p>15 General Assembly Web site, and invited additional</p> <p>16 written comments through both e-mail and the US</p> <p>17 Postal Service. Senator Rucho and I thank the</p> <p>18 thousands of citizens who exercised their right to</p> <p>19 offer comments at that set of public hearings or</p> <p>20 submit written comments. All of those comments</p> <p>21 were reviewed by the chairs and preserved as a</p> <p>22 permanent record of citizen input on this important</p> <p>23 task.</p> <p>24 We also took back then the unprecedented</p> <p>25 step of providing the leadership of the minority</p>

<p style="text-align: right;">10</p> <p>1 parties in the House and the Senate and the</p> <p>2 Legislative Black Caucus specialized computer</p> <p>3 hardware and software in their respective offices,</p> <p>4 along with staff support which was available to all</p> <p>5 members. The 2011 General Assembly did ultimately</p> <p>6 adopt redistricting plans, as I recall, largely</p> <p>7 along party lines, as unfortunately, so many items</p> <p>8 here are decided.</p> <p>9 For purposes of my discussion today, I</p> <p>10 will refer to the 2011 plans as the enacted plans.</p> <p>11 The enacted congressional redistricting plan of</p> <p>12 2011 was first precleared by the United States</p> <p>13 Department of Justice, as was required by Section 5</p> <p>14 of the Voting Rights Act. The enacted</p> <p>15 Congressional redistricting plan was then</p> <p>16 challenged in state courts through what is known as</p> <p>17 the Dixon versus Rucho case. The plan was affirmed</p> <p>18 by a three-judge panel and by the North Carolina</p> <p>19 Supreme Court.</p> <p>20 The enacted Congressional redistricting</p> <p>21 plan has been used to elect members of the US House</p> <p>22 of Representatives in 2012 and 2014, and has also</p> <p>23 seen citizens file for election in each of the 13</p> <p>24 districts this year. Further, voting has begun,</p> <p>25 and we are informed by the State Board of Elections</p>	<p style="text-align: right;">12</p> <p>1 70 speakers participating. There were also more</p> <p>2 than 80 comments submitted online.</p> <p>3 The chairs thank all the citizens who</p> <p>4 participated yesterday. The chair reminds the</p> <p>5 members that the written comments have been placed</p> <p>6 on the General Assembly's Web site, and a link e-</p> <p>7 mailed to each of your e-mail accounts.</p> <p>8 Mr. Chairman, at your direction, I would</p> <p>9 like to submit to the committee a series of</p> <p>10 proposals to establish criteria for the drawing of</p> <p>11 the 2016 contingent Congressional map.</p> <p>12 SEN. RUCHO: Yes, sir, Chairman Lewis.</p> <p>13 You can begin and go through the rotation as -- as</p> <p>14 you planned.</p> <p>15 REP. LEWIS: Mr. Chairman, I'd like staff</p> <p>16 to distribute the 2016 Congressional -- pardon</p> <p>17 me -- the 2016 contingent Congressional plan</p> <p>18 proposed criteria, beginning with "Equal</p> <p>19 Population," to the members.</p> <p>20 SEN. RUCHO: Sergeant-at-Arms will be</p> <p>21 passing this out, and we're going to take our time,</p> <p>22 read it thoroughly, and then -- so Representative</p> <p>23 Lewis will explain it, and then we'll debate each</p> <p>24 of them as we move forward. (Pause.)</p> <p>25 Has everyone received a copy of the first</p>
<p style="text-align: right;">11</p> <p>1 that more than 16,000 citizens have already</p> <p>2 requested to vote by mail.</p> <p>3 Unfortunately, the enacted plan was</p> <p>4 challenged again in what is known as the Harris</p> <p>5 versus McCrory case. In that decision, in which we</p> <p>6 respectfully disagree with the three-judge panel,</p> <p>7 it was found that the 1st Congressional District</p> <p>8 and the 12th Congressional District are racial</p> <p>9 gerrymanders, and they ordered new maps be drawn by</p> <p>10 February 19th, and that the election for US House</p> <p>11 not be held under the current maps.</p> <p>12 While, as Chairman Rucho said, we are</p> <p>13 confident that a stay of this decision, which</p> <p>14 interrupts an election already in progress, will be</p> <p>15 granted, and that the enacted map will ultimately</p> <p>16 be upheld on appeal, we are required to begin the</p> <p>17 process of drawing a 2016 contingent Congressional</p> <p>18 map. I reiterate that while the 2011 plan was</p> <p>19 dictated by the Cromartie and Strickland decisions</p> <p>20 of the US Supreme Court, we will move forward to</p> <p>21 establish a plan based on the Harris opinion.</p> <p>22 The process -- this process began with</p> <p>23 the appointment of this joint select committee, and</p> <p>24 continued yesterday with the public hearings held</p> <p>25 in six locations across the state, with more than</p>	<p style="text-align: right;">13</p> <p>1 one? They're not in any order as far as priorities</p> <p>2 or anything. They're just going to be set forward.</p> <p>3 VARIOUS COMMITTEE MEMBERS: No, no.</p> <p>4 SEN. RUCHO: Okay. Hang on. This first</p> <p>5 one is called "Equal Population." (Pause.)</p> <p>6 All right, does everyone have a copy</p> <p>7 that -- now, let's be clear. Ladies and gentlemen</p> <p>8 in the audience, the members of the committee will</p> <p>9 be participating within this meeting. I know we</p> <p>10 have a number of members that have come here with</p> <p>11 interest, and we're delighted to have them, and</p> <p>12 recognize that every member that is here can submit</p> <p>13 a reimbursement form, but the people that are on</p> <p>14 the committee will be the ones participating in</p> <p>15 today's business activity of this committee</p> <p>16 meeting.</p> <p>17 All right, Representative Lewis, first</p> <p>18 one.</p> <p>19 REP. LEWIS: Mr. Chairman, as I explain</p> <p>20 this one, I would request that the Sergeant-at-Arms</p> <p>21 go ahead and distribute the second one, which is</p> <p>22 entitled "Contiguity."</p> <p>23 Mr. Chairman, the first criteria that I</p> <p>24 would urge the committee to adopt is that each</p> <p>25 district should be of equal population. This is</p>

<p style="text-align: right;">14</p> <p>1 pretty self-explanatory. This is in line with one 2 person, one vote. It simply says, as members can 3 read, that the number of persons in each 4 Congressional district shall be as near equal as 5 practicable, as determined under the most recent 6 Census, which of course would be the 2010 Census. 7 Mr. Chairman, I move adoption of this criteria. 8 REP. STEVENS: Are you waiting for a 9 second? 10 SEN. RUCHO: I've got a motion from 11 Representative Lewis to move forward with this 12 adoption of this first equal -- equal population. 13 Representative Stevens, thank you. We've got a 14 second. Discussion, ladies and gentlemen? 15 (No response.) 16 SEN. RUCHO: All right, I see none. All 17 in favor of the adoption of the equal population -- 18 yes. I'll go back. We're going to go ahead and 19 we're going to do roll-call vote on this. And so 20 I'm saying we're going to have a roll call from the 21 clerk on the equal population. Please identify -- 22 or just say "Aye" or "Nay," please. Mr. Verbiest? 23 CLERK: Senator Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Chairman Lewis?</p>	<p style="text-align: right;">16</p> <p>1 CLERK: Representative Jordan? 2 REP. JORDAN: Aye. 3 CLERK: Representative McGrady? 4 REP. MCGRADY: Aye. 5 CLERK: Representative Michaux? 6 REP. MICHAUX: No. 7 CLERK: Representative Moore? 8 REP. MOORE: Aye. 9 CLERK: Representative Stam? 10 REP. STAM: Aye. 11 CLERK: Representative Stevens? 12 REP. STEVENS: Aye. 13 CLERK: Representative Dixon? 14 (No response.) 15 SEN. RUCHO: You do have Senator Apodaca 16 is here now? 17 CLERK: Yes, I do. 18 SEN. RUCHO: Okay. 19 CLERK: Senator Apodaca? 20 SEN. APODACA: Aye. 21 CLERK: Senator Barefoot? 22 SEN. BAREFOOT: Aye. 23 CLERK: Senator Blue? 24 SEN. BLUE: Aye. 25 CLERK: Senator Brown?</p>
<p style="text-align: right;">15</p> <p>1 REP. LEWIS: Aye. 2 CLERK: Representative Jones? 3 REP. JONES: Aye. 4 CLERK: Representative Brawley? 5 REP. BRAWLEY: Aye. 6 CLERK: Representative Cotham? 7 REP. COTHAM: Aye. 8 CLERK: Representative Davis? 9 REP. DAVIS: Aye. 10 CLERK: Representative Farmer- 11 Butterfield? 12 REP. FARMER-BUTTERFIELD: Aye. 13 CLERK: Representative Hager? 14 REP. HAGER: Aye. 15 SEN. RUCHO: Please speak up, please. 16 CLERK: Representative Hanes? 17 REP. HANES: Aye. 18 CLERK: Representative Hardister? 19 REP. HARDISTER: Aye. 20 CLERK: Representative Hurley? 21 REP. HURLEY: Aye. 22 CLERK: Representative Jackson? 23 REP. JACKSON: Aye. 24 CLERK: Representative Johnson? 25 REP. JOHNSON: Aye.</p>	<p style="text-align: right;">17</p> <p>1 SEN. BROWN: Aye. 2 CLERK: Senator Clark? 3 SEN. CLARK: Aye. 4 CLERK: Senator Ford? 5 (No response.) 6 CLERK: Senator Harrington? 7 SEN. HARRINGTON: Aye. 8 CLERK: Senator Hise? 9 SEN. HISE: Aye. 10 CLERK: Senator Jackson? 11 SEN. JACKSON: Aye. 12 CLERK: Senator Lee? 13 SEN. LEE: Aye. 14 CLERK: Senator McKissick? 15 SEN. MCKISSICK: Aye. 16 CLERK: Senator Randleman? 17 SEN. RANDLEMAN: Aye. 18 CLERK: Senator Sanderson? 19 SEN. SANDERSON: Aye. 20 CLERK: Senator Smith? 21 SEN. SMITH: Aye. 22 CLERK: Senator Smith-Ingram? 23 SEN. SMITH-INGRAM: Aye. 24 CLERK: Senator Wade? 25 (No response.)</p>

<p style="text-align: right;">18</p> <p>1 CLERK: Senator Wells?</p> <p>2 SEN. WELLS: Aye.</p> <p>3 CLERK: Only one nay.</p> <p>4 SEN. RUCHO: Okay. Ladies and gentlemen,</p> <p>5 we had the roll vote, and there was just one</p> <p>6 negative, so the first criteria establishing equal</p> <p>7 population has passed. All right. Representative</p> <p>8 Lewis?</p> <p>9 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>10 Mr. Chairman, the next criteria I propose the</p> <p>11 committee adopt -- adopt is "Contiguity." This</p> <p>12 simply says that --</p> <p>13 REP. STEVENS: Mr. Chairman, we don't</p> <p>14 have copies of it yet.</p> <p>15 SEN. RUCHO: I'm sorry? Please repeat</p> <p>16 that again. You don't have the second?</p> <p>17 REP. STEVENS: I do not have a copy, and</p> <p>18 perhaps I'm sitting a little out of the way.</p> <p>19 SEN. RUCHO: Okay. Sergeant-at-Arms,</p> <p>20 would someone please get the contiguity criteria?</p> <p>21 REP. LEWIS: Mr. Chairman, if it pleases</p> <p>22 the Chair, I would respectfully request that -- the</p> <p>23 next criteria I intend to offer is "Political</p> <p>24 Data." If that could be distributed to the</p> <p>25 committee, perhaps to save a little time?</p>	<p style="text-align: right;">20</p> <p>1 REP. LEWIS: Senator Blue, thank you for</p> <p>2 that question. Let me be clear that it does not,</p> <p>3 and I would be opposed to any form of single-point</p> <p>4 contiguity has been ruled as not a legal form of</p> <p>5 mapmaking in the past.</p> <p>6 SEN. RUCHO: Follow-up?</p> <p>7 SEN. BLUE: Does it contemplate any</p> <p>8 minimal distance on the water that is used to</p> <p>9 determine that geographically, areas are</p> <p>10 contiguous?</p> <p>11 REP. LEWIS: Senator Blue, I don't</p> <p>12 believe it contemplates the Atlantic Ocean, but, I</p> <p>13 mean, as you know, sir, we have beautiful sounds in</p> <p>14 our state that that is a community, and so the</p> <p>15 water -- I can't give you an exact -- an exact</p> <p>16 definition of how much water is too much water.</p> <p>17 SEN. BLUE: Last point.</p> <p>18 SEN. RUCHO: Follow-up?</p> <p>19 SEN. BLUE: Does it contemplate the point</p> <p>20 in the Cape Fear River in one of your counties</p> <p>21 that's currently used as a basis for connecting</p> <p>22 geographically parts of the 4th Congressional</p> <p>23 District?</p> <p>24 REP. LEWIS: Senator Blue, I appreciate</p> <p>25 that inquiry. I would -- I would point out that</p>
<p style="text-align: right;">19</p> <p>1 SEN. RUCHO: Okay, that's fine.</p> <p>2 Sergeant-at-Arms, would you please distribute the</p> <p>3 third criteria, which is "Political Data"?</p> <p>4 Representative Lewis, would you want staff to read</p> <p>5 this, the specifics as they're presented, or do you</p> <p>6 prefer to do it yourself?</p> <p>7 REP. LEWIS: Mr. Chairman, are you trying</p> <p>8 to imply I can't say "contiguity"?</p> <p>9 (Laughter.)</p> <p>10 SEN. RUCHO: That is a mouthful. I agree</p> <p>11 with you. All right. We have before us -- would</p> <p>12 you please read this first -- or the second,</p> <p>13 "Contiguity"?</p> <p>14 MS. CHURCHILL: "Contiguity:</p> <p>15 Congressional districts shall be comprised of</p> <p>16 contiguous territory. Contiguity by water is</p> <p>17 sufficient."</p> <p>18 SEN. RUCHO: Representative Lewis?</p> <p>19 REP. LEWIS: Members, this is a standard</p> <p>20 redistricting practice, and I would move the</p> <p>21 adoption of the criteria by the committee.</p> <p>22 SEN. RUCHO: All right. Senator Blue?</p> <p>23 SEN. BLUE: Question of Representative</p> <p>24 Lewis: Does this contemplate single-point</p> <p>25 contiguity in water?</p>	<p style="text-align: right;">21</p> <p>1 there is an island there, so there is actually land</p> <p>2 in the middle of the Cape Fear, that exact point</p> <p>3 that you're referring to, but I would have to say</p> <p>4 that I do not believe that that is the intent of</p> <p>5 this.</p> <p>6 SEN. RUCHO: Senator Smith, did you have</p> <p>7 a question?</p> <p>8 SEN. SMITH: No.</p> <p>9 SEN. RUCHO: Oh, okay. Any additional</p> <p>10 questions or comments on the contiguity criteria?</p> <p>11 (No response.)</p> <p>12 SEN. RUCHO: Seeing none, all right, Mr.</p> <p>13 Verbiest, would you do roll call again?</p> <p>14 CLERK: Representative Lewis?</p> <p>15 REP. LEWIS: Aye.</p> <p>16 CLERK: Representative Jones?</p> <p>17 REP. JONES: Aye.</p> <p>18 CLERK: Representative Brawley?</p> <p>19 REP. BRAWLEY: Aye.</p> <p>20 CLERK: Representative Cotham?</p> <p>21 REP. COTHAM: Aye.</p> <p>22 CLERK: Representative Davis?</p> <p>23 REP. DAVIS: Aye.</p> <p>24 CLERK: Representative Farmer-</p> <p>25 Butterfield?</p>

<p style="text-align: right;">22</p> <p>1 REP. FARMER-BUTTERFIELD: Aye. 2 CLERK: Representative Hager? 3 REP. HAGER: Aye. 4 CLERK: Representative Hanes? 5 REP. HANES: Aye. 6 CLERK: Representative Hardister? 7 REP. HARDISTER: Aye. 8 CLERK: Representative Hurley? 9 REP. HURLEY: Aye. 10 CLERK: Representative Jackson? 11 REP. JACKSON: Aye. 12 CLERK: Representative Johnson? 13 REP. JOHNSON: Aye. 14 CLERK: Representative Jordan? 15 REP. JORDAN: Aye. 16 CLERK: Representative McGrady? 17 REP. MCGRADY: Aye. 18 CLERK: Representative Michaux? 19 REP. MICHAUX: Aye. 20 CLERK: Representative Moore? 21 REP. MOORE: Aye. 22 CLERK: Representative Stam? 23 REP. STAM: Aye. 24 CLERK: Representative Stevens? 25 REP. STEVENS: Aye.</p>	<p style="text-align: right;">24</p> <p>1 CLERK: Senator Sanderson? 2 SEN. SANDERSON: Aye. 3 CLERK: Senator Smith? 4 SEN. SMITH: Aye. 5 CLERK: Senator Smith-Ingram? 6 SEN. SMITH-INGRAM: Aye. 7 CLERK: Senator Waddell? 8 (No response.) 9 CLERK: Senator Wade? 10 (No response.) 11 CLERK: Senator Wells? 12 SEN. WELLS: Aye. 13 SEN. RUCHO: Any against? 14 CLERK: Unanimous. 15 SEN. RUCHO: All right, members of the 16 committee, the criterion on contiguity passed 17 unanimously and was adopted unanimously. All 18 right. 19 REP. LEWIS: Mr. Chairman, I'd like to -- 20 SEN. RUCHO: Mr. Lewis, you've got 21 "Political Data" before you, and you would like the 22 next criteria sent out to the members? 23 REP. LEWIS: Mr. Chairman, if we could, 24 let's do "Political Data," and then we'll move on 25 to the next one. Let's not distribute --</p>
<p style="text-align: right;">23</p> <p>1 CLERK: Senator Rucho? 2 SEN. RUCHO: Aye. 3 CLERK: Senator Apodaca? 4 SEN. APODACA: Aye. 5 CLERK: Senator Barefoot? 6 SEN. BAREFOOT: Aye. 7 CLERK: Senator Blue? 8 SEN. BLUE: Aye. 9 CLERK: Senator Brown? 10 SEN. BROWN: Aye. 11 CLERK: Senator Clark? 12 SEN. CLARK: Aye. 13 CLERK: Senator Harrington? 14 SEN. HARRINGTON: Aye. 15 CLERK: Senator Hise? 16 SEN. HISE: Aye. 17 CLERK: Senator Jackson? 18 SEN. JACKSON: Aye. 19 CLERK: Senator Lee? 20 SEN. LEE: Aye. 21 CLERK: Senator McKissick? 22 SEN. MCKISSICK: Aye. 23 CLERK: Senator Sandleman? Senator 24 Randleman? I'm sorry. 25 SEN. RANDLEMAN: Aye.</p>	<p style="text-align: right;">25</p> <p>1 SEN. RUCHO: All right. So you want to 2 just take care of that. Would -- Ms. Churchill, 3 would you read the one on political data, please? 4 MS. CHURCHILL: "Political Data: The 5 only data other than population data to be used to 6 construct Congressional districts shall be election 7 results in statewide contests since 2008, not 8 including the last two Presidential contests. Data 9 identifying the race of individuals or voters shall 10 not be used in the construction or consideration of 11 districts in the 2016 contingent Congressional 12 plan. Voting districts, referred to as VTDS, 13 should be split only when necessary to comply with 14 the zero deviation population requirements set 15 forth above in order to ensure the integrity of 16 political data." 17 SEN. RUCHO: All right. Representative 18 Lewis, that is before the committee. 19 REP. LEWIS: Mr. Chairman, I -- 20 SEN. RUCHO: Let him explain it, please. 21 REP. LEWIS: I believe it explains 22 itself. I'll be happy to yield to -- 23 SEN. RUCHO: All right. Question, 24 Senator Blue? 25 SEN. BLUE: Yeah. This might be one for</p>

<p style="text-align: right;">26</p> <p>1 the staff, Mr. Chairman.</p> <p>2 SEN. RUCHO: All right. Staff?</p> <p>3 SEN. BLUE: The second -- the second full</p> <p>4 paragraph, can you restrict -- and I think I know</p> <p>5 where you're trying to go to, but can you restrict</p> <p>6 the use of race in drawing the two districts in</p> <p>7 question and be in conformity with the Voting</p> <p>8 Rights Act as the Court enunciated in its decision</p> <p>9 several weeks ago?</p> <p>10 SEN. RUCHO: Representative Lewis, do you</p> <p>11 want to respond to that?</p> <p>12 REP. LEWIS: Mr. Chairman, thank you.</p> <p>13 Senator Blue, I appreciate that inquiry. It is my</p> <p>14 understanding and reading of the opinion that race</p> <p>15 is not to be a factor in drawing the districts.</p> <p>16 Adoption of this criteria would mean that the ISD</p> <p>17 staff of the General Assembly would be instructed</p> <p>18 to establish computers, and I believe the software</p> <p>19 is called Mapitude, and the staff would be</p> <p>20 instructed not to include race as a field that</p> <p>21 could be used to draw districts.</p> <p>22 I'll go one step further and say</p> <p>23 respectfully that race was not considered when the</p> <p>24 General Assembly passed the 12th District of the</p> <p>25 enacted plan, but the Court still questioned its</p>	<p style="text-align: right;">28</p> <p>1 what you're trying to do here, but I think it's an</p> <p>2 insult to their intelligence to take this approach,</p> <p>3 and I think that they will show you the ultimate</p> <p>4 power of the federal judiciary that's existed since</p> <p>5 1802 in Marbury versus Madison if you do this.</p> <p>6 REP. LEWIS: Respectfully, sir, it would</p> <p>7 never be my intent to offend or to question the</p> <p>8 dignity of the office of a federal judge. If</p> <p>9 anything I said hitherunto has done that, I</p> <p>10 apologize; however, it is my understanding that</p> <p>11 when we drew the enacted plan, we applied the</p> <p>12 Cromartie and Strickland decisions as best we knew</p> <p>13 how to do in drawing the 1st. We did not use race</p> <p>14 when we drew the 12th.</p> <p>15 The Court has found those both to be</p> <p>16 racial gerrymanders. It would be my -- they also</p> <p>17 found, based on my reading of the opinion -- I'm</p> <p>18 certainly not spitting in their face; I'm trying to</p> <p>19 read what they said -- that there's not racially</p> <p>20 polarized voting. If that is indeed the case, then</p> <p>21 race should not be a factor.</p> <p>22 SEN. RUCHO: Smith-Ingram?</p> <p>23 Representative Smith-Ingram? I'm sorry. Before I</p> <p>24 do that, I -- Senator McKissick got me first.</p> <p>25 Please, Senator McKissick.</p>
<p style="text-align: right;">27</p> <p>1 use. This would contemplate that that data would</p> <p>2 not be available to mapmakers who make maps to</p> <p>3 comply with the Harris order.</p> <p>4 SEN. RUCHO: Follow-up?</p> <p>5 SEN. BLUE: You're saying that</p> <p>6 notwithstanding all of the jurisprudence in this</p> <p>7 area, at least that I've seen over the last 25, 30</p> <p>8 years, that you're going to draw minority districts</p> <p>9 without taking into account whether minorities are</p> <p>10 in the minority district?</p> <p>11 REP. LEWIS: Senator Blue, I believe the</p> <p>12 Harris opinion found that there was not racially</p> <p>13 polarized voting in the state, and therefore, the</p> <p>14 race of the voters should not be considered. My</p> <p>15 proposal would be that we use political data only,</p> <p>16 and do not use race to draw Congressional</p> <p>17 districts.</p> <p>18 SEN. BLUE: One last --</p> <p>19 SEN. RUCHO: Follow-up?</p> <p>20 SEN. BLUE: I long for the day, just like</p> <p>21 you do, Representative Lewis, when we can do that,</p> <p>22 and I hope it's sooner rather than later, but I</p> <p>23 don't think it's wise to spit in the eyes of three</p> <p>24 federal judges who control the fate of where we're</p> <p>25 going to go with redistricting, and I understand</p>	<p style="text-align: right;">29</p> <p>1 SEN. MCKISSICK: Sure. The thing that</p> <p>2 I'm deeply concerned about is that the Voting</p> <p>3 Rights Act and the courts have historically</p> <p>4 indicated that it's appropriate to use race in</p> <p>5 drawing Congressional districts, and I don't</p> <p>6 understand why we would abandon it as a criteria.</p> <p>7 From what I understand from reading the</p> <p>8 most recent decision, Harris versus McCrory, what</p> <p>9 they were concerned about was the fact that it was</p> <p>10 a predominant consideration, so there was an</p> <p>11 overconcentration of African-American voters</p> <p>12 because majority-minority districts were created,</p> <p>13 and I think that was what I understood to be the</p> <p>14 finding, the creation of these majority-minority</p> <p>15 districts, when historically the 1st and 12th</p> <p>16 districts could elect a candidate choice without</p> <p>17 being a majority-minority district. I think it</p> <p>18 would be a misreading of the case to say that race</p> <p>19 could not be used as a consideration.</p> <p>20 REP. LEWIS: Senator McKissick, as</p> <p>21 always, I appreciate your counsel. I would</p> <p>22 reiterate that in drawing of the 12th, race was not</p> <p>23 con- -- race was not a considered factor. In the</p> <p>24 drawing of the 1st, we attempted to comply with the</p> <p>25 Cromartie and Strickland cases, which we believed</p>

<p style="text-align: right;">30</p> <p>1 called for, and still believe called for the -- if 2 a district is drawn under the Voting Rights Act to 3 be a majority-minority district, that it contain a 4 majority of minorities. The Court has found that 5 racially polarized voting does not exist to the 6 extent to do that.</p> <p>7 During the trial, which I know Senator 8 Blue attended -- I don't remember who-all else was 9 there -- there was various testimony offered from 10 the stand of how much minority population is 11 enough. The judges were well aware that that 12 conversation had gone on from the stand. They 13 offered no guidance into how much minority 14 population should be used; therefore, I simply say 15 we draw the maps without using minority -- without 16 using any race considerations. That way, they 17 cannot -- the federal court will be clear that in 18 the construction of districts that we did not use 19 racial consideration if it's not even a factor that 20 can be selected on the computer.</p> <p>21 SEN. MCKISSICK: Follow-up, Mr. Chair? 22 SEN. RUCHO: Follow-up. 23 SEN. MCKISSICK: So how would you propose 24 that you comply with the requirements, say, of the 25 Voting Rights Act, which basically indicates that</p>	<p style="text-align: right;">32</p> <p>1 the trigger point to draw a VRA -- VRA district. 2 Therefore, if that is not the case, then we believe 3 the enacted maps should stand as they are. If 4 we're going to redraw the maps with the Harris 5 order, which says there's not racially polarized 6 voting, then we believe that race should not be a 7 consideration in drawing the maps.</p> <p>8 SEN. MCKISSICK: Follow-up, Mr. Chairman. 9 SEN. RUCHO: Follow-up. 10 SEN. MCKISSICK: Why would we not here 11 want to consider the election results of the 2008 12 and 2000 -- I guess '12 presidential elections? Is 13 there a specific reason why we want to exclude 14 those specific election results and include other 15 potential election results within that same general 16 time frame?</p> <p>17 REP. LEWIS: Yes, sir. 18 SEN. MCKISSICK: Because, I mean, the 19 thing that's obvious to anybody is we had an 20 African-American running for President in those two 21 election cycles. 22 REP. LEWIS: Yes, sir, and I don't recall 23 which pages it's on, but in the Harris opinion, one 24 of the judges wrote that using the 2008 25 Obama/McCain data was really a code for trying to</p>
<p style="text-align: right;">31</p> <p>1 you should create districts that allow minorities 2 to elect a candidate of choice if race is not an 3 appropriate consideration? I don't know how you 4 accomplish that objective without having it, 5 certainly not as the predominant consideration. I 6 would agree that cannot be done, and should not be 7 done, but I'm trying to understand how you do that 8 otherwise if you completely eliminate race as a 9 criteria that you look at in drafting the maps, and 10 then secondly -- and this shifts gears a little 11 bit -- why would we not want to consider the --</p> <p>12 SEN. RUCHO: Which question? Is this 13 your --</p> <p>14 SEN. MCKISSICK: Okay, yeah. 15 SEN. RUCHO: -- first question? 16 SEN. MCKISSICK: Yeah, first question. 17 SEN. RUCHO: Okay. 18 SEN. MCKISSICK: Go ahead, Representative 19 Lewis. Thank you, sir.</p> <p>20 REP. LEWIS: Senator, I believe that my 21 earlier answer that -- and I have a great deal of 22 respect for you. I understand that you are an 23 attorney, and I am not an attorney. It's my 24 reading of the case that the Court has found that 25 there was not racially polarized voting, which is</p>	<p style="text-align: right;">33</p> <p>1 use black versus white, so we simply say we 2 exclude -- we take that off the table. We can use 3 all the other ones.</p> <p>4 SEN. MCKISSICK: And I would suggest that 5 we should --</p> <p>6 SEN. RUCHO: Follow-up? 7 SEN. MCKISSICK: Yes. Thank you, Mr. 8 Chair. I would suggest that there's nothing 9 improper in considering those particular races 10 within a greater context of all races that we might 11 have used as benchmarks for consideration for the 12 performance of districts or how they might vote, 13 but I think to eliminate those specifically would 14 be an inappropriate criteria.</p> <p>15 I would have to go back to the decisions. 16 I think things can be used as code in combination 17 with other actions that are taken, like drawing 18 minority -- majority-minority districts, but yet 19 saying race is not a factor, and it was done for 20 political reasons. I think within the greater 21 context, perhaps the Court might have viewed it 22 that way, but if you identify this discretely as 23 being one parameter among many, I don't think that 24 that would be inappropriate to consider. 25 I find it fine -- you know, I don't think</p>

<p style="text-align: right;">34</p> <p>1 we need to go in there and split these precincts.</p> <p>2 I think splitting the precincts would probably be a</p> <p>3 code word for understanding that you could</p> <p>4 segregate voters out based upon race as well, so I</p> <p>5 mean, I have no problems not -- not going in there</p> <p>6 and splitting out these precincts, and I think</p> <p>7 keeping the voter tabulation districts as whole as</p> <p>8 possible is a good component, but I would be</p> <p>9 opposed to the elimination of consideration of the</p> <p>10 2008 and 2012 presidential data as well as other --</p> <p>11 any other racial data that would be provided in the</p> <p>12 normal data packages that for many, many years have</p> <p>13 always been used by this General Assembly in</p> <p>14 drawing these Congressional districts. Thank you,</p> <p>15 sir.</p> <p>16 REP. LEWIS: Mr. Chairman, respectfully,</p> <p>17 I --</p> <p>18 SEN. RUCHO: Yes, sir?</p> <p>19 REP. LEWIS: -- believe that was a</p> <p>20 statement, to which I'll just respond I</p> <p>21 respectfully disagree with the gentleman from</p> <p>22 Durham.</p> <p>23 SEN. RUCHO: All right. Thank you.</p> <p>24 Senator Smith-Ingram?</p> <p>25 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p>	<p style="text-align: right;">36</p> <p>1 SEN. SMITH-INGRAM: So I can assume from</p> <p>2 what you are saying that the only reason we had</p> <p>3 split counties and split precincts in the previous</p> <p>4 plan is because we were trying to meet the mandate</p> <p>5 of the zero deviation?</p> <p>6 REP. LEWIS: No, ma'am, that's not at all</p> <p>7 what I said. What this says is that -- what this</p> <p>8 says is in drawing the map, this contingent plan</p> <p>9 that we are -- that we are talking about is that</p> <p>10 the VTDs should be split only when necessary to</p> <p>11 comply with the zero deviation requirements. I was</p> <p>12 not at all speaking about the enacted map, in which</p> <p>13 I'm certain that some precincts and voting</p> <p>14 districts were split for political purposes.</p> <p>15 SEN. SMITH-INGRAM: Last follow-up, Mr.</p> <p>16 Chair.</p> <p>17 SEN. RUCHO: Last follow-up.</p> <p>18 SEN. SMITH-INGRAM: Just a statement. I</p> <p>19 understand that our voters across the state are</p> <p>20 very sophisticated; however, there was a lot of</p> <p>21 confusion created with the split counties and the</p> <p>22 split precincts, and so I just -- as we're moving</p> <p>23 forward, we need to be careful that they are not</p> <p>24 disenfranchised by that confusion. Thank you,</p> <p>25 Representative Lewis.</p>
<p style="text-align: right;">35</p> <p>1 In regards to the proposed criteria as it relates</p> <p>2 to the voting districts and the split, one of the</p> <p>3 concerns that resonated across the state, as shown</p> <p>4 in the hearings, and as we talked to constituents,</p> <p>5 particularly in the finger counties in</p> <p>6 Congressional District 1, there is some concern</p> <p>7 about precincts being split, and a lot of voter</p> <p>8 confusion because of split counties and split</p> <p>9 precincts. Do you think the language in the last</p> <p>10 sentence goes far enough to help us alleviate that</p> <p>11 problem, and not have that issue as we move toward</p> <p>12 drawing new maps?</p> <p>13 REP. LEWIS: Senator, I thank you for</p> <p>14 that question. I would say that, as I've</p> <p>15 maintained all along, I believe that voters are</p> <p>16 sophisticated enough that split political districts</p> <p>17 do not cause confusion, but to the extent that we</p> <p>18 can not split them, we shouldn't, so I do think</p> <p>19 this sentence goes far enough in saying the only</p> <p>20 reason you would want to split a VTD, or a voting</p> <p>21 district, is to help with the zero population</p> <p>22 requirement that this committee has already</p> <p>23 adopted.</p> <p>24 SEN. SMITH-INGRAM: Follow-up.</p> <p>25 SEN. RUCHO: Follow-up.</p>	<p style="text-align: right;">37</p> <p>1 SEN. RUCHO: Thank you. I've got</p> <p>2 Representative Stam.</p> <p>3 REP. STAM: Yes. I like this criteria.</p> <p>4 It's very principled, and it's principles that I've</p> <p>5 heard, for example, the Senate Minority Leader</p> <p>6 state publicly many times. Let's not -- let's not</p> <p>7 consider race anymore. We're past that.</p> <p>8 SEN. RUCHO: Okay. Representative</p> <p>9 Michaux?</p> <p>10 REP. MICHAUX: Mr. Chairman, I'm having a</p> <p>11 problem not identifying race, and if I recall, Mr.</p> <p>12 Lewis -- and I'm reading from the opinion. It says</p> <p>13 here that "This does not mean that race can never</p> <p>14 play a role in redistricting. Legislatures are</p> <p>15 almost always cognizant of race when drawing</p> <p>16 district lines, and simply being aware of race</p> <p>17 poses no Constitutional violation."</p> <p>18 What they're saying to you is that you</p> <p>19 still can use race in the matter, but you cannot</p> <p>20 make it the predominant factor. That's the way I</p> <p>21 read it, and I think that this --</p> <p>22 SEN. RUCHO: Representative Lewis?</p> <p>23 REP. LEWIS: Representative Michaux,</p> <p>24 thank you for that. My response to that would be</p> <p>25 that not being aware of race means that you</p>

