

NORTH CAROLINA HOUSE OF REPRESENTATIVES SESSION

NORTH CAROLINA GENERAL ASSEMBLY

TRANSCRIPT OF THE PROCEEDINGS

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PREPARED BY: Regina Toppins

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Legislative Defendants Trial

1 SPEAKER MOORE: The House will come to
2 order. Members will take their seats. Visitors will
3 retire from the chamber. Sergeant-At-Arms will close
4 the doors. Ask members and guests to please silence
5 all electronic devices.

6 This afternoon's prayer will be offered by
7 Representative Jones. We'd ask our members and our
8 guests in the gallery to please stand and remain
9 standing for the pledge of allegiance.

10 Representative Jones.

11 REPRESENTATIVE JONES: Let us pray. Our
12 Father and our God, let us come before your throne
13 today with praise and thanksgiving. You are a great
14 God and a good God, full of love, mercy and grace.
15 You're a God of truth. And in all our ways let us
16 acknowledge you as God. Let us bring honor and glory
17 to you today and everyday. We pray for our nation.
18 We're calling in your word that blessed is the nation
19 whose God is the lord. We lift up all of our people
20 and all those in authority that they will seek and
21 receive divine wisdom from above.

22 The psalm reminds us that it is better to
23 put our trust in the Lord than to put our confidence
24 in man. Let us put our trust in you, oh, Lord, our
25 strength, and our redeemer.

1 Father, we lift up all that try to protect
2 us, including our military and our law enforcement.
3 We pray for their safety. We also lift up those that
4 are dealing with weather-related disasters, such as
5 the hurricane in the Texas area. We pray for their
6 safety as well. We thank you for all your many
7 blessings to us. You're a wonderful and a gracious
8 God. As each may pray in their own way, I pray in the
9 name of your son, my savior Jesus Christ, amen.

10 ASSEMBLY MEMBERS: Amen.

11 I pledge allegiance to the flag of the
12 United States of America and to the republic for which
13 it stands, one nation under God, indivisible with
14 liberty and justice for all.

15 SPEAKER MOORE: The gentleman from Harnett,
16 Representative Lewis, is recognized for a motion.

17 REPRESENTATIVE LEWIS: Mr. Speaker, the
18 Journal for August 25th has been examined and found to
19 be correct. I moved that it be approved as written.

20 SPEAKER MOORE: Representative Lewis moves
21 the Journal for August 25th be approved as written.
22 Those in favor will say Aye; those opposed say No.
23 The Ayes have it. The Journal is approved as written.

24 Calendar. House vote 927. The Clerk will
25 read.

1 The House will come to order. Members,
2 Members, please give your attention to the Chair just
3 a moment. We, I believe during these proceedings we
4 have a court reporter, who is also trying to
5 transcribe, so we'd ask that the conversations please
6 be kept down so that the court reporter can do that as
7 well as just general respect to our fellow members.

8 The Clerk will read.

9 HOUSE CLERK: Representatives Lewis and
10 Dollar, House Bill 927, a Bill to be entitled Enact to
11 realign the districts for elections of members of the
12 North Carolina General Assembly. General Assembly of
13 North Carolina enacts.

14 SPEAKER MOORE: Further discussion, further
15 debate.

16 Does the gentleman from Harnett wish to
17 explain the Bill?

18 REPRESENTATIVE LEWIS: Thank you, Mr.
19 Speaker.

20 SPEAKER MOORE: And, by the way, the Chair
21 will suspend Rule 12D. The gentleman has the floor.

22 REPRESENTATIVE LEWIS: Thank you,
23 Mr. Speaker.

24 Mr. Speaker and Members, we are here today
25 in order to comply with the Covington's Court order.

1 The court's specific finding was that despite a robust
2 and extensive record produced by this General Assembly
3 in 2011, there was not enough evidence of legally
4 significant racially polarized voting to draw 19
5 majority/minority districts in the North Carolina
6 House plan. It is important to note that the court
7 did not find discriminatory intent on our part.
8 Specifically the court that, "nor does it signify that
9 the legislature acted in bad faith or with
10 discriminatory intent in its redistricting."

11 The process that we're using today is in
12 response and at the order of the court. The court
13 gave us a timeline that requires us to enact a plan by
14 September 1st. We produced the first such redraw 14
15 business days, 19 total days after the court order.
16 As I had announced before, it was our intent to have
17 more public input and to produce the maps by early
18 November; however, in no way should these remarks be
19 construed as being critical of the court.

20 Our intention today is simply to comply with
21 the order of the court. The timeline that the court
22 allowed provided time for us to meet and to receive
23 public input as we adopted the criteria, it provided
24 for us to have one statewide public hearing last
25 Tuesday and we have had a robust committee process

1 thus far.

2 As a note on the public hearing, I think
3 it's important to point out that one of the most
4 prevalent feedbacks that we received, in fact, I
5 personally got 2,050 e-mails asking that the
6 legislature produce a map to look at before the public
7 hearings were held. We did that. I had hoped that
8 activists and other speakers who engage with different
9 aspects regarding the legislative process might would
10 have offered a little more input on the specific map,
11 but that's not what they chose to do.

12 I will attest that I did attend the public
13 hearing in Raleigh, I did also listen to the audio
14 recordings provided by the House Sergeant-At-Arms of
15 the remote sites.

16 I'm very proud of the map that this
17 committee has produced. We produced a redistricting
18 plan that complies with the criteria that the
19 committee adopted as well, and most importantly, as
20 was stated in the federal law. Other proposals that
21 I've seen fail to live up to this map and I hope to be
22 able to tell you why.

23 First, this map complies with the equal
24 population requirement as established in Stevenson
25 versus Bartlett. No district exceeds the plus or

1 minus five percent population deviation.

2 Second, our map produces contiguous
3 districts. We did our best to avoid using water
4 contiguity where it was not required by the county
5 groupings formula.

6 Third, our map does comply with the county
7 groupings formula as established by Stevenson versus
8 Bartlett decision, and unlike other maps I've seen,
9 this map complies with the county traversals as
10 authorized in the Stevenson decision. This map splits
11 39 counties, the fewest in over two decades of maps.

12 Fourth, this map is more compact, using the
13 parameters or Polsby-Popper score and the dispersion
14 score the Reock score. This map is more compact than
15 maps enacted by the General Assembly over the past two
16 decades, and it complies with the committee's criteria
17 to use compactness as established by the test I've
18 already mentioned.

19 Fifth, this map splits fewer precincts than
20 maps produced over the past two decades. It splits 49
21 precincts total, but 30 of those are retained from
22 unaffected county groupings. And by that I did
23 clarify to the committee that when you do the county
24 optimization plan, some of the existing districts did
25 not need to be changed in order to comply with the

1 order of the court and, therefore, they are not
2 changed on this map.

3 Sixth, this map splits less municipalities
4 and respects more municipal boundaries than prior
5 plans enacted over the past two decades. This map
6 also complies with the rest of the committee's
7 criteria of encompassing protection, the use of
8 election data and no consideration of race. We
9 avoided maliciously double bunking incumbents.
10 Indeed, there are only six incumbents that are double
11 debunked in this plan. Four of them are required by
12 the county grouping formula.

13 Members, this plan accomplishes what the
14 court has asked us to do. This plan reflects
15 thoughtful consideration, it reflects public input and
16 it reflects my genuine desire to comply with the order
17 of the court.

18 I will have an amendment coming shortly, but
19 I would ask you to support the plan as amended.

20 Thank you, Mr. Speaker.

21 SPEAKER MOORE: Further discussion, further
22 debate?

23 For what purpose does the gentleman from
24 Wake, Representative Martin, rise?

25 REPRESENTATIVE MARTIN: To see if the bill

1 sponsor would yield to a few questions.

2 SPEAKER MOORE: Does the gentleman from
3 Harnett yield to the gentleman from Wake?

4 REPRESENTATIVE MARTIN: I yield, Mr.
5 Speaker.

6 SPEAKER MOORE: He yields.

7 REPRESENTATIVE MARTIN: Thank you,
8 Mr. Speaker, and thank you to the bill sponsor also.

9 Representative Lewis, in looking at the map,
10 I'm looking at Wayne County off in the eastern part of
11 the state and specifically at District 10, and as you
12 know, of course, our state constitution does have a
13 whole county provision, which as we know when
14 redistricting law and principles is not absolute, it's
15 subject to other factors, but it is in our
16 constitution. And so, in looking at Wayne County, I
17 see that it's spread over, as I count them, three
18 separate counties. I'm sorry, the District 10 is
19 spread into Wayne County, Johnston County, and Greene
20 County, but as I look at it, it seems pretty clear
21 that you could have drawn that district into just two
22 counties. What was the reason for that?

23 REPRESENTATIVE LEWIS: Thank you for the
24 question, Representative Martin. First, if I could
25 point out that Wayne County is in a 7-county grouping

1 that stretches from Bladen in the south to Greene in
2 the north. It goes as far west as Lee and, again, as
3 far east as Greene.

4 What we are required to do, as you know, is
5 the optimum number for a county for a state House
6 seat, and I'm looking at my notes to make sure I don't
7 misspeak on this very important number, the optimum
8 number for a state House seat is 79,462. As I said,
9 we are allowed to have a plus or minus 5%. So what we
10 did in producing this map is to, first of all, create
11 the optimal county grouping, which is done by taking
12 the 2010 population and divided it by this number.
13 Once we got a whole number that we could use, we then
14 set about dividing up the areas within the county
15 group.

