NC House of Representatives Floor Session Hearing

NORTH CAROLINA HOUSE OF REPRESENTATIVES SESSION

NORTH CAROLINA GENERAL ASSEMBLY

TRANSCRIPT OF THE PROCEEDINGS

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

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

Representative Jones.

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

The psalm reminds us that it is better to put our trust in the Lord than to put our confidence in man. Let us put our trust in you, oh, Lord, our strength, and our redeemer.
Father, we lift up all that try to protect us, including our military and our law enforcement. We pray for their safety. We also lift up those that are dealing with weather-related disasters, such as the hurricane in the Texas area. We pray for their safety as well. We thank you for all your many blessings to us. You're a wonderful and a gracious God. As each may pray in their own way, I pray in the name of your son, my savior Jesus Christ, amen.

ASSEMBLY MEMBERS: Amen.

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

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

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

SPEAKER MOORE: Representative Lewis moves the Journal for August 25th be approved as written. Those in favor will say Aye; those opposed say No. The Ayes have it. The Journal is approved as written. Calendar. House vote 927. The Clerk will read.
The House will come to order. Members,

Members, please give your attention to the Chair just a moment. We, I believe during these proceedings we have a court reporter, who is also trying to transcribe, so we'd ask that the conversations please be kept down so that the court reporter can do that as well as just general respect to our fellow members.

The Clerk will read.

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

SPEAKER MOORE: Further discussion, further debate.

Does the gentleman from Harnett wish to explain the Bill?

REPRESENTATIVE LEWIS: Thank you, Mr. Speaker.

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

REPRESENTATIVE LEWIS: Thank you, Mr. Speaker.

Mr. Speaker and Members, we are here today in order to comply with the Covington's Court order.
The court's specific finding was that despite a robust and extensive record produced by this General Assembly in 2011, there was not enough evidence of legally significant racially polarized voting to draw 19 majority/minority districts in the North Carolina House plan. It is important to note that the court did not find discriminatory intent on our part. Specifically the court that, "nor does it signify that the legislature acted in bad faith or with discriminatory intent in its redistricting."

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

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

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

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

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

First, this map complies with the equal population requirement as established in Stevenson versus Bartlett. No district exceeds the plus or
minus five percent population deviation.

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

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

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

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

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

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

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

Thank you, Mr. Speaker.

SPEAKER MOORE: Further discussion, further
debate?

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

REPRESENTATIVE MARTIN: To see if the bill
sponsor would yield to a few questions.

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

    REPRESENTATIVE MARTIN: I yield, Mr. Speaker.

    SPEAKER MOORE: He yields.

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

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

    REPRESENTATIVE LEWIS: Thank you for the question, Representative Martin. First, if I could point out that Wayne County is in a 7-county grouping
that stretches from Bladen in the south to Greene in
the north. It goes as far west as Lee and, again, as
far east as Greene.

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

To your specific question, we actually did
look at a drawing that would have done what you
suggest. However, in keeping with the entire nine
criteria that were adopted, we feel like this draw is
the preferred way to go. I realize that this is the
only map that is before us now. I would point out for
the record that there have been other maps submitted
during this process that also would have crossed into
a third county, to use your analogy or to use your
specific example, but to be perhaps a bit more clear,
we believe that we have drawn this in compliance with
the Stevenson rules and been able to harmonize those
with the nine criteria that the committee adopted.

REPRESENTATIVE MARTIN: Mr. Speaker?

SPEAKER MOORE: For what purpose does the
gentleman rise?

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

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

REPRESENTATIVE LEWIS: I yield.

SPEAKER MOORE: He yields.

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

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

REPRESENTATIVE LEWIS: Thank you for the
question. There were nine criteria, I believe, Representative Martin, the best I can recall. This avoid us -- this helped us avoid having to pair incumbents in this draw.

REPRESENTATIVE MARTIN: Mr. Speaker?

SPEAKER MOORE: For what purpose does the gentleman rise?

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

SPEAKER MOORE: Does the gentleman yield to additional questions?

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

REPRESENTATIVE MARTIN: Thank you, Representative Lewis.

So, the way what I hear in that answer I think is that in applying various factors that the committee adopted, that you chose incumbent protection as you were deciding that this was the preferred option over perhaps compactness because District 10 as it shows up here being spread across three counties is perhaps not as compact as a district might be in just two counties, not to mention its interaction with the whole county provision of the Constitution.
REPRESENTATIVE LEWIS: Well, thank you for that question, Representative Martin.

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

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

SPEAKER MOORE: Gentleman may state his purpose.

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

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

REPRESENTATIVE LEWIS: Yes, Mr. Speaker.

SPEAKER MOORE: He yields.

REPRESENTATIVE MARTIN: Thank you, sir.