<p style="text-align: right;">38</p> <p>1 couldn't have been motivated by race.</p> <p>2 REP. MICHAUX: May I follow up?</p> <p>3 SEN. RUCHO: Follow-up, Representative</p> <p>4 Michaux?</p> <p>5 REP. MICHAUX: What did you say just now?</p> <p>6 REP. LEWIS: Sir, I believe you read from</p> <p>7 the opinion, which I don't have before me, that --</p> <p>8 in which the judges said being aware of race does</p> <p>9 not necessarily mean that race was a predominant</p> <p>10 factor, but it doesn't require it. And if that's</p> <p>11 not what you read, understand that you have the</p> <p>12 opinion in front of you, and I don't.</p> <p>13 REP. MICHAUX: What they're saying is it</p> <p>14 cannot be a predominant factor, Mr. Lewis, but you</p> <p>15 can use race.</p> <p>16 SEN. RUCHO: Representative Michaux, I</p> <p>17 think what Senator -- Representative Lewis is</p> <p>18 saying is you can use race, but it doesn't require</p> <p>19 you to use race.</p> <p>20 REP. MICHAUX: It says you can use race,</p> <p>21 but it must not be the predominant factor.</p> <p>22 REP. LEWIS: Mr. Chairman, I would say</p> <p>23 "can use" does not say "must use." Therefore, I</p> <p>24 would move the adoption of this criteria.</p> <p>25 SEN. RUCHO: Representative Hager,</p>	<p style="text-align: right;">40</p> <p>1 choice.</p> <p>2 We know that this three-judge panel has</p> <p>3 the power of its own to draw districts, and we can</p> <p>4 play these games with them. I thought that as a</p> <p>5 body from the standpoint of letting the</p> <p>6 Legislature, the reason that we ordered -- or at</p> <p>7 least required that the Court, if reversing these</p> <p>8 districts, sent it back to the Legislature to have</p> <p>9 an opportunity or a shot at fixing it is because it</p> <p>10 was felt that the Legislature could fix it, but I</p> <p>11 can assure you that if you go about doing this,</p> <p>12 then those three gentlemen are going to draw</p> <p>13 districts for you.</p> <p>14 Maybe that's what you want, and if that's</p> <p>15 what you want, I will vote with you on this</p> <p>16 amendment, but I think that you -- that it's</p> <p>17 transparent the game that you're trying to play.</p> <p>18 Some of us do strongly believe that we should move</p> <p>19 away from using race in making any decision in</p> <p>20 American life, but we also believe that you comply</p> <p>21 with the law until we get to that point, and I</p> <p>22 think that you're aware of the fact, just as I am,</p> <p>23 that if you take this blind approach, you're in</p> <p>24 direct violation of Section 2 of the Voting Rights</p> <p>25 Act. And so I'm just -- I just say that to you.</p>
<p style="text-align: right;">39</p> <p>1 please?</p> <p>2 REP. HAGER: Thank you, Mr. Chairman.</p> <p>3 Representative Lewis, I want to commend you on</p> <p>4 the -- when you said only when necessary when you</p> <p>5 split districts and precincts. I come from a</p> <p>6 district and precinct prior to these maps. My</p> <p>7 precinct was split, and we worked it out, like I</p> <p>8 said, and I appreciate what you said about the</p> <p>9 sophistication of the voters. It was there, but</p> <p>10 this criteria does help that situation, and prior</p> <p>11 to these maps, we see -- we saw that with the</p> <p>12 previous maps in Rutherford County, so thank you</p> <p>13 very much.</p> <p>14 SEN. RUCHO: I'm sorry. I've got Senator</p> <p>15 Blue. Excuse me.</p> <p>16 SEN. BLUE: Just a comment, since the</p> <p>17 motion to adopt it has been made. Mr. Chairman, I</p> <p>18 agree totally with Representative Stam. As I told</p> <p>19 Representative Lewis, there are places in this</p> <p>20 state where considering race in redrawing districts</p> <p>21 is inappropriate under the Voting Rights Act, under</p> <p>22 the 14th Amendment. There are places in this state</p> <p>23 where the Voting Rights Act requires that race be</p> <p>24 considered to some degree to ensure that, based on</p> <p>25 history, that minorities can elect people of their</p>	<p style="text-align: right;">41</p> <p>1 I'm going to vote against this proposal.</p> <p>2 You'll probably withdraw it, given the debate, but</p> <p>3 I'm going to vote against it because I think that</p> <p>4 it's showing disrespect for the law as it exists</p> <p>5 and disrespect for this three-judge federal</p> <p>6 district court.</p> <p>7 REP. LEWIS: Well, Senator --</p> <p>8 SEN. RUCHO: Representative Lewis?</p> <p>9 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>10 I'm going to reiterate my earlier comments to you,</p> <p>11 sir, that in no way has anything that I have said</p> <p>12 had the intent, and I hope not the effect, of</p> <p>13 causing any offense to any member of the federal</p> <p>14 judiciary. I would reiterate the only way to make</p> <p>15 sure that race is not the predominant factor is to</p> <p>16 make sure it's not a factor when the maps are being</p> <p>17 considered.</p> <p>18 This Court -- I'll go one step further.</p> <p>19 With the utmost respect to the Court, this Court</p> <p>20 was shown that race was not a factor that was</p> <p>21 considered in drawing of the 12th, but they still</p> <p>22 found that it was a factor. This is -- this way we</p> <p>23 make sure that in fact, it is not.</p> <p>24 SEN. RUCHO: Members of the committee?</p> <p>25 Senator McKissick?</p>

<p style="text-align: right;">42</p> <p>1 SEN. MCKISSICK: Representative Lewis, 2 are you aware of any racially polarized voting 3 studies which have been conducted since the 2010 4 Census occurred? 5 REP. LEWIS: Senator McKissick, 6 respectfully, I would direct you to the 7 redistricting tab of the General Assembly Web site. 8 I believe there are some studies that are listed 9 there. Certainly there are numerous studies that 10 are referenced in the various lawsuits. I know the 11 General Assembly did commission a study on racially 12 polarized voting. I do not believe the Harris 13 court admitted or considered it. 14 SEN. MCKISSICK: Follow-up, Mr. Chair. 15 SEN. RUCHO: Follow-up. 16 SEN. MCKISSICK: Is it not possible to go 17 back and find that data, which is reasonably 18 current, since it was done since 2010, to examine 19 the racially polarized voting patterns throughout 20 the state, because different parts of the state are 21 different? Our urban areas have different 22 characteristics, and there's more coalition 23 politics. Other parts of our state, racially 24 polarized voting patterns are present, and continue 25 to exist.</p>	<p style="text-align: right;">44</p> <p>1 REP. MCGRADY: Second. 2 SEN. RUCHO: Second, Representative 3 McGrady. Any additional discussion? 4 (No response.) 5 SEN. RUCHO: All right. Seeing none, we 6 can -- Mr. Clerk, would you begin the roll call? 7 CLERK: Lewis? 8 REP. LEWIS: Aye. 9 CLERK: Jones? 10 REP. JONES: Aye. 11 CLERK: Brawley? 12 REP. BRAWLEY: Aye. 13 CLERK: Cotham? 14 REP. COTHAM: No. 15 CLERK: Davis? 16 REP. DAVIS: Aye. 17 CLERK: Farmer-Butterfield? 18 REP. FARMER-BUTTERFIELD: No. 19 CLERK: Hager? 20 REP. HAGER: Aye. 21 CLERK: Hanes? 22 REP. HANES: No. 23 CLERK: Hardister? 24 REP. HARDISTER: Aye. 25 CLERK: Hurley?</p>
<p style="text-align: right;">43</p> <p>1 I would suggest that we go back and look 2 at those studies, analyze them, and use those 3 studies as part of the database that would be used 4 to move forward in drawing these districts. Any 5 reason why we cannot do that? 6 REP. LEWIS: Respectfully, sir, I may -- 7 I may agree with you, but the Court does not. 8 SEN. MCKISSICK: And I'd have to 9 respectfully disagree on that. 10 REP. LEWIS: Noted. 11 SEN. RUCHO: Senator Clark? 12 SEN. CLARK: Thank you, Mr. Chairman. 13 With regard to the language on the voting districts 14 in here, would it not be more appropriate to 15 separate that and have it stand alone as its own 16 criteria? I don't understand the rationale for 17 including it in the criteria about political data. 18 REP. LEWIS: Senator, I appreciate that 19 question. Frankly, we could have had an additional 20 criteria. I prefer just to let it stay as it is. 21 SEN. RUCHO: Excuse me. Representative 22 Lewis, do you make the motion to adopt the 23 political data criteria? 24 REP. LEWIS: I do, Mr. Chairman. 25 SEN. RUCHO: All right.</p>	<p style="text-align: right;">45</p> <p>1 REP. HURLEY: Aye. 2 CLERK: Jackson? 3 REP. JACKSON: No. 4 CLERK: Johnson? 5 REP. JOHNSON: Aye. 6 CLERK: Jordan? 7 REP. JORDAN: Aye. 8 CLERK: McGrady? 9 REP. MCGRADY: Aye. 10 CLERK: Michaux? 11 REP. MICHAUX: No. 12 CLERK: Moore? 13 REP. MOORE: No. 14 CLERK: Stam? 15 REP. STAM: Aye. 16 CLERK: Stevens? 17 REP. STEVENS: Aye. 18 CLERK: Rucho? 19 SEN. RUCHO: Aye. 20 CLERK: Apodaca? 21 SEN. APODACA: Aye. 22 CLERK: Barefoot? 23 SEN. BAREFOOT: Aye. 24 CLERK: Blue? 25 SEN. BLUE: No.</p>

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<p>1 CLERK: Brown? 2 SEN. BROWN: Aye. 3 CLERK: Clark? 4 SEN. CLARK: No. 5 CLERK: Harrington? 6 SEN. HARRINGTON: Aye. 7 CLERK: Hise? 8 SEN. HISE: Aye. 9 CLERK: Jackson? 10 SEN. JACKSON: Aye. 11 CLERK: Lee? 12 SEN. LEE: Aye. 13 CLERK: McKissick? 14 SEN. MCKISSICK: No. 15 CLERK: Randleman? 16 SEN. RANDLEMAN: Aye. 17 CLERK: Sanderson? 18 SEN. SANDERSON: Aye. 19 CLERK: Smith? 20 SEN. SMITH: No. 21 CLERK: Smith-Ingram? 22 SEN. SMITH-INGRAM: Nay. 23 CLERK: Wells? 24 SEN. WELLS: Aye. 25 SEN. RUCHO: What have we got?</p>	<p>1 drawing of the maps, I would propose that to the 2 extent possible, the map drawers create a map which 3 is perhaps likely to elect 10 Republicans and 3 4 Democrats. I acknowledge freely that this would be 5 a political gerrymander, which is not against the 6 law. 7 SEN. RUCHO: All right. Members of the 8 committee, any questions? Senator Blue? 9 SEN. BLUE: Just one, Mr. Chairman, and 10 this is a point of order since you've got my friend 11 the rules committee chairman up there. What are 12 the rules under which this committee is operating, 13 House or Senate? If it's the Senate -- and if it's 14 neither, where do they come from, but if it's the 15 Senate, aren't ayes and nays prohibited in 16 committee votes? 17 SEN. APODACA: The chairs agreed we'd 18 operate under the House rules, and I can tell you I 19 wasn't here for that, but they did. 20 (Laughter.) 21 SEN. RUCHO: All right. Senator Blue? 22 SEN. BLUE: One follow-up. 23 SEN. RUCHO: Let me have your attention. 24 SEN. BLUE: Since I'm not familiar with 25 the House rules anymore, there is a permitted</p>
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<p>1 CLERK: Nine nays. Nine nays. (Pause.) 2 There's 11. 11 out of 34. 3 SEN. RUCHO: 11 out of 34 nays. Okay. 4 The result of that is 23 ayes, 11 nos, and two were 5 not present. Okay. Representative Lewis? 6 REP. LEWIS: Mr. Chairman, I would ask -- 7 with your permission, I've asked the Sergeants-at- 8 Arms to distribute the criteria labeled "Partisan 9 Advantage." If you could direct the staff to read 10 that, I'd be happy to speak on it. 11 SEN. RUCHO: Ms. Churchill, would you 12 read the one on partisan advantage? 13 MS. CHURCHILL: "Partisan Advantage: The 14 partisan makeup of the Congressional delegation 15 under the enacted plan is 10 Republicans and 3 16 Democrats. The committee shall make reasonable 17 efforts to construct districts in the 2016 18 contingent Congressional plan to maintain the 19 current partisan makeup of North Carolina's 20 Congressional delegation." 21 SEN. RUCHO: Representative Lewis, 22 explain. 23 REP. LEWIS: Mr. Chairman, the 24 explanation of this is reasonably simple. As we 25 are allowed to consider political data in the</p>	<p>1 abstention in the ayes and nos under the House 2 rules; is there not? 3 SEN. APODACA: Mr. Chairman? 4 SEN. RUCHO: Representative Stam, if you 5 can respond to that question? 6 REP. STAM: I could. There is no such 7 rule under House rules now or when Senator Blue was 8 the Speaker of the House. 9 SEN. RUCHO: Senator Blue, did you get 10 your answer? 11 SEN. BLUE: I got an answer. 12 (Laughter.) 13 SEN. RUCHO: Good. Thank you. Okay. 14 Members of the committee, let's pay close attention 15 to this. Senator McKissick? 16 SEN. MCKISSICK: In looking at this 17 particular criteria, I mean, certainly partisan 18 advantage is a legitimate consideration, but I 19 don't know why, based upon the number of Democratic 20 registered voters, Republican registered voters and 21 unaffiliated voters in this state we would want to 22 ever sit and ingrain as a criteria for 23 redistricting that we would only allow one party 3 24 seats in Congress, and the other one, 10 in 25 Congress, when not very long ago, before 2010, we</p>

<p style="text-align: right;">50</p> <p>1 had 7 Democrats and 5 Republicans, so I'm trying to</p> <p>2 understand why you feel this would be fair,</p> <p>3 reasonable, and balanced in terms of voter</p> <p>4 registrations in this state as it is currently</p> <p>5 divided.</p> <p>6 REP. LEWIS: Thank you for your question,</p> <p>7 Senator. I propose that we draw the maps to give a</p> <p>8 partisan advantage to 10 Republicans and 3</p> <p>9 Democrats because I do not believe it's possible to</p> <p>10 draw a map with 11 Republicans and 2 Democrats.</p> <p>11 (Laughter.)</p> <p>12 SEN. MCKISSICK: Follow-up, if I could.</p> <p>13 SEN. RUCHO: Follow-up.</p> <p>14 SEN. MCKISSICK: Were you aware of the</p> <p>15 fact that in the 2012 election cycle, if you total</p> <p>16 the total number of votes received by Democrats</p> <p>17 running for Congress versus the total number of</p> <p>18 votes cast for Republicans running for Congress,</p> <p>19 that Democratic candidates had a higher number of</p> <p>20 total votes, but ended up with fewer seats? Were</p> <p>21 you aware of that factor in drawing up this</p> <p>22 criteria?</p> <p>23 REP. LEWIS: I am aware, Senator -- first</p> <p>24 of all, thank you for your question. I am aware</p> <p>25 that there are numerous examples, especially</p>	<p style="text-align: right;">52</p> <p>1 Come up with something different. It</p> <p>2 could be 5 Democratic seats, and there's no reason</p> <p>3 why that couldn't be accomplished. It could be 6</p> <p>4 Democratic seats and still give the Republicans an</p> <p>5 edge, but to say you're going to marginalize with</p> <p>6 only 3 seats as a criteria, let the voters decide.</p> <p>7 REP. LEWIS: Well, sir, I definitely -- I</p> <p>8 thank you for that comment. Certainly we look</p> <p>9 forward to receiving -- what I'm asking this</p> <p>10 committee to adopt is the maps that this -- that</p> <p>11 the chairs will present to this committee absent a</p> <p>12 stay arriving from the Court. Certainly the</p> <p>13 members of this committee that don't feel this</p> <p>14 balance is appropriate can certainly offer their</p> <p>15 own maps for consideration.</p> <p>16 SEN. RUCHO: Representative Lewis, in the</p> <p>17 case Senator McKissick brought forth, if you see</p> <p>18 some districts that tend to have a larger voter</p> <p>19 turnout than others, that could easily explain what</p> <p>20 Senator McKissick described. Am I not correct?</p> <p>21 REP. LEWIS: Yes, sir. I think that's a</p> <p>22 constant variable in this. If you have an area</p> <p>23 that has a lot of contested races, those areas tend</p> <p>24 to produce more folks to the polls. If you have --</p> <p>25 you know, we don't want to get into the Electoral</p>
<p style="text-align: right;">51</p> <p>1 through the 2000s, when the majority of seats went</p> <p>2 to a party that had the fewer votes. We elect our</p> <p>3 representatives based on a system of drawing</p> <p>4 districts and the people in those districts being</p> <p>5 able to vote. We do not elect at large. I know</p> <p>6 you're very much aware of that, and we will -- this</p> <p>7 will maintain that system.</p> <p>8 SEN. MCKISSICK: Last follow-up, Mr.</p> <p>9 Chairman.</p> <p>10 SEN. RUCHO: Follow-up. Last follow-up.</p> <p>11 SEN. MCKISSICK: I would simply say this:</p> <p>12 If we were looking at a fair and reasonable</p> <p>13 division as a criteria moving forward, it wouldn't</p> <p>14 necessarily have to be an even division. It</p> <p>15 could -- obviously, since majority -- Republicans</p> <p>16 are a majority now, give Republicans a slight edge,</p> <p>17 but to come up with such an imbalance in a split I</p> <p>18 think is highly inappropriate. It's unfair. It</p> <p>19 does not recognize the way votes have been cast in</p> <p>20 this state as recently as 2012. It doesn't</p> <p>21 recognize the division of registered voters in this</p> <p>22 state between Democrats, Republicans, and</p> <p>23 Independents, and it's really a matter of political</p> <p>24 gerrymandering in the worst sense in which we can</p> <p>25 do so.</p>	<p style="text-align: right;">53</p> <p>1 College, but I can remember this debate's been</p> <p>2 going on since 2000 because of the use -- you know,</p> <p>3 there are times -- do you maximize or, for lack of</p> <p>4 a more polite term, do you pump up or boost up</p> <p>5 votes in certain areas to try and create the larger</p> <p>6 cumulative total, or do you file, run, and win in</p> <p>7 the districts in which you live? Our system has</p> <p>8 historically been the latter.</p> <p>9 SEN. RUCHO: I have a follow-up there.</p> <p>10 Senator McKissick, go ahead.</p> <p>11 SEN. MCKISSICK: Yeah. Simply this: I</p> <p>12 think what voters want are more competitive</p> <p>13 districts, more competitive districts where they</p> <p>14 have a clear choice between a Democrat, a</p> <p>15 Republican, and perhaps an unaffiliated candidate</p> <p>16 that's running, but not ones that are gerrymandered</p> <p>17 to give one party or the other just a clear</p> <p>18 partisan advantage. More competitive districts, I</p> <p>19 support completely, but that means drawing the maps</p> <p>20 in a way where you're not from the outset</p> <p>21 establishing criteria that gives one party an</p> <p>22 unfair advantage.</p> <p>23 SEN. RUCHO: Representative Lewis?</p> <p>24 REP. LEWIS: Mr. Chairman, the only thing</p> <p>25 that I could add is that we want to make clear that</p>

<p style="text-align: right;">54</p> <p>1 we to the extent are going to use political data in</p> <p>2 drawing this map, it is to gain partisan advantage</p> <p>3 on the map. I want that criteria to be clearly</p> <p>4 stated and understood. I have the utmost respect</p> <p>5 for those that do not agree with this particular</p> <p>6 balance.</p> <p>7 I will say -- and the gentleman from</p> <p>8 Durham did not say this, but I will say that during</p> <p>9 the public comment yesterday, more than one speaker</p> <p>10 referred to, "Can't we just draw them where there's</p> <p>11 5 this way or 6 that way?" That is partisan</p> <p>12 gerrymandering if you're drawing 5 and 7 or 6</p> <p>13 and -- whatever it is. I'm making clear that our</p> <p>14 intent is to use -- is to use the political data we</p> <p>15 have to our partisan advantage.</p> <p>16 SEN. RUCHO: Representative Michaux?</p> <p>17 REP. MICHAUX: Yeah. Mr. Chairman, you</p> <p>18 know if we were where you are today and we came up</p> <p>19 with this idea, you-all would be jumping all over</p> <p>20 the place, trying to dissuade us from that. First</p> <p>21 you want to -- you really want to dissuade race</p> <p>22 from being put in here. Now you want to make sure</p> <p>23 that you keep your 10 to 3 advantage, the same</p> <p>24 situation that got you in trouble before, and now</p> <p>25 you're going to -- what you're telling us is, "We</p>	<p style="text-align: right;">56</p> <p>1 For example, near a military base, they have much</p> <p>2 fewer voters than the population -- in other words,</p> <p>3 it's a bogus statistic, so I don't use it anymore.</p> <p>4 SEN. RUCHO: Thank you. I've got</p> <p>5 Representative Hager.</p> <p>6 REP. HAGER: Thank you, Mr. Chairman.</p> <p>7 You know I haven't been here long, but I guess in</p> <p>8 the House, I've become one of the more senior</p> <p>9 members with my colleagues that came in in 2011,</p> <p>10 but, you know, I got to thinking -- and I have the</p> <p>11 utmost respect for Senator McKissick and</p> <p>12 Representative Michaux, but, you know, if I beat my</p> <p>13 dog every day for 4 or 5 years and then I quit</p> <p>14 doing it and I told David to quit beating his dog,</p> <p>15 you'd consider me a little bit hypocritical,</p> <p>16 wouldn't you, David?</p> <p>17 If you look at that map on the wall and</p> <p>18 look at the 1992 map and look at District 10 and</p> <p>19 District 1, District 10 is my district now. Look</p> <p>20 at where we've come with District 10 since then. I</p> <p>21 mean, it's just -- it's amazing to me that we can</p> <p>22 argue that we shouldn't -- that the folks that have</p> <p>23 been here for a long time can argue that we</p> <p>24 shouldn't gerrymander these on political reasons,</p> <p>25 and they're some of the same people that developed</p>
<p style="text-align: right;">55</p> <p>1 want you to do this, and you vote for it, and this</p> <p>2 is the way it's going to be," period, end of</p> <p>3 report.</p> <p>4 SEN. RUCHO: Okay. There was no</p> <p>5 question, I don't think, so -- unless you want to</p> <p>6 respond to his comment.</p> <p>7 REP. LEWIS: No.</p> <p>8 SEN. RUCHO: Okay. I've got</p> <p>9 Representative Stam first.</p> <p>10 REP. STAM: Yes. I'd like to share a</p> <p>11 statistic that I haven't used in about 10 years,</p> <p>12 but I'll tell you why. During the last</p> <p>13 redistricting by the other party in 2004, I did</p> <p>14 jump up and down because I saw what was coming. In</p> <p>15 the election of 2004 for the House -- write these</p> <p>16 statistics down -- 52 percent of the voters chose</p> <p>17 the Republican candidate, 44 percent, the</p> <p>18 Democratic candidate, and 4 percent, Libertarian.</p> <p>19 Well, that should be a landslide for Republicans,</p> <p>20 but it ended up that we were in the minority, 57 to</p> <p>21 63.</p> <p>22 The reason I stopped using those type of</p> <p>23 statistics is I realized that it can be totally</p> <p>24 skewed by whoever happens to not have a candidate</p> <p>25 opposing that person. That shows a huge advantage.</p>	<p style="text-align: right;">57</p> <p>1 that map of District 1 and District 10 in 1992.</p> <p>2 SEN. RUCHO: Thank you. Any additional</p> <p>3 questions? Senator Smith-Ingram?</p> <p>4 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p> <p>5 Can you be specific as to what constitutes partisan</p> <p>6 advantage? Do we have to tie it to a number?</p> <p>7 REP. LEWIS: No, ma'am, but I will --</p> <p>8 first of all, thank you for the question. To</p> <p>9 perhaps expound on it a bit, this would -- this</p> <p>10 would contemplate looking at the political data,</p> <p>11 which was an earlier criteria adopted by this</p> <p>12 committee, and as you draw the lines, if you're</p> <p>13 trying to give a partisan advantage, you would want</p> <p>14 to draw the lines so that more of the whole VTDs</p> <p>15 voted for the Republican on the ballot than they</p> <p>16 did the Democrat, if that answers your question.</p> <p>17 SEN. SMITH-INGRAM: I think that --</p> <p>18 SEN. RUCHO: Follow-up?</p> <p>19 SEN. SMITH-INGRAM: Thank you. Follow-</p> <p>20 up. It answers about 50 percent of my question.</p> <p>21 If I could ask you another one, maybe a different</p> <p>22 way? You threw out some numbers. Would there not</p> <p>23 be partisan advantage with 8/5?</p> <p>24 REP. LEWIS: Thank you for that question,</p> <p>25 Senator. I would point out that indeed, you could</p>

<p style="text-align: right;">58</p> <p>1 use political numbers to draw a partisan -- to draw 2 districts in which 8 Republicans would win or 5 3 Democrats. I'm saying to the extent that you can, 4 make it 10/3.</p> <p>5 SEN. SMITH-INGRAM: Last follow-up. 6 SEN. RUCHO: Last follow-up. 7 SEN. SMITH-INGRAM: Just a statement. I 8 am concerned that we are trying to mimic the 9 outcome of the previous election that never existed 10 for a very long time in North Carolina until this 11 district was redrawn in 2011. The challenge here 12 is we are balancing where we are with where we have 13 been historically, but at the end of the day, we 14 are elected to come together, to work together, to 15 serve the constituents and citizens of North 16 Carolina. This is one of the concerns resonated 17 yesterday, and many of us have it here. We are 18 drawing these lines so that we get to pick our 19 voters as opposed to them choosing us. It is 20 unfair. It should not be perpetuated in this 21 process, and I will not be supporting it.</p> <p>22 SEN. RUCHO: Thank you. Representative 23 Jones? 24 REP. JONES: Thank you, Mr. Chair. I 25 appreciate it. I want to say how much I have</p>	<p style="text-align: right;">60</p> <p>1 hearing them come from today. We never heard those 2 comments for decades and decades and decades in 3 North Carolina, whether it was the media, whether 4 it was the majority party, whomever, and so I guess 5 the process is what it is.</p> <p>6 I'm glad that we have had some court 7 decisions that have led to what I think is a lot 8 less gerrymandering than what we had in prior 9 decades, where we -- now we do have single-member 10 districts. Now we do have where we don't just 11 split counties in any possible way, and we have the 12 pod system and things like that, so I really take 13 offense when I hear those that say that somehow the 14 political gerrymandering of today is greater than 15 somehow it was in prior years, when anybody that 16 goes back and studies the history knows that that's 17 simply not the case.</p> <p>18 That's my comment, and I will ask I guess 19 a question for you, Representative Lewis. Is it 20 possible that people might choose to vote for a 21 candidate that is of a different political party 22 than what their political affiliation is? 23 REP. LEWIS: Well, thank you for that 24 question, Representative Jones. Of course it is. 25 I mean, we all offer ourselves, and the voters in</p>
<p style="text-align: right;">59</p> <p>1 enjoyed this discussion about -- about 2 gerrymandering. You know, that's a word that seems 3 to me, as someone who has lived in North Carolina 4 for all my life and has really kind of studied the 5 political process particularly over the last few 6 decades, a word that was never really used until 7 somehow the Republicans came to a majority in 2010.</p> <p>8 Just as we're taking this little trip 9 down memory lane for just a moment, I -- I remember 10 things like multi-member districts in North 11 Carolina when we were drawing the legislature. I 12 thought what an extreme opportunity that was to 13 gerrymander.</p> <p>14 I saw it happen in my own area where, you 15 know, we couldn't do single-member districts. We 16 couldn't even do double-member districts. 17 Sometimes it had to be three- or four-member 18 districts in order for the political party in 19 charge at the time, which was the Democratic Party, 20 to gain a political advantage, so Representative 21 Lewis, I appreciate your honesty as you come 22 forward today, and we -- and we explain that 23 political gerrymandering I guess is what it is, but 24 I just find it very interesting to hear some of the 25 comments coming from some of the avenues that we're</p>	<p style="text-align: right;">61</p> <p>1 our districts decide that we best represent what we 2 believe the direction of the government should be 3 and that's how they cast their votes, so certainly 4 a person is free to vote ever how they choose to 5 vote.</p> <p>6 REP. JONES: Well, that's what I think, 7 and I think regardless how you draw these 8 districts -- you know, I come from an area where I 9 can remember a time where voting for the Democratic 10 party was extremely -- extremely high, and that 11 time has changed, and those votes have changed. A 12 lot of people that I can tell don't necessarily 13 vote for the same party that they're registered, 14 and so I -- you know, I think we ought to respect 15 the voters as individuals, and whether they're 16 registered Democrat, Republican, Libertarian, 17 unaffiliated, whatever, recognize that they do have 18 an opportunity to vote for any candidate that is on 19 the ballot before them. I appreciate your answer, 20 and I appreciate your honesty and integrity and 21 going forward with the process.</p> <p>22 SEN. RUCHO: Thank you, Representative 23 Jones. Senator Clark? 24 SEN. CLARK: Thank you, Mr. Chairman. 25 I'm having difficulty understanding why I should</p>

<p style="text-align: right;">62</p> <p>1 agree to vote for maps to bake in partisan 2 advantage that was achieved through the use of 3 unconstitutional maps. Could you explain that to 4 me?</p> <p>5 REP. LEWIS: Well, to be clear, sir, 6 we -- we are proposing that the maps that are drawn 7 now under this criteria which we have passed a 8 plank of, and continue to move forward, one of the 9 goals in drawing the map will be to preserve the 10 10/3. With all due respect, I've listened to this, 11 and we can of course continue to discuss this as 12 long as the committee wants to. It's always sort 13 of amazed me that if the map elects one side, the 14 other side considers -- considers it a gerrymander, 15 and something bad. If it elects their side, they 16 consider it a work of art, and good government, so 17 this is saying that one of the goals will be to 18 elect -- to speak directly to your point, the goal 19 is to elect 10 Republicans and 3 Democrats.</p> <p>20 SEN. RUCHO: Thank you. Representative 21 Lewis, there was a comment earlier about the 22 districts, the 13 districts that exist, 10 23 presently Republican, and 3 Democrat, and under the 24 circumstances, could you explain a little bit about 25 the makeup of the Republican districts and who</p>	<p style="text-align: right;">64</p> <p>1 competitive. I pointed out before that in the race 2 for attorney general that Attorney General Cooper 3 won nearly all of these. We can go back through 4 this 2011 debate if we'd like to, but I would again 5 maintain that you've got to put forward a good 6 candidate that appeals to the majority of folks, 7 and that the majority of folks in these districts 8 in the enacted plan are not registered Republicans. 9 In fact, to the best of my knowledge, in all but 10 perhaps one, we are the minority in all of the 11 districts.</p> <p>12 SEN. RUCHO: Thank you. Okay, 13 Representative Jackson?</p> <p>14 REP. JACKSON: Thank you, Mr. Chairman. 15 Senator Clark took one of my points that I was 16 going to make, but part of my uneasiness with this 17 is that it refers to the current Congressional 18 plan. I think you could make reference just saying 19 that you want to do it to a partisan advantage and 20 maximize Republican members, and I could agree with 21 that, I guess, but you have that opportunity.</p> <p>22 I would point out that your maps 23 originally had a 9/4 split, and that any reference 24 to 10/3 is not what your maps were; your maps were 25 a 9/4 split. What you've done is taken out the</p>
<p style="text-align: right;">63</p> <p>1 they're composed of, and what is necessary for that 2 Republican to win an election?</p> <p>3 REP. LEWIS: Thank you for the question, 4 Mr. Chairman. First of all, it would be necessary 5 to go back and review the stat packs and whatnot 6 from the 2011 districts, which are online if 7 anybody would like to do that, but to the best of 8 my knowledge, Republicans hold no majority as far 9 as voter registration in any of those districts.</p> <p>10 It's also -- well, and it is firmly my 11 belief that it's the responsibility of each of the 12 political parties to nominate quality candidates 13 who can appeal to the entire political spectrum. 14 It was pointed out yesterday during the public 15 hearing that the unaffiliated ranks in our state 16 continue to grow. If you don't get them -- if you 17 don't get a large percentage of the unaffiliated 18 vote in most of our districts, you're not going to 19 win, and so I would say that you are required to 20 have a good-quality candidate that appeals to the 21 political expectations of the majority of the folks 22 in that district.</p> <p>23 I can go back, and we can go through some 24 of the points. I do still -- I actually maintain 25 that the districts that we have now are largely</p>	<p style="text-align: right;">65</p> <p>1 2012 election, but that's not my question. 2 My question is, are we going to rank 3 these criteria in any order, because you've used 4 words in this criteria like "reasonable efforts." 5 Well, if -- are the -- how will the mapmakers know 6 what a reasonable effort is? In trying to come up 7 with 10 Republican districts, will they be able to 8 make a reasonable effort that means they can now 9 consider race? Will they be able to make a 10 reasonable effort that means that now they can 11 consider the 2008, 2012 elections? Will they be 12 able to split precincts as part of making a 13 reasonable effort to make a 10/3 split?</p> <p>14 REP. LEWIS: Representative Jackson, 15 thank you for that series of questions. The answer 16 to your question, the first part was -- I'm sorry. 17 Mr. Chairman, I'm sorry.</p> <p>18 SEN. RUCHO: Go ahead, please.</p> <p>19 REP. JACKSON: Will there be any type of 20 ranking of these criteria anywhere?</p> <p>21 REP. LEWIS: No. No is the answer. 22 That's why these criteria are being presented 23 individually and discussed and debated 24 individually. Map -- drawing maps is largely a 25 balancing act. We are trying to specify certain</p>

<p style="text-align: right;">66</p> <p>1 things that you cannot use. You asked about race. 2 You cannot use that, and I apologize; I don't 3 remember what else you asked about, Representative 4 Jackson. 5 REP. JACKSON: Follow-up, Mr. Chairman? 6 SEN. RUCHO: Follow-up. 7 REP. JACKSON: Okay. So it would be your 8 contention, then, that making reasonable efforts 9 would not include violating any of the other 10 criteria that we have passed? 11 REP. LEWIS: Absolutely. Mr. Chairman? 12 SEN. RUCHO: Yes? 13 REP. LEWIS: If there aren't further 14 questions, I move adoption of the 2016 contingent 15 Congressional plan proposed criteria labeled 16 "Partisan Advantage." 17 SEN. RUCHO: All right. 18 REP. JONES: Second. 19 SEN. RUCHO: Representative Jones has 20 seconded. All right, members of the committee, 21 there has been considerable discussion, and if 22 there's any additional thoughts, this is your 23 opportunity. 24 (No response.) 25 SEN. RUCHO: Seeing none, Mr. Clerk,</p>	<p style="text-align: right;">68</p> <p>1 CLERK: Jordan? 2 REP. JORDAN: Aye. 3 CLERK: McGrady? 4 REP. MCGRADY: Aye. 5 CLERK: Michaux? 6 REP. MICHAUX: No. 7 CLERK: Moore? 8 REP. MOORE: No. 9 CLERK: Stam? 10 REP. STAM: Aye. 11 CLERK: Stevens? 12 REP. STEVENS: Aye. 13 CLERK: Rucho? 14 SEN. RUCHO: Aye. 15 CLERK: Apodaca? 16 SEN. APODACA: Aye. 17 CLERK: Barefoot? 18 SEN. BAREFOOT: Aye. 19 CLERK: Blue? 20 SEN. BLUE: No. 21 CLERK: Brown? 22 SEN. BROWN: Aye. 23 CLERK: Clark? 24 SEN. CLARK: No. 25 CLERK: Harrington?</p>
<p style="text-align: right;">67</p> <p>1 please go through the roll. 2 CLERK: Lewis? 3 REP. LEWIS: Aye. 4 CLERK: Jones? 5 REP. JONES: Aye. 6 CLERK: Brawley? 7 REP. BRAWLEY: Aye. 8 CLERK: Cotham? 9 REP. COTHAM: No. 10 CLERK: Davis? 11 REP. DAVIS: Aye. 12 CLERK: Farmer-Butterfield? 13 REP. FARMER-BUTTERFIELD: No. 14 CLERK: Hager? 15 REP. HAGER: Aye. 16 CLERK: Hanes? 17 REP. HANES: No. 18 CLERK: Hardister? 19 REP. HARDISTER: Aye. 20 CLERK: Hurley? 21 REP. HURLEY: Aye. 22 CLERK: Jackson? 23 REP. JACKSON: No. 24 CLERK: Johnson? 25 REP. JOHNSON: Aye.</p>	<p style="text-align: right;">69</p> <p>1 SEN. HARRINGTON: Aye. 2 CLERK: Hise? 3 SEN. HISE: Aye. 4 CLERK: Jackson? 5 SEN. JACKSON: Aye. 6 CLERK: Lee? 7 SEN. LEE: Aye. 8 CLERK: McKissick? 9 SEN. MCKISSICK: No. 10 CLERK: Randleman? 11 SEN. RANDLEMAN: Aye. 12 CLERK: Sanderson? 13 SEN. SANDERSON: Aye. 14 CLERK: Smith? 15 SEN. SMITH: No. 16 CLERK: Smith-Ingram? 17 SEN. SMITH-INGRAM: No. 18 CLERK: Wells? 19 SEN. WELLS: Aye. 20 CLERK: 23-11. 21 SEN. RUCHO: All right, members of the 22 committee, roll call on the "Partisan Advantage" 23 criteria was ayes, 23, nos, 11. 24 We'll be going on to the next one, and 25 that is -- okay, got it. This is the 12th</p>