16 To your specific question, we actually did
17 look at a drawing that would have done what you
18 suggest. However, in keeping with the entire nine
19 criteria that were adopted, we feel like this draw is
20 the preferred way to go. I realize that this is the
21 only map that is before us now. I would point out for
22 the record that there have been other maps submitted
23 during this process that also would have crossed into
24 a third county, to use your analogy or to use your
25 specific example, but to be perhaps a bit more clear,

1 we believe that we have drawn this in compliance with
2 the Stevenson rules and been able to harmonize those
3 with the nine criteria that the committee adopted.

4 REPRESENTATIVE MARTIN: Mr. Speaker?

5 SPEAKER MOORE: For what purpose does the
6 gentleman rise?

7 REPRESENTATIVE MARTIN: To see if the bill
8 sponsor will yield to a follow-up question.

9 SPEAKER MOORE: Does the gentleman yield to
10 an additional question?

11 REPRESENTATIVE LEWIS: I yield.

12 SPEAKER MOORE: He yields.

13 REPRESENTATIVE MARTIN: Thank you, Mr.
14 Speaker, and thank you to the bill sponsor also.

15 I'd like to ask a question specifically with
16 the part of your response where you said that in
17 looking at it with this option that emerged with
18 splitting the district over three counties versus a
19 district that was just in two counties, that the
20 option that we had before was in your words I think
21 the preferred option. Would you be willing to
22 elaborate a little bit more about what factors you
23 considered in how you weighed them when determining
24 that this was the preferred approach?

25 REPRESENTATIVE LEWIS: Thank you for the

1 question. There were nine criteria, I believe,
2 Representative Martin, the best I can recall. This
3 avoid us -- this helped us avoid having to pair
4 incumbents in this draw.

5 REPRESENTATIVE MARTIN: Mr. Speaker?

6 SPEAKER MOORE: For what purpose does the
7 gentleman rise?

8 REPRESENTATIVE MARTIN: Thank you, Mr.
9 Speaker, to see if the bill sponsor would yield to
10 another follow-up question.

11 SPEAKER MOORE: Does the gentleman yield to
12 additional questions?

13 REPRESENTATIVE LEWIS: I do.

14 SPEAKER MOORE: He yields.

15 REPRESENTATIVE MARTIN: Thank you,
16 Representative Lewis.

17 So, the way what I hear in that answer I
18 think is that in applying various factors that the
19 committee adopted, that you chose incumbent protection
20 as you were deciding that this was the preferred
21 option over perhaps compactness because District 10 as
22 it shows up here being spread across three counties is
23 perhaps not as compact as a district might be in just
24 two counties, not to mention its interaction with the
25 whole county provision of the Constitution.

1 REPRESENTATIVE LEWIS: Well, thank you for
2 that question, Representative Martin.

3 I should further elaborate that again when
4 you look at all of the criteria, including the most
5 important, you know, compliance with the state
6 constitution, I do believe that the other draw would
7 have created, based on what we saw, additional county
8 traversals as well. So, while this is does go into
9 three counties, it doesn't weave in and weave out and
10 so on. So, I do believe that this draw best conforms
11 to the criteria that was adopted by the committee.

12 REPRESENTATIVE MARTIN: Thank you, sir. Mr.
13 Speaker?

14 SPEAKER MOORE: Gentleman may state his
15 purpose.

16 REPRESENTATIVE MARTIN: To see if the bill
17 sponsor would yield to another question.

18 SPEAKER MOORE: Will the gentleman yield to
19 an additional question?

20 REPRESENTATIVE LEWIS: Yes, Mr. Speaker.

21 SPEAKER MOORE: He yields.

22 REPRESENTATIVE MARTIN: Thank you, sir.

23 I'd like to shift to a little bit different
24 part of the state over to Forsyth County, some
25 districts there, and actually back over to Sampson and

1 Columbus. And there's districts in those counties
2 that to my eye at least don't appear to be
3 particularly compact. Would you mind telling me what
4 the reason in a map that you say compactness was a top
5 priority, why are these districts perhaps not as
6 compact as other districts throughout the state?

7 REPRESENTATIVE LEWIS: Well, thank you for
8 that question, Representative Martin. If I said that
9 compactness was the top priority, then I misspoke. I
10 said that was one of the criteria that was adopted by
11 the committee, or at least that's what I intended to
12 say.

13 The district in Forsyth County, House
14 District 75, falls -- falls with the range of
15 acceptable compactness as measured by the
16 Polsby-Popper score. Again, not to try to repeat
17 myself with you or the members of the House, when you
18 apply all of the criteria that the committee was
19 tasked with using, this is the draw that I feel best
20 -- best meets all nine.

21 REPRESENTATIVE MARTIN: Mr. Speaker?

22 SPEAKER MOORE: The gentleman may state his
23 purpose.

24 REPRESENTATIVE MARTIN: Thank you, to see if
25 the bill sponsor would yield to another question.

1 SPEAKER MOORE: Would the gentleman from
2 Harnett yield to an additional question?

3 REPRESENTATIVE LEWIS: I do.

4 SPEAKER MOORE: He yields.

5 REPRESENTATIVE LEWIS: Thank you, and I'm
6 very grateful to the bill sponsor for his patience
7 with my questions.

8 So, my question is with regard to House
9 District 75 in Forsyth County, which is squinting my
10 aged eyes to look at it. Looks like it takes up the
11 southeast corner of Forsyth County, runs along the
12 southern border of Forsyth County and then takes up a
13 chunk of southwest Forsyth County that that district
14 is -- meets your criteria for compactness; is that
15 correct?

16 REPRESENTATIVE LEWIS: Well, thank you for
17 the question, Representative Martin.

18 One of the things that I would point out and
19 I will have to look at the exact report, but you know
20 Forsyth County, of course, is the home of the great
21 city of Winston-Salem, and I believe that we're able
22 to maintain and respect the municipal boundaries of
23 Winston-Salem by using this draw. So, again I would
24 reiterate that, yes, it is probably possible to draw a
25 more compact district, but compactness was not the

1 only criteria or the only goal that we had in the
2 production of these maps.

3 REPRESENTATIVE MARTIN: Mr. Speaker?

4 SPEAKER MOORE: The gentleman may state his
5 purpose.

6 REPRESENTATIVE MOORE: Thank you, Mr.
7 Speaker, to see if the bill sponsor would kindly yield
8 to another question.

9 SPEAKER MOORE: Does the gentleman yield to
10 an additional question?

11 REPRESENTATIVE LEWIS: I do.

12 SPEAKER MOORE: He yields.

13 REPRESENTATIVE MARTIN: Thank you,
14 Representative Lewis. I appreciate your answer to
15 that, and I wondered if you wouldn't mind also talking
16 me through the other counties I mentioned, the
17 districts in Sampson and Columbus counties look a
18 little bit, again, to my untrained eye not
19 particularly compact, and I wondered if you wouldn't
20 mind discussing what the reasons for their lack of
21 compactness would be.

22 REPRESENTATIVE LEWIS: Well, thank you for
23 the question, Representative Martin.

24 The districts in the county grouping that
25 you asked about which stretch from Bladen in the south

1 Greene in the North, I think you'll find that Bladen
2 is a whole county, then we have enough of Sampson
3 County to meet the population requirement. I did see
4 a draw that may have perhaps been judged a bit more
5 compact, but that would have created a situation where
6 incumbents were paired.

7 Again, incumbency protection was not a
8 primary goal, but it was one of the nine goals or one
9 of the nine criteria that the committee adopted.

10 As far as the Columbus County draw, the
11 Columbus County draw was a part of a grouping that
12 stretches from Pender County in the east to Robeson
13 County in the west, and what you will find when trying
14 to draw this is when you start in Pender County and
15 then you take enough population to meet the one
16 person, one vote, it simply creates the district that
17 you have there. Again, I would point out that the
18 overall score of this map in compactness is within the
19 guidelines that we have stated.

20 REPRESENTATIVE MARTIN: Mr. Speaker?

21 SPEAKER MOORE: The gentleman may state his
22 purpose.

23 REPRESENTATIVE MARTIN: To see if the bill
24 sponsor would yield to a further question.

25 SPEAKER MOORE: Does the gentleman yield to

1 an additional question?

2 REPRESENTATIVE LEWIS: Yes, sir, I yield.

3 SPEAKER MOORE: He yields.

4 REPRESENTATIVE MARTIN: And thank you again
5 for your patience, Representative Lewis.

6 So, you talked about in the context of these
7 districts that at least in my eyes don't look as
8 compact as a lot of the other ones, that a factor that
9 you weighed here incumbent protection. Is it safe to
10 say that in evaluating these maps for the best
11 approach, that you weighed incumbent protection more
12 heavily than compactness here?

13 REPRESENTATIVE LEWIS: Thank you for that
14 question.

15 Again I would say that it was one of the
16 criteria that was used in evaluating the maps. There
17 are examples in this map where compactness was -- we
18 could have been more compact had we not had incumbency
19 protection as a goal. The most compact draw that I
20 saw actually put five members in Wake County in the
21 same seat, but that would not have been in keeping
22 with the spirit and the other nine -- the other eight
23 criteria that -- that were selected by the committee.

24 REPRESENTATIVE MARTIN: Mr. Speaker?

25 SPEAKER MOORE: The gentleman may state his

1 purpose.