I'd like to shift to a little bit different part of the state over to Forsyth County, some districts there, and actually back over to Sampson and
Columbus. And there's districts in those counties that to my eye at least don't appear to be particularly compact. Would you mind telling me what the reason in a map that you say compactness was a top priority, why are these districts perhaps not as compact as other districts throughout the state?

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

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

   REPRESENTATIVE MARTIN: Mr. Speaker?

   SPEAKER MOORE: The gentleman may state his purpose.

   REPRESENTATIVE MARTIN: Thank you, to see if the bill sponsor would yield to another question.
SPEAKER MOORE: Would the gentleman from Harnett yield to an additional question?

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

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

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

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

One of the things that I would point out and I will have to look at the exact report, but you know Forsyth County, of course, is the home of the great city of Winston-Salem, and I believe that we're able to maintain and respect the municipal boundaries of Winston-Salem by using this draw. So, again I would reiterate that, yes, it is probably possible to draw a more compact district, but compactness was not the
only criteria or the only goal that we had in the
production of these maps.

REPRESENTATIVE MARTIN: Mr. Speaker?

SPEAKER MOORE: The gentleman may state his
purpose.

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

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

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

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

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

The districts in the county grouping that
you asked about which stretch from Bladen in the south
Greene in the North, I think you'll find that Bladen is a whole county, then we have enough of Sampson County to meet the population requirement. I did see a draw that may have perhaps been judged a bit more compact, but that would have created a situation where incumbents were paired.

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

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

REPRESENTATIVE MARTIN: Mr. Speaker?

SPEAKER MOORE: The gentleman may state his purpose.

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

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

REPRESENTATIVE LEWIS: Yes, sir, I yield.

SPEAKER MOORE: He yields.

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

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

REPRESENTATIVE LEWIS: Thank you for that question.

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

REPRESENTATIVE MARTIN: Mr. Speaker?

SPEAKER MOORE: The gentleman may state his
REPRESENTATIVE MARTIN: To see if the bill sponsor will let me take him to one final part of the state.

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

REPRESENTATIVE LEWIS: I yield.

SPEAKER MOORE: He yields.

REPRESENTATIVE MARTIN: Thank you, Mr. Speaker.

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

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

Ironically, if you did the draw that you asked about, which would put two seats in Cabarrus
County, you would have an additional county traversal into Rowan County, which, respectfully, is something that you just questioned over in Wayne County.

REPRESENTATIVE MARTIN: Thank you, sir.

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

REPRESENTATIVE INSKO: To ask Representative Lewis a question.

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

REPRESENTATIVE LEWIS: Yes, sir.

SPEAKER MOORE: He yields.

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

So, just looking at the split that we have
now between House democrats here, 74 and 46 democrats, how by the average year, what would the new maps produce in that ratio?

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

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

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

The short answer to your question, which perhaps I should have done first, is as I had no direct outcome target in mind. I honestly don't know, nor have I seen any numbers that indicate what the
partisan results of this map would be.

REPRESENTATIVE INSKO: May I ask a follow-up?

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

REPRESENTATIVE LEWIS: Yes, sir.

SPEAKER MOORE: He yields.

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

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

The direct answer is my only goal in this is to comply with the order of the Covington Court. I would point out, though, because I think it goes to what you're saying is that there are a lot of factors that influence the outcome of elections. As you know,
you and I both served here for some time and there are a lot of things that influence elections: The amount of money that an incumbent can raise, let's just say, the things like that, the name ID, the level of constituency services that an incumbent provides. All those things influence the outcome of elections that are not a part of the map making process.

REPRESENTATIVE INSKO: Thank you.

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

REPRESENTATIVE PITTMAN: To send forth an amendment.

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

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

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

REPRESENTATIVE PITTMAN: Thank you, Mr. Speaker.

Ladies and gentlemen, making adjustments in the districts in Rowan and Cabarrus counties does not require moving one incumbent's precinct into another incumbent's district and vice versa as the proposed
map would do. My amendment would undo this unnecessary maneuver so that each incumbent can remain in approximately the district each currently serves.

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

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

Cabarrus County is the 9th largest county in the state. Under the committee's map the eight larger ones all have complete districts within their counties. These include Mecklenburg, Wake, Guilford, Forsyth, Cumberland, Buncombe, New Hanover and Gaston. The next eight smaller counties all have two complete
districts within them. This includes Onslow, Johnson, Iredell, Alamance, Catawba, Randolph, Rowan and Robeson. Why is Cabarrus the only county in that size range being required to reach outside its borders to complete two districts? Cabarrus deserves the same treatment as every other large county.