<p style="text-align: right;">70</p> <p>1 District. Would you, Ms. Churchill, read out --</p> <p>2 read this criteria, please?</p> <p>3 MS. CHURCHILL: "12th District: The</p> <p>4 current General Assembly inherited the</p> <p>5 configuration of the 12th District from past</p> <p>6 General Assemblies. This configuration was</p> <p>7 retained because of the -- because the district had</p> <p>8 already been heavily litigated over the past two</p> <p>9 decades, and ultimately approved by the courts.</p> <p>10 The Harris court has criticized the shape of the</p> <p>11 12th District, citing its serpentine nature. In</p> <p>12 light of this, the committee shall construct</p> <p>13 districts in the 2015 contingent Congressional plan</p> <p>14 that eliminate the current configuration of the</p> <p>15 12th District."</p> <p>16 SEN. RUCHO: And, Representative Lewis,</p> <p>17 would you explain the criteria under the "12th</p> <p>18 District" heading?</p> <p>19 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>20 This largely goes -- I'll try to use my friend from</p> <p>21 Wake, Representative Jackson's, words. As these</p> <p>22 criteria stand on their own and have to be</p> <p>23 considered together, what this is saying is that</p> <p>24 the mapmakers will make an effort to draw the 12th</p> <p>25 Congressional District in a shape that the judges</p>	<p style="text-align: right;">72</p> <p>1 good idea.</p> <p>2 SEN. RUCHO: Members of the -- oh, I'm</p> <p>3 sorry. Go ahead, Chairman Lewis.</p> <p>4 REP. LEWIS: Mr. Chairman, I just -- I</p> <p>5 just wanted to thank Senator Blue for his words.</p> <p>6 I'm glad that after two decades of drawing maps,</p> <p>7 we've found something we can agree on.</p> <p>8 SEN. RUCHO: All right, members of the</p> <p>9 committee. Senator McKissick?</p> <p>10 SEN. MCKISSICK: While I appreciate the</p> <p>11 fact that the 12th District has an unusual shaped</p> <p>12 appearance, I'm also aware of the fact that it's</p> <p>13 gone up before the Supreme Court previously, and</p> <p>14 when I think of the fact that one of the things we</p> <p>15 have to consider is communities of interest, and</p> <p>16 communities of interest is certainly something</p> <p>17 that's a very valid consideration in drawing</p> <p>18 Congressional districts, and I've heard it stated</p> <p>19 on numerous occasions that communities of interest</p> <p>20 test here is met and satisfied with the shape being</p> <p>21 what it is today.</p> <p>22 Now, while it may appear a bit</p> <p>23 serpentine, a little bit unusual, I think it's</p> <p>24 possible to reconfigure the district, perhaps to</p> <p>25 make it somewhat more compact, but it links</p>
<p style="text-align: right;">71</p> <p>1 would not consider serpentine.</p> <p>2 SEN. RUCHO: Does that conclude your</p> <p>3 explanation?</p> <p>4 REP. LEWIS: Yes, sir.</p> <p>5 SEN. RUCHO: Okay. Members of the</p> <p>6 committee.</p> <p>7 SEN. BLUE: Mr. Chairman?</p> <p>8 SEN. RUCHO: Senator Blue?</p> <p>9 SEN. BLUE: I want to commend</p> <p>10 Representative Lewis. I agree that the 12th</p> <p>11 District ought to be contiguous, it ought to be</p> <p>12 compact, as all of the other districts in the</p> <p>13 state, and I think a good starting point for</p> <p>14 drawing constitutional maps would be to start with</p> <p>15 the 12th District and make it compact, and let it</p> <p>16 impact the other districts.</p> <p>17 I think differently about the 1st,</p> <p>18 because I think that the law requires it. I have</p> <p>19 no particular love for the shape of any of these</p> <p>20 strange districts, but if you're serious about</p> <p>21 creating a district that's compact, that's</p> <p>22 contiguous, and that covers as few counties as</p> <p>23 possible by not unreasonably splitting county</p> <p>24 lines, by not splitting county lines except where</p> <p>25 necessary to comply with population, I think it's a</p>	<p style="text-align: right;">73</p> <p>1 together significant cores of the urban parts of</p> <p>2 our state along the main street of the state, which</p> <p>3 is now Interstate 85. Interstate 85 is the main</p> <p>4 corridor.</p> <p>5 Those urban areas are linked from</p> <p>6 Charlotte going through Greensboro and back up into</p> <p>7 the Piedmont area of our state, so I would not want</p> <p>8 to abandon it. I'd want to perhaps reconfigure it,</p> <p>9 but keeping in mind the communities of interest</p> <p>10 that it ties together, major urban cores with</p> <p>11 populations that have similar interests and</p> <p>12 concerns, along with major banking centers.</p> <p>13 One of the -- I've heard before that that</p> <p>14 particular district had more banking headquarters</p> <p>15 than any Congressional district in our country, and</p> <p>16 I rely upon that based upon the sources of that</p> <p>17 data, so I would not abandon it; I would simply try</p> <p>18 to reconfigure it, perhaps make it more compact,</p> <p>19 but to respect the communities of interest that it</p> <p>20 does unify.</p> <p>21 SEN. RUCHO: Thank you. Any additional</p> <p>22 questions? Well, let me first say, Representative</p> <p>23 Lewis, do you want to make a comment to that?</p> <p>24 REP. LEWIS: (Shakes head.)</p> <p>25 SEN. RUCHO: Representative Hanes?</p>

<p style="text-align: right;">74</p> <p>1 REP. HANES: Thank you, Mr. Chairman. I</p> <p>2 think both the senators have -- have excellent</p> <p>3 points. I agree especially with Senator Blue and</p> <p>4 his statements with regard to what we need to be</p> <p>5 looking at as a whole as we consider what these</p> <p>6 districts look like. Certainly when it comes to</p> <p>7 Democrats -- and I know we're trying to avoid the</p> <p>8 word "race" here, but when it comes to folks who</p> <p>9 look like me, we want our voices heard everywhere,</p> <p>10 and so in that regard, part of the way we do that</p> <p>11 is to put our communities together within our</p> <p>12 counties. I think while we certainly don't have to</p> <p>13 abandon what the 12th is right now, certainly we</p> <p>14 need to be looking at very strongly doing what</p> <p>15 Senator Blue suggests, and so I will be supporting</p> <p>16 it. Thank you.</p> <p>17 SEN. RUCHO: Thank you. Members of the</p> <p>18 committee, any additional questions or comments?</p> <p>19 (No response.)</p> <p>20 SEN. RUCHO: Representative Lewis, do you</p> <p>21 have a motion?</p> <p>22 REP. LEWIS: Mr. Chairman, I move that</p> <p>23 the 2016 contingent Congressional plan proposed</p> <p>24 criteria labeled "12th District" be adopted.</p> <p>25 SEN. APODACA: Second.</p>	<p style="text-align: right;">76</p> <p>1 CLERK: Hurley?</p> <p>2 REP. HURLEY: Aye.</p> <p>3 CLERK: Jackson?</p> <p>4 REP. JACKSON: Yes.</p> <p>5 CLERK: Johnson?</p> <p>6 REP. JOHNSON: Aye.</p> <p>7 CLERK: Jordan?</p> <p>8 REP. JORDAN: Aye.</p> <p>9 CLERK: McGrady?</p> <p>10 REP. MCGRADY: Aye.</p> <p>11 CLERK: Michaux?</p> <p>12 REP. MICHAUX: Aye.</p> <p>13 CLERK: Moore?</p> <p>14 REP. MOORE: Aye.</p> <p>15 CLERK: Stam?</p> <p>16 REP. STAM: Aye.</p> <p>17 CLERK: Stevens?</p> <p>18 REP. STEVENS: Aye.</p> <p>19 CLERK: Rucho?</p> <p>20 SEN. RUCHO: Aye.</p> <p>21 CLERK: Apodaca?</p> <p>22 SEN. APODACA: Aye.</p> <p>23 CLERK: Barefoot?</p> <p>24 SEN. BAREFOOT: Aye.</p> <p>25 CLERK: Blue?</p>
<p style="text-align: right;">75</p> <p>1 SEN. RUCHO: Second by Senator Apodaca.</p> <p>2 Members of the committee, you have this motion</p> <p>3 before you. Any questions or comments prior to a</p> <p>4 roll call vote?</p> <p>5 (No response.)</p> <p>6 SEN. RUCHO: Seeing none, Mr. Clerk,</p> <p>7 would you go through the roll call, please?</p> <p>8 CLERK: Lewis?</p> <p>9 REP. LEWIS: Aye.</p> <p>10 CLERK: Jones?</p> <p>11 REP. JONES: Aye.</p> <p>12 CLERK: Brawley?</p> <p>13 REP. BRAWLEY: Aye.</p> <p>14 CLERK: Cotham?</p> <p>15 REP. COTHAM: Yes.</p> <p>16 CLERK: Davis?</p> <p>17 REP. DAVIS: Aye.</p> <p>18 CLERK: Farmer-Butterfield?</p> <p>19 REP. FARMER-BUTTERFIELD: Yes.</p> <p>20 CLERK: Hager?</p> <p>21 REP. HAGER: Aye.</p> <p>22 CLERK: Hanes?</p> <p>23 REP. HANES: Yes.</p> <p>24 CLERK: Hardister?</p> <p>25 REP. HARDISTER: Aye.</p>	<p style="text-align: right;">77</p> <p>1 SEN. BLUE: Aye.</p> <p>2 CLERK: Brown?</p> <p>3 SEN. BROWN: Aye.</p> <p>4 CLERK: Clark?</p> <p>5 SEN. CLARK: Aye.</p> <p>6 CLERK: Harrington?</p> <p>7 SEN. HARRINGTON: Aye.</p> <p>8 CLERK: Hise?</p> <p>9 SEN. HISE: Aye.</p> <p>10 CLERK: Jackson?</p> <p>11 SEN. JACKSON: Aye.</p> <p>12 CLERK: Lee?</p> <p>13 SEN. LEE: Aye.</p> <p>14 CLERK: McKissick?</p> <p>15 SEN. MCKISSICK: No.</p> <p>16 CLERK: Randleman?</p> <p>17 SEN. RANDLEMAN: Aye.</p> <p>18 CLERK: Sanderson?</p> <p>19 SEN. SANDERSON: Aye.</p> <p>20 CLERK: Smith?</p> <p>21 SEN. SMITH: Aye.</p> <p>22 CLERK: Smith-Ingram?</p> <p>23 SEN. SMITH-INGRAM: Aye.</p> <p>24 CLERK: Wells?</p> <p>25 SEN. WELLS: Aye.</p>

<p style="text-align: right;">78</p> <p>1 CLERK: One no.</p> <p>2 SEN. RUCHO: So 33 aye and 1 no, correct?</p> <p>3 CLERK: Yes.</p> <p>4 SEN. RUCHO: Members of the committee,</p> <p>5 the roll call vote on that, the criteria for the</p> <p>6 12th District adoption, is 33 aye and 1 no. All</p> <p>7 right.</p> <p>8 Before we go on to the next criteria,</p> <p>9 I'll make a statement to the committee that under</p> <p>10 the House rules, there is a way of amending or</p> <p>11 submitting an amendment forward. If you'll contact</p> <p>12 Ms. Churchill on this, she will assist you in doing</p> <p>13 so if you desire.</p> <p>14 All right, that being said,</p> <p>15 Representative Lewis, before us is --</p> <p>16 REP. LEWIS: "Compactness."</p> <p>17 SEN. RUCHO: -- "Compactness." All</p> <p>18 right. Please, Ms. Churchill, would you read that?</p> <p>19 MS. CHURCHILL: "Compactness: In light</p> <p>20 of the Harris court's criticism of the compactness</p> <p>21 of the 1st and 12th Districts, the committee shall</p> <p>22 make reasonable efforts to construct districts in</p> <p>23 the 2016 contingent Congressional plan that improve</p> <p>24 the compactness of the current districts and keep</p> <p>25 more counties and VTDs whole as compared to the</p>	<p style="text-align: right;">80</p> <p>1 Mecklenburg. There's only 1 in Wake, I believe.</p> <p>2 There's only 1 in Wake, and so 2 counties. There</p> <p>3 may be 2 in Guilford. Is there any other county</p> <p>4 with more than 1 incumbent?</p> <p>5 REP. LEWIS: Senator Blue, thank you for</p> <p>6 that question, and candidly, I don't believe so,</p> <p>7 but I don't know that, either.</p> <p>8 SEN. RUCHO: Follow-up?</p> <p>9 SEN. BLUE: So if the only place that you</p> <p>10 would worry about splitting the county to protect</p> <p>11 the incumbency would be Mecklenburg County based on</p> <p>12 the current layout -- I know that there are some of</p> <p>13 us counties that are split 3 and 4 different ways,</p> <p>14 but I know in Wake County, there's only 1 resident</p> <p>15 Congressperson, although we have 4 districts here,</p> <p>16 and I think that the same is true of every other</p> <p>17 county except Mecklenburg, with the exception of</p> <p>18 Guilford. There may be 2 from Guilford. I'm not</p> <p>19 sure, but nevertheless, why should we split</p> <p>20 counties if you don't have to, to protect the</p> <p>21 incumbents? Why shouldn't we leave counties whole</p> <p>22 all over the state except where you have to split</p> <p>23 them because of population?</p> <p>24 SEN. RUCHO: Representative Lewis?</p> <p>25 REP. LEWIS: Thank you for that question,</p>
<p style="text-align: right;">79</p> <p>1 current enacted plan. Division of counties shall</p> <p>2 only be made for reasons of equalizing population,</p> <p>3 consideration of incumbency, and political impact.</p> <p>4 Reasonable effort shall be made not to divide a</p> <p>5 county into more than two districts."</p> <p>6 SEN. RUCHO: Representative Lewis, would</p> <p>7 you please explain the "Compactness" criteria?</p> <p>8 REP. LEWIS: Thank you, Mr. Chairman. To</p> <p>9 be clear, the -- trying to explain compactness is</p> <p>10 very difficult, as I don't know that there is a</p> <p>11 hard-and-fast definition that I can offer to the</p> <p>12 committee. The way that I will interpret it is</p> <p>13 again trying to keep as many counties whole as</p> <p>14 possible, to split as few precincts as possible,</p> <p>15 and again, only to -- and to only do that to</p> <p>16 equalize population.</p> <p>17 I would -- I would point out, again going</p> <p>18 back to my friend, Representative Jackson's</p> <p>19 question, these criteria kind of layer on each</p> <p>20 other, and so I would -- I would urge the committee</p> <p>21 to adopt the guideline on compactness.</p> <p>22 SEN. RUCHO: Senator Blue?</p> <p>23 SEN. BLUE: Thank you. Representative</p> <p>24 Lewis, other than in 3 counties, are there multiple</p> <p>25 incumbents? I know that there's more than 1 in</p>	<p style="text-align: right;">81</p> <p>1 Senator Blue. My response would simply be that</p> <p>2 considering where incumbents live, and for lack of</p> <p>3 a better way to say it, the protection of</p> <p>4 incumbents has always been an accepted political</p> <p>5 practice in drawing maps. This does not require us</p> <p>6 to do that. This simply says that that could be</p> <p>7 one of the reasons that a county would be split.</p> <p>8 The most important part of this is trying</p> <p>9 to establish that we won't split counties more than</p> <p>10 2 times, and we've already passed a criteria that</p> <p>11 this reiterates, that the biggest reason a county</p> <p>12 should be split is only to equalize the population</p> <p>13 between the districts.</p> <p>14 SEN. BLUE: Follow-up.</p> <p>15 SEN. RUCHO: Follow-up.</p> <p>16 SEN. BLUE: And I agree with that, but</p> <p>17 I'm saying under the current scenario -- and in</p> <p>18 fact, I think Mecklenburg is the only county that</p> <p>19 has two Congresspeople, so you could split</p> <p>20 Mecklenburg anyhow because you've got to split it</p> <p>21 because it's got over 750,000, or whatever the</p> <p>22 number is, people. You've got to split Wake;</p> <p>23 you've got to split Mecklenburg. The others could</p> <p>24 be made whole except for population purposes, so</p> <p>25 why would you adopt criteria saying that you're not</p>

<p style="text-align: right;">82</p> <p>1 going to split counties except to protect</p> <p>2 incumbents when you don't have any incumbents to</p> <p>3 protect, and you ultimately say that you will split</p> <p>4 them for political impact, which means that you can</p> <p>5 indiscriminately split counties however you want to</p> <p>6 anyhow if you determine what the political impact</p> <p>7 is? Why would you say that, and why would you put</p> <p>8 that provision in there?</p> <p>9 SEN. RUCHO: Representative --</p> <p>10 SEN. BLUE: And that being said, would</p> <p>11 you be willing to --</p> <p>12 SEN. RUCHO: One question. Let him</p> <p>13 answer this one first, please.</p> <p>14 SEN. BLUE: It's part of the same</p> <p>15 question. That being said, would you be willing to</p> <p>16 strike after the comma and the word "population" on</p> <p>17 the third from the bottom line the phrases</p> <p>18 "consideration of incumbency" and "political</p> <p>19 impact" so that there's a clear signal that you're</p> <p>20 not going to split counties since you don't have to</p> <p>21 split them to protect incumbents, so that you're</p> <p>22 not going to split counties except where you have</p> <p>23 to, to get to the one person, one vote requirement?</p> <p>24 SEN. RUCHO: Representative Lewis, why</p> <p>25 don't you answer his first question first? He</p>	<p style="text-align: right;">84</p> <p>1 SEN. BLUE: If there is no incumbency,</p> <p>2 then incumbents won't be considered in splitting</p> <p>3 districts, and that can't be the reason for</p> <p>4 splitting it. I'm simply saying that when you say</p> <p>5 "political impact," you take away everything else</p> <p>6 you put in that phrase, and if we believe in</p> <p>7 keeping counties whole to the extent possible,</p> <p>8 especially small counties, if we believe in that,</p> <p>9 then all we've got to do is say we're only going to</p> <p>10 split counties to equalize population, and I'm</p> <p>11 wondering why it's so critical that you say</p> <p>12 "political impact," since that phrase is loaded</p> <p>13 with all kinds of subjective determinations, with</p> <p>14 the ability to totally disregard this earlier</p> <p>15 portion saying that you're not going to split</p> <p>16 counties, or you're only going to split counties to</p> <p>17 put them into two districts, because you don't say</p> <p>18 you won't split them; you say you'll make</p> <p>19 reasonable efforts not to. I'm saying why don't we</p> <p>20 have an absolute prohibition on splitting counties</p> <p>21 except when it's necessary to comply with one</p> <p>22 person, one vote?</p> <p>23 REP. LEWIS: Thank you for that question,</p> <p>24 Senator Blue. My response to that would be that we</p> <p>25 will look forward to reviewing maps that you may</p>
<p style="text-align: right;">83</p> <p>1 asked too many questions.</p> <p>2 REP. LEWIS: Senator Blue, thank you for</p> <p>3 that series of inquiries. I do apologize because I</p> <p>4 don't remember exactly what you asked.</p> <p>5 SEN. BLUE: Do you need me to reask it?</p> <p>6 REP. LEWIS: Let me just say that it is</p> <p>7 my intent to split as few counties as we possibly</p> <p>8 can, and to not allow the counties to be divided</p> <p>9 more than two times. Our overarching goal of this,</p> <p>10 as Representative Jackson and I have had some</p> <p>11 continued conversation, all of these criteria kind</p> <p>12 of overlap on each other.</p> <p>13 I would agree with you that equalizing</p> <p>14 population is a mandatory reason that a county may</p> <p>15 have to be split. I would also say that it would</p> <p>16 be dishonest of me to say that political impact</p> <p>17 can't be considered in how you draw districts.</p> <p>18 I don't see any harm in leaving the words</p> <p>19 "consideration of incumbency" because there's no</p> <p>20 requirement that the districts be drawn to include</p> <p>21 the current seated members. It just allows for</p> <p>22 the -- the consideration that they are -- that they</p> <p>23 are in fact there.</p> <p>24 SEN. BLUE: One last follow-up.</p> <p>25 SEN. RUCHO: Last follow-up.</p>	<p style="text-align: right;">85</p> <p>1 submit that follow that criteria. I feel very</p> <p>2 comfortable that we've made clear through this</p> <p>3 process of what our -- what our intents are, and I</p> <p>4 would prefer that this criteria remain as it's</p> <p>5 written.</p> <p>6 SEN. RUCHO: Thank you. Representative</p> <p>7 Jones?</p> <p>8 REP. JONES: Thank you, Mr. Chairman. I</p> <p>9 just wanted to clarify the record that there are</p> <p>10 two Congressmen that live in Guilford County, Mark</p> <p>11 Walker of the 6th District, and Alma Adams of the</p> <p>12 12th District.</p> <p>13 SEN. RUCHO: Okay. I've got -- I've got</p> <p>14 Senator Smith.</p> <p>15 SEN. SMITH: Thank you, Mr. Chairman. I</p> <p>16 certainly appreciate the idea of compactness. I</p> <p>17 very much want to see precincts and counties left</p> <p>18 whole. I would respectfully tell you that in 2011,</p> <p>19 there was a district drawn where an incumbent was</p> <p>20 drawn out. It was the district that I lived in,</p> <p>21 and so the 7th Congressional District drew -- was</p> <p>22 changed to the 8th Congressional District, and the</p> <p>23 Congressman McIntyre, who was the incumbent, was</p> <p>24 drawn out essentially of his own district, and my</p> <p>25 concern is what Senator Blue has said. The idea of</p>

<p style="text-align: right;">86</p> <p>1 compactness is great, but when we leave in this</p> <p>2 other phrase about incumbency, we have taken away</p> <p>3 the other reason, the only reason that really</p> <p>4 should be the case, and that is population.</p> <p>5 REP. LEWIS: Senator, I appreciate that.</p> <p>6 Again, I would state that equalizing population is</p> <p>7 definitely the required reason that a county may</p> <p>8 have to be split. This simply allows for</p> <p>9 consideration of incumbency and consideration of</p> <p>10 political impact. I don't -- I don't see that that</p> <p>11 would interfere with us being able to use</p> <p>12 compactness in drawing the maps.</p> <p>13 SEN. SMITH: Follow-up, Mr. Chair?</p> <p>14 SEN. RUCHO: Follow-up.</p> <p>15 SEN. SMITH: I just would point out that</p> <p>16 population was not the case in 2011, and my concern</p> <p>17 is that if we agree to this and keep this as</p> <p>18 incumbency and political impact, that that will end</p> <p>19 up trumping population, and splitting counties and</p> <p>20 precincts.</p> <p>21 SEN. RUCHO: Thank you. Representative</p> <p>22 Lewis, do you want to comment?</p> <p>23 REP. LEWIS: No.</p> <p>24 SEN. RUCHO: You're all set? Just a</p> <p>25 quick -- is it -- a question for the Chair,</p>	<p style="text-align: right;">88</p> <p>1 Representative Lewis: The way this is drafted now,</p> <p>2 what I'm seeing is a statement of an aspirational</p> <p>3 goal, but not a strict requirement. Is that</p> <p>4 correct, or is that a misreading? It's one thing</p> <p>5 to aspire to accomplish these things, which I</p> <p>6 support. It's another thing if you make it a</p> <p>7 litmus test, so can you clarify that?</p> <p>8 REP. LEWIS: Thank you for that question,</p> <p>9 Senator McKissick. Let me say that this is an</p> <p>10 aspirational goal.</p> <p>11 SEN. MCKISSICK: In which case, I embrace</p> <p>12 it.</p> <p>13 SEN. RUCHO: Okay. From the Chair,</p> <p>14 Senator McKissick [sic], a question that</p> <p>15 Representative Jackson asked earlier, and when you</p> <p>16 talk about the criteria, is it accurate to say that</p> <p>17 all of them are weighted at the same level, and</p> <p>18 it's a matter of harmonizing to try to get to a map</p> <p>19 that meets those criteria?</p> <p>20 (No response.)</p> <p>21 SEN. RUCHO: David?</p> <p>22 REP. LEWIS: I'm sorry, Mr. Chairman.</p> <p>23 SEN. RUCHO: Oh, I'm sorry. From the</p> <p>24 Chair, a question for you.</p> <p>25 REP. LEWIS: Yes, sir?</p>
<p style="text-align: right;">87</p> <p>1 Representative Lewis: Is it a requirement for a</p> <p>2 Congressional candidate to live in the district</p> <p>3 they're running in?</p> <p>4 REP. LEWIS: No. A candidate for</p> <p>5 Congress is not required to reside in the district</p> <p>6 in which they run.</p> <p>7 SEN. RUCHO: Okay, thank you. I've got</p> <p>8 Representative Hager.</p> <p>9 REP. HAGER: Thank you, Mr. Chairman, and</p> <p>10 thank you, Representative Lewis, for -- for this</p> <p>11 particularly, because as I said earlier, Rutherford</p> <p>12 County, prior to the Rucho-Lewis maps that we're</p> <p>13 under today, split Rutherford County between the</p> <p>14 10th and the 11th. Now, I find it -- and I have a</p> <p>15 question for you. I find it very ironic that that</p> <p>16 split for the 11th included -- came down Main</p> <p>17 Street in Rutherfordton to include Walter Dalton's</p> <p>18 house, so the question I have for you is we won't</p> <p>19 split districts depending on who we think may run</p> <p>20 for that Congressional district; would that be</p> <p>21 correct?</p> <p>22 REP. LEWIS: Yes, sir, that's correct.</p> <p>23 SEN. RUCHO: Okay. All right. I've got</p> <p>24 Senator McKissick.</p> <p>25 SEN. MCKISSICK: Let me ask you this,</p>	<p style="text-align: right;">89</p> <p>1 SEN. RUCHO: Based on what Representative</p> <p>2 Jackson asked earlier, all of these criteria listed</p> <p>3 that's being submitted and voted upon, is it fair</p> <p>4 to say that the criteria established are not ranked</p> <p>5 as far as priorities, but are a matter of</p> <p>6 harmonizing until you can get a map that meets</p> <p>7 those criteria?</p> <p>8 REP. LEWIS: That's correct, sir. We are</p> <p>9 seeking aspirational harmony.</p> <p>10 (Laughter.)</p> <p>11 SEN. RUCHO: Okay. Do you have a motion?</p> <p>12 REP. LEWIS: Mr. Chairman, I would move</p> <p>13 that the 2016 contingent Congressional plan</p> <p>14 proposed criteria labeled "Compactness" be adopted</p> <p>15 by the committee.</p> <p>16 SEN. RUCHO: All right. I've got --</p> <p>17 Representative Davis has seconded that motion.</p> <p>18 Members of the committee, any questions, comments</p> <p>19 prior to a roll call vote? Representative Farmer-</p> <p>20 Butterfield?</p> <p>21 REP. FARMER-BUTTERFIELD: Thank you. I</p> <p>22 want to ask about the hearings yesterday and how</p> <p>23 much impact they had on the criteria, if any, based</p> <p>24 on what you're presenting today.</p> <p>25 SEN. RUCHO: Representative Lewis?</p>

<p style="text-align: right;">90</p> <p>1 REP. LEWIS: Thank you for that -- thank 2 you for that inquiry, Representative. I will tell 3 you that many things that stand out in my mind are 4 do away with the 12th, keep counties whole, all of 5 which we've addressed in this, so I would say that 6 they had a great deal of impact on the criteria 7 that you have before you. 8 SEN. RUCHO: All set? Okay. Yes, 9 Representative Stevens? 10 REP. STEVENS: Thank you, Mr. Chair, and 11 I just wanted to commend Representative Lewis and 12 perhaps answer some of the things that some of the 13 people are talking about, and I'd like to read -- I 14 guess it's about one and a half paragraphs of one 15 of the most recent redistricting cases in March of 16 2015. 17 It says, "Now consider the nature of 18 those offsetting 'traditional race-neutral 19 districting principles.' We have listed several, 20 including 'compactness, contiguity, respect for 21 political subdivisions or communities defined by 22 actual shared interests,' incumbency protection, 23 and political affiliation," those things that we've 24 done. 25 The next paragraph says, "But we have not</p>	<p style="text-align: right;">92</p> <p>1 CLERK: Brawley? 2 REP. BRAWLEY: Aye. 3 CLERK: Cotham? 4 REP. COTHAM: No. 5 CLERK: Davis? 6 REP. DAVIS: Aye. 7 CLERK: Farmer-Butterfield? 8 REP. FARMER-BUTTERFIELD: No. 9 CLERK: Hager? 10 REP. HAGER: Aye. 11 CLERK: Hanes? 12 REP. HANES: Yes. 13 CLERK: Hardister? 14 REP. HARDISTER: Aye. 15 CLERK: Hurley? 16 REP. HURLEY: Aye. 17 CLERK: Jackson? 18 REP. JACKSON: No. 19 CLERK: Johnson? 20 REP. JOHNSON: Aye. 21 CLERK: Jordan? 22 REP. JORDAN: Aye. 23 CLERK: McGrady? 24 REP. MCGRADY: Aye. 25 CLERK: Michaux?</p>
<p style="text-align: right;">91</p> <p>1 listed equal population objectives. And there is a 2 reason for that omission. The reason that equal 3 population objectives do not appear on this list of 4 'traditional' criteria is that equal population 5 objectives play a major -- different role in a 6 State's redistricting process. That role is not a 7 minor one. Indeed, in light of the Constitution's 8 demands, that role may often prove 'predominant' in 9 the ordinary sense of that word," because the equal 10 population, it goes on to talk about in the voting 11 rights districts we really have to take a different 12 focus on that, so I commend you for all of the 13 criteria you've set forward. It seems to comply 14 with the most recent case law. 15 SEN. RUCHO: Representative Lewis? 16 REP. LEWIS: Yes, sir, Mr. Chairman? 17 SEN. RUCHO: All set? We've got a motion 18 before us that we approve of the criteria that was 19 listed and debated on the compactness. We've had a 20 second from Representative Davis. Mr. Clerk, would 21 you call the roll? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Jones? 25 REP. JONES: Aye.</p>	<p style="text-align: right;">93</p> <p>1 REP. MICHAUX: No. 2 CLERK: Moore? 3 REP. MOORE: Yes. 4 CLERK: Stam? 5 REP. STAM: Yes. 6 CLERK: Stevens? 7 REP. STEVENS: Yes. 8 CLERK: Rucho? 9 SEN. RUCHO: Aye. 10 CLERK: Apodaca? 11 SEN. APODACA: Aye. 12 CLERK: Barefoot? 13 SEN. BAREFOOT: Aye. 14 CLERK: Blue? 15 SEN. BLUE: No. 16 CLERK: Brown? 17 SEN. BROWN: Aye. 18 CLERK: Clark? 19 SEN. CLARK: No. 20 CLERK: Harrington? 21 SEN. HARRINGTON: Aye. 22 CLERK: Hise? 23 SEN. HISE: Aye. 24 CLERK: Jackson? 25 SEN. JACKSON: Aye.</p>

<p style="text-align: right;">94</p> <p>1 CLERK: Lee?</p> <p>2 SEN. LEE: Aye.</p> <p>3 CLERK: McKissick?</p> <p>4 SEN. MCKISSICK: Aye.</p> <p>5 CLERK: Randleman?</p> <p>6 SEN. RANDLEMAN: Aye.</p> <p>7 CLERK: Sanderson?</p> <p>8 SEN. SANDERSON: Aye.</p> <p>9 CLERK: Smith?</p> <p>10 SEN. SMITH: No.</p> <p>11 CLERK: Smith-Ingram?</p> <p>12 SEN. SMITH-INGRAM: Aye.</p> <p>13 CLERK: Wells?</p> <p>14 SEN. WELLS: Aye.</p> <p>15 SEN. RUCHO: Members of the committee,</p> <p>16 the roll was taken. We have the ayes, 27, the</p> <p>17 noes, 7. That was adopted. Okay, everyone, pay</p> <p>18 close attention here. We have before us another</p> <p>19 criteria entitled "Incumbency." Ms. Churchill?</p> <p>20 MS. CHURCHILL: "Incumbency: Candidates</p> <p>21 for Congress are not required by law to reside in a</p> <p>22 district they seek to represent; however,</p> <p>23 reasonable efforts shall be made to ensure that</p> <p>24 incumbent members of Congress are not paired with</p> <p>25 another incumbent in one of the new districts</p>	<p style="text-align: right;">96</p> <p>1 REP. JONES: Aye.</p> <p>2 CLERK: Brawley?</p> <p>3 REP. BRAWLEY: Aye.</p> <p>4 CLERK: Cotham?</p> <p>5 (No response.)</p> <p>6 CLERK: Davis?</p> <p>7 (No response.)</p> <p>8 CLERK: Farmer-Butterfield?</p> <p>9 REP. FARMER-BUTTERFIELD: Yes.</p> <p>10 CLERK: Hager?</p> <p>11 REP. HAGER: Aye.</p> <p>12 CLERK: Hanes?</p> <p>13 REP. HANES: Aye.</p> <p>14 CLERK: Hardister?</p> <p>15 REP. HARDISTER: Aye.</p> <p>16 CLERK: Hurley?</p> <p>17 REP. HURLEY: Aye.</p> <p>18 CLERK: Jackson?</p> <p>19 REP. JACKSON: Aye.</p> <p>20 CLERK: Johnson?</p> <p>21 REP. JOHNSON: Aye.</p> <p>22 CLERK: Jordan?</p> <p>23 REP. JORDAN: Aye.</p> <p>24 CLERK: McGrady?</p> <p>25 REP. MCGRADY: Aye.</p>
<p style="text-align: right;">95</p> <p>1 constructed in the 2016 contingent Congressional</p> <p>2 plan."</p> <p>3 REP. LEWIS: Mr. Chairman, I'd call this</p> <p>4 the Senator Smith criteria, and I'd move its</p> <p>5 adoption.</p> <p>6 SEN. RUCHO: All right. That was the</p> <p>7 explanation?</p> <p>8 REP. LEWIS: Well, this is also</p> <p>9 aspirational, and attempting to harmonize the other</p> <p>10 criteria.</p> <p>11 SEN. RUCHO: All right. Members of the</p> <p>12 committee, any questions or comments on the</p> <p>13 criteria before you dealing with incumbency?</p> <p>14 (No response.)</p> <p>15 SEN. RUCHO: Seeing none, Representative</p> <p>16 Lewis has a motion that we -- that we approve --</p> <p>17 adopt the incumbency criteria. Representative</p> <p>18 Brawley seconded. We have before us -- any</p> <p>19 additional thoughts or questions?</p> <p>20 (No response.)</p> <p>21 SEN. RUCHO: If not, we'll take a roll.</p> <p>22 Mr. Clerk?</p> <p>23 CLERK: Lewis?</p> <p>24 REP. LEWIS: Aye.</p> <p>25 CLERK: Jones?</p>	<p style="text-align: right;">97</p> <p>1 CLERK: Michaux?</p> <p>2 REP. MICHAUX: Aye.</p> <p>3 CLERK: Moore?</p> <p>4 REP. MOORE: Aye.</p> <p>5 CLERK: Stam?</p> <p>6 REP. STAM: Aye.</p> <p>7 CLERK: Stevens?</p> <p>8 REP. STEVENS: Aye.</p> <p>9 CLERK: Rucho?</p> <p>10 SEN. RUCHO: Aye.</p> <p>11 CLERK: Apodaca?</p> <p>12 SEN. APODACA: Aye.</p> <p>13 CLERK: Barefoot?</p> <p>14 SEN. BAREFOOT: Aye.</p> <p>15 CLERK: Blue?</p> <p>16 SEN. BLUE: Aye.</p> <p>17 CLERK: Brown?</p> <p>18 SEN. BROWN: Aye.</p> <p>19 CLERK: Clark?</p> <p>20 SEN. CLARK: No.</p> <p>21 CLERK: Harrington?</p> <p>22 SEN. HARRINGTON: Aye.</p> <p>23 CLERK: Hise?</p> <p>24 SEN. HISE: Aye.</p> <p>25 CLERK: Jackson?</p>