2 REPRESENTATIVE MARTIN: To see if the bill
3 sponsor will let me take him to one final part of the
4 state.

5 SPEAKER MOORE: Does the bill sponsor yield
6 to an additional question?

7 REPRESENTATIVE LEWIS: I yield.

8 SPEAKER MOORE: He yields.

9 REPRESENTATIVE MARTIN: Thank you, Mr.
10 Speaker.

11 Thank you once again, Chairman Lewis. If we
12 can take a look at the cluster that has Rowan, Davie
13 Cabarrus and a few other counties in it, it looks to
14 me that there are two districts in that cluster that
15 are solely within one county, not the same county, but
16 they're each within a single county. I think it's 76
17 and 82, but as I've looked at it, it seems that it's
18 possible in that cluster to draw three house districts
19 that would each be located within an individual
20 county. What was the reasoning behind drawing the
21 district this way?

22 REPRESENTATIVE LEWIS: Well, thank you for
23 that question, Representative Martin.

24 Ironically, if you did the draw that you
25 asked about, which would put two seats in Cabarrus

1 County, you would have an additional county traversal
2 into Rowan County, which, respectfully, is something
3 that you just questioned over in Wayne County.

4 REPRESENTATIVE MARTIN: Thank you, sir.

5 SPEAKER MOORE: For what purpose does the
6 lady from Orange, Representative Insko, rise?

7 REPRESENTATIVE INSKO: To ask Representative
8 Lewis a question.

9 SPEAKER MOORE: Does the gentleman yield to
10 the lady from Orange?

11 REPRESENTATIVE LEWIS: Yes, sir.

12 SPEAKER MOORE: He yields.

13 REPRESENTATIVE INSKO: Representative Lewis,
14 when we did -- when you all did the 2011 maps for the
15 U. S. Congressional races, the balance shifted from 7
16 democrats and 6 republicans to 10 republicans and 3
17 democrats. Those maps were found to be
18 unconstitutional and needed to be redrawn, which you
19 all did. And I remember that you stood up on the
20 floor of the House and said that you were going to
21 redraw the maps, not paying any attention to race and
22 that you intended to draw the maps that would result
23 in 10 republicans and 3 democrats, and that if you
24 could, you would draw 11, but you couldn't do that.

25 So, just looking at the split that we have

1 now between House democrats here, 74 and 46 democrats,
2 how by the average year, what would the new maps
3 produce in that ratio?

4 REPRESENTATIVE LEWIS: Well, Representative,
5 first of all, thank you for the question. And if I
6 may, as you sort of prefaced your question, I'd like
7 to preface my answer.

8 Perhaps in 2016 I did use a little bit more
9 hyperbole on the floor than I wish I had. I can tell
10 you that I had no partisan target in mind when these
11 maps were drawn.

12 To answer your question, I would point out
13 that we have provided on your desk a stack pack of ten
14 different races that ten different electoral contests,
15 which were a part of the criteria adopted by the
16 committee. You will find that there are relative
17 districts that tend to perform one way or the other,
18 but there are a whole lot that tend to vote both ways
19 in terms of one year they may have selected the
20 democratic nominee for governor, the next went they
21 selected the republican.

22 The short answer to your question, which
23 perhaps I should have done first, is as I had no
24 direct outcome target in mind. I honestly don't know,
25 nor have I seen any numbers that indicate what the

1 partisan results of this map would be.

2 REPRESENTATIVE INSKO: May I ask a
3 follow-up?

4 SPEAKER MOORE: Representative Insko is
5 recognized. Does the gentleman yield to an additional
6 question?

7 REPRESENTATIVE LEWIS: Yes, sir.

8 SPEAKER MOORE: He yields.

9 REPRESENTATIVE INSKO: So, I haven't
10 actually counted this map up either. I think the
11 original one I saw had potential for 76 republicans
12 seats and 44 democratic seats, but would it be fair to
13 say that if you could draw -- if you could draw more
14 districts that would be more favorable to republicans,
15 that you would do that, or based on your comments in
16 2016 I guess congressional districts, so if you could
17 do 11 you would. If you could do 77 for republicans,
18 would that be your goal?

19 REPRESENTATIVE LEWIS: Well, thank you for
20 your question, Representative.

21 The direct answer is my only goal in this is
22 to comply with the order of the Covington Court. I
23 would point out, though, because I think it goes to
24 what you're saying is that there are a lot of factors
25 that influence the outcome of elections. As you know,

1 you and I both served here for some time and there are
2 a lot of things that influence elections: The amount
3 of money that an incumbent can raise, let's just say,
4 the things like that, the name ID, the level of
5 constituency services that an incumbent provides. All
6 those things influence the outcome of elections that
7 are not a part of the map making process.

8 REPRESENTATIVE INSKO: Thank you.

9 SPEAKER MOORE: For what purpose does the
10 gentleman from Cabarrus, Representative Pittman, rise?

11 REPRESENTATIVE PITTMAN: To send forth an
12 amendment.

13 SPEAKER MOORE: The gentleman is recognized
14 to send forth an amendment. The Clerk will read.

15 HOUSE CLERK: Representative Pittman moves
16 to amend the bill on page 23, lines 21 through 27, by
17 deleting those lines and substituting the following.

18 SPEAKER MOORE: The gentleman is recognized
19 to debate the amendment.

20 REPRESENTATIVE PITTMAN: Thank you, Mr.
21 Speaker.

22 Ladies and gentlemen, making adjustments in
23 the districts in Rowan and Cabarrus counties does not
24 require moving one incumbent's precinct into another
25 incumbent's district and vice versa as the proposed

1 map would do. My amendment would undo this
2 unnecessary maneuver so that each incumbent can remain
3 in approximately the district each currently serves.

4 You know, there are a lot of folks in my
5 district currently who have seen these maps and
6 they're pretty upset about it, and they've been doing
7 some research and they've given me some items that you
8 might be interested to hear.

9 With the proposed map it is estimated that
10 only about 10 percent of Cabarrus County voters --
11 excuse me, voters, can't talk today, would have the
12 option of keeping their representative if they so
13 choose. Approximately 120,000 voters would be
14 disenfranchised to the extent that the legislature
15 will have decided to remove their representative from
16 them as opposed to the voters being able to make that
17 decision themselves. Voters should be allowed to
18 choose their representatives rather than the
19 legislature or the courts choosing for them.

20 Cabarrus County is the 9th largest county in
21 the state. Under the committee's map the eight larger
22 ones all have complete districts within their
23 counties. These include Mecklenburg, Wake, Guilford,
24 Forsyth, Cumberland, Buncombe, New Hanover and Gaston.
25 The next eight smaller counties all have two complete

1 districts within them. This includes Onslow, Johnson,
2 Iredell, Alamance, Catawba, Randolph, Rowan and
3 Robeson. Why is Cabarrus the only county in that size
4 range being required to reach outside its borders to
5 complete two districts? Cabarrus deserves the same
6 treatment as every other large county.

7 If you make two incumbents switch districts,
8 the constituents of each will lose the continuity of
9 familiarity and service they have received from each
10 of those representatives. That would serve no purpose
11 except perhaps to dictate to the voters that they must
12 choose someone else when that may not be their desire.
13 These districts and others have been formed to favor
14 members who have been in office longer, and to
15 disfavor members who have not been here a long time.
16 This is the sort of thing that I believe is causing
17 many citizens in our state and across the nation to
18 demand term limits. They are tired of long-term
19 politicians protecting their own status as opposed to
20 newer members the people might favor who don't intend
21 to make a career of it.

22 Protecting long-term incumbents I believe is
23 a problem. I understand it was a criteria that the
24 committee chose to use in putting these maps together.
25 However, you know, we serve two-year terms here and I

1 believe each term should be seen as standing alone.
2 Doesn't matter if you've been here three or four
3 years, doesn't matter if you've been here nine, ten
4 years, 20 years, however long it may be, each election
5 is a new thing and I believe the rights of all
6 candidates should be respected. I mean I've had
7 people run against me in the three elections that I've
8 won and my attitude has always been they have just as
9 much right to run as anybody, including myself. After
10 all, these seats belong to the people, not to us.

11 I'm also being told that 90% of the voters
12 in Cabarrus County under this proposed map would not
13 be allowed to vote for their incumbent in Cabarrus
14 County. Voters, again, should make that choice, not
15 the legislature or the courts.

16 If someone wants to move into another
17 district to run, I think they ought to get a house in
18 that district and move themselves there, not move your
19 whole precinct or that of an undesired opponent
20 whether with or without Representative Johnson's
21 consent this has been done, I couldn't say about that,
22 but I know I was not consulted, I don't think
23 Representative Ford was consulted about this
24 configuration, and I'm pretty sure most of the voters
25 in Cabarrus and Rowan County were not asked their

1 opinion.

2 Simply putting my precinct back into my
3 current district and Representative Johnson's precinct
4 back into her district is what my amendment would
5 accomplish, and I tried to do as little moving around
6 to accomplish that as I could.

7 What it entails is moving precincts 0404,
8 0405, 0406 and 0407 back into the 83rd District, and
9 precincts 1209, 1212 and 0108 back into the 82nd
10 District. That is within the 5%.