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

Protecting long-term incumbents I believe is a problem. I understand it was a criteria that the committee chose to use in putting these maps together. However, you know, we serve two-year terms here and I
believe each term should be seen as standing alone. Doesn't matter if you've been here three or four years, doesn't matter if you've been here nine, ten years, 20 years, however long it may be, each election is a new thing and I believe the rights of all candidates should be respected. I mean I've had people run against me in the three elections that I've won and my attitude has always been they have just as much right to run as anybody, including myself. After all, these seats belong to the people, not to us.

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

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

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

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

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

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

REPRESENTATIVE LEWIS: To debate the amendment.

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

REPRESENTATIVE LEWIS: Thank you.

Mr. Speaker and Members, if I could direct your attention to the 2017 House Redistricting Plan A, I'd like to talk a little bit about this amendment, but first I want to point out that this is an amendment that changes the county grouping that stretches from Richmond in the south to Davie in the
north. This county grouping is a part of the county optimal -- the optimal grouping scheme that both parties to the lawsuit agree exists. This is the optimal county grouping for this state. When you do that, there was literally one more incumbent, one more seated member of the General Assembly in this county group than the population of that county group would allow for.

I spent a lot of time trying to figure out what to do with that issue. The only ways that I knew to solve it, and I don't make light of this because I know everybody works hard and sacrifices a great deal to be up here, the options that I considered were you could have gone to the north end of the county group and grouped the incumbents that were there, you could have gone to the south and grouped them there.

Frankly, you could have drawn them out of a hat, but the only criteria that I could think of to use that met with the criteria of the committee was to look at the length of incumbency. The -- to be clear, under no configuration, including the one that the gentleman from Cabarrus has just sent forward, under no configurations is there a way to avoid pairing incumbents in this group.

What his amendment proposes to do is to pair
a different two. I would ask you respectfully to vote this down. It's unfortunate and regretful that we have to make a choice like this, but I have made it using the data that I had, which included the criteria of the incumbency and that, of course, includes the number of terms that are served.

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

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

REPRESENTATIVE PITTMAN: Speak on the amendment a second time.

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

REPRESENTATIVE PITTMAN: Thank you, Mr. Speaker.

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

SPEAKER MOORE: Further discussion, further debate? If not, the question for the House is the
adoption of Amendment A1 sent forth by Representative Pittman. Those in favor will vote Aye, those opposed will vote No. The Clerk will open the vote.

Representative Rogers, Representative Corbin in chamber. Representative Alexander, Representative Collins.

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

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

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

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

REPRESENTATIVE LEWIS: Thank you, Mr. Speaker.

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

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

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

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

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

The Clerk will lock the machine and record the vote.
64 having voted in the affirmative, and 46 in the negative the Amendment is adopted.

For what purpose does the gentleman from Lee, Representative Reives, rise?
He stepped off.

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

REPRESENTATIVE RICHARDSON: Thank you, Mr. Speaker.

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

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

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

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

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

My first question is I went to the public hearing in Halifax and there were quite a few people who were as was across the state. Was the information or the questions asked by those public hearings
included or impacted any of the changes in the maps that you presented?

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

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

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

REPRESENTATIVE LEWIS: Thank you for that question.

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

REPRESENTATIVE RICHARDSON: Thank you.

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

REPRESENTATIVE LEWIS: Well, thank you for that question.

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

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

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

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

REPRESENTATIVE REIVES: To ask the bill
sponsor a couple of questions.

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

REPRESENTATIVE LEWIS: I yield to all questions.

SPEAKER MOORE: He yields.

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

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

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

Speaker Moore: Gentleman yields to additional questions? He yields.

Representative Reives: Thank you.

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

Representative Lewis: Well, thank you for the question.

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

Representative Reives: Follow-up.

Speaker Moore: Does the gentleman yield to additional questions?

Representative Lewis: Yes, sir.

Speaker Moore: He yields.

Representative Reives: Based on that, is it
your belief, then, that he would not have used
information that he had had available to him back in
2011 and his knowledge of the districts to kind of
help push this process along?

REPRESENTATIVE LEWIS: Thank you for the
question.

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

REPRESENTATIVE REIVES: Follow-up.

SPEAKER MOORE: Does the gentleman yield to
additional questions?

REPRESENTATIVE LEWIS: I yield.

SPEAKER MOORE: He yields.

REPRESENTATIVE REIVES: Thank you.

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

REPRESENTATIVE LEWIS: Thank you for the
question.

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

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

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

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

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

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

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

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

I have talked to members of the body throughout this process. Prior to the release of the first map I certainly had talked to probably Representative Dollar, who is the Chair of the committee with me, but I don't recall that I spoke to
any other member prior to the release of the first
map. I've continued to talk with members along the
way, which is why we put the map out was to get
feedback from the members and the public and we have
made certain changes in the map based on input from
members.