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<p>1 SEN. JACKSON: Aye. 2 CLERK: Lee? 3 SEN. LEE: Aye. 4 CLERK: McKissick? 5 SEN. MCKISSICK: Aye. 6 CLERK: Randleman? 7 SEN. RANDLEMAN: Aye. 8 CLERK: Sanderson? 9 SEN. SANDERSON: Aye. 10 CLERK: Smith? 11 SEN. SMITH: Aye. 12 CLERK: Smith-Ingram? 13 SEN. SMITH-INGRAM: Aye. 14 CLERK: Wells? 15 SEN. WELLS: Aye. 16 SEN. RUCHO: All right. 17 REP. MICHAUX: Mr. Chairman? 18 SEN. RUCHO: One second. Let me call the 19 vote, please. We had aye, 31, no, 1. That 20 criteria for incumbency has been adopted. All 21 right. Question, Senator -- Representative 22 McKissick -- I mean, excuse me -- sorry. Mr. 23 Michaux, did you have a question? 24 REP. MICHAUX: No. 25 SEN. RUCHO: Okay. I thought I heard</p>	<p>1 amendments, so a couple of minutes to break. 2 (RECESS, 12:04 - 12:22 P.M.) 3 SEN. RUCHO: All right, members of the 4 committee, I think you have on each of your desks a 5 copy of an amendment submitted by Representative 6 Paul Stam, "Amendment to Political Data Criteria 7 #3." Representative Stam? 8 REP. STAM: Yes. It's just sort of 9 technical. I kept reading that thing, and the way 10 it read, you could read it that you couldn't 11 consider data from the 2008 election, since it said 12 "since 2008," so this makes clear that yes, you can 13 consider 2008 and things forward. 14 SEN. RUCHO: All right. You've explained 15 it. Is that a motion you're making? 16 REP. STAM: I move the amendment. 17 SEN. RUCHO: Representative Lewis? 18 REP. LEWIS: Mr. Chairman, if I could, to 19 the maker of the amendment, Representative Stam, 20 would the gentleman consider striking "#3" to make 21 clear that these are in no particular order? In 22 other words, it would say, "Amendment to Political 23 Data Criteria." 24 REP. STAM: Oh, sure. Well, it would 25 be -- yes, yes, I do. Whether it's spelled</p>
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<p>1 something from over there. 2 REP. LEWIS: Thank you, Mr. Chairman, 3 members. 4 SEN. RUCHO: Okay, let me see. All 5 right. We -- I mentioned earlier that -- 6 amendments being submitted. Are there any 7 amendments that are going to be submitted? All 8 right. Representative Blue? 9 SEN. BLUE: I have one that -- 10 SEN. RUCHO: Excuse me, Senator Blue. 11 I'm sorry. 12 SEN. BLUE: I have one. I had to change 13 it after the adoption of one of the other 14 amendments. I had given it to Erika earlier. 15 SEN. RUCHO: All right. It's being 16 worked on? 17 SEN. BLUE: Yeah. 18 SEN. RUCHO: Okay. I think Senator Hise 19 has an amendment. Okay. Senator Hise, do you have 20 an amendment? 21 SEN. HISE: I have a motion. 22 SEN. RUCHO: Motion. One second. They 23 need to have copies for distribution. (Pause.) 24 I'd like to have the committee stand at ease for a 25 few moments while we have some copies made of the</p>	<p>1 "criterion" or "criteria," I will. 2 SEN. RUCHO: All right. So therefore, 3 the amendment that you've having strikes out -- or 4 it just says "Amendment to Political Data," and 5 then you're striking out -- excuse me -- "Political 6 Data Criteria." You're striking out "#3"? 7 REP. STAM: We're striking out "#3." 8 SEN. RUCHO: Just "#3." Members of the 9 committee, is that clear? 10 REP. LEWIS: Mr. Chairman? 11 SEN. RUCHO: Who's calling me? Oh, 12 Representative Lewis? 13 REP. LEWIS: I would support the 14 gentleman's amendment. 15 SEN. RUCHO: All right. Representative 16 Stam has submitted an amendment before you, and 17 it's open for discussion. Members of the 18 committee? 19 (No response.) 20 SEN. RUCHO: Seeing none, would you have 21 a roll call, Mr. Clerk? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Lewis, aye. Jones? 25 REP. JONES: Aye.</p>

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<p>1 CLERK: Jones, aye. Brawley? 2 REP. BRAWLEY: Aye. 3 CLERK: Brawley, aye. Cotham? 4 REP. COTHAM: Aye. 5 CLERK: Cotham, aye. Davis? 6 REP. DAVIS: Aye. 7 CLERK: Davis, aye. Farmer-Butterfield? 8 REP. FARMER-BUTTERFIELD: Aye. 9 CLERK: Farmer-Butterfield, aye. Hager? 10 REP. HAGER: Aye. 11 CLERK: Hager, aye. Hanes? 12 REP. HANES: Aye. 13 CLERK: Hanes, aye. Hardister? 14 REP. HARDISTER: Aye. 15 CLERK: Hardister, aye. Hurley? 16 REP. HURLEY: Aye. 17 CLERK: Hurley, aye. Jackson? 18 REP. JACKSON: Aye. 19 CLERK: Jackson, aye. Johnson? 20 REP. JOHNSON: Aye. 21 CLERK: Johnson, aye. Jordan? 22 REP. JORDAN: Aye. 23 CLERK: Jordan, aye. McGrady? 24 REP. MCGRADY: Aye. 25 CLERK: McGrady, aye. Michaux?</p>	<p>1 CLERK: Jackson, aye. Lee? 2 SEN. LEE: Aye. 3 CLERK: Lee, aye. McKissick? 4 SEN. MCKISSICK: No. 5 CLERK: McKissick, no. Randleman? 6 SEN. RANDLEMAN: Aye. 7 CLERK: Randleman, aye. Sanderson? 8 SEN. SANDERSON: Aye. 9 CLERK: Sanderson, aye. Smith? 10 SEN. SMITH: No. 11 CLERK: Smith, no. Smith-Ingram? 12 SEN. SMITH-INGRAM: Nay. 13 CLERK: Smith-Ingram, no. Wells? 14 SEN. WELLS: Aye. 15 CLERK: Aye. 4. 16 SEN. RUCHO: That makes 30 yeses. Did 17 everybody vote? 18 CLERK: Yes. 30 to 4. 19 SEN. RUCHO: All right, members of the 20 committee, on the roll-call vote on Representative 21 Stam's amendment dealing with -- and it's titled 22 "Amendment to Political Data Criteria." It is 23 adopted 30 to 4. 24 Okay, we'll now just -- we'll go on to 25 the next. (Pause.) All right, members, you have</p>
103	105
<p>1 REP. MICHAUX: Aye. 2 CLERK: Michaux, aye. Moore? 3 REP. MOORE: Aye. 4 CLERK: Moore, aye. Stam? 5 REP. STAM: Aye. 6 CLERK: Stam, aye. Stevens? 7 REP. STEVENS: Aye. 8 CLERK: Stevens, aye. Rucho? 9 SEN. RUCHO: Aye. 10 CLERK: Rucho, aye. Apodaca? 11 SEN. APODACA: Aye. 12 CLERK: Apodaca, aye. Barefoot? 13 SEN. BAREFOOT: Aye. 14 CLERK: Barefoot, aye. Blue? 15 SEN. BLUE: No. 16 CLERK: Blue, no. Brown? 17 SEN. BROWN: Aye. 18 CLERK: Brown, aye. Clark? 19 SEN. CLARK: No. 20 CLERK: Clark, no. Harrington? 21 SEN. HARRINGTON: Aye. 22 CLERK: Harrington, aye. Hise? 23 SEN. HISE: Aye. 24 CLERK: Hise, aye. Jackson? 25 SEN. JACKSON: Aye.</p>	<p>1 an amendment coming out toward you, and it is 2 "Amendment, Compactness Criteria." It's -- all 3 right. 4 REP. LEWIS: Mr. Chairman? 5 SEN. RUCHO: Yes, sir, Representative 6 Lewis? Excuse me, Representative Lewis. I've 7 got -- we need to have Senator Blue explain his 8 amendment. Go ahead. 9 REP. LEWIS: I was wondering if Senator 10 Blue would agree to a -- to a technical fix to 11 strike the number sign and the 6. 12 SEN. BLUE: I would. 13 SEN. RUCHO: Okay. Members of the 14 committee, on Senator Blue's amendment, the title 15 will be, "Amendment, Compactness Criteria." You 16 will scratch "#6." That will not be in there. 17 All right, Senator Blue, everyone has a 18 copy of the amendment. Would you like to explain 19 your amendment? 20 SEN. BLUE: I would. Thank you, Mr. 21 Chairman. Mr. Chairman and ladies and gentlemen of 22 the committee and Senators and House members 23 present, what I tried to do in this amendment is 24 simply recognize that the county is the most 25 important governmental unit following the state,</p>

<p style="text-align: right;">106</p> <p>1 because they're extensions of the state, and to set 2 forth clearly that we are -- we're only going to 3 divide counties when you're equalizing population, 4 although that's a federal requirement, too, and 5 when you're complying with federal law. 6 It's something you've got to do. You 7 might as well admit that we have to comply with 8 federal law. Federal law is supreme, and so this 9 says that we will split counties only when you're 10 trying to get down to zero deviation in population, 11 which we're going to try to do, I take it, and only 12 when you're complying with a federal law regarding 13 redistricting. All of the other reasons that have 14 been given would not be justification for splitting 15 counties, and I move the adoption of the amendment. 16 SEN. RUCHO: Representative Lewis? 17 REP. LEWIS: Thank you, Mr. Chairman, and 18 thank you, Senator Blue, for that explanation. Let 19 me be clear, ladies and gentlemen. We of course 20 are going to comply with federal law. We would not 21 be here were we not attempting to comply with the 22 federal decision issued by the courts. I would 23 submit that this amendment is not necessary, and 24 should not be adopted because we of course are 25 going -- as Senator Blue said, of course we're</p>	<p style="text-align: right;">108</p> <p>1 were looking at. I can't really look at all that I 2 want to. 3 SEN. RUCHO: Okay. You all set? Members 4 of the committee -- oh, excuse me. Senator Hise? 5 SEN. HISE: Thank you, Mr. Chairman, and 6 this may be for -- just trying to get clarity on 7 what this amendment would actually do. One of the 8 outcomes of the last maps is that all of the major 9 urban areas in the state were represented by two 10 Congressmen that was coming in, and something we 11 saw at least that was coming in. Would this 12 amendment prohibit that type of decision for those 13 districts so that -- as that would be a political 14 impact that was coming in that we could not make 15 sure that urban areas were represented by two 16 Congressmen? 17 SEN. RUCHO: Okay. Representative -- 18 excuse me. Senator Blue, would you please answer 19 that question? 20 SEN. BLUE: I'll be happy to answer that. 21 Certainly not. As I said, the only two counties 22 that absolutely would be guaranteed to be 23 represented by two Congresspeople would be 24 Mecklenburg and Wake, since each of them has a 25 population in excess of the 700-plus thousand</p>
<p style="text-align: right;">107</p> <p>1 going to comply with the federal law. 2 As we've already had a pretty lengthy 3 discussion, that consideration, the word 4 "consideration" of incumbency and political impact 5 may be considered. It's not required to be 6 considered, and I've already stated for the record 7 that equalizing population is the most important 8 reason that a county would be divided. I would 9 respectfully ask the members to vote against this 10 amendment. 11 SEN. RUCHO: I've got Representative 12 Stam. 13 REP. STAM: I would oppose the amendment, 14 and point out what may be obvious. Senator Blue as 15 the Minority Leader is going to be perfectly 16 entitled to submit his own plan, and nothing in 17 what we've written would prohibit him from striking 18 those two criteria from his maps. He doesn't need 19 this amendment to do what he wants to do. 20 SEN. RUCHO: Yes, Senator Blue? 21 SEN. BLUE: Just a comment. My cape 22 disappeared, and I'm not Superman anymore, so I 23 can't do a map in a day that takes into account all 24 of the stuff that we have as criteria. I was 25 thinking we were narrowing the things that we</p>	<p style="text-align: right;">109</p> <p>1 that's necessary to draw a Congressional district. 2 If you started drawing a district toward an urban 3 area, then you could split that urban area when you 4 got to it so that it's in two separate districts. 5 This would in no way prohibit having two 6 Congresspeople from whichever other urban areas 7 other than Wake and Mecklenburg, where you'd be 8 guaranteed at least two, where you could bring them 9 into one of the urban counties, but you couldn't 10 split it but one time, so you get -- you could get 11 two from Guilford, two from Cumberland, two from 12 Forsyth, two from any of the counties, including 13 the smallest, if you paired it with a much bigger 14 population. 15 SEN. RUCHO: Representative Lewis, 16 comment? 17 REP. LEWIS: No, sir. I would say I'm 18 sure that the answer Senator Blue gave is correct 19 to Senator Hise's question. I just again would not 20 support the amendment as it's drafted for the 21 reasons that I've already stated. 22 SEN. RUCHO: All right. Members of the 23 committee, you have an amendment before you from 24 Senator Blue, and the amendment is entitled 25 "Amendment, Compactness Criteria." Any additional</p>

<p style="text-align: right;">110</p> <p>1 questions, comments?</p> <p>2 (No response.)</p> <p>3 SEN. RUCHO: Seeing none, the roll call,</p> <p>4 Mr. Clerk?</p> <p>5 CLERK: Lewis?</p> <p>6 REP. LEWIS: No.</p> <p>7 CLERK: Lewis, no. Jones?</p> <p>8 REP. JONES: No.</p> <p>9 CLERK: Jones, no. Brawley?</p> <p>10 REP. BRAWLEY: No.</p> <p>11 CLERK: Brawley, no. Cotham?</p> <p>12 REP. COTHAM: Yes.</p> <p>13 CLERK: Cotham, yes. Davis?</p> <p>14 REP. DAVIS: No.</p> <p>15 CLERK: Davis, no. Farmer-Butterfield?</p> <p>16 REP. FARMER-BUTTERFIELD: Yes.</p> <p>17 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>18 REP. HAGER: No.</p> <p>19 CLERK: Hager, no. Hanes?</p> <p>20 REP. HANES: Yes.</p> <p>21 CLERK: Hanes, yes. Hardister?</p> <p>22 REP. HARDISTER: No.</p> <p>23 CLERK: Hardister, no. Hurley?</p> <p>24 REP. HURLEY: No.</p> <p>25 CLERK: Hurley, no. Jackson?</p>	<p style="text-align: right;">112</p> <p>1 CLERK: Brown, no. Clark?</p> <p>2 SEN. CLARK: Aye.</p> <p>3 CLERK: Clark, aye. Harrington?</p> <p>4 SEN. HARRINGTON: No.</p> <p>5 CLERK: Harrington, no. Hise?</p> <p>6 SEN. HISE: No.</p> <p>7 CLERK: Hise, no. Jackson?</p> <p>8 SEN. JACKSON: No.</p> <p>9 CLERK: Jackson, no. Lee?</p> <p>10 SEN. LEE: No.</p> <p>11 CLERK: Lee, no. McKissick?</p> <p>12 SEN. MCKISSICK: Aye.</p> <p>13 CLERK: McKissick, aye. Randleman?</p> <p>14 SEN. RANDLEMAN: No.</p> <p>15 CLERK: Randleman, no. Sanderson?</p> <p>16 SEN. SANDERSON: No.</p> <p>17 CLERK: Sanderson, no. Smith?</p> <p>18 SEN. SMITH: Aye.</p> <p>19 CLERK: Smith, aye. Smith-Ingram?</p> <p>20 SEN. SMITH-INGRAM: Aye.</p> <p>21 CLERK: Smith-Ingram, aye. Wells?</p> <p>22 SEN. WELLS: No.</p> <p>23 CLERK: No.</p> <p>24 SEN. RUCHO: All right, members of the</p> <p>25 committee, the roll call vote was aye -- excuse</p>
<p style="text-align: right;">111</p> <p>1 REP. JACKSON: Yes.</p> <p>2 CLERK: Jackson, yes. Johnson?</p> <p>3 REP. JOHNSON: No.</p> <p>4 CLERK: Johnson, no. Jordan?</p> <p>5 REP. JORDAN: No.</p> <p>6 CLERK: Jordan, no. McGrady?</p> <p>7 REP. MCGRADY: No.</p> <p>8 CLERK: McGrady, no. Michaux?</p> <p>9 REP. MICHAUX: Aye.</p> <p>10 CLERK: Michaux, aye. Moore?</p> <p>11 REP. MOORE: Aye.</p> <p>12 CLERK: Moore, aye. Stam?</p> <p>13 REP. STAM: No.</p> <p>14 CLERK: Stam, no. Stevens?</p> <p>15 REP. STEVENS: No.</p> <p>16 CLERK: Stevens, no. Rucho?</p> <p>17 SEN. RUCHO: No.</p> <p>18 CLERK: Rucho, no. Apodaca?</p> <p>19 SEN. APODACA: No.</p> <p>20 CLERK: Apodaca, no. Barefoot?</p> <p>21 SEN. BAREFOOT: No.</p> <p>22 CLERK: Barefoot, no. Blue?</p> <p>23 SEN. BLUE: Aye.</p> <p>24 CLERK: Blue, aye. Brown?</p> <p>25 SEN. BROWN: No.</p>	<p style="text-align: right;">113</p> <p>1 me -- no, 23; aye, 11.</p> <p>2 All right, we have another one before us,</p> <p>3 and this one will be Senator Erica Smith-Ingram's</p> <p>4 amendment on criteria.</p> <p>5 REP. LEWIS: Mr. Chairman?</p> <p>6 SEN. RUCHO: Yes, Representative Lewis?</p> <p>7 REP. LEWIS: Would Senator Smith-Ingram</p> <p>8 agree to a small technical amendment to strike the</p> <p>9 number and "6"?</p> <p>10 SEN. SMITH-INGRAM: Yes.</p> <p>11 REP. LEWIS: Thank you, ma'am.</p> <p>12 SEN. RUCHO: Members of the committee,</p> <p>13 Senator Smith-Ingram has agreed to a technical</p> <p>14 amendment that will strike the title, and the title</p> <p>15 will read "Amendment to Compactness Criteria," and</p> <p>16 that'll be all it'll say there.</p> <p>17 Okay, I have Senator Smith-Ingram to</p> <p>18 present her amendment.</p> <p>19 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p> <p>20 In light of our previous discussions and our effort</p> <p>21 to promote harmony, you can have one-part harmony,</p> <p>22 two-part, three-part. In this case, this will add</p> <p>23 the four-part harmony, and I would ask staff if</p> <p>24 there is needed discussion about the actual</p> <p>25 language, it came from the federal case.</p>

<p style="text-align: right;">114</p> <p>1 REP. LEWIS: Mr. Chairman?</p> <p>2 SEN. RUCHO: Representative Lewis,</p> <p>3 comment?</p> <p>4 REP. LEWIS: Yes, sir. I appreciate the</p> <p>5 amendment and the sentiment expressed by the</p> <p>6 Senator. I would offer that it appears to me that</p> <p>7 the language that's attempting to be added is</p> <p>8 somewhat vague and nebulous, as I don't know that</p> <p>9 we have a defined -- or an actionable definition of</p> <p>10 what "community of interest" is, or "community of</p> <p>11 shared interest," so respectfully, I would ask the</p> <p>12 committee to defeat this amendment.</p> <p>13 SEN. RUCHO: Members of the committee,</p> <p>14 any questions or comments?</p> <p>15 (No response.)</p> <p>16 SEN. RUCHO: We have a motion before us</p> <p>17 dealing with "Amendment to Compact Criteria"</p> <p>18 submitted by Senator Erica Smith-Ingram. You have</p> <p>19 that before you. Seeing no comments or questions,</p> <p>20 Mr. Clerk, roll call, please?</p> <p>21 CLERK: Lewis?</p> <p>22 REP. LEWIS: No.</p> <p>23 CLERK: Lewis, no. Jones?</p> <p>24 REP. JONES: No.</p> <p>25 CLERK: Jones, no. Brawley?</p>	<p style="text-align: right;">116</p> <p>1 CLERK: Michaux, yes. Moore?</p> <p>2 REP. MOORE: Yea.</p> <p>3 CLERK: Moore, yea. Stam?</p> <p>4 REP. STAM: No.</p> <p>5 CLERK: Stam, no. Stevens?</p> <p>6 REP. STEVENS: Yes.</p> <p>7 CLERK: Stevens --</p> <p>8 REP. STEVENS: Sorry. No.</p> <p>9 CLERK: Stevens, no. Rucho?</p> <p>10 SEN. RUCHO: No.</p> <p>11 CLERK: Rucho, no. Apodaca?</p> <p>12 SEN. APODACA: No.</p> <p>13 CLERK: Apodaca, no. Barefoot?</p> <p>14 SEN. BAREFOOT: No.</p> <p>15 CLERK: Barefoot, no. Blue?</p> <p>16 SEN. BLUE: Yes.</p> <p>17 CLERK: Blue, yes. Brown?</p> <p>18 SEN. BROWN: No.</p> <p>19 CLERK: Brown, no. Clark?</p> <p>20 SEN. CLARK: Yes.</p> <p>21 CLERK: Clark, yes. Harrington?</p> <p>22 SEN. HARRINGTON: No.</p> <p>23 CLERK: Harrington, no. Hise?</p> <p>24 SEN. HISE: No.</p> <p>25 CLERK: Hise, no. Jackson?</p>
<p style="text-align: right;">115</p> <p>1 REP. BRAWLEY: No.</p> <p>2 CLERK: Brawley, no. Cotham?</p> <p>3 REP. COTHAM: Yes.</p> <p>4 CLERK: Cotham, yes. Davis?</p> <p>5 REP. DAVIS: No.</p> <p>6 CLERK: Davis, no. Farmer-Butterfield?</p> <p>7 REP. FARMER-BUTTERFIELD: Yes.</p> <p>8 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>9 REP. HAGER: No.</p> <p>10 CLERK: Hager, no. Hanes?</p> <p>11 REP. HANES: Yes.</p> <p>12 CLERK: Hanes, yes. Hardister?</p> <p>13 REP. HARDISTER: No.</p> <p>14 CLERK: Hardister, no. Hurley?</p> <p>15 REP. HURLEY: No.</p> <p>16 CLERK: Hurley, no. Jackson?</p> <p>17 REP. JACKSON: Yes.</p> <p>18 CLERK: Jackson, yes. Johnson?</p> <p>19 REP. JOHNSON: No.</p> <p>20 CLERK: Johnson, no. Jordan?</p> <p>21 REP. JORDAN: No.</p> <p>22 CLERK: Jordan, no. McGrady?</p> <p>23 REP. MCGRADY: No.</p> <p>24 CLERK: McGrady, no. Michaux?</p> <p>25 REP. MICHAUX: Yes.</p>	<p style="text-align: right;">117</p> <p>1 SEN. JACKSON: No.</p> <p>2 CLERK: Jackson, no. Lee?</p> <p>3 SEN. LEE: No.</p> <p>4 CLERK: Lee, no. McKissick?</p> <p>5 SEN. MCKISSICK: Yes.</p> <p>6 CLERK: McKissick, yes. Randleman?</p> <p>7 SEN. RANDLEMAN: No.</p> <p>8 CLERK: Randleman, no. Sanderson?</p> <p>9 SEN. SANDERSON: No.</p> <p>10 CLERK: Sanderson, no. Smith?</p> <p>11 SEN. SMITH: Aye.</p> <p>12 CLERK: Smith, aye. Smith-Ingram?</p> <p>13 SEN. SMITH-INGRAM: Aye.</p> <p>14 CLERK: Smith-Ingram, aye. Wells?</p> <p>15 SEN. WELLS: No.</p> <p>16 CLERK: Wells, no. 23-11.</p> <p>17 SEN. RUCHO: 23 no; 11 yes?</p> <p>18 CLERK: Yes.</p> <p>19 SEN. RUCHO: Members of the committee, on</p> <p>20 "Amendment to Compactness Criteria" from Senator</p> <p>21 Erica Smith-Ingram, the ayes, 11; the noes, 23.</p> <p>22 That amendment was not adopted.</p> <p>23 All right, we have another one, and I</p> <p>24 believe it's already at your desk, and this one is</p> <p>25 "Communities of Interest," submitted by Senator</p>

<p style="text-align: right;">118</p> <p>1 Floyd McKissick. Senator McKissick, would you like 2 to explain your amendment? 3 SEN. MCKISSICK: Sure, and it's very 4 straightforward. It's not seeking to amend any 5 other criteria. This would just be a criteria that 6 is aspirational, as many of the others. It does 7 follow case law in terms of what is stated, and 8 what this says is that the committee will make 9 reasonable efforts to respect political 10 subdivisions, cities, towns, what have you, as well 11 as communities as defined by actual interest. What 12 I would like to do is recognize Kara as well as 13 Erica, perhaps, to provide further clarification in 14 terms of existing case law. 15 I think we are -- we would be remiss if 16 we did not include this as one of the benchmarks 17 that we would seek to use in drawing the plans as 18 we move forward. I can't imagine why we would want 19 to ignore communities of shared interest or not 20 respect political subdivisions other than counties. 21 This is talking about other political subdivisions 22 or towns that might be within these Congressional 23 districts, which should also be respected to the 24 extent it's possible and feasible to do so, not 25 just counties.</p>	<p style="text-align: right;">120</p> <p>1 on the vagueness of these terms, to reject this 2 additional criteria. 3 SEN. MCKISSICK: Follow-up, Mr. Chair? 4 SEN. RUCHO: Senator McKissick? 5 SEN. MCKISSICK: Let me ask you this, 6 Representative Lewis: I see you have some problems 7 with that terminology that was used by the US 8 Supreme Court, which I think is pretty clear in 9 terms of a directive, but what is the objection to 10 respecting political subdivisions, because I would 11 think that we would all want to do so for the 12 cities and towns and communities -- 13 SEN. RUCHO: Representative Lewis? 14 SEN. MCKISSICK: -- represent, and they 15 are used collectively by the Supreme Court, but I 16 mean, if you have problems with that, I think 17 you've got still to follow it, or you end up in 18 litigation. I don't think any of us want to end up 19 in litigation any more than we already are in this 20 state. I don't know why -- what's the objection to 21 respecting political subdivisions? 22 REP. LEWIS: Well, sir, to be clear, as I 23 pointed out when we adopted the compactness 24 criteria, it's not our intent to split -- we're 25 going to do the best we can to keep as many</p>
<p style="text-align: right;">119</p> <p>1 Kara, Erika, if you could comment, 2 please? 3 SEN. RUCHO: Please identify yourself and 4 respond to Senator McKissick's request if you can. 5 MS. MCCRAW: I'm Kara McCraw, staff 6 attorney with the Legislative Analysis Division. 7 Senator McKissick is referring to the last part of 8 this amendment. The term -- the language "respect 9 political subdivisions and communities defined by 10 actual shared interests" is language that was used 11 by the Supreme Court in the Miller v. Johnson case 12 from 1995 as part of the list of traditional race- 13 neutral districting principles. 14 SEN. RUCHO: All right. Representative 15 Lewis? 16 REP. LEWIS: Thank you, Mr. Chairman, and 17 thank you, Senator, for offering this additional 18 criteria. As best I can understand it, to the 19 extent it's required by federal law, of course 20 we're going to be mindful of that, but as you and I 21 had an aside conversation earlier, I don't believe 22 we have defined in this state at least what a 23 community of interest is. I don't understand, 24 actually, what "actual shared interests" means, so 25 therefore, I would have to ask the committee, based</p>	<p style="text-align: right;">121</p> <p>1 counties and as many VTDs whole. I'll give you a 2 direct example of why I think this is vague. 3 We've already heard from the gentleman 4 from Wake, Senator Blue, as he I think correctly 5 stated that a county is the most important 6 political subdivision. I actually -- I actually 7 agree with that. Your city, Durham, has annexed 8 into Wake County, so when I say it's vague and 9 nebulous, how do you know which -- which interest 10 you're going to follow? I think we've done a good 11 job in this committee of saying we're going to keep 12 as many counties and as many VTDs whole as we can. 13 SEN. RUCHO: Okay, I've got 14 Representative Stam. 15 REP. STAM: Yes, I was about to make the 16 same point. Cary has annexed into Chatham, so 17 under this, it would give mapmakers an excuse to 18 break the Wake/Chatham line so they could keep Cary 19 together. Angier, if you can believe it, has 20 annexed into Wake County. I don't know how David 21 Lewis let them do that. With this amendment, 22 mapmakers could despoil Wake County just to get a 23 few more Republicans into the Harnett County 24 district. 25 REP. LEWIS: Mr. Chairman?</p>

<p style="text-align: right;">122</p> <p>1 SEN. RUCHO: Representative Lewis?</p> <p>2 REP. LEWIS: For the record, while I do</p> <p>3 not support Senator McKissick's amendment, I think</p> <p>4 anywhere Angier can be shared is a positive thing.</p> <p>5 (Laughter.)</p> <p>6 SEN. RUCHO: Senator McKissick?</p> <p>7 SEN. MCKISSICK: I would simply say that</p> <p>8 we ought to try to respect these political</p> <p>9 subdivisions. I don't think with the current mood</p> <p>10 of this General Assembly, we have to worry about</p> <p>11 too many more annexations occurring for a while,</p> <p>12 so, you know, respecting political subdivisions is</p> <p>13 a valid criteria regardless of what those political</p> <p>14 subdivisions might look like, so obviously I</p> <p>15 support it, but I can certainly put my finger in</p> <p>16 the air and see the way these winds are blowing.</p> <p>17 SEN. RUCHO: Members of the committee,</p> <p>18 any additional questions? Senator?</p> <p>19 SEN. SMITH-INGRAM: Yes. Representative</p> <p>20 Lewis, I'm a little bit confused about your</p> <p>21 objection to the use of this language inasmuch as</p> <p>22 it relates to not having a definitive definition.</p> <p>23 Is it possible for staff to be able to comment on</p> <p>24 what is the definition used in North Carolina of</p> <p>25 "communities of interest" as we have applied it in</p>	<p style="text-align: right;">124</p> <p>1 the citizens of Wake County? I don't think we've</p> <p>2 ever defined it. I certainly think that to the</p> <p>3 extent that it's not restricted from being used as</p> <p>4 the maps are prepared that, you know, I think</p> <p>5 that's something that the map drawers may wish to</p> <p>6 try and use, but I don't know that it -- I don't</p> <p>7 understand -- I don't understand it enough, and I</p> <p>8 do want to take this opportunity to respectfully</p> <p>9 let my friend from Durham know that, as I reminded</p> <p>10 him, I'm not an attorney, and in no way have I</p> <p>11 tried to disrespect or disregard any ruling from</p> <p>12 the US Supreme Court, nor from this federal trial</p> <p>13 court, but I'm not prepared to stand before this</p> <p>14 committee today and say that I understand what this</p> <p>15 is trying to do; therefore, I continue to oppose</p> <p>16 this new criteria.</p> <p>17 SEN. RUCHO: Members of the committee?</p> <p>18 (No response.)</p> <p>19 SEN. RUCHO: From the Chair,</p> <p>20 Representative Lewis, I recognize, and I think the</p> <p>21 committee recognizes the full effort to keep</p> <p>22 counties whole. I think the counties are</p> <p>23 relatively stable in their -- in their borders, but</p> <p>24 yet a municipality and a town and the like, with</p> <p>25 annexation, deannexation and the like, is more</p>
<p style="text-align: right;">123</p> <p>1 the past?</p> <p>2 SEN. RUCHO: The chair will allow that.</p> <p>3 Which staff member would like to define</p> <p>4 "communities of interest"?</p> <p>5 MS. MCCRAW: I'm Kara McCraw, staff</p> <p>6 attorney with the Legislative Analysis Division.</p> <p>7 North Carolina has not adopted a definition of</p> <p>8 "communities of interest."</p> <p>9 SEN. RUCHO: Follow-up?</p> <p>10 SEN. SMITH-INGRAM: Follow-up. As I</p> <p>11 recall, Representative Stevens just read from -- I</p> <p>12 believe she was citing case law, but it just seems</p> <p>13 that all the other elements that you have already</p> <p>14 in the criteria are there, with the exception of</p> <p>15 communities of interest, and so I'm just concerned</p> <p>16 about why you have adopted the other three, and why</p> <p>17 you feel comfortable with that, but not with the</p> <p>18 communities of interest.</p> <p>19 SEN. RUCHO: Representative Lewis?</p> <p>20 REP. LEWIS: Well, again, thank you for</p> <p>21 that inquiry, Senator. I would just say again that</p> <p>22 as we've never defined what a community of interest</p> <p>23 is -- and the example I tried to use with Senator</p> <p>24 McKissick, how do you define -- is the City of</p> <p>25 Durham a more important community of interest than</p>	<p style="text-align: right;">125</p> <p>1 variable. Do you think that that may be one of the</p> <p>2 reasons for what could be adding confusion?</p> <p>3 REP. LEWIS: I think that's fair. I</p> <p>4 think that's a good indication of why I say this is</p> <p>5 vague, and not really defined. We got a request</p> <p>6 from a member for the central staff to explain how</p> <p>7 communities of interest are defined in the state,</p> <p>8 and they're not, so since there's not a definition,</p> <p>9 they shouldn't be in the criteria.</p> <p>10 SEN. RUCHO: Members of the committee,</p> <p>11 we've had discussion on this issue. We have an</p> <p>12 amendment before us, submitted by Senator Floyd</p> <p>13 McKissick dealing with communities of interest.</p> <p>14 Any additional questions, comments?</p> <p>15 (No response.)</p> <p>16 SEN. RUCHO: Seeing none, Mr. Clerk, a</p> <p>17 roll call, please?</p> <p>18 CLERK: Lewis?</p> <p>19 REP. LEWIS: No.</p> <p>20 CLERK: Lewis, no. Jones?</p> <p>21 REP. JONES: No.</p> <p>22 CLERK: Jones, no. Brawley?</p> <p>23 REP. BRAWLEY: No.</p> <p>24 CLERK: Brawley, no. Cotham?</p> <p>25 REP. COTHAM: Yes.</p>