11 So, I appreciate your support for my
12 amendment. Thank you.

13 SPEAKER MOORE: For what purpose does the
14 gentleman from Harnett, Representative Lewis, rise?

15 REPRESENTATIVE LEWIS: To debate the
16 amendment.

17 SPEAKER MOORE. The gentleman has the floor
18 to debate the amendment.

19 REPRESENTATIVE LEWIS: Thank you.

20 Mr. Speaker and Members, if I could direct
21 your attention to the 2017 House Redistricting Plan A,
22 I'd like to talk a little bit about this amendment,
23 but first I want to point out that this is an
24 amendment that changes the county grouping that
25 stretches from Richmond in the south to Davie in the

1 north. This county grouping is a part of the county
2 optimal -- the optimal grouping scheme that both
3 parties to the lawsuit agree exists. This is the
4 optimal county grouping for this state. When you do
5 that, there was literally one more incumbent, one more
6 seated member of the General Assembly in this county
7 group than the population of that county group would
8 allow for.

9 I spent a lot of time trying to figure out
10 what to do with that issue. The only ways that I knew
11 to solve it, and I don't make light of this because I
12 know everybody works hard and sacrifices a great deal
13 to be up here, the options that I considered were you
14 could have gone to the north end of the county group
15 and grouped the incumbents that were there, you could
16 have gone to the south and grouped them there.
17 Frankly, you could have drawn them out of a hat, but
18 the only criteria that I could think of to use that
19 met with the criteria of the committee was to look at
20 the length of incumbency. The -- to be clear, under
21 no configuration, including the one that the gentleman
22 from Cabarrus has just sent forward, under no
23 configurations is there a way to avoid pairing
24 incumbents in this group.

25 What his amendment proposes to do is to pair

1 a different two. I would ask you respectfully to vote
2 this down. It's unfortunate and regretful that we
3 have to make a choice like this, but I have made it
4 using the data that I had, which included the criteria
5 of the incumbency and that, of course, includes the
6 number of terms that are served.

7 So, I would ask you to vote no on this
8 amendment.

9 SPEAKER MOORE: For what purpose does the
10 gentleman from Cabarrus, Representative Pittman, rise?

11 REPRESENTATIVE PITTMAN: Speak on the
12 amendment a second time.

13 SPEAKER MOORE: The gentleman is recognized
14 to speak on the amendment a second time.

15 REPRESENTATIVE PITTMAN: Thank you, Mr.
16 Speaker.

17 Ladies and gentlemen, just very briefly I
18 would like to point out that I understand that either
19 way somebody among the three of us that two are going
20 to be paired. I would point out to you that
21 geographically Representative Ford and Representative
22 Johnson are much closer together than I am to either
23 one of them. Thank you.

24 SPEAKER MOORE: Further discussion, further
25 debate? If not, the question for the House is the

1 adoption of Amendment A1 sent forth by Representative
2 Pittman. Those in favor will vote Aye, those opposed
3 will vote No. The Clerk will open the vote.

4 Representative Rogers, Representative Corbin
5 in chamber. Representative Alexander, Representative
6 Collins.

7 Clerk will lock the machine and record the
8 vote. 7 having voted in the affirmative; 102 in the
9 negative. The amendment fails.

10 The gentleman from Harnett, Representative
11 Lewis, is recognized to send forth the amendment. The
12 Clerk will read.

13 THE CLERK: Representative Lewis moves to
14 amend the bill on page 3, line 39 through page 4, line
15 2 by deleting those lines and submitting the
16 following.

17 SPEAKER MOORE: The gentleman has the floor
18 to debate the amendment.

19 REPRESENTATIVE LEWIS: Thank you, Mr.
20 Speaker.

21 Mr. Speaker, first of all, I'd like to
22 correct the record. When the committee met on Friday,
23 there was an alternative proposal that had been
24 submitted for consideration, and I erroneously stated
25 the House plan that I submitted was more compact in

1 Wake County and I misspoke.

2 Representative Jackson from Wake County was
3 kind enough to share with me on Friday that I had
4 misspoke and provided the data to reemphasize that.
5 Therefore, I worked on Saturday to try to improve the
6 compactness scores. I also reached out for advice to
7 some members of the House of the Wake County
8 delegation for their input.

9 Therefore, despite what you may or may not
10 think of the map, I would ask you to support this
11 amendment. I think this map does a better job of
12 keeping municipalities whole. I think this map is
13 certainly more compact. The Reock score is increased
14 by .019. The Polsby-Popper score is increased by 0.5.

15 Again, there is one fewer split town in this
16 map, and I would urge members to please support this
17 amendment.

18 SPEAKER MOORE: Further discussion, further
19 debate? If not, the question for the House is the
20 adoption of Amendment A2 sent forward by
21 Representative Lewis. Those in favor will vote Aye,
22 those opposed will vote No. The Clerk will open the
23 vote.

24 The Clerk will lock the machine and record
25 the vote.

1 64 having voted in the affirmative, and 46
2 in the negative the Amendment is adopted.

3 For what purpose does the gentleman from
4 Lee, Representative Reives, rise?

5 He stepped off.

6 For what purpose does the lady from
7 Franklin, Representative Richardson, rise?

8 REPRESENTATIVE RICHARDSON: Thank you, Mr.
9 Speaker.

10 I would like to ask the bill sponsor about
11 three questions, please.

12 SPEAKER MOORE: Does the gentleman from
13 Harnett yield to three questions?

14 REPRESENTATIVE LEWIS: I yield to all of
15 them, Mr. Speaker.

16 SPEAKER MOORE: He yields, and after he
17 answers each question in the interest of time,
18 Representative Richardson, the lady is permitted to go
19 onto the next question.

20 REPRESENTATIVE RICHARDSON: Okay, thank you,
21 Mr. Speaker.

22 My first question is I went to the public
23 hearing in Halifax and there were quite a few people
24 who were as was across the state. Was the information
25 or the questions asked by those public hearings

1 included or impacted any of the changes in the maps
2 that you presented?

3 REPRESENTATIVE LEWIS: Thank you for that
4 question, Representative. The input that I can recall
5 that we got was to make the districts compact. They
6 were largely along the criteria that the committee has
7 adopted. Unfortunately, I don't recall any specific
8 criteria from the Halifax location that was
9 incorporated in this drawing.

10 REPRESENTATIVE RICHARDSON: Thank you. I
11 won't address that, but I just wondered.

12 My second question is that the plaintiffs
13 had attorneys working for them. In deciding the maps
14 that we are about to vote on, were any of the
15 plaintiffs or the attorneys for the plaintiffs
16 contacted and consulted about the results that will
17 reflect in the maps that you've given us today?

18 REPRESENTATIVE LEWIS: Thank you for that
19 question.

20 Certainly in my opinion would have been
21 inappropriate for me to have contacted the plaintiffs
22 attorneys to talk about this. I do appreciate the
23 fact that the plaintiffs submitted maps for us to
24 review. I, frankly, spent a lot of time reviewing it
25 and I don't recall that there are any direct changes

1 to this map as a result of the map that the plaintiffs
2 submitted.

3 REPRESENTATIVE RICHARDSON: Thank you.

4 My last question, it relates to the letter
5 that attorney Anita Earle sent. Did that letter
6 impact any changes once you received it from her?

7 REPRESENTATIVE LEWIS: Well, thank you for
8 that question.

9 Certainly I do recall receiving the letter.
10 I read the letter thoroughly. There are points of the
11 letter that I would respectfully disagree with in
12 terms of the way that the signers of the letter
13 interpret various aspects of the law. Again, I think
14 one of the biggest fallacies in the letter is the
15 number of county traversals that following their
16 theory of the law would create.

17 So, the short answer, and I apologize for
18 continuing to do that, it's not my intent, I'm trying
19 to recall, I do not recall that the letter left any
20 direct changes in the map.

21 REPRESENTATIVE RICHARDSON: Thank you for
22 your answers. Thank you, Mr. Speaker.

23 SPEAKER MOORE: For what purpose does the
24 gentleman from Lee, Representative Reives, rise?

25 REPRESENTATIVE REIVES: To ask the bill

1 sponsor a couple of questions.

2 SPEAKER MOORE: Does the gentleman from
3 Harnett yield to inquiry?

4 REPRESENTATIVE LEWIS: I yield to all
5 questions.

6 SPEAKER MOORE: He yields.

7 REPRESENTATIVE REIVES: Thank you, Chairman
8 Lewis, and I'll try to make a couple of presumptions
9 to go ahead and try not to ask you a whole bunch of
10 questions.

11 I believe the reason we left the racial
12 statistics out of the stack pack was to secure the
13 racial gerrymander per the court's order. With that
14 being said, we still had Dr. Hoffler doing the maps
15 this time around. Was there a particular reason that
16 we were picking Dr. Hoffler again?

17 REPRESENTATIVE LEWIS: Thank you for the
18 question, Representative Reives. And to be clear, the
19 map that you have before you is just like any other
20 piece of legislation that comes up. The idea behind
21 the map and the process that produces the map is a --
22 is the legislative -- is the legislative process. I
23 feel and continue to feel that Dr. Hoffler was the
24 best person to help us quickly comply with the order
25 of the court. So, yes, I think he was the best one to

1 hire to help reproduce this map to present to you
2 today.

3 REPRESENTATIVE REIVES: And follow-up?

4 SPEAKER MOORE: Gentleman yields to
5 additional questions? He yields.

6 REPRESENTATIVE REIVES: Thank you.

7 And based on that, that because of the fact
8 that he would have been the quickest, would have been
9 because of the substantial amount of work and work
10 product that he would have had from 2011; would that
11 be fair to say?