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<p>1 CLERK: Cotham, yes. Davis? 2 REP. DAVIS: No. 3 CLERK: Davis, no. Farmer-Butterfield? 4 REP. FARMER-BUTTERFIELD: Yes. 5 CLERK: Farmer-Butterfield, yes. Hager? 6 REP. HAGER: No. 7 CLERK: Hager, no. Hanes? 8 REP. HANES: Yes. 9 CLERK: Hanes, yes. Hardister? 10 REP. HARDISTER: No. 11 CLERK: Hardister, no. Hurley? 12 REP. HURLEY: No. 13 CLERK: Hurley, no. Jackson? 14 REP. JACKSON: Yes. 15 CLERK: Jackson, yes. Johnson? 16 REP. JOHNSON: No. 17 CLERK: Johnson, no. Jordan? 18 REP. JORDAN: No. 19 CLERK: Jordan, no. McGrady? 20 REP. MCGRADY: No. 21 CLERK: McGrady, no. Michaux? 22 REP. MICHAUX: Aye. 23 CLERK: Michaux, aye. Moore? 24 REP. MOORE: Aye. 25 CLERK: Moore, aye. Stam?</p>	<p>1 CLERK: McKissick, aye. Randleman? 2 SEN. RANDLEMAN: No. 3 CLERK: Randleman, no. Sanderson? 4 SEN. SANDERSON: No. 5 CLERK: Sanderson, no. Smith? 6 SEN. SMITH: Aye. 7 CLERK: Smith, aye. Smith-Ingram? 8 SEN. SMITH-INGRAM: Aye. 9 CLERK: Smith-Ingram, aye. Wells? 10 SEN. WELLS: No. 11 CLERK: Wells, no. 12 SEN. RUCHO: Members of the committee, 13 the result of the vote on Senator McKissick's 14 amendment dealing with communities of interest, 15 aye, 11; no, 22. The motion is not adopted. 16 Members of the committee, any additional 17 amendments? Any motions? 18 REP. LEWIS: Mr. Chairman -- 19 SEN. RUCHO: Senator Hise? Oh, excuse 20 me. 21 REP. LEWIS: Mr. Chairman? 22 SEN. RUCHO: Yes, sir? 23 REP. LEWIS: I just wanted to thank the 24 members for their indulgence this morning, and I'm 25 proud of the 2016 contingent Congressional plan</p>
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<p>1 REP. STAM: No. 2 CLERK: Stam, no. Stevens? Stevens? 3 (No response.) 4 CLERK: Rucho? 5 SEN. RUCHO: No. 6 CLERK: Rucho, no. Apodaca? 7 SEN. APODACA: No. 8 CLERK: Apodaca, no. Barefoot? 9 SEN. BAREFOOT: No. 10 CLERK: Barefoot, no. Blue? 11 SEN. BLUE: Aye. 12 CLERK: Blue, aye. Brown? 13 SEN. BROWN: No. 14 CLERK: Brown, no. Clark? 15 SEN. CLARK: Aye. 16 CLERK: Clark, aye. Harrington? 17 SEN. HARRINGTON: No. 18 CLERK: Harrington, no. Hise? 19 SEN. HISE: No. 20 CLERK: Hise, no. Jackson? 21 SEN. JACKSON: No. 22 CLERK: Jackson, no. Lee? 23 SEN. LEE: No. 24 CLERK: Lee, no. McKissick? 25 SEN. MCKISSICK: Aye.</p>	<p>1 proposed criteria that we have adopted. I did want 2 to say for the record that it's my intent that 3 these be used in the drawing of the 2016 contingent 4 Congressional plan in response to the lawsuit only. 5 This is not an attempt to establish any other long- 6 running criteria. 7 SEN. RUCHO: Okay. Senator Hise, you 8 have a motion? 9 SEN. HISE: Mr. Chairman, I have a 10 motion, a written motion. 11 SEN. RUCHO: Okay. Has that been sent 12 out to each member? 13 SEN. HISE: Sergeant-at-Arms -- 14 SEN. RUCHO: Are the Sergeant-At Arms 15 distributing it? Let's take about a two- or three- 16 minute break so everybody can read this motion. 17 (Pause.) 18 Has everyone had an opportunity to review 19 Senator Hise's motion? Representative Jackson? 20 REP. JACKSON: Thank you, Mr. Chairman. 21 One question would be the way this is worded -- 22 SEN. RUCHO: Well, let me do this: if 23 it's dealing with what's in there, I'm going to 24 give Senator Hise a chance to explain it. I was 25 giving everybody a chance to review it.</p>

<p style="text-align: right;">130</p> <p>1 All right, everybody has it. Senator 2 Hise, would you like to explain that motion, and 3 then we'll open it up for discussion? 4 SEN. HISE: Thank you, Mr. Chairman. 5 Basically what this does is it consolidates the 6 criteria we've already adopted and voted on into 7 one piece, and then directs the co-chairs to go 8 through the process of developing the maps on the 9 basis of those criteria, and provides the sum of 10 \$25,000 under the way we need to appropriate it, 11 with approval of the speaker, and those type of 12 things in the interim that are coming in, and then 13 allows the minority party to have access to the 14 same funds, and to draw maps under those criteria 15 or any other criteria that they would establish. 16 It also rescinds that provided that the Supreme 17 Court issues a stay. 18 SEN. RUCHO: Representative Lewis, 19 comment? 20 REP. LEWIS: Thank you, Mr. Chairman and 21 members. Just to be clear where I hope we're going 22 with this, as you know, we are still optimistic 23 that we'll receive a stay from the Supreme Court. 24 If we do not receive a stay, it would be the 25 chairs' intent to bring a map before this committee</p>	<p style="text-align: right;">132</p> <p>1 REP. JACKSON: My question, I guess, was 2 directed to you as chairman, or either Senator 3 Hise. I was just wondering if we could change the 4 first sentence of Paragraph 3. The way you've got 5 it written is that the co-chairs, Lewis and Rucho, 6 can pick their mapmakers, but our entire caucus 7 would have to do it, the members of this committee, 8 which means we'd have to stay together and vote and 9 do things like that, and I would just ask that you 10 consider substituting that, and as Minority Leader 11 of the Senate, let Senator Blue make that choice 12 for us, and our entire caucus not be involved and 13 have to make that decision. 14 SEN. RUCHO: Senator Hise, do you have a 15 thought or a comment, or would you like to ponder 16 that one a little bit? 17 SEN. HISE: I don't see what's written as 18 requiring that type of vote or operation from the 19 minority caucus. This coming in would allow them 20 to decide if they want to allow their leader to 21 make that decision all on his own. I think that's 22 within the way it's written here, so I don't 23 necessarily see that issue in the way it's written, 24 but however the minority -- the members of the 25 minority part of this committee choose to select</p>
<p style="text-align: right;">131</p> <p>1 for recommendation for introduction to a special 2 session that would be held later this week. 3 The chairs would encourage in the 4 issue -- in the -- for the goal of increased 5 transparency that should other people have maps 6 that they'd like this committee to consider, that 7 they get them prepared and submitted as well, but 8 to be clear, once the General Assembly convenes, 9 there would also be an opportunity for maps to be 10 presented to either the House or the Senate 11 redistricting committees when they meet. 12 However, the House rules, and I believe 13 the Senate rules -- I won't speak for the Senate 14 rules, but I know the House rules will require that 15 any amendments that are offered to the plans that 16 are submitted in fact be complete plans. In other 17 words, you would have to have all 13 districts 18 drawn to -- you would -- instead of trying to amend 19 whatever plan that this committee will release, you 20 would have to in essence prepare and release a plan 21 to compete with this plan. 22 SEN. RUCHO: All right. Members of the 23 committee? Senator Blue? Oh, excuse me. Let me 24 do this: Representative Jackson asked a question 25 earlier. Go ahead, please.</p>	<p style="text-align: right;">133</p> <p>1 who the mapmaker is their concern. 2 SEN. RUCHO: Okay. Senator Blue? 3 SEN. BLUE: Two questions, basically, 4 practical questions. I assume that the co-chairs 5 have consulted with somebody who's available to be 6 the consultant to draw a map. We haven't, but I 7 can assure you that anybody that you consult with 8 normally isn't going to do it, at least not for us, 9 on a contingent fee basis, and we don't know when 10 there may be an order one way or the other on this 11 stay if the plaintiffs have until midafternoon to 12 submit their papers. I don't know what the Chief 13 Justice is going to do or when he's going to do it, 14 but practically speaking, first, we haven't 15 consulted with anybody, but secondly, if you 16 consult with somebody, you've got to promise them 17 you're going to pay them, and this says that you 18 won't pay them even if they work two or three days 19 if a stay is granted. 20 SEN. RUCHO: All right. Representative 21 Lewis? 22 REP. LEWIS: Mr. Chairman and Senator 23 Blue, if we need to have the attorney review this, 24 we certainly can, and correct any offending 25 language. I just wanted to state for the record</p>

<p style="text-align: right;">134</p> <p>1 that it is the intent, after having consulted with 2 the Speaker and the President Pro Tem, that any 3 mapmaker engaged would be paid. 4 I think -- well, I don't think. What the 5 language is trying to say is that should a stay be 6 issued, the maps would never be released, not that 7 the person would not be paid for their time. We're 8 not trying to get somebody to draw maps on a 9 contingency fee. We're having maps drawn 10 contingent upon us not getting a stay. 11 I would be glad, if you are concerned 12 about the way the language is written, to take a 13 moment and have that defined, but I did want to 14 state for the record that the intent would be any 15 map drawer that you would engage or the minority 16 party would engage would be paid for their time. 17 SEN. RUCHO: Senator Blue? 18 SEN. BLUE: Andrew has some language 19 that'll fix it. 20 SEN. RUCHO: All right. Senator Hise? 21 SEN. HISE: I think they may be -- I just 22 wanted to say I think they may be working on some 23 clarification, but the intent as drafted is that 24 work done while it's authorized to be done would be 25 paid for, but once the stay came out or a ruling</p>	<p style="text-align: right;">136</p> <p>1 MS. CHURCHILL: If there is a member of 2 the General Assembly that would like a map drawn, 3 we will do so at their direction; however, we will 4 need instruction from that member how to assign all 5 the geography of the state. 6 SEN. RUCHO: Does that answer your 7 question? 8 SEN. BLUE: You need instructions as to 9 how to sign -- assign what? 10 SEN. RUCHO: No, how to assign. 11 MS. CHURCHILL: How to assign the 12 geography of the state. 13 SEN. RUCHO: How you want the -- they can 14 draw the map. Just give them the direction on how 15 you want the -- the districts to be drawn. 16 SEN. BLUE: Okay. 17 SEN. RUCHO: Follow-up? 18 SEN. BLUE: Yeah, one follow-up. I'm 19 trying to keep up with the many iterations of the 20 case -- cases involving redistricting, and I think 21 that in that sense, even those instructions now are 22 considered confidential; is that correct? 23 MS. CHURCHILL: At this point in time, 24 any member of the General Assembly that makes a 25 drafting or information request to any legislative</p>
<p style="text-align: right;">135</p> <p>1 came out that we would stop work at that point, and 2 wouldn't be paid for work done after that point 3 that was coming in, but while the authorization 4 exists, we would pay for those funds, thinking we'd 5 get the check cut within 24 hours. 6 SEN. RUCHO: We'll stand at ease a moment 7 while we're studying some language, if we may. 8 While that's being looked at, Senator Blue, did you 9 have a second point that you were making? 10 SEN. BLUE: I did, as a matter of fact. 11 Do you have some experts hanging around who can do 12 this mapmaking that we might could talk to? We 13 haven't engaged anybody. 14 SEN. RUCHO: I think we're probably going 15 to use the one that you're presently using now. 16 SEN. BLUE: Which one is that one? 17 SEN. RUCHO: Whichever one that is. 18 SEN. BLUE: Is there capability within 19 the staff to do it, Mr. Chair? 20 SEN. RUCHO: I'm sorry. Say that again? 21 SEN. BLUE: Is there capability within 22 the staff to do mapmaking? 23 SEN. RUCHO: Ms. Churchill? Okay. Is 24 there capability within the staff of being able to 25 draw maps as requested by the minority party?</p>	<p style="text-align: right;">137</p> <p>1 employee, that drafting and information request is 2 treated as confidential, subjective to legislative 3 confidentiality by that legislative employee. Upon 4 enactment of any Congressional plan, the plans 5 themselves and the drafting and information 6 requests related to that plan do become a public 7 record. 8 SEN. RUCHO: Okay. Still working, so 9 just -- oh, excuse me. Senator McKissick? We're 10 working on the language, so -- 11 SEN. MCKISSICK: Sure. I understand. 12 This is a question to Erika to get further 13 clarification. In terms of the stat packs of data 14 that would be available, would we have the same 15 type of data that was available in 2011 as a basis 16 for drawing -- drawing plans? I mean, I know 17 there was some discussion today about not 18 considering race as a factor and, you know, things 19 of that sort, but would we still have available 20 data packs that are -- provide the statistics and 21 data that we would have used in 2011 were we 22 drawing those districts, and if so, is any of that 23 data updated at this time as well? 24 MS. CHURCHILL: Mr. Chair, as I 25 understand it -- and Mr. Frye will need to correct</p>

<p style="text-align: right;">138</p> <p>1 me, because he maintains our databases, but there</p> <p>2 have been no changes to the 2011 database. It</p> <p>3 still has the 2010 Census data in it. It still has</p> <p>4 the voter registration data in it. It still has</p> <p>5 the election data in it. We still have the</p> <p>6 capability of running exactly the same reports off</p> <p>7 of that database.</p> <p>8 SEN. MCKISSICK: Last follow-up.</p> <p>9 SEN. RUCHO: Follow-up.</p> <p>10 SEN. MCKISSICK: Yeah. Erika, I mean --</p> <p>11 and I know this is not a fair question, perhaps,</p> <p>12 but to what extent can we get reasonably quick</p> <p>13 turnaround, considering the time frame that we're</p> <p>14 in? I think our challenge is obviously we relied</p> <p>15 upon consultants and experts before, Mr. David</p> <p>16 Harris and Mr. Bill Gilkeson, but they are both</p> <p>17 attorneys engaged in private practice, handling</p> <p>18 clients, and to think that we can displace them</p> <p>19 this quickly to get them reengaged on less than 24</p> <p>20 hours notice is not a -- perhaps a reasonable</p> <p>21 expectation.</p> <p>22 I'm trying to see if we want to get these</p> <p>23 maps drawn, I think Senator Blue is on the right</p> <p>24 track. We're going to need to rely upon in-house</p> <p>25 resources, perhaps supplemented by consultants, but</p>	<p style="text-align: right;">140</p> <p>1 SEN. RUCHO: I think what you're -- what</p> <p>2 you reflect is what our concern is, that we have a</p> <p>3 short -- short window, and we're all faced with</p> <p>4 that same tight timeline, so -- but I'm sure staff,</p> <p>5 as Ms. Churchill said, will do its best to help you</p> <p>6 achieve your goal. Representative -- or Chairman</p> <p>7 Lewis?</p> <p>8 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>9 Senator McKissick, just to be clear, sir, the</p> <p>10 criteria that will be available to the mapmaker</p> <p>11 that Senator Rucho and I employ will only be the</p> <p>12 criteria that this -- that this committee has</p> <p>13 adopted. The stat packs, as you well recall,</p> <p>14 contain additional information. That information</p> <p>15 obviously will be available at the end of the map</p> <p>16 drawing process. Just to be clear, the map drawer</p> <p>17 that Senator Rucho and I will contract with will</p> <p>18 have only access to the criteria that this</p> <p>19 committee has adopted.</p> <p>20 SEN. MCKISSICK: Follow-up.</p> <p>21 SEN. RUCHO: Yes, sir. Follow-up.</p> <p>22 SEN. MCKISSICK: Some of the critical</p> <p>23 language in here under Bullet 3, if we go down</p> <p>24 about five lines, it talks about using the adopted</p> <p>25 criteria or any other criteria selected by the</p>
<p style="text-align: right;">139</p> <p>1 are we going to be able to get quick turnaround?</p> <p>2 MS. CHURCHILL: Mr. Chair, if I might, we</p> <p>3 will do our best. We do have a limited number of</p> <p>4 people who have the capa- -- the knowledge to</p> <p>5 actually use the mapping software, but amongst</p> <p>6 ourselves, once we know what the requests are, we</p> <p>7 will try to efficiently meet all of the needs.</p> <p>8 SEN. MCKISSICK: Thank you.</p> <p>9 SEN. RUCHO: All right. Senator</p> <p>10 McKissick, any specifics? I mean, you were talking</p> <p>11 about the stat packs and all that. Do you have any</p> <p>12 specific criteria that you want included in the</p> <p>13 stat pack?</p> <p>14 SEN. MCKISSICK: I mean, as long as we</p> <p>15 have the same type of stat pack that we had</p> <p>16 previously, the demographic data and the political</p> <p>17 data that's available, I think we'll probably be</p> <p>18 okay. I cannot think of any additional data that</p> <p>19 we would need. As long as that's readily</p> <p>20 accessible and we can get pretty quick</p> <p>21 turnaround -- I am deeply concerned that since we</p> <p>22 did not learn about the availability of the funds</p> <p>23 for consultants before today that trying to engage</p> <p>24 people who are deeply familiar with be challenging</p> <p>25 at this late point in time.</p>	<p style="text-align: right;">141</p> <p>1 minority caucus, so if we want to use other</p> <p>2 criteria that might be consistent with the ruling</p> <p>3 in Harris versus McCrory -- and we would contend</p> <p>4 that race can be used; it just cannot be the</p> <p>5 predominant factor. I just want to know that that</p> <p>6 data will be available if we need to use and rely</p> <p>7 upon it in drafting constitutionally correct</p> <p>8 districts, because that was not included in your</p> <p>9 criteria, but this language in this particular</p> <p>10 motion does give us as the minority caucus the</p> <p>11 right to use other criteria.</p> <p>12 SEN. RUCHO: Hold on. I'll try to get</p> <p>13 you an answer. (Pause.) Our understanding -- the</p> <p>14 Chairs' understanding is that, you know, in drawing</p> <p>15 maps, you can request any data you feel that needs</p> <p>16 to be there to help you achieve what you believe is</p> <p>17 a -- a map trying to resolve the issue dealing with</p> <p>18 the court decision.</p> <p>19 SEN. MCKISSICK: Thank you.</p> <p>20 SEN. RUCHO: Okay. Senator Blue?</p> <p>21 SEN. BLUE: Yes. So that I can follow</p> <p>22 that point up, it's my understanding, and correct</p> <p>23 me, that the -- that the database will have</p> <p>24 information about the 2012, 2014 elections in</p> <p>25 addition to the data that was available at the time</p>

<p style="text-align: right;">142</p> <p>1 the original maps were drawn. That is, they will</p> <p>2 be current in the information that they have. Is</p> <p>3 that right?</p> <p>4 SEN. RUCHO: Let's ask Mr. Frye if he'll</p> <p>5 be kind enough to explain what is in the database,</p> <p>6 and of course, it's based on the 2010 Census, but</p> <p>7 election results you're asking about.</p> <p>8 MR. FRYE: Yes. So -- so what I've got</p> <p>9 worked up for this round is there's -- you know, of</p> <p>10 course, you know, like we were talking about, all</p> <p>11 of the old data is totally in place if it makes</p> <p>12 sense to use that for whoever wants it, and for the</p> <p>13 2016 database, I've got total population, voting</p> <p>14 age population, because that's the only thing</p> <p>15 that's not -- just election data, right, and that</p> <p>16 is just election data. There's the 2008 general</p> <p>17 election, basically all the Council of State</p> <p>18 contests. There's the 2010 general election, US</p> <p>19 Senate, the 2012 general election, you know,</p> <p>20 basically governor and Council of State contests,</p> <p>21 and -- and then the 2014 US Senate.</p> <p>22 SEN. RUCHO: Does that help you?</p> <p>23 SEN. BLUE: You said 2014 US Senate.</p> <p>24 2014 Congressional data, elections data?</p> <p>25 SEN. RUCHO: Mr. Frye?</p>	<p style="text-align: right;">144</p> <p>1 SEN. BLUE: I'm just trying to make sure</p> <p>2 that whatever data is used by one is used and</p> <p>3 available by all.</p> <p>4 SEN. RUCHO: Well, my --</p> <p>5 SEN. BLUE: If we're basing it on the</p> <p>6 legislative computers and the legislative database.</p> <p>7 SEN. RUCHO: If I'm understanding it</p> <p>8 correctly, any data that you need to have is going</p> <p>9 to be available as long as you give some -- some</p> <p>10 request for it. Am I correct?</p> <p>11 MR. FRYE: Well, certainly --</p> <p>12 SEN. BLUE: Aspirational.</p> <p>13 MR. FRYE: Yeah. I'm concerned about</p> <p>14 timeline, you know, about preparing things, and</p> <p>15 certain things are prepared and ready to go, and</p> <p>16 yeah, those things can be --</p> <p>17 SEN. RUCHO: Ms. Churchill?</p> <p>18 MS. CHURCHILL: (Inaudible.)</p> <p>19 SEN. RUCHO: Talking about the data -- I</p> <p>20 think that was Mr. Frye's question. Okay, that's</p> <p>21 where we are. All right, still on -- did we get</p> <p>22 the language?</p> <p>23 REP. STAM: Yeah, on a big-picture issue</p> <p>24 here, while they're working out the language, I was</p> <p>25 minority leader during the Pender County</p>
<p style="text-align: right;">143</p> <p>1 MR. FRYE: Well, for the -- no, for the</p> <p>2 2014 database, it has just the US Senate.</p> <p>3 SEN. BLUE: I can't hear him.</p> <p>4 SEN. RUCHO: Could you repeat that again?</p> <p>5 We missed you with that.</p> <p>6 MR. FRYE: For the 2014 general election,</p> <p>7 I've just got US Senate. There are other --</p> <p>8 because there's sort -- there's a difference</p> <p>9 between like what data is -- has been generally</p> <p>10 processed and what data is sort of ready to go in</p> <p>11 our redistricting database. There's kind of a fair</p> <p>12 gap between those two things, so we do have some</p> <p>13 other information relating to other contests from</p> <p>14 2014, but --</p> <p>15 SEN. BLUE: So the database will not have</p> <p>16 the location of current incumbents or anything like</p> <p>17 that?</p> <p>18 SEN. RUCHO: Mr. Frye?</p> <p>19 MR. FRYE: What we have is locations of</p> <p>20 current incumbents that -- a lot of them were</p> <p>21 updated as of the 2011 cycle, so we may want to</p> <p>22 double-check. There are a few of them I was</p> <p>23 looking at that we may want to double-check on</p> <p>24 their addresses and see if they've moved.</p> <p>25 SEN. RUCHO: Senator Blue?</p>	<p style="text-align: right;">145</p> <p>1 redistricting. Speaker Hackney was the speaker.</p> <p>2 If I had been offered a deal like this, I would go</p> <p>3 give Representative Lewis and Senator Rucho a big</p> <p>4 bear hug and "Thank you."</p> <p>5 SEN. RUCHO: Don't hug us.</p> <p>6 SEN. BLUE: Certainly no kiss associated</p> <p>7 with it.</p> <p>8 (Laughter.)</p> <p>9 SEN. RUCHO: Representative -- or Senator</p> <p>10 Blue?</p> <p>11 SEN. BLUE: Yeah. I have a question of</p> <p>12 the Chair, but I guess you've got a motion pending,</p> <p>13 so I'll wait --</p> <p>14 SEN. RUCHO: We've got a motion.</p> <p>15 SEN. BLUE: -- until after the motion.</p> <p>16 SEN. RUCHO: Yeah, we've got a motion</p> <p>17 first. Senator Hise?</p> <p>18 SEN. HISE: Question, probably directed</p> <p>19 for staff. If -- and under this motion where it</p> <p>20 currently is, if the minority caucus is going to</p> <p>21 load additional information, including things like</p> <p>22 race and others, onto the stat pack for the</p> <p>23 operations, do we have a sufficient wall of</p> <p>24 separation, say separate computers, separate</p> <p>25 databases, separate operating, that the co-chairs</p>

<p style="text-align: right;">146</p> <p>1 do not have access to that information, or the</p> <p>2 other committees cannot have access to that</p> <p>3 information, because it's inconsistent with the</p> <p>4 criteria that's established, so can we make sure</p> <p>5 that once those are loaded, they are not available</p> <p>6 if they are not part of the criteria for the co-</p> <p>7 chairs' drawing?</p> <p>8 SEN. RUCHO: Mr. Frye?</p> <p>9 MR. FRYE: Yes. I believe for -- if the</p> <p>10 co-chairs are working on a plan, they can work on</p> <p>11 it and follow the criteria separately, and for any</p> <p>12 reports they produce, would just use that</p> <p>13 information.</p> <p>14 SEN. RUCHO: To follow up on what his</p> <p>15 question is, is there a clear wall that we have to</p> <p>16 actually request that information before it's</p> <p>17 eligible -- eligible for us to use? Am I correct?</p> <p>18 I mean, you're talking a firewall?</p> <p>19 SEN. HISE: Yeah, making sure that no</p> <p>20 one -- once it's loaded in, anyone could draw --</p> <p>21 could pull it up. I want to make sure that you</p> <p>22 don't have access to that information.</p> <p>23 MR. FRYE: Right. No, there is a</p> <p>24 firewall.</p> <p>25 SEN. RUCHO: Okay.</p>	<p style="text-align: right;">148</p> <p>1 SEN. MICHAUX: Okay.</p> <p>2 SEN. RUCHO: Okay. Are we close with the</p> <p>3 language?</p> <p>4 REP. LEWIS: Mr. Chairman?</p> <p>5 SEN. RUCHO: Yes, sir, Representative?</p> <p>6 REP. LEWIS: Could we deal with another</p> <p>7 matter while this is being perfected?</p> <p>8 SEN. RUCHO: Yes, sir. Let's just</p> <p>9 displace this amendment if we can, Senator Hise,</p> <p>10 while we're working on the language, and</p> <p>11 Representative Lewis has another issue he'd like to</p> <p>12 bring before -- before us.</p> <p>13 REP. LEWIS: Mr. Chairman, what I'd like</p> <p>14 to do is offer a motion that the committee directs</p> <p>15 the ISD to establish a computer and to populate the</p> <p>16 database of that computer with only the information</p> <p>17 that is consistent with the criteria adopted by the</p> <p>18 committee today, and to ensure that the firewalls</p> <p>19 that Mr. Frye spoke of are in place during the</p> <p>20 entire time that the map for this committee is</p> <p>21 drawn.</p> <p>22 SEN. RUCHO: We have a motion before us.</p> <p>23 Do we have a second on that, David?</p> <p>24 SEN. APODACA: Second.</p> <p>25 SEN. RUCHO: Second, Senator Apodaca.</p>
<p style="text-align: right;">147</p> <p>1 MR. FRYE: It is not a central server</p> <p>2 that would be --</p> <p>3 SEN. RUCHO: Are you okay, Senator Hise?</p> <p>4 Ms. Churchill, you okay?</p> <p>5 REP. LEWIS: Mr. Chairman?</p> <p>6 SEN. RUCHO: Where am I?</p> <p>7 REP. LEWIS: Mr. Chairman?</p> <p>8 SEN. RUCHO: Oh, excuse me.</p> <p>9 REP. LEWIS: I think perhaps we can --</p> <p>10 can summarize this by saying that all people will</p> <p>11 have access to all of the data. This committee has</p> <p>12 directed the chairs not to use some of it, so the</p> <p>13 computer on which this committee's map is drawn</p> <p>14 will only contain the criteria that was adopted by</p> <p>15 the committee, so to kind of get the gist of what</p> <p>16 Senator Blue was trying to ask, he can have access</p> <p>17 to more stuff than we can, not less.</p> <p>18 SEN. RUCHO: Okay. Representative --</p> <p>19 REP. MICHAUX: Yeah, I just wanted to be</p> <p>20 clear on this. It says that you-all must do your</p> <p>21 maps according to the criteria that this body has</p> <p>22 passed. It also says that our group can use any --</p> <p>23 this criteria or any other criteria we deem</p> <p>24 necessary. Is that correct?</p> <p>25 SEN. RUCHO: That's correct.</p>	<p style="text-align: right;">149</p> <p>1 Second. Representative Michaux?</p> <p>2 REP. MICHAUX: I was trying to get the</p> <p>3 gist of what he -- what his motion is.</p> <p>4 REP. LEWIS: May I speak on my motion?</p> <p>5 SEN. RUCHO: Yes, sir.</p> <p>6 REP. LEWIS: Members, the motion would</p> <p>7 direct ISD to establish a computer with the</p> <p>8 Maptitude software that has only the criteria as</p> <p>9 defined and authorized by this committee to use,</p> <p>10 and it is on that computer that the chairs would</p> <p>11 work, along with any consultant they would hire, to</p> <p>12 produce a map to return back to this committee for</p> <p>13 review.</p> <p>14 What it's doing in essence is limiting</p> <p>15 the chairs to only the criteria that this committee</p> <p>16 has adopted, while making sure that it does not</p> <p>17 limit the minority party to have access to whatever</p> <p>18 they deem important to be able to fully participate</p> <p>19 in this process.</p> <p>20 SEN. RUCHO: Follow-up?</p> <p>21 SEN. MICHAUX: Follow-up. What about the</p> <p>22 firewall separating the two on that?</p> <p>23 REP. LEWIS: Thank you for that -- that</p> <p>24 question, Representative Michaux. I was trying to</p> <p>25 use the same language that Mr. Frye. What I'm --</p>

<p style="text-align: right;">150</p> <p>1 to be absolutely clear, the only data the map 2 drawers on behalf of this committee can have is the 3 data that the criteria adopted by this committee 4 allows. There -- the firewall means that you won't 5 be able -- the map drawer won't have access to flip 6 a switch and say, "Well, I really do want to see 7 what the 2008 presidential race was." That will 8 not be loaded on the computer that he has access 9 to. 10 SEN. RUCHO: Okay. Senator McKissick? 11 SEN. MCKISSICK: Representative Lewis, 12 just to get some clarification here, if we as the 13 minority caucus want to look at the 2008 race, or 14 we want to look at other variables other than those 15 that were approved today, in the past, we had our 16 own computer available that also had Maptitude, or 17 whatever the appropriate program was at that time, 18 which we could utilize for crafting maps that 19 were -- met our criteria, so I'm just wanting to 20 determine if we will have a separate computer 21 available to us that we can use that will give us 22 the additional data that we might seek to use in 23 preparing maps. 24 REP. LEWIS: Senator -- 25 SEN. RUCHO: Representative Lewis?</p>	<p style="text-align: right;">152</p> <p>1 SEN. RUCHO: We'll get a copy of that. 2 All right. We have a motion before us from 3 Representative Lewis. It's been explained; it's 4 been debated. Any additional thoughts or questions 5 on that before we move to adopt his motion? 6 (No response.) 7 SEN. RUCHO: Seeing none, Mr. Clerk, if 8 you'd be kind enough to call roll? 9 CLERK: Lewis? 10 REP. LEWIS: Aye. 11 CLERK: Lewis, aye. Jones? 12 REP. JONES: Aye. 13 CLERK: Jones, aye. Brawley? 14 REP. BRAWLEY: Aye. 15 CLERK: Brawley, aye. Cotham? 16 REP. COTHAM: No. 17 CLERK: Cotham, no. Davis? 18 REP. DAVIS: Aye. 19 CLERK: Davis, aye. Farmer-Butterfield? 20 (No response.) 21 CLERK: Hager? 22 REP. HAGER: Aye. 23 CLERK: Hager, aye. Hanes? 24 REP. HANES: No. 25 CLERK: No? Hanes, no. Hardister?</p>
<p style="text-align: right;">151</p> <p>1 REP. LEWIS: Thank you, Mr. Chairman. 2 Senator McKissick and Mr. Chairman, if my motion is 3 adopted, I will offer the identical motion for the 4 minority party, except that they are able to 5 populate the data with whatever they want to 6 populate it with. 7 SEN. MCKISSICK: With that being said, I 8 could support this, but I want to make sure that 9 the minority party does have their own computer 10 populated with their own data, separate and apart 11 from the fields or subcategories which have been 12 identified as appropriate criteria today. 13 REP. LEWIS: Yes, sir, we're on the exact 14 same page on that point. 15 SEN. MCKISSICK: Thank you. 16 SEN. RUCHO: Okay. You -- any additional 17 questions on -- 18 REP. MICHAUX: Yeah. Can we get that in 19 writing? 20 (Laughter.) 21 REP. LEWIS: Mr. Chairman? 22 SEN. RUCHO: Yes, sir? 23 REP. LEWIS: We do have a court reporter, 24 so perhaps we could forward that to Representative 25 Michaux, and he could read it.</p>	<p style="text-align: right;">153</p> <p>1 REP. HARDISTER: Aye. 2 CLERK: Hardister, aye. Hurley? 3 REP. HURLEY: Aye. 4 CLERK: Hurley, aye. Jackson? 5 REP. JACKSON: No. 6 CLERK: Jackson, no. Johnson? 7 REP. JOHNSON: Aye. 8 CLERK: Johnson, aye. Jordan? 9 REP. JORDAN: Aye. 10 CLERK: Jordan, aye. McGrady? 11 REP. MCGRADY: Aye. 12 CLERK: McGrady, aye. Michaux? 13 REP. MICHAUX: No. 14 CLERK: Michaux, no. Moore? 15 REP. MOORE: Nay. 16 CLERK: Moore, nay. Stam? 17 REP. STAM: Aye. 18 CLERK: Stam, aye. Stevens? 19 (No response.) 20 CLERK: Rucho? 21 SEN. RUCHO: Aye. 22 CLERK: Rucho, aye. Apodaca? 23 SEN. APODACA: Aye. 24 CLERK: Apodaca, aye. Barefoot? 25 SEN. BAREFOOT: Aye.</p>

<p style="text-align: right;">154</p> <p>1 CLERK: Barefoot, aye. Blue?</p> <p>2 SEN. BLUE: No.</p> <p>3 CLERK: Blue, no. Brown?</p> <p>4 SEN. BROWN: Aye.</p> <p>5 CLERK: Brown, aye. Clark?</p> <p>6 SEN. CLARK: No.</p> <p>7 CLERK: Clark, no. Harrington?</p> <p>8 SEN. HARRINGTON: Aye.</p> <p>9 CLERK: Harrington, aye. Hise?</p> <p>10 SEN. HISE: Aye.</p> <p>11 CLERK: Hise, aye. Jackson?</p> <p>12 SEN. JACKSON: Aye.</p> <p>13 CLERK: Jackson, aye. Lee?</p> <p>14 SEN. LEE: Aye.</p> <p>15 CLERK: Lee, aye. McKissick?</p> <p>16 SEN. MCKISSICK: No.</p> <p>17 CLERK: McKissick, no. Randleman?</p> <p>18 SEN. RANDLEMAN: Aye.</p> <p>19 CLERK: Randleman, aye. Sanderson?</p> <p>20 SEN. SANDERSON: Aye.</p> <p>21 CLERK: Sanderson, aye. Smith?</p> <p>22 SEN. SMITH: No.</p> <p>23 CLERK: Smith, no. Smith-Ingram?</p> <p>24 SEN. SMITH-INGRAM: Nay.</p> <p>25 CLERK: Smith-Ingram, nay. Wells?</p>	<p style="text-align: right;">156</p> <p>1 Representative Lewis, seconded by Senator</p> <p>2 McKissick, was that -- for the minority party to</p> <p>3 have access to the computer and have all the</p> <p>4 information they deem necessary for them to</p> <p>5 participate in trying to see what was requested as</p> <p>6 a remedy for the three-judge panel's decision. Any</p> <p>7 questions or comments?</p> <p>8 REP. MICHAUX: Yeah. I want to know what</p> <p>9 the last part of that motion was that he made. It</p> <p>10 was sort of sub rosa.</p> <p>11 SEN. RUCHO: Is that a question to</p> <p>12 Representative Lewis?</p> <p>13 REP. MICHAUX: Representative Lewis.</p> <p>14 REP. LEWIS: Representative Michaux, what</p> <p>15 I said was that the minority members -- the members</p> <p>16 of the minority party on this committee may caucus</p> <p>17 and elect a member or members to direct the drawing</p> <p>18 of these maps on their behalf, and if they're</p> <p>19 unable to do so, that the responsibility would be</p> <p>20 vested in Senator Blue.</p> <p>21 SEN. RUCHO: Do you have a follow-up</p> <p>22 question?</p> <p>23 REP. MICHAUX: We -- what I -- you are</p> <p>24 vesting -- you're telling us what to do? Is that</p> <p>25 what I'm hearing?</p>
<p style="text-align: right;">155</p> <p>1 SEN. WELLS: Aye.</p> <p>2 CLERK: Wells, aye.</p> <p>3 SEN. RUCHO: All right, members of the</p> <p>4 committee, a motion by Representative Lewis</p> <p>5 requiring and asking that the computer that will be</p> <p>6 used by the majority party will only contain the</p> <p>7 criteria that's been established and voted upon</p> <p>8 today, and that vote was aye, 21, no, 11, so that</p> <p>9 passed.</p> <p>10 REP. LEWIS: Mr. Chairman?</p> <p>11 SEN. RUCHO: Representative Lewis?</p> <p>12 REP. LEWIS: For motion.</p> <p>13 SEN. RUCHO: Motion.</p> <p>14 REP. LEWIS: Mr. Chairman, I move that</p> <p>15 the minority party be given access to a computer</p> <p>16 and whatever information they deem necessary to</p> <p>17 populate that computer in order to fully</p> <p>18 participate in this pro- -- in this process.</p> <p>19 Further, I move that the minority party members of</p> <p>20 this committee may caucus and designate that</p> <p>21 responsibility to one or more members, and if they</p> <p>22 are not able to do that, that the responsibility</p> <p>23 would fall to Senator Blue.</p> <p>24 SEN. MCKISSICK: I'll second that.</p> <p>25 SEN. RUCHO: All right. The motion by</p>	<p style="text-align: right;">157</p> <p>1 REP. LEWIS: To repeat for the third</p> <p>2 time, Representative Michaux, the minority party</p> <p>3 members of this committee would caucus and</p> <p>4 designate members or members to act on their</p> <p>5 behalf, and if they are unable to do so, that that</p> <p>6 responsibility would fall to Senator Blue.</p> <p>7 REP. MICHAUX: Mr. Chairman?</p> <p>8 SEN. RUCHO: Yes, sir?</p> <p>9 REP. MICHAUX: Why don't you --</p> <p>10 SEN. RUCHO: Follow-up?</p> <p>11 REP. MICHAUX: Yes. Why don't you let us</p> <p>12 make that decision as to who it should fall -- fall</p> <p>13 to?</p> <p>14 REP. LEWIS: Mr. Chairman?</p> <p>15 SEN. RUCHO: Yes, sir?</p> <p>16 REP. LEWIS: Could we have maybe staff</p> <p>17 clarify what it means that the minority party can</p> <p>18 caucus and designate members or members, if that's</p> <p>19 not allowing them to make a decision? Could</p> <p>20 somebody explain exactly what language I'm not</p> <p>21 communicating?</p> <p>22 SEN. RUCHO: Okay. Senator Apodaca, you</p> <p>23 had a comment?</p> <p>24 SEN. APODACA: Mr. Chairman, inquiry of</p> <p>25 the Chair.</p>