12 REPRESENTATIVE LEWIS: Well, thank you for
13 the question.

14 No, I don't think the 2011 plan would have
15 had anything to do with it. I think it was more the
16 we agreed that maptitude was the sort of the industry
17 standard that's used nationwide, and he was just very
18 fluent in being able to help legislators translate
19 their desires to the maptitude program.

20 REPRESENTATIVE REIVES: Follow-up.

21 SPEAKER MOORE: Does the gentleman yield to
22 additional questions?

23 REPRESENTATIVE LEWIS: Yes, sir.

24 SPEAKER MOORE: He yields.

25 REPRESENTATIVE REIVES: Based on that, is it

1 your belief, then, that he would not have used
2 information that he had had available to him back in
3 2011 and his knowledge of the districts to kind of
4 help push this process along?

5 REPRESENTATIVE LEWIS: Thank you for the
6 question.

7 The only information that Dr. Hoffler had
8 access to and used in preparing this map was that it
9 was adopted by the criteria because that was the only
10 -- was the criteria adopted by the committee because
11 that was the only information that was loaded up on
12 his computer.

13 REPRESENTATIVE REIVES: Follow-up.

14 SPEAKER MOORE: Does the gentleman yield to
15 additional questions?

16 REPRESENTATIVE LEWIS: I yield.

17 SPEAKER MOORE: He yields.

18 REPRESENTATIVE REIVES: Thank you.

19 So, did we put anything in place to make
20 sure that he wasn't using any other information, for
21 instance, his knowledge of the racial data,
22 statistics, district lines, things of that sort, that
23 information that has previously been used this time
24 around so as not to violate the court's order?

25 REPRESENTATIVE LEWIS: Thank you for the

1 question.

2 Part of his contract and certainly his
3 instructions from me were to only use the criteria
4 that was adopted by the committee.

5 REPRESENTATIVE REIVES: All right, thank
6 you, Mr. Chairman. Thank you, Mr. Speaker.

7 SPEAKER MOORE: For what purpose does the
8 gentleman from Durham, Representative Michaux, rise?

9 REPRESENTATIVE MICHAUX: To see if the
10 gentleman would respond to a question or two.

11 SPEAKER MOORE: Does the gentleman from
12 Harnett yield to the gentleman from Durham?

13 REPRESENTATIVE LEWIS: I do.

14 SPEAKER MOORE: He yields.

15 REPRESENTATIVE MICHAUX: Mr. Chairman, did
16 you contact any of the members of the body before
17 these maps were presented to the committee to get any
18 individual input from them?

19 REPRESENTATIVE LEWIS: Representative
20 Michaux, thank you for the question.

21 I have talked to members of the body
22 throughout this process. Prior to the release of the
23 first map I certainly had talked to probably
24 Representative Dollar, who is the Chair of the
25 committee with me, but I don't recall that I spoke to

1 any other member prior to the release of the first
2 map. I've continued to talk with members along the
3 way, which is why we put the map out was to get
4 feedback from the members and the public and we have
5 made certain changes in the map based on input from
6 members.

7 REPRESENTATIVE MICHAUX: Follow-up.

8 SPEAKER MOORE: Does the gentleman yield to
9 additional questions?

10 REPRESENTATIVE LEWIS: I yield.

11 SPEAKER MOORE: He yields.

12 REPRESENTATIVE MICHAUX: Let me try to make
13 it simple. Did you seek out any information at all
14 from the members of this body as to what they would
15 like to see in any map that was drawn on a personal
16 basis?

17 REPRESENTATIVE LEWIS: Thank you for that
18 question, Representative Michaux.

19 I produced a map and have received input
20 since then. I did not specifically seek out
21 information from members prior to that.

22 REPRESENTATIVE MICHAUX: Follow-up.

23 REPRESENTATIVE LEWIS: I yield to all
24 questions.

25 SPEAKER MOORE: He yields.

1 REPRESENTATIVE MICHAUX: In considering --
2 who -- who worked with you on consideration of the map
3 that you submitted to the Redistricting Committee for
4 their approval?

5 REPRESENTATIVE LEWIS: So, obviously
6 Dr. Hoffler, who is a consultant that was hired drew
7 the map at my direction, and Representative Dollar
8 also added input to the maps after he had been named
9 Co-chair of the committee.

10 REPRESENTATIVE MICHAUX: Another.

11 REPRESENTATIVE LEWIS: I yield to all
12 questions.

13 SPEAKER MOORE: The gentleman yields.

14 REPRESENTATIVE MICHAUX: So, you and
15 Representative Dollar and Dr. Hoffler were the only
16 ones who put a map together that was presented to the
17 Redistricting Committee for their approval?

18 REPRESENTATIVE LEWIS: So, to be clear,
19 primarily I directed how the map was produced, but,
20 yes, the three people that you said were the ones that
21 largely had seen it prior to its public publication.

22 REPRESENTATIVE MICHAUX: Follow-up?

23 REPRESENTATIVE LEWIS: I yield.

24 SPEAKER MOORE: The gentleman yields.

25 REPRESENTATIVE MICHAUX: This won't take but

1 a couple more.

2 The court in turning -- in finding that the
3 map you drew in 2011 was unconstitutional indicated
4 that the maps were unconstitutional because they were
5 racially gerrymandered. By racial gerrymandering,
6 that race was brought into the map in order to make
7 the maps that you drew; is that not correct?

8 REPRESENTATIVE LEWIS: Thank you for the
9 question, Representative Michaux.

10 Certainly the court's ruling was that the
11 maps were unconstitutional as racial gerrymander.
12 It's my understanding that the reason the court made
13 that determination is that they said that we had not
14 established enough in the record to trigger the use of
15 race in drawing districts.

16 REPRESENTATIVE MICHAUX: Follow-up?

17 SPEAKER MOORE: Will the gentleman yield to
18 additional questions?

19 REPRESENTATIVE LEWIS: I do.

20 SPEAKER MOORE: He yields.

21 REPRESENTATIVE MICHAUX: You keep saying
22 that the court says that you had not figured enough in
23 there in order to trigger race, but did they not
24 indicate to you that race was a predominant factor in
25 the way that those lines were drawn in 2011?

1 REPRESENTATIVE LEWIS: Representative
2 Michaux, I'm not sure I completely understand what
3 you're asking. I have acknowledged that the court
4 ruled that 19 of the state House districts were racial
5 gerrymanders without the necessary supporting the
6 information from the court. I mean that the court
7 says the legislature did not have enough information
8 to use race in the drawing of the maps. No additional
9 information has been presented to me or to the
10 Redistricting Committee to refute the court,
11 therefore, we did not use race in drawing this map.

12 REPRESENTATIVE MICHAUX: One follow-up
13 question.

14 SPEAKER MOORE: Does the gentleman yield to
15 additional questions?

16 REPRESENTATIVE LEWIS: I do.

17 SPEAKER MOORE: He yields.

18 REPRESENTATIVE MICHAUX: How do you, then,
19 correct, how do you correct a racially predominantly
20 drawn district without including race in order to
21 correct that predominance?

22 REPRESENTATIVE LEWIS: Thank you for the
23 question.

24 It's my understanding that the ruling of the
25 court was that we did not have enough evidence to

1 justify the use of race in drawing districts,
2 therefore, if race is not used at all in the drawing
3 of the districts, certainly a court would not be able
4 to find because race had not been a factor at all, it
5 certainly could not have been a factor that was
6 incorrectly considered.

7 REPRESENTATIVE MICHAUX: Thank you.

8 SPEAKER MOORE: For what purpose does the
9 gentleman from Wake, Representative Jackson, rise?

10 REPRESENTATIVE JACKSON: For a series of
11 questions to the sponsor chair.

12 SPEAKER MOORE: Does the gentleman from
13 Harnett yield to questions?

14 REPRESENTATIVE LEWIS: I yield.

15 SPEAKER MOORE: He yields, and
16 Representative Jackson, you're welcome just to
17 continue asking after each one.

18 REPRESENTATIVE JACKSON: Thank you, Mr.
19 Speaker. I think it's only four questions, Chairman
20 Lewis.

21 On Friday we talked about to back the
22 scores, and you did make a change to Wake County, and
23 so, I'll just ask was the map the committee considered
24 on Friday what I'll call the Covington, the Covington
25 map, is it still slightly better compacted scores than

1 the offer 927 as amended at this point?

2 REPRESENTATIVE LEWIS: Thank you for the
3 question, Representative Jackson. The -- my
4 understanding is that the Covington map is slightly
5 better statewide on overall compactness and the -- in
6 Wake County the now amended plan is better under the
7 Reock score than the Covington map was and almost as
8 good as the Covington map under the Polsby-Popper
9 score.

10 REPRESENTATIVE JACKSON: Thank you.

11 Chairman Lewis, I noticed a series of split
12 counties: Craven, Onslow, Pitt, Granville, Robeson,
13 Johnston, Sampson, Nash, Harnett, Columbus and Stanly,
14 and so, in my examination of those I didn't see a
15 single place where the split worked to the advantage
16 of the democratic party and to the detriment of the
17 republican party, and I was just wondering if I was
18 wrong or if you could point me to one those?