<p style="text-align: right;">158</p> <p>1 SEN. RUCHO: Yes, sir?</p> <p>2 SEN. APODACA: I'm somewhat confused. I</p> <p>3 thought Representative Jackson asked this question</p> <p>4 about how they could nominate somebody. I thought</p> <p>5 this is what we were trying to fix.</p> <p>6 SEN. RUCHO: All right. Then you're the</p> <p>7 one that's going to explain to -- to Senator --</p> <p>8 Representative Michaux. Okay? All right. A</p> <p>9 motion is before us. It's been seconded. Any</p> <p>10 additional questions or comments on Representative</p> <p>11 Lewis' motion?</p> <p>12 (No response.)</p> <p>13 SEN. RUCHO: Seeing none --</p> <p>14 CLERK: Lewis?</p> <p>15 SEN. RUCHO: -- Mr. Clerk, roll call,</p> <p>16 please?</p> <p>17 CLERK: Lewis?</p> <p>18 REP. LEWIS: Aye.</p> <p>19 CLERK: Lewis, aye. Jones?</p> <p>20 REP. JONES: Aye.</p> <p>21 CLERK: Jones, aye. Brawley?</p> <p>22 REP. BRAWLEY: Aye.</p> <p>23 CLERK: Brawley, aye. Cotham?</p> <p>24 REP. COTHAM: Aye.</p> <p>25 CLERK: Cotham, aye. Davis?</p>	<p style="text-align: right;">160</p> <p>1 CLERK: Moore, aye. Stam?</p> <p>2 REP. STAM: Aye.</p> <p>3 CLERK: Stam, aye. Stevens?</p> <p>4 (No response.)</p> <p>5 CLERK: Rucho?</p> <p>6 SEN. RUCHO: Aye.</p> <p>7 CLERK: Rucho, aye. Apodaca?</p> <p>8 SEN. APODACA: Aye.</p> <p>9 CLERK: Apodaca, aye. Barefoot?</p> <p>10 SEN. BAREFOOT: Aye.</p> <p>11 CLERK: Barefoot, aye. Blue?</p> <p>12 SEN. BLUE: Aye.</p> <p>13 CLERK: Blue, aye. Brown?</p> <p>14 SEN. BROWN: Aye.</p> <p>15 CLERK: Brown, aye. Clark?</p> <p>16 SEN. CLARK: Aye.</p> <p>17 CLERK: Clark, aye. Harrington?</p> <p>18 SEN. HARRINGTON: Aye.</p> <p>19 CLERK: Harrington, aye. Hise?</p> <p>20 SEN. HISE: Aye.</p> <p>21 CLERK: Hise, aye. Jackson?</p> <p>22 SEN. JACKSON: Aye.</p> <p>23 CLERK: Jackson, aye. Lee?</p> <p>24 SEN. LEE: Aye.</p> <p>25 CLERK: Lee, aye. McKissick?</p>
<p style="text-align: right;">159</p> <p>1 REP. DAVIS: Aye.</p> <p>2 CLERK: Davis, aye. Farmer-Butterfield?</p> <p>3 REP. FARMER-BUTTERFIELD: Aye.</p> <p>4 CLERK: Aye? Farmer-Butterfield, aye.</p> <p>5 Hager?</p> <p>6 SEN. RUCHO: Please speak loudly, folks.</p> <p>7 REP. HAGER: Aye.</p> <p>8 CLERK: Hager, aye. Hanes?</p> <p>9 REP. HANES: Aye</p> <p>10 CLERK: Hanes, aye. Hardister?</p> <p>11 REP. HARDISTER: Aye.</p> <p>12 CLERK: Hardister, aye. Hurley?</p> <p>13 REP. HURLEY: Aye.</p> <p>14 CLERK: Hurley, aye. Jackson?</p> <p>15 REP. JACKSON: Aye.</p> <p>16 CLERK: Jackson, aye. Johnson?</p> <p>17 REP. JOHNSON: Aye.</p> <p>18 CLERK: Johnson, aye. Jordan?</p> <p>19 REP. JORDAN: Aye.</p> <p>20 CLERK: Jordan, aye. McGrady?</p> <p>21 REP. MCGRADY: Aye.</p> <p>22 CLERK: McGrady, aye. Michaux?</p> <p>23 REP. MICHAUX: No.</p> <p>24 CLERK: Michaux, no. Moore?</p> <p>25 REP. MOORE: Aye.</p>	<p style="text-align: right;">161</p> <p>1 SEN. MCKISSICK: Aye.</p> <p>2 CLERK: McKissick, aye. Randleman?</p> <p>3 SEN. RANDLEMAN: Aye.</p> <p>4 CLERK: Randleman, aye. Sanderson?</p> <p>5 SEN. SANDERSON: Aye.</p> <p>6 CLERK: Sanderson, aye. Smith?</p> <p>7 SEN. SMITH: Aye.</p> <p>8 CLERK: Smith, aye. Smith-Ingram?</p> <p>9 SEN. SMITH-INGRAM: Aye.</p> <p>10 CLERK: Smith-Ingram, aye. Wells?</p> <p>11 SEN. WELLS: Aye.</p> <p>12 CLERK: Wells, aye.</p> <p>13 SEN. RUCHO: Members of the committee,</p> <p>14 after a roll-call vote, 32 aye and 1 no, so</p> <p>15 therefore, that has been settled. Senator Hise, do</p> <p>16 we have language?</p> <p>17 SEN. HISE: I think we have two</p> <p>18 amendments.</p> <p>19 SEN. RUCHO: Two amendments?</p> <p>20 SEN. HISE: Yeah.</p> <p>21 SEN. RUCHO: All right. Are you going to</p> <p>22 present it, or staff?</p> <p>23 SEN. HISE: I can present them. I think</p> <p>24 staff's going to read them. The first one is to</p> <p>25 clarify the payments made for work performed.</p>

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<p>1 SEN. RUCHO: Let's pay attention, here.</p> <p>2 I know we're moving forward. Go ahead, please.</p> <p>3 SEN. HISE: The first is to add some</p> <p>4 clarification for the -- to allow payments for work</p> <p>5 performed prior to the stay.</p> <p>6 SEN. RUCHO: All right. First -- the</p> <p>7 first amendment, Ms. Churchill, would you explain</p> <p>8 what that amendment says and what it does?</p> <p>9 MS. CHURCHILL: Yes, Mr. Chair. The</p> <p>10 amendment would be to the end, to the last sentence</p> <p>11 of Paragraph 2 and Paragraph 3 of Senator Hise's</p> <p>12 motion. It would remove the period at the end of</p> <p>13 that sentence, inset a semicolon, and all of the</p> <p>14 following at the end of each sentence: "Provided,</p> <p>15 however, this authorization shall permit</p> <p>16 compensation to be paid for any work performed</p> <p>17 prior to the issuance of such stay."</p> <p>18 SEN. RUCHO: Members of the committee,</p> <p>19 you have that before you. Is there any questions</p> <p>20 on that first amendment that has been put forward</p> <p>21 by Senator Hise on trying to provide some clarity</p> <p>22 in what was brought up by Senator Blue?</p> <p>23 Representative Jackson?</p> <p>24 REP. JACKSON: Thank you, Mr. Chairman.</p> <p>25 Would that -- that would amendment allow payment</p>	<p>1 CLERK: Hager, yes. Hanes?</p> <p>2 REP. HANES: Yes.</p> <p>3 CLERK: Hanes, yes. Hardister?</p> <p>4 REP. HARDISTER: Aye.</p> <p>5 CLERK: Hardister, aye. Hurley?</p> <p>6 REP. HURLEY: Aye.</p> <p>7 CLERK: Hurley, aye. Jackson?</p> <p>8 REP. JACKSON: Yes.</p> <p>9 CLERK: Jackson, yes. Johnson?</p> <p>10 REP. JOHNSON: Aye.</p> <p>11 CLERK: Johnson, aye. Jordan?</p> <p>12 REP. JORDAN: Aye.</p> <p>13 CLERK: Jordan, aye. McGrady?</p> <p>14 REP. MCGRADY: Aye.</p> <p>15 CLERK: McGrady, aye. Michaux?</p> <p>16 REP. MICHAUX: Aye.</p> <p>17 CLERK: Michaux, aye. Moore?</p> <p>18 REP. MOORE: Aye.</p> <p>19 CLERK: Moore, aye. Stam?</p> <p>20 REP. STAM: Aye.</p> <p>21 CLERK: Stam, aye. Stevens?</p> <p>22 (No response.)</p> <p>23 CLERK: Rucho?</p> <p>24 SEN. RUCHO: Aye.</p> <p>25 CLERK: Rucho, aye. Apodaca?</p>
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<p>1 for services provided prior to the approval of</p> <p>2 this?</p> <p>3 SEN. RUCHO: No, sir, I don't believe so.</p> <p>4 REP. JACKSON: Thank you.</p> <p>5 SEN. RUCHO: Yeah. Questions? Any</p> <p>6 additional?</p> <p>7 (No response.)</p> <p>8 SEN. RUCHO: All right, we have an</p> <p>9 amendment before us that was read by staff, and we</p> <p>10 will ask the Clerk to have a roll-call vote on</p> <p>11 that, please.</p> <p>12 CLERK: Lewis?</p> <p>13 REP. LEWIS: Aye.</p> <p>14 CLERK: Lewis, aye. Jones?</p> <p>15 REP. JONES: Aye.</p> <p>16 CLERK: Jones, aye. Brawley?</p> <p>17 REP. BRAWLEY: Aye.</p> <p>18 CLERK: Brawley, aye. Cotham?</p> <p>19 REP. COTHAM: Aye.</p> <p>20 CLERK: Cotham, aye. Davis?</p> <p>21 REP. DAVIS: Yes.</p> <p>22 CLERK: Davis, yes. Farmer-Butterfield?</p> <p>23 REP. FARMER-BUTTERFIELD: Yes.</p> <p>24 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>25 REP. HAGER: Yes.</p>	<p>1 SEN. APODACA: Aye.</p> <p>2 CLERK: Apodaca, aye. Barefoot?</p> <p>3 SEN. BAREFOOT: Aye.</p> <p>4 CLERK: Barefoot, aye. Blue?</p> <p>5 SEN. BLUE: Aye.</p> <p>6 CLERK: Blue, aye. Brown?</p> <p>7 SEN. BROWN: Aye.</p> <p>8 CLERK: Brown, aye. Clark?</p> <p>9 SEN. CLARK: Aye.</p> <p>10 CLERK: Clark, aye. Harrington?</p> <p>11 SEN. HARRINGTON: Aye.</p> <p>12 CLERK: Harrington, aye. Hise?</p> <p>13 SEN. HISE: Aye.</p> <p>14 CLERK: Hise, aye. Jackson?</p> <p>15 SEN. JACKSON: Aye.</p> <p>16 CLERK: Jackson, aye. Lee?</p> <p>17 SEN. LEE: Aye.</p> <p>18 CLERK: Lee, aye. McKissick?</p> <p>19 SEN. MCKISSICK: Aye.</p> <p>20 CLERK: McKissick, aye. Randleman?</p> <p>21 SEN. RANDLEMAN: Aye.</p> <p>22 CLERK: Randleman, aye. Sanderson?</p> <p>23 SEN. SANDERSON: Aye.</p> <p>24 CLERK: Sanderson, aye. Smith?</p> <p>25 SEN. SMITH: Aye.</p>

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<p>1 CLERK: Smith, aye. Smith-Ingram?</p> <p>2 SEN. SMITH-INGRAM: Aye.</p> <p>3 CLERK: Smith-Ingram, aye. Wells?</p> <p>4 SEN. WELLS: Aye.</p> <p>5 CLERK: Wells, aye.</p> <p>6 SEN. RUCHO: Members of the committee,</p> <p>7 we -- okay. Members of the committee, Amendment 1,</p> <p>8 which was read by staff, was agreed upon</p> <p>9 unanimously, 33 to zero.</p> <p>10 Senator Hise, Amendment Number 2?</p> <p>11 SEN. HISE: Thank you, Mr. Chairman.</p> <p>12 This was with some further consultation with</p> <p>13 Senator Blue, and clarifies for a legislative</p> <p>14 confidentiality amendment when that applies, and</p> <p>15 applies to once it's submitted to this committee,</p> <p>16 and she has specific language they can read.</p> <p>17 SEN. RUCHO: Ms. Churchill, can you read</p> <p>18 the clarifying language there, please?</p> <p>19 MS. CHURCHILL: Yes, sir. In Paragraph</p> <p>20 2, this new sentence would be inserted at the --</p> <p>21 following the first sentence. "The co-chairs shall</p> <p>22 control legislative confidentiality of any drafting</p> <p>23 requests or maps produced from this authority</p> <p>24 unless and until presented to the committee in the</p> <p>25 co-chairs' discretion."</p>	<p>1 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>2 REP. HAGER: Yes.</p> <p>3 CLERK: Hager, yes. Hanes?</p> <p>4 REP. HANES: Yes.</p> <p>5 CLERK: Hanes, yes. Hardister?</p> <p>6 REP. HARDISTER: Aye.</p> <p>7 CLERK: Hardister, aye. Hurley?</p> <p>8 REP. HURLEY: Aye.</p> <p>9 CLERK: Hurley, aye. Jackson?</p> <p>10 REP. JACKSON: Yes.</p> <p>11 CLERK: Jackson, yes. Johnson?</p> <p>12 REP. JOHNSON: Aye.</p> <p>13 CLERK: Johnson, aye. Jordan?</p> <p>14 REP. JORDAN: Aye.</p> <p>15 CLERK: Jordan, aye. McGrady?</p> <p>16 REP. MCGRADY: Aye.</p> <p>17 CLERK: McGrady, aye. Michaux?</p> <p>18 REP. MICHAUX: Yes.</p> <p>19 CLERK: Michaux, yes. Moore?</p> <p>20 REP. MOORE: Aye.</p> <p>21 CLERK: Moore, aye. Stam?</p> <p>22 REP. STAM: Aye.</p> <p>23 CLERK: Stam, aye. Rucho?</p> <p>24 SEN. RUCHO: Aye.</p> <p>25 CLERK: Rucho, aye. Apodaca?</p>
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<p>1 For Paragraph 3, this sentence would be</p> <p>2 inserted after -- following the first sentence:</p> <p>3 "The minority caucus' designee, Senator Blue, shall</p> <p>4 control legislative confidentiality of any drafting</p> <p>5 requests or maps produced from this authority</p> <p>6 unless and until presented to the committee in</p> <p>7 Senator Blue's discretion."</p> <p>8 SEN. RUCHO: Members of the committee,</p> <p>9 you have that before you. Any questions or</p> <p>10 comments?</p> <p>11 (No response.)</p> <p>12 SEN. RUCHO: Seeing -- seeing none, Mr.</p> <p>13 Clerk, would you do the roll call?</p> <p>14 CLERK: Lewis?</p> <p>15 REP. LEWIS: Aye.</p> <p>16 CLERK: Lewis, aye. Jones?</p> <p>17 REP. JONES: Aye.</p> <p>18 CLERK: Jones, aye. Brawley?</p> <p>19 REP. BRAWLEY: Aye.</p> <p>20 CLERK: Brawley, aye. Cotham?</p> <p>21 REP. COTHAM: Aye.</p> <p>22 CLERK: Cotham, aye. Davis?</p> <p>23 REP. DAVIS: Yes.</p> <p>24 CLERK: Davis, yes. Farmer-Butterfield?</p> <p>25 REP. FARMER-BUTTERFIELD: Yes.</p>	<p>1 SEN. APODACA: Aye.</p> <p>2 CLERK: Apodaca, aye. Barefoot?</p> <p>3 SEN. BAREFOOT: Aye.</p> <p>4 CLERK: Barefoot, aye. Blue?</p> <p>5 SEN. BLUE: Aye.</p> <p>6 CLERK: Blue, aye. Brown?</p> <p>7 SEN. BROWN: Aye.</p> <p>8 CLERK: Brown, aye. Clark?</p> <p>9 SEN. CLARK: Aye.</p> <p>10 CLERK: Clark, aye. Harrington?</p> <p>11 SEN. HARRINGTON: Aye.</p> <p>12 CLERK: Harrington, aye. Hise?</p> <p>13 SEN. HISE: Aye.</p> <p>14 CLERK: Hise, aye. Jackson?</p> <p>15 SEN. JACKSON: Aye.</p> <p>16 CLERK: Jackson, aye. Lee?</p> <p>17 SEN. LEE: Aye.</p> <p>18 CLERK: Lee, aye. McKissick?</p> <p>19 SEN. MCKISSICK: Aye.</p> <p>20 CLERK: McKissick, aye. Randleman?</p> <p>21 SEN. RANDLEMAN: Aye.</p> <p>22 CLERK: Randleman, aye. Sanderson?</p> <p>23 SEN. SANDERSON: Aye.</p> <p>24 CLERK: Sanderson, aye. Smith?</p> <p>25 SEN. SMITH: Aye.</p>

<p style="text-align: right;">170</p> <p>1 CLERK: Smith, aye. Smith-Ingram? 2 SEN. SMITH-INGRAM: Aye. 3 CLERK: Smith-Ingram, aye. Wells? 4 SEN. WELLS: Aye. 5 CLERK: Wells, aye. 6 SEN. RUCHO: Members of the committee, 7 the roll-call vote was 33 aye, zero nay. 8 Now, what you have before you is a motion 9 set forth by Senator Hise which has been amended, 10 and now it's before you for any further discussion 11 or questions, and if there are none, then we will 12 take a vote to adopt Senator Hise's motion. 13 Thoughts, questions? 14 (No response.) 15 SEN. RUCHO: Seeing none, Mr. Clerk, a 16 vote, please? 17 CLERK: Lewis? 18 REP. LEWIS: Aye. 19 CLERK: Lewis, aye. Jones? 20 REP. JONES: Aye. 21 CLERK: Jones, aye. Brawley? 22 REP. BRAWLEY: Aye. 23 CLERK: Brawley, aye. Cotham? 24 REP. COTHAM: No. 25 CLERK: Cotham, no. Davis?</p>	<p style="text-align: right;">172</p> <p>1 CLERK: Stam, aye. Rucho? 2 SEN. RUCHO: Aye. 3 CLERK: Rucho, aye. Apodaca? 4 SEN. APODACA: Aye. 5 CLERK: Apodaca, aye. Barefoot? 6 SEN. BAREFOOT: Aye. 7 CLERK: Barefoot, aye. Blue? 8 SEN. BLUE: No. 9 CLERK: Blue, no. Brown? 10 SEN. BROWN: Aye. 11 CLERK: Brown, aye. Clark? 12 SEN. CLARK: No 13 CLERK: Clark, no. Harrington? 14 SEN. HARRINGTON: Aye. 15 CLERK: Harrington, aye. Hise? 16 SEN. HISE: Aye. 17 CLERK: Hise, aye. Jackson? 18 SEN. JACKSON: Aye. 19 CLERK: Jackson, aye. Lee? 20 SEN. LEE: Aye. 21 CLERK: Lee, aye. McKissick? 22 SEN. MCKISSICK: No. 23 CLERK: McKissick, no. Randleman? 24 SEN. RANDLEMAN: Aye. 25 CLERK: Randleman, aye. Sanderson?</p>
<p style="text-align: right;">171</p> <p>1 REP. DAVIS: Yes. 2 CLERK: Davis, yes. Farmer-Butterfield? 3 REP. FARMER-BUTTERFIELD: No. 4 CLERK: Farmer-Butterfield, no. Hager? 5 REP. HAGER: Aye. 6 CLERK: Hager, aye. Hanes? 7 REP. HANES: No. 8 CLERK: Hanes, no. Hardister? 9 REP. HARDISTER: Aye. 10 CLERK: Hardister, aye. Hurley? 11 REP. HURLEY: Aye. 12 CLERK: Hurley, aye. Jackson? 13 REP. JACKSON: No. 14 CLERK: Jackson, no. Johnson? 15 REP. JOHNSON: Aye. 16 CLERK: Johnson, aye. Jordan? 17 REP. JORDAN: Aye. 18 CLERK: Jordan, aye. McGrady? 19 REP. MCGRADY: Aye. 20 CLERK: McGrady, aye. Michaux? 21 REP. MICHAUX: No. 22 CLERK: Michaux, no. Moore? 23 REP. MOORE: Nay. 24 CLERK: Moore, nay. Stam? 25 REP. STAM: Aye.</p>	<p style="text-align: right;">173</p> <p>1 SEN. SANDERSON: Aye. 2 CLERK: Sanderson, aye. Smith? 3 SEN. SMITH: No. 4 CLERK: Smith, no. Smith-Ingram? 5 SEN. SMITH-INGRAM: No. 6 CLERK: Smith-Ingram, no. Wells? 7 SEN. WELLS: Aye. 8 CLERK: Wells, aye. 9 SEN. RUCHO: Okay, members of the 10 committee, when that motion was up for adoption as 11 amended, we have 22 aye and 11 no. I believe that 12 we have concluded our business for today. 13 SEN. BLUE: Just a request, Mr. Chair. 14 SEN. RUCHO: Senator Blue? 15 SEN. BLUE: As I prepare to do this, 16 could you have the Clerk make available to me his 17 roll-call votes on these items, since it's all 18 official now? 19 SEN. RUCHO: That can be done. 20 SEN. BLUE: Thank you. 21 SEN. RUCHO: Okay. Senator Blue requests 22 that he gets a copy of the roll-call votes. Thank 23 you. 24 Before we finish up, let me just make it 25 clear. Now that we have criteria established, and</p>

<p style="text-align: right;">174</p> <p>1 understanding that there is access to computers and 2 the necessary resources to accomplish that, I'm 3 sure that the map drawers will do their job, come 4 forward with a map. We will possibly have a 5 meeting tomorrow. The chairs will allow you 6 notice. We're going to need to give the map 7 writers -- or drawers a chance to do their work. 8 We are also waiting for a decision by the Supreme 9 Court on the motion for stay to allow that election 10 to take place in an orderly manner, without any 11 voter dysfunction, so we will let you know at what 12 time tomorrow, or whether we will be meeting 13 tomorrow. 14 REP. STAM: Mr. Chair? 15 SEN. RUCHO: Sir? 16 REP. STAM: What is the earliest we would 17 be -- I mean, can we block out the morning for real 18 work, other work? 19 SEN. RUCHO: I think to give sufficient 20 time for map drawers to work, I think we would be 21 looking at -- the earliest would be 1:00. Okay? 22 Members of the committee, any questions on what was 23 discussed? 24 (No response.) 25 SEN. RUCHO: You all know what we've got,</p>	<p style="text-align: right;">176</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE I, Carol M. Smith, a duly commissioned Notary Public in and for the State of North Carolina, do hereby certify that on February 16, 2016, this proceeding was held before me, this proceeding being reported by me verbatim and then reduced to typewritten form under my direct supervision; that the foregoing is a true and correct transcript of said proceedings to the best of my ability and understanding; that I am not related to any of the parties to this action; that I am not interested in the outcome of this case; that I am not of counsel nor in the employ of any of the parties to this action. IN WITNESS WHEREOF, I have hereto set my hand, this the 29th day of February, 2016. _____ Notary Public Carol M. Smith Notary Number 19943320153</p>
<p style="text-align: right;">175</p> <p>1 so stay tuned, and thank you for your quick 2 response. Meeting adjourned. 3 (WHEREUPON, THE MEETING WAS CONCLUDED AT 1:43 P.M.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

EXHIBIT C

**“February 17, 2016 North Carolina General Assembly Joint Committee on
Redistricting Transcript”**

NORTH CAROLINA GENERAL ASSEMBLY
JOINT COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Wednesday, February 17, 2016
Reported by Jennifer C. Carroll, RMR, CRR

Worley Reporting
P.O. Box 99169
Raleigh, NC 27624
919-870-8070

<p style="text-align: right;">2</p> <p>1 (The proceedings were called to order at 2 4:08 p.m.) 3 CHAIRMAN RUCHO: Can we have the Select 4 Committee on Congressional Redistricting come to 5 order? Would everyone please take their seat. 6 We've got a few bits of housekeeping to take care 7 of prior to beginning the -- the map 8 presentations. Hopefully, we have a number of 9 different maps that will be available for folks to 10 take a look at. 11 And Senator Apodaca asked me if he was 12 going to be able to have dinner and be able to get 13 to the Carolina-Duke game. And I said we're going 14 to ask Senator Blue, Senator McKissick, and 15 Representative Michaux what -- if they think we've 16 got a shot at that. 17 SEN. MCKISSICK: I don't have any extra 18 tickets, I'm sorry. 19 SEN. APODACA: That's always his answer. 20 CHAIRMAN RUCHO: Okay. 21 SEN. MCKISSICK: It depends. 22 CHAIRMAN RUCHO: Okay. Well, we had a 23 very informative meeting yesterday. We were able 24 to get some criteria established, and so we're 25 going to go ahead and begin today with a -- well,</p>	<p style="text-align: right;">4</p> <p>1 THE CLERK: Farmer-Butterfield? 2 REP. FARMER-BUTTERFIELD: Here. 3 THE CLERK: Hager? 4 REP. HAGER: Here. 5 THE CLERK: Hanes? 6 REP. HANES: Here. 7 THE CLERK: Hardister? 8 REP. HARDISTER: Here. 9 THE CLERK: Hurley? 10 REP. HURLEY: Here. 11 THE CLERK: Jackson? 12 REP. JACKSON: Here. 13 THE CLERK: Johnson? 14 REP. JOHNSON: Here. 15 THE CLERK: Jordan? 16 REP. JORDAN: Present. 17 THE CLERK: McGrady? 18 REP. McGRADY: Here. 19 THE CLERK: Michaux? 20 REP. MICHAUX: Here. 21 THE CLERK: Moore? 22 REP. MOORE: Present. 23 THE CLERK: Stam? 24 REP. STAM: Here. 25 THE CLERK: Stevens?</p>
<p style="text-align: right;">3</p> <p>1 let me, first of all, introduce the 2 sergeants-at-arms who help us make this a -- a 3 successful and efficiently run meeting. From the 4 House sergeant-at-arms, I have Reggie Sills, 5 Marvin Lee, David Layton, Terry McGraw; and from 6 the Senate sergeant-at-arms, I have Dale Huff, Ed 7 Kessler, and Hal Roach. 8 Thanks very much for helping us. 9 Then the next item will be a roll call 10 for attendance. 11 And, Mr. Clerk, would you proceed with the 12 roll call. 13 And please say it loud enough so we know 14 you're here or not here. 15 THE CLERK: Okay. Starting with the 16 House: Lewis. 17 REP. LEWIS: Here. 18 THE CLERK: Jones? 19 REP. JONES: Here. 20 THE CLERK: Brawley? 21 REP. BRAWLEY: Here. 22 THE CLERK: Cotham? 23 REP. COTHAM: Here. 24 THE CLERK: Davis? 25 REP. DAVIS: Here.</p>	<p style="text-align: right;">5</p> <p>1 REP. STEVENS: Here. 2 THE CLERK: Dixon? 3 REP. DIXON: Here. 4 CHAIRMAN RUCHO: Okay. 5 THE CLERK: Now, the Senate. 6 CHAIRMAN RUCHO: Senate. 7 THE CLERK: Rucho? 8 CHAIRMAN RUCHO: Here. 9 THE CLERK: Apodaca? 10 SEN. APODACA: Here. 11 THE CLERK: Barefoot? 12 SEN. BAREFOOT: Here. 13 THE CLERK: Blue? 14 SEN. BLUE: Here. 15 THE CLERK: Brown? 16 SEN. BROWN: Here. 17 THE CLERK: Clark? 18 SEN. CLARK: Present. 19 THE CLERK: Ford? 20 (No response.) 21 THE CLERK: Harrington? 22 SEN. HARRINGTON: Here. 23 THE CLERK: Hise? 24 SEN. HISE: Here. 25 THE CLERK: Jackson?</p>

<p style="text-align: right;">6</p> <p>1 SEN. JACKSON: Here.</p> <p>2 THE CLERK: Lee?</p> <p>3 SEN. LEE: Here.</p> <p>4 THE CLERK: McKissick?</p> <p>5 SEN. McKISSICK: Here.</p> <p>6 THE CLERK: Randleman?</p> <p>7 SEN. RANDLEMAN: Here.</p> <p>8 THE CLERK: Sanderson?</p> <p>9 SEN. SANDERSON: Here.</p> <p>10 THE CLERK: Smith?</p> <p>11 SEN. SMITH: Here.</p> <p>12 THE CLERK: Smith-Ingram?</p> <p>13 (No response.)</p> <p>14 THE CLERK: Wade?</p> <p>15 SEN. WADE: Here.</p> <p>16 THE CLERK: Wells?</p> <p>17 SEN. WELLS: Here.</p> <p>18 CHAIRMAN RUCHO: Okay. We are ready to</p> <p>19 begin our meeting. And again, there aren't very</p> <p>20 many opening remarks. We look forward to moving</p> <p>21 forward in an effort to comply with the</p> <p>22 three-judge panel's direction as to redrawing some</p> <p>23 Congressional district maps and the Congressional</p> <p>24 districts.</p> <p>25 Again, as you might expect, we still</p>	<p style="text-align: right;">8</p> <p>1 And Senator McKissick?</p> <p>2 SEN. McKISSICK: Not at this time.</p> <p>3 CHAIRMAN RUCHO: Okay. So let me ask:</p> <p>4 Are there any members of the committee that have</p> <p>5 maps that they would like to offer as far as</p> <p>6 having an opportunity to present them today so</p> <p>7 that their input can be taken by this committee?</p> <p>8 What we plan to do today is submit some</p> <p>9 maps -- or a map, take a look at it, debate it,</p> <p>10 approve it, so that the General Assembly can move</p> <p>11 forward when the special session is called, and we</p> <p>12 can go ahead and achieve what is the goal of</p> <p>13 complying with the federal court.</p> <p>14 Okay. That being said, then let's go</p> <p>15 ahead and -- Representative Blue -- excuse me,</p> <p>16 Representative Lewis, you'll be ready to explain</p> <p>17 the maps, and I think the sergeant-at-arms can</p> <p>18 probably start passing them out with the stat</p> <p>19 packs that were decided upon yesterday during the</p> <p>20 establishment of the criteria that -- upon which</p> <p>21 these maps were drawn.</p> <p>22 Say it again.</p> <p>23 MS. CHURCHILL: They have not arrived</p> <p>24 from the print shop yet. They are on their way.</p> <p>25 CHAIRMAN RUCHO: Okay. Let's wait a</p>
<p style="text-align: right;">7</p> <p>1 believe that the enacted maps are fair, legal, and</p> <p>2 constitutional that has -- as been validated by a</p> <p>3 number of North Carolina courts. But under that</p> <p>4 circumstance, we are following the direction of</p> <p>5 the three-judge panel from the Middle District,</p> <p>6 and so that's what we're going to do.</p> <p>7 The first part that I would like to</p> <p>8 request -- and -- and yesterday, if you remember</p> <p>9 correctly, we authorized \$25,000 for each,</p> <p>10 majority and minority, side to draw maps. And I</p> <p>11 will -- I will ask --</p> <p>12 (Cell phone ringing.)</p> <p>13 CHAIRMAN RUCHO: I don't ever do to that</p> <p>14 my wife. But I did.</p> <p>15 I will ask that -- we will first ask</p> <p>16 Senator Blue: Do you have any maps that you are</p> <p>17 planning to present today?</p> <p>18 SEN. BLUE: Not at present.</p> <p>19 CHAIRMAN RUCHO: Not at the present.</p> <p>20 Okay.</p> <p>21 Representative Jackson, I think you</p> <p>22 were --</p> <p>23 Representative Michaux, do you?</p> <p>24 REP. MICHAUX: Not yet.</p> <p>25 CHAIRMAN RUCHO: Not yet. Okay.</p>	<p style="text-align: right;">9</p> <p>1 little bit. They're on their way from the print</p> <p>2 shop as we speak. And so if we'll stay at ease</p> <p>3 for a few moments, and as soon as they come, then</p> <p>4 we will go ahead and distribute them out so that</p> <p>5 you'll have a chance to look at them. And so --</p> <p>6 Representative Lewis will explain the map. So</p> <p>7 stand at ease, please.</p> <p>8 (Proceedings are held at ease.)</p> <p>9 CHAIRMAN RUCHO: Members of the</p> <p>10 Committee, just for your knowledge, you'll be</p> <p>11 getting some hard copies now, and at the end of</p> <p>12 this meeting we will have them online with the</p> <p>13 same documentation that you will be receiving</p> <p>14 in -- upon arrival.</p> <p>15 SEN. APODACA: Mr. Chairman, housekeeping</p> <p>16 matter, if we could.</p> <p>17 CHAIRMAN RUCHO: Say that again.</p> <p>18 SEN. APODACA: A housekeeping matter, if</p> <p>19 we might.</p> <p>20 CHAIRMAN RUCHO: Housekeeping, yes.</p> <p>21 SEN. APODACA: Yes. When we call the</p> <p>22 roll, could we call the Upper Chamber first</p> <p>23 instead of the House? It seems like that would be</p> <p>24 more appropriate.</p> <p>25 REP. MICHAUX: I thought that was already</p>

<p style="text-align: right;">10</p> <p>1 being done.</p> <p>2 CHAIRMAN RUCHO: Senator Apodaca, I think</p> <p>3 you should have learned your lesson when</p> <p>4 Representative Michaux already called you a lame</p> <p>5 duck. So...</p> <p>6 But then again, that's the nicest thing</p> <p>7 that anybody has ever called Senator Apodaca.</p> <p>8 So...</p> <p>9 SEN. APODACA: In 14 years, that's the</p> <p>10 nicest thing.</p> <p>11 REP. MICHAUX: I called you one, too.</p> <p>12 CHAIRMAN RUCHO: I'm honored.</p> <p>13 Sergeant-at-arms, will you please let me</p> <p>14 know when the maps are passed out so we can move</p> <p>15 forward.</p> <p>16 Representative Lewis, before he makes his</p> <p>17 presentation, wants me to let you know that these</p> <p>18 are probably some of the most -- some of the best</p> <p>19 maps that's been out in 40 years. So...</p> <p>20 At least 40?</p> <p>21 REP. LEWIS: Four.</p> <p>22 CHAIRMAN RUCHO: Four?</p> <p>23 REP. LEWIS: Four.</p> <p>24 CHAIRMAN RUCHO: Okay.</p> <p>25 Sergeant-at-arms, are we all set?</p>	<p style="text-align: right;">12</p> <p>1 districts. Race was not considered and is not</p> <p>2 present on these reports.</p> <p>3 Partisan advantage: We believe this map</p> <p>4 will produce an opportunity to elect ten</p> <p>5 Republican members of Congress. But make no</p> <p>6 mistake, this is a weaker map than the enacted</p> <p>7 plan in that respect.</p> <p>8 The 12th District: This map does away</p> <p>9 with the serpentine 12th District that dates back</p> <p>10 to 1992.</p> <p>11 Compactness: Only 13 counties and 13</p> <p>12 VTDs were split in this map. Let me repeat that:</p> <p>13 Only 13 counties and 13 VTDs were split in this</p> <p>14 map. In accordance with the criteria, more whole</p> <p>15 counties and more whole precincts, or VTDs, are</p> <p>16 the best indicator of compactness we believe we</p> <p>17 are able to achieve.</p> <p>18 Incumbency: Only two incumbents are</p> <p>19 double-bunked in this map; one Republican and one</p> <p>20 Democrat. Eleven Republicans [sic] were placed in</p> <p>21 a district by themselves.</p> <p>22 Mr. Chairman?</p> <p>23 CHAIRMAN RUCHO: Yes, sir.</p> <p>24 REP. LEWIS: Anticipating some inquiries,</p> <p>25 I will suspend my presentation and take questions</p>
<p style="text-align: right;">11</p> <p>1 Does everyone in -- on the committee have</p> <p>2 a copy of the map and the statistics?</p> <p>3 All right. Then let's -- let's quiet</p> <p>4 down so we can get this done.</p> <p>5 Representative Lewis, would you be kind</p> <p>6 enough to present the maps for us?</p> <p>7 REP. LEWIS: Thank you, Mr. Chairman.</p> <p>8 Members, good afternoon. Yesterday, this</p> <p>9 committee approved seven criteria for the 2016</p> <p>10 contingent Congressional redistricting, and a map</p> <p>11 was produced in accordance with that criteria.</p> <p>12 While I am happy to take questions from the</p> <p>13 committee, first I would like to take a moment to</p> <p>14 walk through the criteria and discuss how this map</p> <p>15 addresses each of the criteria.</p> <p>16 First, equal population: All these</p> <p>17 districts are drawn with either 7,000 -- pardon</p> <p>18 me. All these districts are drawn with either --</p> <p>19 with either 733,499 persons or 733,498 total</p> <p>20 persons. This is as equal -- this is as equal as</p> <p>21 practical and in accordance with federal law.</p> <p>22 Contiguity: All the areas in every</p> <p>23 district are comprised of contiguous territory.</p> <p>24 Political data: The stat report show</p> <p>25 which election results were used in building these</p>	<p style="text-align: right;">13</p> <p>1 at your direction.</p> <p>2 CHAIRMAN RUCHO: Okay. Members of the</p> <p>3 Committee, you have the proposed map before you.</p> <p>4 And again, I'll just remind you: This is the only</p> <p>5 one that will be reviewed today because we just --</p> <p>6 you know, there were no other maps submitted by</p> <p>7 either the minority House and/or Senate or any</p> <p>8 individual. So this is the map we're going to be</p> <p>9 discussing today. And after discussion is</p> <p>10 completed, this committee will take a vote, and</p> <p>11 we'll either be against or referring this to the</p> <p>12 General Assembly for its special session for</p> <p>13 adoption so we can comply with the three-judge</p> <p>14 panel from the Middle District.</p> <p>15 Members of the Committee.</p> <p>16 All right. Let's start off with Senator</p> <p>17 McKissick.</p> <p>18 SEN. McKISSICK: Thank you, Mr. Chair. I</p> <p>19 would like to be recognized for a series of</p> <p>20 questions, if that's possible.</p> <p>21 CHAIRMAN RUCHO: We'll go through the</p> <p>22 Chair.</p> <p>23 SEN. McKISSICK: Yes, absolutely.</p> <p>24 CHAIRMAN RUCHO: And we'll go one after</p> <p>25 another.</p>

<p style="text-align: right;">14</p> <p>1 SEN. McKISSICK: I was wondering if I 2 could first get some understanding of the 3 percentages of Democrats and Republicans in these 4 various districts. If we can have, perhaps, a 5 staff person review that with us. 6 CHAIRMAN RUCHO: So let me -- let me be 7 clear. Now, you want the -- 8 First of all, Representative Lewis, 9 that's not part of the stat pack, correct? 10 SEN. McKISSICK: We don't have a stat 11 pack. The only thing we have are -- 12 CHAIRMAN RUCHO: The election results. 13 All right. What would you request? 14 SEN. McKISSICK: Well, what I would like 15 to know is what the breakdown is in terms of 16 Democrat, Republican, and unaffiliated voters in 17 each of these particular districts, as a starting 18 point. It would also be helpful to understand -- 19 I know there was -- who exactly is double-bumped. 20 It would appear that Representative Adams, who 21 represented the 12th District -- 22 CHAIRMAN RUCHO: Well, hold it. Let's -- 23 let's get first -- that first part cleared up. 24 First of all, you requested -- 25 Senator McKissick requested that we get</p>	<p style="text-align: right;">16</p> <p>1 statistics that you have. 2 CHAIRMAN RUCHO: All right. 3 SEN. McKISSICK: Thank you. And I wanted 4 to follow up. 5 CHAIRMAN RUCHO: Follow-up question, yes, 6 sir. 7 SEN. McKISSICK: Precisely look at the 8 performance characteristics of each district in 9 terms of whether it's a Democratic performance 10 district, and if so, by what percentage, a 11 Republican performance district, so that we have 12 some idea the extent to which there are 13 competitive swing districts. 14 I know Representative Lewis has indicated 15 that the map may not be quite as favorable as it 16 was before to Republican majority. But to the 17 extent to which we could get data that 18 specifically breaks down the performance 19 characteristics of each of these Congressional 20 districts, that would be helpful. Then we can 21 understand what we're looking at. 22 REP. LEWIS: Mr. Chairman and Members? 23 CHAIRMAN RUCHO: Yes. Representative 24 Lewis. 25 REP. LEWIS: Members, if I could direct</p>
<p style="text-align: right;">15</p> <p>1 some information on party affiliation in each of 2 the districts. Is that something we can achieve, 3 either now or -- 4 MS. CHURCHILL: It is something we cannot 5 achieve while the committee is in meeting. 6 CHAIRMAN RUCHO: Right. Okay. Just 7 state that again, please, in the microphone. 8 MS. CHURCHILL: At this juncture we can't 9 achieve it while the committee is meeting. But we 10 can achieve that for Senator McKissick. 11 SEN. McKISSICK: Okay. And the 12 committee -- 13 REP. LEWIS: Mr. Chairman? 14 CHAIRMAN RUCHO: Yes, sir. 15 REP. LEWIS: Could I speak to that one 16 point? 17 CHAIRMAN RUCHO: Representative Lewis. 18 REP. LEWIS: Yes, sir. 19 Obviously, the staff can provide to the 20 gentleman whatever statistics he asked for. I did 21 want to say that the -- in the drawing of this 22 map, we looked at election results. We think 23 those are better indicators of voting performance 24 than voter registration, which is why you don't -- 25 which is why that's not shown in these -- in the</p>	<p style="text-align: right;">17</p> <p>1 your attention to the documents that you have 2 before you -- I probably should have done a better 3 job of going through that. 4 If you will, first of all, you should 5 have a document before you that's entitled "2016 6 Redistricting Database Field Key." It's an 8-1/2 7 by 11 sheet of -- two sheets of paper. 8 Does everyone see that or have access to 9 that document? 10 If you'll look at that document, it 11 will -- actually, if you'll look at the right-hand 12 column, the right-hand column of that document, 13 this is a computer code. This is the way the 14 computer generated the election results which we 15 looked at. 16 For instance, you'll see under "2008 17 General Election Attorney General," there's a code 18 there at the right-hand column. Again, I direct 19 your attention, EL08G_AG_D. You can take and find 20 that same code on the stat pack that was 21 distributed to you. And, in fact, it would be on 22 what I would consider page 2 of the stat pack. If 23 you'll look across the top -- I'm referring now to 24 the big -- to the big set of documents that you 25 have. You'll see it says, "Election Results 2008,</p>

<p style="text-align: right;">18</p> <p>1 general, AG, AD, CA." You should be able to go in 2 and find "EL08G_AG." 3 For example, the very first listed item 4 on this page I'm referring to, you'll see it says, 5 District 1 -- excuse me, it says "district," and 6 then beside it, "EL08G_AG_D." That would be the 7 results in District 1 for the candidate Roy Cooper 8 who was the Democratic nominee for the Attorney 9 General's office. 10 So to maybe make this easier, perhaps you 11 could write the word "Cooper" where it says 12 "EL08G_AG_D." And using these two documents, you 13 will be able to see what the election results are. 14 I believe it would be fair to say -- and, 15 Mr. Chairman, the staff can certainly correct 16 me -- that the -- as you look at the code, the 17 EL08G_AG, that, obviously, is Attorney General. 18 And then the "_D" would be Democrat. 19 So while the field key will explain 20 exactly who it is referring to, you can probably 21 get a good feeling for if it's comparing the 22 Democrat for that office or the Republican for 23 that office. 24 CHAIRMAN RUCHO: Okay. And just a 25 clarity, Senator McKissick, before you go on to</p>	<p style="text-align: right;">20</p> <p>1 CHAIRMAN RUCHO: Explain. 2 REP. LEWIS: Mr. Chairman, if I may. 3 CHAIRMAN RUCHO: Yes. Representative 4 Lewis, you have -- 5 REP. LEWIS: I just want to say that I 6 completely agree with Senator McKissick, that 7 would be a whole lot easier way to look at these 8 reports. I asked for that to be done. And it's 9 not the way, unfortunately, the system generates 10 the reports. But if you would indulge me for just 11 a moment, I'm going to get my notes and we'll go 12 sheet by sheet, and we'll add those names, if you 13 would be so kind. 14 SEN. McKISSICK: I would certainly 15 indulge you, without a doubt. I think that would 16 be a helpful exercise for all of us who are not 17 acquainted with this and haven't seen it before. 18 CHAIRMAN RUCHO: Representative Lewis, 19 would you -- 20 And, Members of the Committee, please take 21 note as Representative Lewis explains what each of 22 the AG, CI, and the like is, based on the year of 23 the election. 24 Okay. Representative Lewis, you have the 25 microphone.</p>
<p style="text-align: right;">19</p> <p>1 your next question -- and I think Representative 2 Lewis mentioned it -- that the criteria that was 3 established never used registration or race -- 4 racial demographics in the -- in production of 5 these maps. So that's why that information was 6 not available. But at any point you can go ahead 7 and request from staff what you think you need as 8 far as additional documentation. Okay? 9 Next question. 10 SEN. McKISSICK: Sure. If it's 11 possible -- and I understand these codes are -- 12 could probably be figured out and calculated. But 13 if we could actually put the names of the various 14 candidates on -- above these various categories. 15 Considering the amount of time that we have to 16 review and digest this information, it would save 17 an awful lot of time rather than going back and 18 forth between sheets to decipher the codes. There 19 may be codes that you guys are familiar with from 20 looking at it, but from someone seeing it upon 21 first impression, it becomes somewhat challenging 22 to -- to make certain of precisely what I'm 23 reviewing at any given point in time. So, I mean, 24 it would seem to be a simple thing to add in terms 25 of a category.</p>	<p style="text-align: right;">21</p> <p>1 REP. LEWIS: Thank you, Mr. Chairman. 2 Members, if you will look at the page 3 that's, of course, labeled at the top "2016 4 Contingent Congressional Plan," and then if you 5 will look in the second left-hand column, you will 6 see the code "EL08G_AG_D." Okay? Does everybody 7 see this particular document? 8 Okay. Then with that, if you'll go with 9 me, you'll see the first column says "District 1." 10 The second column is that code that I just gave. 11 The third column, if you would write the word 12 "Cooper," write the word "Cooper" at the top of 13 that column, it might make it easier to -- to 14 understand. If you would skip the next column, 15 which currently says "68,474," you'll get to the 16 following column. If you would write the word 17 "Crumley." 18 If you would then skip the following 19 column and go to the column that says 20 "EL08G_AD_D." Does everyone see that? The first 21 number is 233,665. If you would please write 22 the -- if you would skip right next -- right over 23 to the column that says "71.44" and write the word 24 "Wood," W-O-O-D. Wood. 25 And then skip the column that says</p>

<p style="text-align: right;">22</p> <p>1 "93,433." And then you'll come to "28.56," and</p> <p>2 write the word "Merritt," M-E-R-R-I-T-T.</p> <p>3 If you'll then skip the next column,</p> <p>4 which has "327098." And also skip the column that</p> <p>5 has the "220038."</p> <p>6 Yes, sir. I'm sorry. 220,038. If I</p> <p>7 could pause for just a minute.</p> <p>8 CHAIRMAN RUCHO: Yes, sir.</p> <p>9 (Representative Lewis and Chairman Rucho</p> <p>10 confer.)</p> <p>11 REP. LEWIS: So where it says "66.68,"</p> <p>12 you would write "Ansley" -- is that correct? And</p> <p>13 then you would skip the 109968 and get to the</p> <p>14 33.32, and write the word "Troxler,"</p> <p>15 T-R-O-X-L-E-R.</p> <p>16 If I could pause for only a moment to</p> <p>17 make sure the members understand. I chose, in my</p> <p>18 notes, to use the percentages of the votes cast.</p> <p>19 The numbers that I asked you to skip by are also</p> <p>20 relevant. That's number of raw votes cast, on the</p> <p>21 report.</p> <p>22 Okay. The next page that I have --</p> <p>23 CHAIRMAN RUCHO: And this is Election</p> <p>24 Results 2008, correct?</p> <p>25 REP. LEWIS: Yes, sir.</p>	<p style="text-align: right;">24</p> <p>1 a little bit more confusing than it has been.</p> <p>2 SEN. BROWN: It should be Odom.</p> <p>3 REP. LEWIS: On my notes, I skip over to</p> <p>4 where it says "EL08G_CL_D," for Commissioner of</p> <p>5 Labor. This is towards the right side of the</p> <p>6 page.</p> <p>7 SEN. BROWN: Mr. Chairman.</p> <p>8 (Representative Lewis and Chairman Rucho</p> <p>9 confer.)</p> <p>10 REP. LEWIS: Members, the Chairman has</p> <p>11 noticed me that I used the word "Causey" and</p> <p>12 should have used the word "Odom." I apologize.</p> <p>13 It's still the Republican nominee versus the</p> <p>14 Democratic nominee.</p> <p>15 If you'll look over where it says</p> <p>16 "EL08G_CL_D," that's for Commissioner of Labor.</p> <p>17 SEN. McKISSICK: The column beginning</p> <p>18 with the "328927"? Are you that far across?</p> <p>19 REP. LEWIS: No, sir. I actually skipped</p> <p>20 that --</p> <p>21 SEN. McKISSICK: Skipped that.</p> <p>22 REP. LEWIS: -- Senator, only because I</p> <p>23 was trying to go by my notes. And I will go back</p> <p>24 and refill the gaps in.</p> <p>25 SEN. McKISSICK: That's fine.</p>
<p style="text-align: right;">23</p> <p>1 The next page that I have begins with the</p> <p>2 code EL08G_CL_D. And the number in the first</p> <p>3 column is 232,552. If you would, to be</p> <p>4 consistent, go to the next column, which says</p> <p>5 70.70 percent, and write the word "Goodwin." This</p> <p>6 is the race for commissioner of insurance. The</p> <p>7 word "Goodwin."</p> <p>8 CHAIRMAN RUCHO: Representative Lewis,</p> <p>9 everybody has a -- what they call the 2016</p> <p>10 Redistrict Database Key, with the codes on it,</p> <p>11 too. So that should also be there, just for your</p> <p>12 information.</p> <p>13 Do you have that there, Senator</p> <p>14 McKissick? It's a two-page, front and back, and</p> <p>15 it gives you the code, the elections, the</p> <p>16 candidates.</p> <p>17 SEN. McKISSICK: Yes, sir, I do have it.</p> <p>18 CHAIRMAN RUCHO: Okay. So that's the key</p> <p>19 to using the database.</p> <p>20 REP. LEWIS: If it's all right, I'll just</p> <p>21 continue, Mr. Chairman.</p> <p>22 And then if you skip the next column at</p> <p>23 88227 to get to where it says "26.82," the word</p> <p>24 "Causey" should appear. Causey.</p> <p>25 And, Members, if you will, this might be</p>	<p style="text-align: right;">25</p> <p>1 Thank you, Mr. Chairman.</p> <p>2 REP. LEWIS: I apologize for that.</p> <p>3 But under the Commissioner of Labor,</p> <p>4 where it says "68.42," the name -- and I will</p> <p>5 apologize if I mispronounce the nominee's name,</p> <p>6 but it was D-O-N-N-A-N, Donnan. And then if you</p> <p>7 skip over to where it says "31.58," the nominee's</p> <p>8 name was Berry, B-E-R-R-Y.</p> <p>9 (Representative Lewis confers with</p> <p>10 Chairman Rucho.)</p> <p>11 CHAIRMAN RUCHO: Representative Lewis,</p> <p>12 that "W" is a write-in. Okay.</p> <p>13 REP. LEWIS: All right. Mr. Chairman and</p> <p>14 Members, I'll be happy to return to this page, but</p> <p>15 my notes are -- my notes are incomplete about that</p> <p>16 middle -- that middle section there. I think</p> <p>17 that's a write-in. But just to confer with the</p> <p>18 Chair, I don't want to state in the microphone</p> <p>19 something I'm not absolutely sure of.</p> <p>20 But anyway, moving on. The next page</p> <p>21 that I have --</p> <p>22 REP. STAM: Mr. Chairman. Mr. Chairman.</p> <p>23 Mr. Chairman. Woohoo.</p> <p>24 CHAIRMAN RUCHO: Yes, sir.</p> <p>25 Representative Hager. Oh, Stam. Excuse me.</p>

<p style="text-align: right;">26</p> <p>1 REP. STAM: I'm searching. Is there 2 maybe some -- some motion or somehow where we 3 could relieve Representative Lewis from this 4 tedious task. Maybe we've all sort of gotten the 5 idea now and we could just -- just an idea. Just 6 an idea. 7 CHAIRMAN RUCHO: Good question. 8 Senator McKissick, now that we've 9 identified a key for you, are you comfortable in 10 as far as being able to relate the specific name 11 to this, or would you want us to go through it 12 and -- 13 SEN. McKISSICK: What would be helpful, 14 if we don't have the information available now -- 15 I mean, it would be great, perhaps, if staff -- I 16 mean, I understand you can't get it on there 17 because of, I guess, software limitations in the 18 way you can categorize this stuff. But it 19 would -- I think the exercise we're going through 20 provides very valuable -- 21 CHAIRMAN RUCHO: Fine. Then we will -- 22 we will continue. 23 SEN. McKISSICK: But I don't want to be 24 laborious. 25 CHAIRMAN RUCHO: Representative Lewis --</p>	<p style="text-align: right;">28</p> <p>1 that has "USS," for United States Senate. The 2 Democrat would be Hagan, the Republican would be 3 Dole, the Libertarian would be Cole. 4 Is everybody kind of getting comfortable 5 with this? 6 Okay. And that would complete that page. 7 The others would be write-ins and whatnot. So 8 we'll turn the page to the one that begins "2010 9 General." 10 This race is the race for the U.S. Senate 11 in 2010. The column that says "USS_D" would be 12 Marshall, M-A-R-S-H-A-L-L. The column that has _R 13 would be Burr, B-U-R-R. _L would be Beitler, 14 B-E-I-T-L-E-R. Again, I apologize if I 15 mispronounce a name. 16 Turning to page, Election Results 2012 17 General, G and LG. Again, where it says 18 "EL12G_GV_D," the first column would be Dalton, 19 D-A-L-T-O-N. The same -- the corresponding column 20 with an "R" on it would be McCrory. Corresponding 21 column with an "L" on it, for Libertarian, would 22 be Howe, H-O-W-E. There was a write-in that -- 23 that's there. And then a write-in miscellaneous. 24 So that's what those other G's are there. 25 The one that says "LG_D" would be Coleman,</p>
<p style="text-align: right;">27</p> <p>1 We'll -- we'll continue. 2 Representative Lewis, please continue. 3 REP. LEWIS: Okay. The next one in the 4 stat pack, it reads -- starts with "EL08G_GV_D." 5 Let me see if I can speed up a little bit 6 here. In 2008-GV-D, if you'll look there, 7 obviously the "D" is for Democrat. That would be 8 Perdue, P-E-R-D-U-E. If you look over to the 9 column that has "R," that would be McCrory, 10 M-C-C-R-O-R-Y. And then if you see the column 11 with the "L," for Libertarian, that would be 12 Munger, M-U-N-G-E-R. 13 Now I know what you want me to look at, 14 I'll do it faster. I apologize. 15 CHAIRMAN RUCHO: Okay. 16 REP. LEWIS: Continuing on. 2008, where 17 it says "EL08LG" -- does everybody see that? That 18 would be Dalton. 2008 LG R would be Bittinger. 19 And the "L," the Libertarian, would be Rhodes, 20 R -- R-H-O-D-E-S. I believe that completes that 21 page. 22 Turn next to the one that begins "EL08G 23 -SPI." The "D" there would be Atkinson, 24 A-T-K-I-N-S-O-N. The "R" would be Morgan, 25 M-O-R-G-A-N. And then the -- you see the column</p>	<p style="text-align: right;">29</p> <p>1 C-O-L-E-M-A-N. LG_R would be Forest, F-O-R-E-S-T. 2 And that will complete that page. 3 Turning now to the Election Results 2012 4 General. The one that begins "AD," of course, for 5 Auditor. The Democrat, the "D," nominee would be 6 Wood, and the "R" nominee would be Goldman, 7 G-O-L-D-M-A-N. 8 Then where you see it says "_CA_D" for 9 Commissioner of Agriculture, the Commissioner 10 nominee for the Democratic Party is Smith, 11 S-M-I-T-H. _R, the Republican, is Troxler, 12 T-R-O-X-L-E-R. 13 Also on that page is "CI," for 14 Commissioner of Insurance. The Commissioner of 15 Insurance, the Democratic nominee is Goodwin, 16 G-O-O-D-W-I-N, and the Republican is Causey, 17 C-O -- C-A-U-S-E-Y. That completes that page. 18 Turning over where you see the next kind 19 of -- thinking you're getting the feeling of how 20 this works now. The "CL" is Commissioner of 21 Labor. CL_D would be the Democratic nominee. The 22 last name was Brooks, B-R-O-O-K-S. The _R, the 23 Republican nominee, would be Berry, B-E-R-R-Y. 24 That will complete that race. 25 Where it says "SS," that's Secretary of</p>

<p style="text-align: right;">30</p> <p>1 State. The "SS_D," the nominee would have been 2 Marshall, M-A-R-S-H-A-L-L. And the SS_R, the 3 Republican, would have been Goodwin, 4 G-O-O-D-W-I-N. 5 Turning to the following page, you see it 6 says "SPI," which is, of course, superintendant of 7 public instruction. Superintendent of public 8 instruction, D, Dr. Adkinson was the nominee, 9 A-D-K-I-N-S-O-N. And _R, the Republican was 10 Tedesco, T-E-D-E-S-C-O. 11 Also on that page, you see "Treasurer," 12 or TR. The Democratic -- the _D, for the 13 Democratic nominee, is Cowell, C-O-W-E-L-L. _R, 14 the Republican, was Royal, R-O-Y-A-L. 15 And the final page is the 2014 United 16 States Senate race. This one, please notice the 17 first category is "USS_R." That would be Tillis. 18 So the Republican is listed first on this one. 19 And where it says 'USS_D,' the nominee, of course, 20 was Hagan. And where it says "_L," it was Haugh. 21 I apologize if I mispronounce that. It's 22 H-A-U-G-H. 23 Mr. Chairman, this -- this concludes this 24 part of the report. 25 CHAIRMAN RUCHO: Okay. Senator</p>	<p style="text-align: right;">32</p> <p>1 County whole. And that is the home of 2 Representative Price, based on the records that we 3 have in the General Assem -- the General Assembly. 4 And there are whole precincts in Durham that 5 connect to an area in Wake County. That area is 6 the home of Representative Holding. 7 Representative Adams is not bunked with any other 8 incumbent member, nor is any other sitting member 9 of the delegation. 10 But, Mr. Chairman, I would like -- 11 CHAIRMAN RUCHO: Yes. 12 REP. LEWIS: -- to direct staff or ISD as 13 quickly as possible to provide members with maps 14 that have the home location of the incumbent. 15 CHAIRMAN RUCHO: Addresses, locations. 16 All right. 17 Ms. Churchill, request that we go ahead 18 and get maps that will identify the location of 19 the incumbents, if you'll be kind enough. 20 Okay. 21 SEN. McKISSICK: One point of 22 clarification, Mr. Chairman, if I could. The 23 incumbent for District 13 would be whom? 24 REP. LEWIS: Representative Adams. 25 SEN. McKISSICK: That's what I was</p>
<p style="text-align: right;">31</p> <p>1 McKissick, you have everything you've asked for on 2 that. Next question. 3 SEN. McKISSICK: Yes. I was just looking 4 at the maps here, and I notice that it looks as if 5 there is a double-bumping, I think you had it 6 indicated doubling-bumping of -- of certain 7 incumbent members of our Congressional delegation. 8 And it looks as if Representative Alma Adams is 9 one of those. Okay. I think you said there were 10 two cases where there were double-bumped. Is that 11 what you indicated, or did I mistakenly hear what 12 your remarks were? 13 Yeah, I'm trying to figure out who the 14 other is. 15 REP. LEWIS: Well, Senator, I think 16 that's a very good question. And the location of 17 the homes of the incumbents should appear on this 18 map, so let me apologize for that. 19 What my remarks said earlier is that 20 there are two incumbent members of Congress that 21 were -- unfortunately had to be drawn into the 22 same district. They are Representative David 23 Price and Representative George Holding. 24 If you'll notice, the new 4th District 25 includes all of Orange County. It keeps Orange</p>	<p style="text-align: right;">33</p> <p>1 thinking. 2 And for 12, who do we have there? 3 REP. LEWIS: I do not believe -- there is 4 no current incumbent in -- in the proposed 12. 5 SEN. McKISSICK: Okay. So I'm looking 6 at -- 13 here would be Adams. 12 would be? 7 REP. LEWIS: Vacant? 8 SEN. McKISSICK: Vacant. 9 CHAIRMAN RUCHO: No incumbent. 10 SEN. McKISSICK: No incumbent? 11 CHAIRMAN RUCHO: Correct. 12 SEN. McKISSICK: Who would have formerly 13 been in 12? 14 That would have been -- 15 REP. LEWIS: Well, just to be clear. 16 SEN. McKISSICK: -- Adams' district 17 before. 18 REP. LEWIS: Just to be clear -- 19 CHAIRMAN RUCHO: Let him answer, please. 20 SEN. McKISSICK: Sure. 21 CHAIRMAN RUCHO: Thank you. 22 REP. LEWIS: One of the instructions 23 given by this committee was to do away with the 24 shape of the 12th. The 12th is now contained 25 entirely inside Mecklenburg County. So from my</p>

<p style="text-align: right;">34</p> <p>1 knowledge -- well, the fact that certainly 2 Representative Adams does not live in Mecklenburg 3 County; therefore, that's why she's -- her home 4 does not appear in Mecklenburg County. She lives 5 in Guilford County, to the best of my knowledge. 6 SEN. McKISSICK: Exactly. That's what I 7 was a bit confused about. 8 Okay. So what we have, we have a 9 district which Congresswoman Adams can run from, 10 which is the 13th District. Is that correct? 11 REP. LEWIS: Yes, sir. But I would 12 remind you that an individual seeking election to 13 the U.S. House does not have to reside in the 14 district which they run. 15 SEN. McKISSICK: I understand. 16 And in terms of applying these 17 performance characteristics to the 13th District, 18 would this be a Democratic- or Republican-leaning 19 district? 20 REP. LEWIS: Senator, I believe you would 21 need to look race by race. And by "race by race," 22 I'm referring, of course, to the political races. 23 The data that we just went through, I believe the 24 district would be one of the ten that lean 25 Republican.</p>	<p style="text-align: right;">36</p> <p>1 it is a -- perhaps a very strongly Republican 2 leaning district, particularly looking at the 3 counties that are contained within it. And I was 4 thinking about their historical representation 5 here in the General Assembly. 6 And I see the 12th being carved out. But 7 I guess this all just gives me concern receiving 8 it all so quickly, trying to digest it quickly, 9 trying to move forward with this at -- what is 10 almost like the speed of light. And while I 11 appreciate the fact that there were some funds 12 made available to the minority caucus to, perhaps, 13 get maps drawn, to be candid with you, to get maps 14 drawn on a short notice and short order, within 15 24 hours, has proven to be very challenging. 16 So I will thank you for the information 17 you provided. It does provide me with some 18 concerns, which I've articulated. And I'm -- it 19 would certainly be nice if we did have the 20 Republican/Democratic breakout in terms of 21 registrations. And if I'm talking to Erika, she 22 can get that. Is there any way, perhaps, staff 23 can also -- I know it wasn't one of the criteria 24 used in drawing these maps, but they can filter 25 down a subcategory that would have provided us</p>
<p style="text-align: right;">35</p> <p>1 SEN. McKISSICK: That would lean 2 Republican? 3 REP. LEWIS: Yes, sir. 4 SEN. McKISSICK: Okay. 5 CHAIRMAN RUCHO: Follow-up. 6 SEN. McKISSICK: Follow-up, if I could. 7 CHAIRMAN RUCHO: Follow-up. 8 SEN. McKISSICK: In the three districts 9 you have identified as being Democratic districts, 10 I assume what we're looking at is the 1st 11 District, the 4th District, and the 12th District. 12 Would that be a logical assumption, or do I stand 13 to be corrected? 14 REP. LEWIS: No, sir. You are correct in 15 your -- in your -- in your analysis. 16 CHAIRMAN RUCHO: Follow-up. 17 SEN. McKISSICK: Yeah. And -- and I 18 guess the follow-up I have is that I -- I do have 19 concern -- I mean, I see that we have certainly 20 provided Representative Adams with a district to 21 run from. I need to drill down deeper to see the 22 numbers and see how close of a district that is in 23 terms of her capacity to compete. And I've not 24 had a chance to drill down those numbers yet, but 25 I assume, based upon what you've indicated, that</p>	<p style="text-align: right;">37</p> <p>1 with the racial breakout of each district? Is 2 that possible to obtain from staff even though I'm 3 aware with respect to the fact it was not a -- 4 CHAIRMAN RUCHO: Senator McKissick, let 5 me get clear now. You're requesting some data 6 on -- on the registration of the 13 districts, and 7 you're requesting the data and the demographics on 8 the -- the racial breakdown on the 13 districts? 9 SEN. McKISSICK: That is correct, 10 Mr. Chair. 11 CHAIRMAN RUCHO: Okay. Now, just as a 12 bit of a information, you talk about a -- a time 13 schedule. Well, we're all under a very tight time 14 schedule since the Court gave us two weeks -- or 15 14 days to do it, and it occurred on a Monday -- 16 on a Friday night, so it really kind of brought it 17 down to ten days. And so this is a heroic effort 18 that we could even get all of this accomplished in 19 that short of period of time. So we're all under 20 tight -- tight time schedules, just for your 21 information. Thank you. 22 SEN. McKISSICK: I respect that. It's 23 just that you knew the attributes before 24 yesterday. And we learned them yesterday. 25 CHAIRMAN RUCHO: Thank -- thank you.</p>

<p style="text-align: right;">38</p> <p>1 And, Members of the Committee, any --</p> <p>2 Senator Clark.</p> <p>3 SEN. CLARK: Mr. Chair, I have a question</p> <p>4 for staff.</p> <p>5 CHAIRMAN RUCHO: Say it again, please.</p> <p>6 SEN. CLARK: Question for staff.</p> <p>7 CHAIRMAN RUCHO: Yes.</p> <p>8 SEN. CLARK: If we provided a stat pack</p> <p>9 based on this 2011 database, would that provide</p> <p>10 Senator McKissick everything he's asking for and</p> <p>11 then some?</p> <p>12 CHAIRMAN RUCHO: Ms. Churchill, do you</p> <p>13 have a response to that?</p> <p>14 MS. CHURCHILL: I believe Senator Clark</p> <p>15 is asking if -- would the 2011 stat pack that was</p> <p>16 generally presented to the General Assembly during</p> <p>17 that round of redistricting, would that answer</p> <p>18 Senator McKissick's questions. I believe Senator</p> <p>19 McKissick is shaking his head, no, it would not</p> <p>20 answer his questions.</p> <p>21 SEN. McKISSICK: It would.</p> <p>22 MS. CHURCHILL: The one thing that</p> <p>23 definitely was in the stat pack was the party</p> <p>24 registration information. So, yes, it would at</p> <p>25 least answer that piece of it.</p>	<p style="text-align: right;">40</p> <p>1 Brown.</p> <p>2 SEN. BROWN: Just a quick comment, just</p> <p>3 to talk about the 13th District and its</p> <p>4 competitiveness. The Democrats have won that</p> <p>5 district, if you'll look through this, on several</p> <p>6 occasions. So it's obviously a competitive</p> <p>7 district because they have won some races in that</p> <p>8 district.</p> <p>9 CHAIRMAN RUCHO: Okay. Representative</p> <p>10 Michaux.</p> <p>11 REP. MICHAUX: Mr. Chairman, following up</p> <p>12 on what Senator McKissick asked for -- and you</p> <p>13 might wonder why, even though you have taken out</p> <p>14 race as a criteria, we still need to have race</p> <p>15 mentioned in here because of the Section 2 Voting</p> <p>16 Rights Act. You've got -- we've got to have that</p> <p>17 information in there. And there's a determination</p> <p>18 of whether or not Section 2 has been violated in</p> <p>19 this -- in this map.</p> <p>20 CHAIRMAN RUCHO: Representative Lewis,</p> <p>21 you have a comment on that, please.</p> <p>22 REP. LEWIS: Mr. Chairman,</p> <p>23 certainly Representative Michaux is much more</p> <p>24 learned in this area than I am.</p> <p>25 I just want to state, again, for the</p>
<p style="text-align: right;">39</p> <p>1 CHAIRMAN RUCHO: All right. Follow-up.</p> <p>2 SEN. McKISSICK: What I would like to</p> <p>3 have provided is a stat pack based on 2011</p> <p>4 database applied to the districts as shown here on</p> <p>5 this map.</p> <p>6 CHAIRMAN RUCHO: Staff, can we accomplish</p> <p>7 that?</p> <p>8 It will be accomplished.</p> <p>9 SEN. McKISSICK: Thank you.</p> <p>10 CHAIRMAN RUCHO: And as Representative</p> <p>11 Lewis said, we'll be -- you'll be getting all of</p> <p>12 the data you need. It won't be before this</p> <p>13 committee today, because it will take time to</p> <p>14 achieve it. Had, I'm sure, individual members had</p> <p>15 made requests on some of that, we probably could</p> <p>16 have gotten it done, but not during this time.</p> <p>17 But there are opportunities to, again,</p> <p>18 review the maps. There will be redistricting</p> <p>19 committee meetings that we'll have another chance</p> <p>20 to review it. And then, of course, on the floor,</p> <p>21 both in the House and the Senate.</p> <p>22 So, Senator McKissick, I want you to rest</p> <p>23 up; you're going to have plenty of opportunity.</p> <p>24 SEN. McKISSICK: Thank you.</p> <p>25 CHAIRMAN RUCHO: Okay. I've got Senator</p>	<p style="text-align: right;">41</p> <p>1 record on -- for this committee that race was not</p> <p>2 considered in the drawing of this map. Later</p> <p>3 today, we're going to ask this committee to adopt</p> <p>4 this map. After this map is adopted and prepared</p> <p>5 for introduction to the General Assembly, I</p> <p>6 believe the -- Senator McKissick requests, and</p> <p>7 perhaps Senator Clark requests, and now that</p> <p>8 Representative Michaux requests, would be to take</p> <p>9 this map and to populate it with the data that</p> <p>10 they have asked for. That can certainly be done</p> <p>11 after this committee adopts this map and -- and as</p> <p>12 it moves forward.</p> <p>13 CHAIRMAN RUCHO: Yes, sir. Follow-up.</p> <p>14 REP. MICHAUX: But -- but would not that</p> <p>15 information now help us to make a determination as</p> <p>16 to how we wanted to vote out of this committee on</p> <p>17 these -- on this map?</p> <p>18 REP. LEWIS: Thank you for that question,</p> <p>19 Representative. The information on race is simply</p> <p>20 not available to provide to you at this moment on</p> <p>21 this map.</p> <p>22 CHAIRMAN RUCHO: Follow-up?</p> <p>23 REP. MICHAUX: Then when is it going to</p> <p>24 be available and when are we going to have an</p> <p>25 opportunity to see it?</p>