19 REPRESENTATIVE LEWIS: Well, thank you for
20 that question, Representative Jackson. The -- I'm not
21 aware of the outcome of how these splits effect
22 various partisan performance of a district. Were I to
23 gander, I would say that -- I would say that probably
24 the placement of the line for population purposes in
25 District 8 probably benefits democrats more than it

1 does republicans. That's one of the things I tried
2 the say when we were adopting the criteria. Every
3 choice, everywhere a line is made, there are political
4 ramifications for where that line falls, and one of
5 the reasons that I objected so much to the committee
6 to trying to specify that a precinct or a county could
7 only be split for population purposes, frankly, is I
8 knew that where ever the line went, there would be
9 political consequences for it and folks would blame me
10 for violating the criteria.

11 REPRESENTATIVE JACKSON: And the last
12 question I have for you is Representative Lewis or
13 Chairman Lewis, is in Wake and Mecklenburg County
14 there are five house districts that did not touch in
15 any way districts that had been declared
16 unconstitutional, and since you didn't consider race
17 in redrawing these districts, can you tell us why it
18 was necessary for you to change the boundaries of
19 House District 105 in Mecklenburg County and House
20 Districts 36, 37, 40 and 41 in Wake County?

21 REPRESENTATIVE LEWIS: The court ordered us
22 to correct racial gerrymanders, that is, districts
23 that use race too much. Freezing districts which do
24 not touch the illegal district would require the core
25 of the racial gerrymander as a starting point and then

1 we would be accused of racial gerrymandering all over
2 again. Instead, we started with a blank slate. As
3 you yourself have pointed out, the blank slate has let
4 us do some good things. It's let us split fewer
5 precincts, it's let us keep more municipalities whole.

6 The state constitution does assume that
7 redistricting will be done after the census and not
8 touched later on, but it does not speak to the
9 situation we're in now, which is court ordered
10 redistricting. In 2011 what I refer to as the VRA
11 districts were created first. For example, in Wake
12 County all of the remaining districts were drawn
13 around the VRA seats. Therefore, all the remaining
14 districts were, in fact, impacted by the Covington
15 ruling.

16 In its ruling the Covington court criticizes
17 split precincts. To correct that we needed to try to
18 split less precincts in all of the districts that were
19 in a group, and that's what we've done here in this
20 drawing.

21 REPRESENTATIVE JACKSON: Thank you, Mr.
22 Chairman.

23 SPEAKER MOORE: Further discussion, further
24 debate? Does the gentleman wish to debate the bill?

25 REPRESENTATIVE JACKSON: I do.

1 SPEAKER MOORE: The gentleman from Wake,
2 Representative Jackson, is recognized to debate the
3 bill.

4 REPRESENTATIVE JACKSON: Thank you, Mr.
5 Speaker.

6 Ladies and gentlemen, I apologize in
7 advance. My comments are probably about 10 minutes
8 long. So, I tried to summarize them as best I could.

9 I want you to know that I do rise to oppose
10 this redistricting plan today and I wanted to start
11 with the issue of race, which I believe is at the
12 heart of this plan and very much, unfortunately, part
13 of the national public debate in recent months.

14 A lot of hate was on display a few weeks ago
15 in Charlottesville, and I think the comments we heard
16 at the public hearing last week were in large part a
17 response to what happened in Charlottesville. So,
18 from the beginning I want to state publicly and
19 clearly and for the record that I do not think your
20 plan is racial gerrymandered because my colleagues in
21 this body are racist. No one in this body deserves to
22 be called some of the names we heard that night or in
23 some of the public comments that I have personally
24 received. But today is the anniversary of Dr. Martin
25 Luther King, Jr.'s I Have a Dream speech, and we have,

1 in fact, come a long way, but I do not believe we are
2 at the point in this country, in the south or even in
3 this state where you can no longer consider race in
4 these type of decisions.

5 I do believe your plan is still a racial
6 gerrymander, just as the plan from 2011 was found to
7 be. I believe your plan racially gerrymanders so that
8 you can lessen the opportunities of African-American
9 voters to have their voices heard in more districts
10 because that could in turn create more democratic
11 districts. That is at the core of your supermajority.

12 The plan that we are passing today is every
13 bit as constitutionally flawed as the one in 2011.
14 House democrats have pointed out some of the flaws on
15 the floor and in committee. The Covington plaintiffs
16 have done so through written correspondence to the
17 chairs and submission to alternative map. You have
18 not made the necessary changes, but I'm going to point
19 them out one final time.

20 First, there was the process you've known
21 since June 5th that your maps were unconstitutional
22 and needed to be redrawn and we did nothing. Governor
23 Cooper attempted to call us into special session on
24 June 7th; again we did nothing. Finally, you acted
25 laying out a long, drawn out timetable for public

1 input and hearings. It sounded great except that it
2 was now August. And remember last time you tried to
3 schedule filing in December and that's a long process
4 and prevents us from recruiting candidates. That's
5 not a problem for your side with so many incumbents
6 and maps to consult, but the court figured this out
7 and rightly called you out on it.

8 So that foot-dragging process led to an
9 evening of one public hearing conducted in probably
10 one of the most bizarre fashions I've ever seen. As
11 best I can tell, what input we did receive through the
12 hearing or the online process was not used in any
13 meaningful way. I have no doubt that the maps we see
14 today have existed in some basic form for sometime,
15 after all, the clusters were drawn last year around
16 this time, yet they were released on a Saturday, but
17 just as pictures with no data. It took another couple
18 of days to get the data we all know existed.

19 The second flaw in the plan before us today
20 is the alleged non-use of racial data. Nine Supreme
21 Court justices, who rarely agree on anything, struck
22 down your maps as a racial gerrymander. Some argued
23 that the court did not find such a racial gerrymander,
24 only that you considered race without the proper
25 factual findings or that the law has somehow changed

1 since 2011. In my opinion that just isn't accurate.

2 The Federal courts have referred to the 2011
3 plan as a racial gerrymander at least seven different
4 times in two separate court orders requiring you to
5 re-draw these 19 unconstitutional House districts.
6 Three federal judges issued an order instructing you
7 on how to fix your map, including specific language
8 directing the use of racial data. You are refusing to
9 do so. You're pretending that the Voting Rights Act
10 no longer exists.

11 You can look at page 151 of the court's
12 opinion. There the court talks about the history of
13 the prior Voting Rights Act districts in North
14 Carolina and racially pulverized voting. The court
15 says, "We would not dispute that some of the
16 information is relevant and should be considered
17 during a legislative redistricting."

18 Should be considered, that's what the court
19 says. We didn't consider it. In the court's
20 conclusion, "Section II of the Voting Rights Acts
21 continues to play an important role in redistricting,
22 and legislatures must undertake a district specific
23 analysis to identify and cure potential Section II
24 violations."

25 Again, note the magic words, legislatures

1 must. Again, we have not done that.

2 The maps before us today have stack packs
3 with no racial data in them. You claim that means a
4 racial gerrymander is impossible, yet the lines were
5 drawn by the same expert who drew the maps in 2011.
6 They used racial data so extensively as to be found
7 unconstitutional. Dr. Hoffler spent months taking a
8 scaffold to the North Carolina map and finding pockets
9 of African-American voters to create 50% plus
10 districts all across the state. He spent many more
11 years helping the state answer pleadings, discovery
12 requests, giving depositions and expert testimony.
13 How do you instruct him now not to use what he knows
14 all so well? It would be like telling Dale Jr. not to
15 look at his speedometer. It's pointless. He still
16 knows how fast he's going when he's in that car.

17 And you see it in the maps. You see racial
18 gerrymanders that have not been cured. They live on,
19 refusing to die like a character in The Walking Dead.
20 If not, why do the districts look so similar to the
21 ones last time?

22 What's more, you even refused to even check
23 on the back end to make sure you have identified and
24 cured potential Section II violations. The court has
25 told you to do so, but you have refused. I'd ask that

1 you not cry foul if and when the court calls you to
2 task on it. Everyone has warned you.

3 The third flaw I see is the unfortunate
4 error of violating the whole county provision of the
5 North Carolina Constitution. Your map splits more
6 counties than the map I presented at committee. There
7 are no unnecessary county traversals. Why not fix
8 them now?

9 The fourth flaw also relates to the North
10 Carolina Constitution. Unlike Georgia and other
11 states, we cannot redistrict mid-decade without a
12 court ordering us to do so. You abide by this
13 constitutional rule by not redrawing areas like
14 Alamance or New Hanover or Burke County, yet you
15 violate the rule in Wake and Mecklenburg County.

16 It is possible and constitutionally required
17 to leave districts unchanged that do not touch
18 unconstitutional districts when the cluster is
19 unchanged, yet you refuse to do so for reasons of
20 politics.

21 There's no legal universe with your
22 political reasons can trump the North Carolina
23 Constitution. It's as clear as day. Article II,
24 Section 5 says, "When established, the House districts
25 in the apportionment of their representatives shall

1 remain unaltered until the return of another census of
2 population taken by order of congress."

3 That same language is cited in both the
4 Stevenson 1 and Stevenson 2 is one of the four
5 constitutional limitations upon the redistricting
6 authority of the General Assembly. Why would a party
7 of strict constructionists ignore this prohibition?

8 Finally, I will point out the flaw that is
9 obvious to anyone paying attention and that is
10 partisan gerrymandering. Our current map is one of
11 the most gerrymandered in the history of America.
12 That is not an exaggeration. We are at the political
13 center of the political scientists world, and you've
14 doubled down what you did in 2011. And I know, I know
15 you're going to say that democrats did it first, and
16 there's two comments I'd like to say about that.

17 First, at some point someone has to have the integrity
18 and political courage to stop doing it. Obviously it
19 won't be us today.

20 The second I looked up the last democratic
21 plan of 2003, looking at the closest statewide race of
22 2000, which was the democratic candidate won by three
23 points, the 2003 democratic gerrymander gave us, gave
24 our party, the democratic party, 66 seats and yours
25 54. Obviously it was drawn at that time to help the

1 democrats, yet compared to what we have before us
2 today, Attorney General Stein won in North Carolina.
3 He wins over 42 seats in your plan. 35% of the North
4 Carolina House.

5 In committee I presented a plan that
6 resulted in Attorney General Stein winning 56 seats,
7 and some of my republican friends were horrified,
8 aghast. It was beyond the pale what I was proposing.
9 I had a radical partisan gerrymander in favor of
10 democrats, and imagine that, it was a plan that only
11 gave you a simple majority. Your party's executive
12 director said that the Covington's plaintiffs' plan
13 was the racial gerrymander in this case and that what
14 I was doing on Friday was an embarrassment.

15 Let me sum up those republic talking points
16 for you. The plan before us today puts the democrats
17 in the super minority, but it's completely fair and
18 balanced. My amendment that would have put democrats
19 in the close minority is the wildly partisan racial
20 gerrymander. It takes a lot of gall to parrot those
21 talking points. I encourage you to try it out in
22 public sometime.

23 I know that partisan gerrymandering has not
24 been struck down by the courts yet. Plans like the
25 one before us today are putting us on that path.

1 There are bad democratic gerrymanders in states like
2 Maryland, and bad republican ones in states like
3 Wisconsin, but we remain the top dog in
4 gerrymandering. Nobody does it like North Carolina.
5 We're number one. The fact that you would do it again
6 after your first maps were struck down by the courts
7 is very interesting, to say the least. You could have
8 drawn a more reasonable map that guaranteed you to
9 stay in control of this body through 2020. You could
10 have shown a little humility, a little moderation, a
11 little caution knowing that the court this time has to
12 approve this plan, but you didn't. You're going all
13 in, and we'll see how this all works out in a few
14 weeks.

15 On behalf of the House of Democrats I say
16 that we will be voting against this plan. Thank you.

17 SPEAKER MOORE: For what purpose does the
18 gentleman from Wake, Representative John, rise?

19 REPRESENTATIVE JOHNS: Briefly debate the
20 bill.

21 SPEAKER MOORE: The gentleman is recognized
22 to debate the bill.

23 REPRESENTATIVE JOHNS: Since I announced my
24 intention to seek election to this body nearly a year
25 ago, I have consistently and repeatedly spoken of my

1 firm belief that the task of drawing electoral
2 districts for the North Carolina House and the North
3 Carolina Senate should be assigned to a wholly
4 independent, impartial, and most importantly, a
5 nonpartisan commission.

6 In the public comments recently heard by the
7 Redistricting Committee, speaker after speaker after
8 speaker expressed the identical sentiment.

9 As we've heard so often, politicians should
10 not be put in the position of selecting their voters
11 as opposed to citizens selecting their
12 representatives. Our frail human nature being what it
13 is, when those directly affected and indeed those who
14 will specifically benefit by the process are those who
15 themselves are making the critical decisions as to
16 where the borders of legislative districts are set, it
17 is inevitable that self-district -- self-interest and
18 partisan concerns will creep in and in most instances
19 will ultimately prevail.

20 My personal wish, and I believe the wish of
21 the vast majority of North Carolinians, would have
22 been that the General Assembly would have considered
23 and early on passed a law establishing an independent
24 redistricting commission. Bipartisan proposals to do
25 so currently languish in the House Rules Committee,

1 and sadly, no such legislation was passed. What we
2 have instead are the proposed maps before us, the many
3 flaws of which have been pointed out in the questions
4 and statements we have heard.

5 My primary and heartfelt goal, Mr. Speaker,
6 will be to continue to see a significant change in
7 this process, and one which will give our citizens the
8 full confidence they deserve in their legislative
9 districts.

10 Thank you, Mr. Speaker.

11 SPEAKER MOORE: For what purpose does the
12 gentleman from Harnett, Representative Lewis, rise?

13 REPRESENTATIVE LEWIS: May I send forth an
14 amendment?

15 SPEAKER MOORE: Representative wishes to
16 send forth an amendment. Clerk will now read.

17 HOUSE CLERK: Representative Louis wishes to
18 amend the bill by changing the short title from 2017
19 House Redistricting Plan A1 to 2017 House
20 Redistricting Plan A2.

21 SPEAKER MOORE: The gentleman is recognized
22 to debate the amendment.

23 REPRESENTATIVE LEWIS: Thank you, Mr.
24 Speaker.

25 Mr. Speaker and Members, this is a purely

1 technical amendment recommend to me by essential
2 staff. It simply makes it easier to identify the map
3 that appeared on the calendar today from the map that
4 now appears as amended with the Wake County amendment.
5 Therefore, I would respectfully ask you to vote green
6 and adopt this amendment. It just renames the map.

7 SPEAKER MOORE: Further discussion, further
8 debate? If not, the question before the House is the
9 adoption of Amendment A3 sent forward by
10 Representative Lewis. Those in favor will vote Aye,
11 those opposed will vote No. The Clerk will open the
12 vote.

13 The Clerk will lock the machine and record
14 the vote. 111 having voted in the affirmative, none
15 in the negative. The bill is adopted. We're now back
16 on the bill for the discussion, further debate.

17 For what purpose does the gentleman from
18 Mecklenburg, Representative Alexander, rise?

19 For what purpose does the gentleman from
20 Harnett, Representative Lewis, rise?

21 REPRESENTATIVE LEWIS: Mr. Speaker, may I
22 please ask the gentleman from Wake, Representative
23 Jackson, a series of questions?

24 SPEAKER MOORE: Does the gentleman from Wake
25 yield to the gentleman from Harnett?

1 REPRESENTATIVE JACKSON: Yes, Mr. Speaker.

2 SPEAKER MOORE: He yields and the gentleman
3 will be permitted to simply propound additional
4 questions.

5 REPRESENTATIVE LEWIS: Thank you,
6 Mr. Speaker, and thank you Representative Jackson.

7 Representative Jackson, just to be clear,
8 you pointed out what you identify as deficiencies in
9 this process. Have you done or caused to be done a
10 district by district on the houses that gives any
11 specific information that race should have been used?

12 REPRESENTATIVE JACKSON: I have not done a
13 specific district by district analysis, Representative
14 Lewis. As I mentioned on Friday, I have seen some
15 racial data statistics for the different plans, but I
16 have not taken it down to the -- if you read, as you
17 read the Covington opinion, it's a 160 something pages
18 and it goes in each district and it talks about what
19 was the breakdown of African-Americans in the 2003
20 plan and did they elect the candidate of their choice.
21 I did not take it down through that level, no, sir.
22 I've just seen the preliminary statistics.

23 REPRESENTATIVE LEWIS: Thank you.

24 Did you -- did you ask for the racial data
25 on the plan that is before us now from staff or an

1 outside source?

2 REPRESENTATIVE JACKSON: I have certainly
3 seen data on the plan as existed last week. The plan
4 that's before us now has been amended a few times, and
5 so, I've not asked for that data. I have also seen
6 some preliminary racial data on the Covington
7 plaintiffs' map, and I can't remember if it was at my
8 request or if I was just copied on that e-mail,
9 Representative Lewis.

10 REPRESENTATIVE LEWIS: May I ask one last
11 question, Mr. Speaker?

12 SPEAKER MOORE: Yes, sir.

13 REPRESENTATIVE LEWIS: Thank you, Mr.
14 Speaker, and thank you Representative Jackson.

15 Have you published this racial data or do
16 you intend to? Is it a part of the record somewhere?

17 REPRESENTATIVE JACKSON: I believe it
18 exists, Representative Lewis, in this computers. I
19 have not published it. I believe that some members of
20 my caucus have seen it as it applied to your previous
21 plan as introduced to committee last week. I don't
22 believe everyone on our side has seen the data as it
23 exists for the Covington map. And, then, this weekend
24 after you were kind enough on Saturday to share the
25 Wake County amendment that you intended to run, I did

1 get a breakdown of some of the changes to some of
2 those districts in Wake County and I've only shared
3 that with a few members.

4 REPRESENTATIVE LEWIS: Thank you,
5 Mr. Speaker, and thank you, Representative Jackson.

6 SPEAKER MOORE: Further discussion, further
7 debate? If not, the question for the House is the
8 passage of House Bill 927 on the second reading.
9 Those in favor will vote Aye; those opposed will vote
10 No. The Clerk will open the vote.

11 The Clerk will lock the machine and record
12 the vote. 65 having voted in the affirmative; 47 in
13 the negative. House Bill 927 passes at second reading
14 and without objection be read a third time.

15 HOUSE CLERK: North Carolina enacts.

16 SPEAKER MOORE: Further discussion, further
17 debate? If not, the question before the House the
18 passage of House Bill 927 on the third reading. Those
19 in favor will vote Aye; those opposed will vote No.
20 The Clerk will open the vote.

21 The Clerk will lock the machine and close
22 the vote. 65 having voted in the affirmative; 47 in
23 the negative. House Bill 927 passes its third
24 reading. The Bill is ordered enrolled and sent to the
25 Senate. Strike that, the Bill is ordered in gross and

1 sent to the Senate.