<p style="text-align: right;">42</p> <p>1 REP. LEWIS: Well, just to be clear, 2 Representative -- and I want to clearly state 3 this -- as an individual member of this committee, 4 you can request whatever information on this map 5 on this -- on any district, on any county, on 6 anything that you want, but it will -- but race is 7 not going to be considered by this committee as we 8 adopt this map and recommend it to be passed by 9 the General Assembly. 10 REP. MICHAUX: Mr. Chairman? 11 CHAIRMAN RUCHO: Yes, sir. 12 REP. MICHAUX: My follow-up to -- to -- 13 to Representative Lewis. 14 Representative Lewis, the three-judge 15 panel found that these drawings were 16 unconstitutional and it was based predominantly on 17 race. There are other factors that you should -- 18 that should be considered in terms -- for 19 instance, as I said before, a violation of 20 Section 2 of the Voting Rights Act. We need -- 21 I'm not going to vote for another unconstitutional 22 map if I can't determine whether or not Section 2 23 is being violated by what you've done. 24 REP. LEWIS: Well, thank you for 25 clarifying, Representative Michaux. To the best</p>	<p style="text-align: right;">44</p> <p>1 REP. STAM: Would appropriate motion be 2 in order to give this a favorable report? I would 3 like to make such a motion at the appropriate 4 time. 5 CHAIRMAN RUCHO: All right. Well, thank 6 you. I think, actually, Representative -- Senator 7 Hise requested that earlier. So we'll do that. 8 Senator Blue, question. 9 SEN. BLUE: No question; just a comment. 10 CHAIRMAN RUCHO: All right. 11 SEN. BLUE: Mr. Chairman, I don't think 12 it takes much imagination to see exactly what 13 you've done here. In three districts -- that is, 14 the 1st, the 4th, and the 12th -- you've, again, 15 managed to stuff about half of the black 16 population in the state. And all you've got to do 17 is look -- you can -- you can name it whatever you 18 want to name it; it still is what it is. 19 When you just peruse very quickly the 20 statistics on all of these races, you see exactly 21 what is going on in each of these three districts. 22 You've got 66 to 68 percent -- you call it 23 "Democratic performance." But anybody who looks 24 at the numbers see that you're at the core of the 25 cities in this state and that the areas that you</p>
<p style="text-align: right;">43</p> <p>1 of my knowledge, you didn't vote for the 2011 2 plan. The plans that you voted for have, in fact, 3 been unconstitutional. 4 But let me continue in my answer. The 5 criteria that this committee adopted in open 6 debate yesterday was the following: Equal 7 population, contiguity, political data, partisan 8 advantage, the 12th District compactness, and 9 incumbency. That is the criteria that this 10 committee debated and adopted over about a 11 three-and-a-half, four-hour period. Those are the 12 criteria that were used to draw these maps. Those 13 are the criterion that these members will be asked 14 to base their decision on. 15 CHAIRMAN RUCHO: Representative Lewis. 16 (Chairman Rucho and Representative Lewis 17 confer.) 18 CHAIRMAN RUCHO: Representative Michaux, 19 you all set? 20 REP. MICHAUX: Yeah. 21 CHAIRMAN RUCHO: Very good. Thank you. 22 All right. Do we have anybody else 23 presenting a question or -- 24 REP. STAM: Mr. Chairman? 25 CHAIRMAN RUCHO: Yes, Representative Stam.</p>	<p style="text-align: right;">45</p> <p>1 extract are the -- are the primarily minority 2 communities, whether you're in Durham or Wake or 3 Mecklenburg. 4 The more important thing is that you 5 can't use partisanship as a proxy for race. And 6 that's exactly what you've done here. We know 7 because we've been unable to draw these maps 8 overnight. And you didn't draw them overnight 9 either. And we know that they were imported into 10 this place, and they weren't originally conceived 11 or drawn on the legislative computers. 12 But let me say this: The biggest 13 challenge that we have is basically the 14 dismantling of democracy that this map represents, 15 in that you create three districts that perform at 16 a 65 to 70 percent level for one party, then ten 17 districts that perform in the low to mid 50s range 18 for the other party. Now, you're assaulting 19 democracy even though you're doing it in the name 20 of partisanship. 21 And historically, the courts have said 22 that they're going to stay out of the political 23 thicket when it comes to gerrymandering based on 24 partisanship. 25 But I will tell you, this is such a bold</p>

<p style="text-align: right;">46</p> <p>1 and audacious move that it's probably what the 2 courts have been waiting for to wade into this 3 area. And I will assure you of that. And if you 4 think the people in this state are mad because of 5 the way you districted the last time, they're 6 going to be furious because of the way you're 7 doing this district. This is an abomination. It 8 is a direct assault on democracy. It is 9 disingenuous to think that you've now created 10 districts that don't take race into account just 11 because you say race hasn't been taken into 12 account.</p> <p>13 When we get the stat -- stat packs on 14 these districts, I will assure you of two things: 15 Number 1, the black voting age population in 16 Districts 1 and District 12 are equal or greater 17 than it was in the two districts that have been 18 rejected so far. And Number 2, that -- that in 19 the other district, District 4, I guess, where you 20 take Wake County and send it a certain way, you 21 will find the same kind of phenomenon.</p> <p>22 So I say that you might call it 23 partisanship in districting like this. But here 24 in the middle of Black History Month, it is as 25 pernicious as the same kinds of activity that has</p>	<p style="text-align: right;">48</p> <p>1 Yes, Representative Butterfield. 2 REP. FARMER-BUTTERFIELD: Thank you, 3 Mr. Chair. 4 I wanted to ask that we look at the 5 criteria we have that was adopted by this majority 6 yesterday and apply that to these three districts 7 for me. 8 REP. LEWIS: Certainly. 9 CHAIRMAN RUCHO: Representative Lewis. 10 And while he's preparing, can I remind 11 everybody here to please keep your maps so we can 12 have them and we don't have to cut down some 13 additional trees, if at all possible. And -- so 14 thank you. That and the stat packs. So bring 15 them and make them available for the redistricting 16 committee meetings, House and Senate, and on the 17 floor. 18 Representative Lewis. 19 REP. LEWIS: Mr. Chairman, could I just 20 clarify with Representative Farmer-Butterfield? 21 You wanted to go through three districts 22 that Senator Blue referred to based on the 23 criteria that was adopted. 24 Yes, ma'am. First of all, the first 25 criteria was equal population. The population of</p>
<p style="text-align: right;">47</p> <p>1 given a scar to so many Southern states over the 2 last 150 years. 3 You call it what you want. It is still 4 using race as a basis as to how you elect the 5 Congresspeople in North Carolina. 6 CHAIRMAN RUCHO: Representative Lewis. 7 REP. LEWIS: Mr. Chairman, I just point 8 out even Senator McKissick's acknowledged that 9 race was not a factor in drawing this map, Senator 10 Blue appears to want to try to create something 11 that does not exist. 12 So I will point out again: I have 13 already read the criteria. I will not -- I will 14 not belabor it. But the criteria that was used to 15 draw this map was adopted by this committee 16 yesterday and repeated by me a few minutes earlier 17 today. 18 CHAIRMAN RUCHO: Yes, sir. Thank you. 19 And -- and Senator Blue, when you use -- 20 say that using the partisan, that partisan was 21 never used. All it was is the political data 22 coming from elections, and you have that before 23 you. So for you to tie together race in that just 24 doesn't make any sense. So that -- that being 25 said --</p>	<p style="text-align: right;">49</p> <p>1 the 1st is 733,499. 2 The second criteria is contiguity. I 3 think you can look at the map -- and even this 4 map, if it's more helpful without county lines, 5 and be able to see that all the territory is 6 contiguous. It does touch. 7 Political data: I've provided that to 8 you. That shows what the election results were 9 within inside this district. 10 The partisan advantage: I've conceded 11 that Republicans don't have a great partisan 12 advantage in the 1st. 13 The 12th: The -- the drawing of the 14 1st -- the -- one of the criterion yesterday was 15 do away with the certain serpentine shape of the 16 12th. So that would not apply to the 1st. 17 Compactness: I think you will notice 18 that nearly every county in the 1st is a whole 19 county. You will see that there are three divided 20 counties in the 1st, Wilson being one of them. 21 That was done to take into account the residency 22 of the incumbent. Pitt -- Pitt was divided to -- 23 again, based on the requirement to have equal 24 population. And you'll see that Durham is divided 25 as well, as best I recall, as -- as a combination</p>

<p style="text-align: right;">50</p> <p>1 of the need to equalize population, and political 2 concerns as well. 3 In the 4th, the criteria for equal 4 population is met. The population in the 4th is 5 733,499. 6 Contiguity: You'll notice that it is all 7 of Orange County. It connects nicely through 8 Durham in whole precincts. And you'll see that it 9 connects into Wake. All of the area is 10 contiguous. 11 The area of political data I provided to 12 you in the stat packs, the partisan advantage, 13 I've conceded that I think the Republicans are 14 going to have to work hard to win this seat. 15 The 12th District: This -- the doing 16 away with the serpentine 12th does not apply to 17 the drawing of the 4th. 18 Compactness: I think you can see that 19 it's one whole county. It's -- it is, in my 20 opinion, a very compact district. And in the area 21 of incumbency, one incumbent member of Congress 22 resides in Orange County. So it takes that into 23 account as well. 24 As far as the 12th goes, an area of equal 25 population. The population of the 12th is</p>	<p style="text-align: right;">52</p> <p>1 Michaux had a question. 2 REP. MICHAUX: Yeah. Mr. Chairman, I've 3 just got a short question. 4 Representative Lewis, do you believe that 5 what you have done here, that African-American 6 voters have a reasonable opportunity to elect 7 candidates of their choice? 8 REP. LEWIS: Representative Michaux, I've 9 conceded that you're a brilliant man. I've 10 conceded that you're a very good attorney. I'm 11 going to answer that by saying these maps were 12 adopted by the criteria -- were drawn by the 13 criteria adopted by this committee. The winks and 14 the nods are not going to change my answer. Or 15 the smirks. 16 CHAIRMAN RUCHO: Follow-up? 17 REP. MICHAUX: That was the answer I 18 expected. 19 CHAIRMAN RUCHO: Okay. 20 REP. LEWIS: Glad -- glad to oblige. 21 CHAIRMAN RUCHO: All right. 22 Representative Hager. 23 REP. HAGER: Thank you, Mr. Chairman. 24 Just a quick statement, if it's okay with you. 25 As I sit here, we listen to the issues</p>
<p style="text-align: right;">51</p> <p>1 733,498. 2 The contiguity: You'll see that it is 3 all connected territory within Mecklenburg County. 4 The political data I have provided to you, 5 partisan advantage, I have conceded that the 6 Republicans have to work really hard to win this 7 seat. 8 The 12th District: You will see it is 9 certainly not a serpentine district that snakes 10 all the way up through the state. 11 Compactness: I think certainly you can 12 recognize that it is compact. 13 And incumbency for this particular 14 district was not a consideration because there is 15 not an incumbent residing in the 12th at this 16 time. 17 REP. FARMER-BUTTERFIELD: Thank you. 18 CHAIRMAN RUCHO: Follow-up? 19 REP. FARMER-BUTTERFIELD: Follow-up. 20 I appreciate that information. It's 21 certainly helpful, because I live in District 1. 22 And I was also concerned about how District 12 was 23 leading as it relates to party. So that's been 24 real helpful. 25 CHAIRMAN RUCHO: I've got Representative</p>	<p style="text-align: right;">53</p> <p>1 that we've had, and I want to commend Senator 2 Rucho and Representative Lewis for the good job 3 you guys have done on this. Thank you guys for 4 your hard work. 5 Senator Blue said that the people are 6 mad -- or will be mad in North Carolina for -- 7 over these maps. 8 Senator Blue, you know, the last three 9 elections, we returned more and more Republican 10 majorities in this House and the Senate. If 11 they're mad, I think we -- they're mad you -- you 12 mad -- may be mad at the wrong person. 13 The Democrats in this case, in the 14 minority party, have returned no maps. We don't 15 have anything else to consider. Even though, as 16 the way I understand it, that unless the 17 Republicans had colluded with the radio stations 18 and the TV stations to only deliver the message of 19 a three-judge panel to Republican areas, that the 20 minority party had the same amount of time to 21 bring maps forward. Two weeks, as far as I 22 understand, that Representative Lewis and Senator 23 Rucho worked to get this -- get these maps to us. 24 You know, at the end of the day, 25 Representative Michaux talks about Section 2 of</p>

<p style="text-align: right;">54</p> <p>1 the VRA. What he fails to mention is there's a 2 three -- let me -- let see if I got it right. A 3 three-threshold condition to be met. We didn't 4 talk about those. We can go over those. 5 I think it's not just as simple as saying 6 the VRA says -- Section 2 says you've got to do 7 this. And, you know, what I find strange is a lot 8 of the -- these three -- three conditions were met 9 on the Supreme Court decision on Thornburg -- 10 Thornburg versus Gingles that was because of 11 Democrat-drawn maps back in the '80s. So I find 12 that very ironic that these were pushed forward 13 because of past Democratic-controlled maps that 14 were drawn. 15 So I say all of this to say that, you 16 know, these guys have worked hard. They've 17 complied to the three-judge panel, even though I 18 think all of us on this side of the aisle believe 19 that the maps were -- drawn originally were 20 constitutional. 21 So I think what we ought to do, 22 Mr. Chairman, is move this map forward and go 23 ahead and vote on it, and let's vote on it and get 24 it out so we can all go home. 25 CHAIRMAN RUCHO: Thank you,</p>	<p style="text-align: right;">56</p> <p>1 SEN. McKISSICK: So point of 2 clarification, Mr. Chair. 3 CHAIRMAN RUCHO: Follow-up question. 4 SEN. McKISSICK: If we were to provide a 5 jump drive or -- will they be like a jump drive or 6 some device available where we could obtain that? 7 CHAIRMAN RUCHO: Ms. Churchill, do you 8 have any answer to that? 9 MS. CHURCHILL: Senator McKissick, from 10 the chair's instructions for posting on the Web, 11 the block assignment file will be on the Web 12 following the conclusion of this meeting. 13 SEN. McKISSICK: On the Web it will be 14 available? 15 MS. CHURCHILL: Yes, sir. 16 SEN. McKISSICK: Thank you. 17 MS. CHURCHILL: Okay. 18 CHAIRMAN RUCHO: Representative Jones. 19 REP. JONES: Thank you, Mr. Chairman. 20 I just want to take the opportunity, 21 perhaps with Representative Hager, and just 22 commend the chairs and everyone involved for the 23 work here under very difficult circumstances and 24 very difficult time limits to be able to comb back 25 with something like this.</p>
<p style="text-align: right;">55</p> <p>1 Representative Hager. 2 Representative Lewis, comments? 3 REP. LEWIS: No, sir. 4 CHAIRMAN RUCHO: Okay. I've got Senator 5 McKissick for a question. 6 Excuse me, I had Representative Jones. 7 Okay. He -- he offers you to have first 8 voice. 9 SEN. McKISSICK: And this is a question 10 of co-chairs or perhaps of staff. I was wondering 11 if we could get a copy of the plan in a digital 12 format that we -- say, on a jump drive or 13 something like that, that can be downloaded to a 14 database for further analysis? 15 REP. LEWIS: Mr. Chairman -- 16 SEN. McKISSICK: And if so, when that 17 might be available. 18 REP. LEWIS: Mr. Chairman? 19 CHAIRMAN RUCHO: Yes, sir. 20 Representative Lewis. 21 REP. LEWIS: Thank you, Mr. Chairman. 22 I would like to state for the record that 23 staff has been instructed as soon as this 24 committee adopts this plan to make that 25 information available.</p>	<p style="text-align: right;">57</p> <p>1 And I just wanted to kind of reiterate 2 the fact of the compactness of the districts. 3 Just for the benefit, perhaps, of the people -- 4 people listening in that may not understand or 5 just to reiterate that with Congressional 6 districts, it's absolute zero deviation. 7 People ask sometimes, well, why do you 8 divide a county? And the answer is, it's 9 impossible not to. 10 But for you to draw 13 Congressional 11 districts and only divide 13 counties, only divide 12 13 precincts, is quite commendable and goes beyond 13 what should be expected. And I think you-all have 14 done an absolute brilliant job in doing that. And 15 obviously you know that whatever map you came back 16 with, you were going to be subject to some type of 17 criticism that we've heard here today, and no 18 doubt will hear going forward. 19 But I will say this, and going back, 20 perhaps, to a few of the comments that were made 21 yesterday, which we won't repeat. But when the 22 minority party was in the majority, I think it's 23 pretty clear that they stopped at no limits when 24 it came to political gerrymandering to their 25 advantage.</p>

<p style="text-align: right;">58</p> <p>1 When you look at the legislative maps 2 that were drawn back in the previous decades, with 3 two-member districts, three-member districts, 4 four-member districts, however a district had to 5 be drawn in order to gain that political favor -- 6 favoritism for the majority at the time, there was 7 no stone left unturned. But, yet, you've come 8 back with a map here that has -- has answered the 9 critics, has compiled -- complied with the law as 10 the judge panel suggested. And I -- I think you 11 really need to be commended.</p> <p>12 And briefly, I just wanted to add to 13 something that Senator Brown mentioned earlier 14 with the 13th district. But I will take issue 15 with those that would say that you cannot elect 16 Democratic members in these districts. If you -- 17 if you look at the data that we've been given -- 18 for instance, the very first race on the -- on the 19 sheet, 2008 Attorney General race, which was a 20 contested partisan race, I would -- I would point 21 out that the Democratic candidate won 13 out of 22 the 13 Congressional districts.</p> <p>23 If you look at the next one, which was 24 the auditor's race, the Democratic candidate won 25 nine of the 13 districts. If you go to the next</p>	<p style="text-align: right;">60</p> <p>1 and weren't offered anything from the majority 2 party to help us towards that goal. Am I correct 3 in that? I was -- kind of remembered that.</p> <p>4 CHAIRMAN RUCHO: Yes, sir. Those were 5 unconstitutional districts, if you remember.</p> <p>6 SEN. APODACA: Yeah, they were.</p> <p>7 But I -- you know, I'm struck -- you 8 know, I look at this wall and all of these maps. 9 And I would say, I would submit, that this map is 10 probably the best map since 1980.</p> <p>11 Representative Michaux, I guess that was 12 your tenth term. I don't remember how long you 13 were here.</p> <p>14 Smile, Mickey.</p> <p>15 But, you know, we talk about splitting 16 districts and we just talked about we have 13 17 split districts. 2011, we had 32. 2001, we had 18 27. 1998, we had 21. 1997, we had 20. And 1992, 19 we had 44. So today, we have 13, with this 20 proposed map, split districts. So --</p> <p>21 CHAIRMAN RUCHO: Counties.</p> <p>22 SEN. APODACA: Counties, excuse me.</p> <p>23 Counties split. Both, yeah.</p> <p>24 So this is much better than what we've 25 had in the past, and I submit it to you.</p>
<p style="text-align: right;">59</p> <p>1 page and look at the commissioner of insurance 2 race, the Democrat won eight of the 13 districts.</p> <p>3 So I think -- to give credit to the 4 people of this state, we're not talking about 5 robots. They do have an opportunity to vote for 6 the candidates of your choice. And I think that 7 they have shown that they will cross party lines 8 or they will vote for the candidate of their 9 choice, whether it's a Republican or a Democrat, 10 which would suggest that if you have the right 11 candidate, that you have an opportunity to win in 12 any -- in any district. And I think that should 13 be pointed out.</p> <p>14 Again, Representative Lewis, Senator 15 Rucho, thank you--all for the hard work and look 16 forward to supporting your efforts.</p> <p>17 CHAIRMAN RUCHO: Thank you.</p> <p>18 Senator Apodaca.</p> <p>19 SEN. APODACA: Thank you, Mr. Chairman.</p> <p>20 I think it might be good if we're talking 21 about history month and history lessons, we have a 22 little General Assembly history. I think back 23 to -- Senator Rucho, what? 2003? When we had a 24 hearing similar to this and we were told that we 25 could find our own computer and draw our own maps</p>	<p style="text-align: right;">61</p> <p>1 CHAIRMAN RUCHO: Senator Brown.</p> <p>2 SEN. BROWN: Thank you, Mr. Chairman.</p> <p>3 I'm not sure I can say much more than 4 Representative Jones and Senator Apodaca just 5 touched on. I, too, was going to mention that in 6 the '08 election, that Attorney General Cooper won 7 every single one of these -- these districts.</p> <p>8 SEN. McKISSICK: That's what they're 9 hoping for.</p> <p>10 SEN. BROWN: So I think that tells you 11 the competitiveness of these districts.</p> <p>12 And again, to keep these maps where you 13 only split 13 counties -- everybody needs to go 14 home and try it, and I can promise you, it's hard 15 to do it by splitting any less than that and keep, 16 you know, the populations the same in each of 17 these counties.</p> <p>18 So again, I -- I think this is a pretty 19 dang good job, and I would hope that the members 20 of -- that live in each of these counties 21 appreciate the fact that we've tried to keep them 22 as whole as we have. And I think it's a very good 23 map. Thank you.</p> <p>24 CHAIRMAN RUCHO: Representative Michaux.</p> <p>25 REP. MICHAUX: Yeah, Mr. Chairman, since</p>

<p style="text-align: right;">62</p> <p>1 my name has been used in vain a little bit here.</p> <p>2 CHAIRMAN RUCHO: It was just a question</p> <p>3 of whether it was a tenth or the 16th term that</p> <p>4 you were at, at that point, I think.</p> <p>5 REP. MICHAUX: Well, at the term that he</p> <p>6 mentioned, I was a United States Attorney for the</p> <p>7 Middle District of North Carolina. So I wanted to</p> <p>8 clear that up. Make sure you understood. Just</p> <p>9 like you got your facts wrong on that one, you are</p> <p>10 wrong on this, too.</p> <p>11 But irrespective of -- irrespective of --</p> <p>12 SEN. APODACA: Mr. Chairman, may I ask</p> <p>13 Representative Michaux a question?</p> <p>14 CHAIRMAN RUCHO: In a moment.</p> <p>15 Finish up.</p> <p>16 REP. MICHAUX: If he wants to ask me a</p> <p>17 question, let him go ahead on.</p> <p>18 CHAIRMAN RUCHO: Go ahead.</p> <p>19 REP. MICHAUX: Ask him who he voted for</p> <p>20 in his first race?</p> <p>21 SEN. APODACA: I don't remember. I</p> <p>22 believe it was you. But we were all young at one</p> <p>23 time.</p> <p>24 Did you prosecute these maps when you</p> <p>25 were in the U.S. Attorney's Office?</p>	<p style="text-align: right;">64</p> <p>1 just wondering what's been determined and what has</p> <p>2 been proposed in terms of deadlines for filing</p> <p>3 periods in the postponement of the Congressional</p> <p>4 district elections? Because we clearly have</p> <p>5 situations here which would, in my mind, compel us</p> <p>6 to reset the Congressional district elections at a</p> <p>7 later date and reopen these final periods.</p> <p>8 So I was wondering what has been thought</p> <p>9 about or what has been considered in terms of new</p> <p>10 date for the Congressional district elections or</p> <p>11 proposed opening periods for filing of candidacy.</p> <p>12 Because otherwise, we end up with one district</p> <p>13 where there won't even be anybody.</p> <p>14 REP. LEWIS: Mr. Chairman.</p> <p>15 CHAIRMAN RUCHO: Yes, sir.</p> <p>16 REP. LEWIS: In an attempt to answer the</p> <p>17 Senator's question, it is the intent tomorrow,</p> <p>18 provided a stay is not issued, that a bill would</p> <p>19 be sourced to create a new redistricting map to</p> <p>20 comply with the decision in the Harris case.</p> <p>21 There will be a separate bill that would be</p> <p>22 sourced that would reestablish when the new</p> <p>23 Congressional election would be done. Obviously,</p> <p>24 there are factors to take into account, a certain</p> <p>25 amount of time it takes to get the ballots</p>
<p style="text-align: right;">63</p> <p>1 REP. MICHAUX: I didn't -- I didn't have</p> <p>2 to. I helped draw the ones in '80.</p> <p>3 CHAIRMAN RUCHO: Okay. You have a</p> <p>4 follow-up to that?</p> <p>5 REP. MICHAUX: Yeah. I just wanted to</p> <p>6 say, Mr. Chairman, that what -- what -- what</p> <p>7 Representative Hagar says, he needs to go back --</p> <p>8 I'm glad he's a student of the law because he</p> <p>9 needs to really go back. Section 2 is a valuable</p> <p>10 part of the Voting Rights Act. It is a part -- if</p> <p>11 you read the decision by the three-judge panel,</p> <p>12 Section 2 is mentioned in there. If you read the</p> <p>13 decision in the Alabama case, Section 2 is</p> <p>14 mentioned in there.</p> <p>15 All of these things fall in line. What</p> <p>16 you -- what you're basically doing here is trying</p> <p>17 to avoid using race, you have already brought race</p> <p>18 into the picture.</p> <p>19 CHAIRMAN RUCHO: Thank you.</p> <p>20 All right. Any other questions, Members</p> <p>21 of the Committee? Any --</p> <p>22 Yes, sir. Senator McKissick.</p> <p>23 SEN. McKISSICK: And it may be premature</p> <p>24 to ask this question. But assuming these maps are</p> <p>25 approved tomorrow and they go on to the Court, I'm</p>	<p style="text-align: right;">65</p> <p>1 prepared and mailed out and whatnot.</p> <p>2 But just for planning purposes, I</p> <p>3 believe, sir, you could anticipate that the -- the</p> <p>4 Senate would deal with the adoption of the maps</p> <p>5 first and the House would deal with the adoption</p> <p>6 of the new election schedule, and then the two</p> <p>7 would cross. And, you know, of course it would</p> <p>8 require action by both sides.</p> <p>9 I know that there are several members</p> <p>10 that have begun to work on this with our staff. I</p> <p>11 can't give you the exact dates now; frankly,</p> <p>12 because I don't know what they are.</p> <p>13 SEN. McKISSICK: Thank you.</p> <p>14 CHAIRMAN RUCHO: Follow-up. You all set?</p> <p>15 SEN. McKISSICK: I -- I think that</p> <p>16 clarifies it. I mean, do we have any proposed</p> <p>17 dates? I mean, are we talking about May for the</p> <p>18 election or...</p> <p>19 REP. LEWIS: Mr. Chairman?</p> <p>20 CHAIRMAN RUCHO: Yes, sir.</p> <p>21 REP. LEWIS: I'll be happy to try and</p> <p>22 share, or perhaps Representative Jones could meet</p> <p>23 with the senator after we adjourn.</p> <p>24 To my knowledge, the dates have not been</p> <p>25 finalized yet. I know that they're both in</p>

<p style="text-align: right;">66</p> <p>1 conversations with our central staff. I know 2 Representative Jones on the behalf of the House 3 has been in contact with the State Board. I 4 don't -- to be candid with you, I don't know that 5 we've set what the dates are just yet. 6 SEN. MCKISSICK: Okay. Thank you. 7 CHAIRMAN RUCHO: To -- to help out with 8 that, you know, having worked on the part when we 9 establish the filing and the like for the March 10 15th, there are seven days that the boards of 11 elections, both central and counties, are required 12 to do certain things. So what you do is you work 13 back, and that hasn't been done yet. Okay. 14 All right. Members of the Committee, I 15 don't see any additional questions or comments. 16 Senator Hise, for a motion? 17 SEN. HISE: Thank you, Mr. Chairman. 18 We've been tasked by the President Pro 19 Tem for the Senate and the Speaker of the House 20 with recommending a proposed contingent 21 Congressional map that complies with the trial 22 court's order in the matter of Harris versus 23 McCrory, to the extent that that order is not 24 stayed by higher authority. To comply with our 25 directive and after extensive debate today, I move</p>	<p style="text-align: right;">68</p> <p>1 THE CLERK: Rucho, aye. 2 Apodaca? 3 SEN. APODACA: Aye. 4 THE CLERK: Apodaca, aye. 5 Barefoot? 6 SEN. BAREFOOT: Aye. 7 THE CLERK: Barefoot, aye. 8 Blue? 9 SEN. BLUE: No. 10 THE CLERK: Blue, no. 11 Brown. 12 SEN. BROWN: Aye. 13 THE CLERK: Brown, aye. 14 Clark? 15 SEN. CLARK: No. 16 THE CLERK: Clark, no. 17 Harrington? 18 SEN. HARRINGTON: Aye. 19 THE CLERK: Harrington, aye. 20 Hise? 21 SEN. HISE: Aye. 22 THE CLERK: Hise, aye. 23 Jackson. 24 SEN. JACKSON: Aye. 25 THE CLERK: Jackson, aye.</p>
<p style="text-align: right;">67</p> <p>1 that the committee recommend favorably to the 2 General Assembly the contingent Congressional map 3 presented to the committee today by you and 4 Co-chairman Lewis, and that committee staff be 5 given leave to format this recommendation, 6 recommending contingent map as needed for 7 submission as a report of recommended legislation 8 to the General Assembly. 9 CHAIRMAN RUCHO: Thank you, Senator Hise. 10 Members of the committee, we have a 11 motion before us to adopt these maps and be able 12 to submit them to the General Assembly for the 13 short -- for the special session. 14 Any questions or comments? 15 (No response.) 16 CHAIRMAN RUCHO: All right. Seeing none, 17 Mr. Clerk, may we have a roll -- 18 THE CLERK: As per Senator Apodaca -- 19 CHAIRMAN RUCHO: -- roll call first. And 20 Senator Apodaca wants to be called first, if you 21 will be kind enough. 22 THE CLERK: We'll begin with the Senate. 23 CHAIRMAN RUCHO: Thank you. 24 THE CLERK: Rucho? 25 CHAIRMAN RUCHO: Aye.</p>	<p style="text-align: right;">69</p> <p>1 Lee? 2 SEN. LEE: Aye. 3 THE CLERK: Lee, aye. 4 McKissick? 5 SEN. MCKISSICK: No. 6 THE CLERK: McKissick, No. 7 Randleman? 8 SEN. RANDLEMAN: Aye. 9 THE CLERK: Randleman, aye. 10 Sanderson? 11 SEN. SANDERSON: Aye. 12 THE CLERK: Sanderson, aye. 13 Smith? 14 SEN. SMITH: No. 15 THE CLERK: Smith, no. 16 Smith-Ingram? 17 SEN. SMITH-INGRAM: No. 18 THE CLERK: Smith-Ingram, no. 19 Wade? 20 SEN. WADE: Aye. 21 THE CLERK: Wade, aye. 22 Wells? 23 SEN. WELLS: Aye. 24 THE CLERK: Wells, aye. 25 Lewis?</p>

<p style="text-align: right;">70</p> <p>1 REP. LEWIS: Aye. 2 THE CLERK: Lewis, aye. 3 Jones. 4 REP. JONES: Aye. 5 THE CLERK: Jones, aye. 6 Brawley? 7 REP. BRAWLEY: Aye. 8 THE CLERK: Brawley, aye. 9 Cotham. 10 REP. COTHAM: No. 11 THE CLERK: Cotham, no. 12 Davis? 13 REP. DAVIS: Yes. 14 THE CLERK: Davis, yes. 15 Farmer-Butterfield? 16 REP. FARMER-BUTTERFIELD: No. 17 THE CLERK: Farmer-Butterfield, no. 18 Hager? 19 REP. HAGER: Aye. 20 THE CLERK: Hager, aye. 21 Hardister? 22 REP. HARDISTER: Aye. 23 THE CLERK: Hardister, aye. 24 Haynes? 25 REP. HAYNES: No.</p>	<p style="text-align: right;">72</p> <p>1 Stevens? 2 REP. STEVENS: Aye. 3 THE CLERK: Stevens, aye. 4 CHAIRMAN RUCHO: Members of the 5 Committee, the roll was taken and you have 24 6 ayes, in favor of adoption of the maps, 11 noes. 7 That will be submitted to the General Assembly at 8 its special session. 9 I'll remind everyone again that please 10 save the maps that you have and bring them with 11 you so that we can be able to save staff time 12 in -- in trying to accomplish that. 13 The -- I think you need to stay tuned to 14 the -- to the e-mails for the next meeting, which 15 I'm assuming will be... 16 All right. Will be the call of the chair 17 and specifically on redistricting committee. 18 Representative Lewis, any additional 19 comments? 20 REP. LEWIS: Mr. Chairman, just an 21 announcement to the members: We've been informed 22 that the governor has called and has issued a 23 proclamation for an extra session. The General 24 Assembly will convene on Thursday, February 18th 25 at 10 o'clock a.m.</p>
<p style="text-align: right;">71</p> <p>1 THE CLERK: Haynes, no. 2 Hurley? 3 REP. HURLEY: Aye. 4 THE CLERK: Hurley, aye. 5 Jackson? 6 REP. JACKSON: No. 7 THE CLERK: Jackson, no. 8 Johnson? 9 REP. JOHNSON: Aye. 10 THE CLERK: Johnson, aye. 11 Jordan? 12 REP. JORDAN: Aye. 13 THE CLERK: Jordan, aye. 14 McGrady? 15 REP. McGRADY: Aye. 16 THE CLERK: Grady, aye. 17 Michaux? 18 REP. MICHAUX: No. 19 THE CLERK: Michaux, no. 20 Moore? 21 REP. MOORE: Nay. 22 THE CLERK: Moore, nay. 23 Stam? 24 REP. STAM: Aye. 25 THE CLERK: Stam, aye.</p>	<p style="text-align: right;">73</p> <p>1 CHAIRMAN RUCHO: Okay. Members of the 2 Committee, we're about ready to conclude our 3 meeting. But again, I will just let you know, 4 without objection, the chairs will sign this 5 report when it's prepared to be submitted to -- to 6 the General Assembly. 7 Okay. 8 REP. LEWIS: Mr. Chairman? 9 CHAIRMAN RUCHO: Yes, sir. 10 Representative Lewis. 11 REP. LEWIS: I just also wanted to state 12 for record that the Chair's acknowledged the 13 request from Senator McKissick, and perhaps 14 others, to make this information available and the 15 Chair's understand that may require additional 16 information than what's been provided here or what 17 was considered in drawing of the maps. 18 CHAIRMAN RUCHO: Okay. Ladies and 19 gentlemen, thank you for your attention, and this 20 committee is adjourned. 21 (The proceedings in this matter adjourned 22 at 5:37 p.m.) 23 24 25</p>

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STATE OF NORTH CAROLINA
COUNTY OF WAYNE

CERTIFICATE

I, Jennifer C. Carroll, a Registered Merit Reporter and Certified Realtime Reporter, do hereby certify that on February 17, 2016, the proceeding was held before me at the time and place aforesaid, that all parties were present as represented, and that the record as set forth in the preceding pages represents a true and accurate transcription of the proceedings to the best of my ability and understanding.

IN WITNESS WHEREOF, I have hereto set my hand, this the 26th day of February, 2016.

Jennifer C. Carroll, RMR, CRR