2 Moving on to other business, Members, the
3 Chair appoints the following members as well as
4 constituting a committee on judicial redistricting.
5 The committee members are as follows: Representative
6 Berg, Chair; Representative Stevens, Vice Chair;
7 Representative Ted Davis, Vice Chair; Representative
8 John Bluss, Vice Chair. Members Representative
9 Blackwell, Brisson, Bumgardner, Floyd, Goodman, Hall,
10 Hastings, Harrison, Jackson, Jordan, John, Lewis,
11 McNeil, Bobby Richardson, Rogers, Torbit, Ray and
12 Zachary, and that's pursuant to Rule 26A.

13 We'll stand at ease momentarily. And since
14 we have multiple Halls that was Representative Destin
15 Hall.

16 The Clerk directs that 927 should be sent by
17 special message to the Senate.

18 (HOUSE IS AT EASE.)

19 House will come back to order.

20 Members, for your planning purposes this is
21 the schedule for today and for the next couple of
22 days. First of all, we are -- we finished today's
23 business. The Chair will direct, Mr. Clerk, that the
24 three veto overrides: House Bill 205, House Bill 511,
25 House Bill 576 be removed from today's calendar and

1 calendared for Wednesday, put on Wednesday's calendar.

2 Tomorrow we will have -- tomorrow we will
3 have session at 1, but there will be no votes. Excuse
4 me, 1 or 2, we haven't determined. I think we're
5 going to go with 2, 2 o'clock tomorrow, but no votes
6 tomorrow. The plan tomorrow is going to be that the
7 Redistricting Committee will take up the Senate
8 redistricting map. The chairman will make an
9 announcement momentarily on that, and once that -- the
10 committee process will be tomorrow. And then on
11 Wednesday it is the Chair's intent that we take care
12 of second and third reading on Wednesday.

13 Is there any objection to -- is there
14 anybody going to object to the reading of the Senate
15 redistricting map on Wednesday? Okay, then, the plan
16 will be that we'll do second and third reading on the
17 Senate map and on Wednesday. For ratification
18 purposes and so forth, I believe we still may be here
19 Thursday, but at least right now it would appear that
20 the voting business will be done Wednesday, but I'm
21 not sure. I know there are several other bills
22 floating around. There are some comp reports folks
23 are working on. So, those may be taken up Wednesday
24 and Thursday as well, but that's where we are for
25 right now.

1 The gentleman from Harnett, Representative
2 Lewis, is recognized for an announcement.

3 The gentleman from Wayne, Representative
4 Bell, is recognized for an announcement.

5 REPRESENTATIVE BELL: Thank you, Mr.
6 Speaker.

7 Republican members, we're going to caucus on
8 Wednesday. Right now the time is to be determined,
9 but look somewhere in the 12 o'clock timeframe. So,
10 prepare accordingly. Thank you.

11 SPEAKER MOORE: The gentleman from Wake,
12 Representative Dollar, is recognized for an
13 announcement.

14 REPRESENTATIVE DOLLAR: Tomorrow the House
15 Redistricting Committee will meet at 1:00, 1:00 in
16 Room 643. We'll be there to take up the Senate's
17 Redistricting Bill.

18 SPEAKER MOORE: And the Chair would intend
19 we have session tomorrow too. Is there any -- the
20 Chair would move the rules be suspended so that the
21 House may meet at the same time the committee is
22 meeting.

23 Is there an objection? Hearing none, so
24 ordered.

25 For what purpose does the gentleman from

1 Wake, Representative Jackson, rise?

2 REPRESENTATIVE JACKSON: For an
3 announcement.

4 SPEAKER MOORE: The gentleman is recognized
5 for an announcement.

6 REPRESENTATIVE JACKSON: Thank you, Mr.
7 Speaker.

8 Our House democrats will caucus Wednesday at
9 1:00. Wednesday at 1:00 in our normal room. Thank
10 you.

11 SPEAKER MOORE: So, just again to remind
12 members, no votes in session tomorrow. It will be a
13 no-vote session, but the Redistricting Committee will
14 be meeting. There will be votes, however, on
15 Wednesday and probably on Thursday.

16 Further notices and announcements?

17 For what purpose does the gentleman from
18 Durham, Representative Michaux, rise?

19 REPRESENTATIVE MICHAUX: Inquiry of the
20 Chair.

21 SPEAKER MOORE: Just a moment.

22 Members of the House will come to order.
23 The gentleman is recognized for an inquiry.

24 REPRESENTATIVE MICHAUX: Barring any other
25 order or anything coming from the court, what's on

1 schedule after Wednesday or Thursday?

2 SPEAKER MOORE: The Chair believes we'll be
3 done Thursday. I don't foresee us being here on
4 Friday. If the gentleman is asking what specific
5 bills there are?

6 REPRESENTATIVE MICHAUX: No, I'm talking
7 about after we leave here Wednesday or Thursday, when
8 do we come back?

9 SPEAKER MOORE: Sometime in October we have
10 a -- we'll have a reconvening date in October. That
11 date has yet to be determined, but the Chair believes
12 it will be during the second week of October.

13 REPRESENTATIVE MICHAUX: I thought the
14 resolution -- pardon me, another question. I thought
15 the resolution we passed called for a September date?

16 SPEAKER MOORE: That is in there. That will
17 be amended in this adjournment resolution. The Chair
18 doesn't believe there will be a need to be back that
19 early. So, looks like you'll be safe until October.

20 REPRESENTATIVE MICHAUX: What's safe about
21 that?

22 SPEAKER MOORE: Something to look forward
23 to, Representative Michaux. It's just like Christmas,
24 it just keeps repeating itself over and over again.

25 Further notices and announcements?

1 If not, gentleman from Harnett,
2 Representative Lewis, recognized for a motion.

3 Just a moment.

4 REPRESENTATIVE LEWIS: Mr. Speaker.

5 SPEAKER MOORE: Just a moment,
6 Representative Lewis. Oh, yes, the Chair apologizes.
7 We actually have some pages with us today. If the
8 pages would please come forward that are going to be
9 serving with us this week. If you guys would come
10 forward, I want to make sure I introduce these pages.
11 I know a lot of members have left, but I would ask
12 that you give your attention. A number of you
13 probably have sponsored our pages who are here.

14 And to our pages, as the Clerk calls your
15 name, please step forward and wave so that my
16 colleagues and I will know who you are and where
17 you're from. All right, the Clerk will introduce the
18 pages.

19 HOUSE CLERK: Caroline Beason, Mecklenburg
20 County, Sponsor Representative Dulin. Rhea Bagia,
21 Mecklenburg County, Sponsor Representative Dulin. Zoe
22 Byrd, Johnston County, Sponsor Representative
23 Strickland. Tanner Harron, Guilford County, Sponsor
24 Representative Faircloth. Emma Hiott, Stanly County,
25 Sponsor Representative Burr. Carrie Holloway, Forsyth

1 County, Sponsor Representative Hanes. Victoria Hume,
2 Orange County, Sponsor Representative Meyer. Timothy
3 Parker, Wake County, Sponsor Representative Malone.
4 Katherine Sanota, Mecklenburg County, Sponsor
5 Representative Stone. Kirastacia Taylor, Orange
6 County, Sponsor Representative Meyer. Maxwell
7 Wagenseller, New Hanover County, Sponsor
8 Representative Butler. Nate Worley, Buncombe County,
9 Sponsor Representative Turner.

10 SPEAKER MOORE: Members, if you would please
11 join me in welcoming our pages here this week.

12 (APPLAUSE.)

13 We're glad to have you with us this week.
14 You may return to you post.

15 The gentleman from Harnett, Representative
16 Lewis, is recognized for a motion.

17 REPRESENTATIVE LEWIS: Mr. Speaker, in honor
18 and memory of Richard Thomas McDowell, the father of
19 Representative White, I move the House adjourn to
20 reconvene Tuesday, August 29th, at 1 o'clock p.m.
21 subject to the standard stipulation set forth in Rule
22 15.1, except, Mr. Speaker, may I change that and move
23 that the House reconvene on Tuesday, August 29th, at 2
24 o'clock p.m.

25 SPEAKER MOORE: The gentleman from Harnett

1 moves that the House be now adjourned, seconded by the
2 lady from Johnston, Representative White, in honor and
3 in memory of Richard Thomas McDowell, who is the
4 father of Representative White, subject to the
5 standard stipulations set forth in Rule 15.1 to
6 reconvene Tuesday, August 29th at 2 p.m.

7 Those in favor say Aye.

8 HOUSE MEMBERS: Aye.

9 SPEAKER MOORE: Those opposed say no. The
10 Ayes have it. We stand adjourned.

11 (HOUSE SESSION ADJOURNED AT 3:07 P.M.)

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1 STATE OF NORTH CAROLINA

2 COUNTY OF DURHAM

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4 REPORTER'S CERTIFICATE

5 I, Regina Toppins, Shorthand Reporter and Notary
6 Public in and for the State of North Carolina, do hereby
7 affirm that the foregoing pages contain a verbatim
8 transcription of the above-captioned proceedings and
9 have been transcribed to the best of my ability and
10 understanding; I further affirm that I am not related
11 to any of the parties to this action; that I am not
12 interested in the outcome of this case; that I am not of
13 counsel nor in the employ of any of the parties to this
14 action.

15 IN WITNESS WHEREOF, I have hereto set my hand,
16 this the 28th day of August, 2017.

17

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Regina Toppins, Notary Public
Notary Number: 200626300019

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