REPRESENTATIVE MICHAUX: Follow-up.

SPEAKER MOORE: Does the gentleman yield to
additional questions?

REPRESENTATIVE LEWIS: I yield.

SPEAKER MOORE: He yields.

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

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

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

REPRESENTATIVE MICHAUX: Follow-up.

REPRESENTATIVE LEWIS: I yield to all
questions.

SPEAKER MOORE: He yields.
REPRESENTATIVE MICHAUX: In considering -- who -- who worked with you on consideration of the map that you submitted to the Redistricting Committee for their approval?

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

REPRESENTATIVE MICHAUX: Another.

REPRESENTATIVE LEWIS: I yield to all questions.

SPEAKER MOORE: The gentleman yields.

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

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

REPRESENTATIVE MICHAUX: Follow-up?

REPRESENTATIVE LEWIS: I yield.

SPEAKER MOORE: The gentleman yields.

REPRESENTATIVE MICHAUX: This won't take but
The court in turning -- in finding that the map you drew in 2011 was unconstitutional indicated that the maps were unconstitutional because they were racially gerrymandered. By racial gerrymandering, that race was brought into the map in order to make the maps that you drew; is that not correct?

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

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

REPRESENTATIVE MICHAUX: Follow-up?

SPEAKER MOORE: Will the gentleman yield to additional questions?

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

REPRESENTATIVE MICHAUX: You keep saying that the court says that you had not figured enough in there in order to trigger race, but did they not indicate to you that race was a predominant factor in the way that those lines were drawn in 2011?
REPRESENTATIVE LEWIS: Representative Michaux, I'm not sure I completely understand what you're asking. I have acknowledged that the court ruled that 19 of the state House districts were racial gerrymanders without the necessary supporting the information from the court. I mean that the court says the legislature did not have enough information to use race in the drawing of the maps. No additional information has been presented to me or to the Redistricting Committee to refute the court, therefore, we did not use race in drawing this map.

REPRESENTATIVE MICHAUX: One follow-up question.

SPEAKER MOORE: Does the gentleman yield to additional questions?

REPRESENTATIVE LEWIS: I do.

SPEAKER MOORE: He yields.

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

REPRESENTATIVE LEWIS: Thank you for the question.

It's my understanding that the ruling of the court was that we did not have enough evidence to
justify the use of race in drawing districts,
therefore, if race is not used at all in the drawing
of the districts, certainly a court would not be able
to find because race had not been a factor at all, it
certainly could not have been a factor that was
incorrectly considered.

REPRESENTATIVE MICHAUX: Thank you.

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

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

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

REPRESENTATIVE LEWIS: I yield.

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

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

On Friday we talked about to back the
scores, and you did make a change to Wake County, and
so, I'll just ask was the map the committee considered
on Friday what I'll call the Covington, the Covington
map, is it still slightly better compacted scores than
the offer 927 as amended at this point?

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

REPRESENTATIVE JACKSON: Thank you.

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

REPRESENTATIVE LEWIS: Well, thank you for that question, Representative Jackson. The -- I'm not aware of the outcome of how these splits effect various partisan performance of a district. Were I to gander, I would say that -- I would say that probably the placement of the line for population purposes in District 8 probably benefits democrats more than it
does republicans. That's one of the things I tried the say when we were adopting the criteria. Every choice, everywhere a line is made, there are political ramifications for where that line falls, and one of the reasons that I objected so much to the committee to trying to specify that a precinct or a county could only be split for population purposes, frankly, is I knew that where ever the line went, there would be political consequences for it and folks would blame me for violating the criteria.

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

REPRESENTATIVE LEWIS: The court ordered us to correct racial gerrymanders, that is, districts that use race too much. Freezing districts which do not touch the illegal district would require the core of the racial gerrymander as a starting point and then
we would be accused of racial gerrymandering all over again. Instead, we started with a blank slate. As you yourself have pointed out, the blank slate has let us do some good things. It's let us split fewer precincts, it's let us keep more municipalities whole.

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

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

REPRESENTATIVE JACKSON: Thank you, Mr. Chairman.

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

REPRESENTATIVE JACKSON: I do.
SPEAKER MOORE: The gentleman from Wake, Representative Jackson, is recognized to debate the bill.

REPRESENTATIVE JACKSON: Thank you, Mr. Speaker.

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

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

A lot of hate was on display a few weeks ago in Charlottesville, and I think the comments we heard at the public hearing last week were in large part a response to what happened in Charlottesville. So, from the beginning I want to state publicly and clearly and for the record that I do not think your plan is racial gerrymandered because my colleagues in this body are racist. No one in this body deserves to be called some of the names we heard that night or in some of the public comments that I have personally received. But today is the anniversary of Dr. Martin Luther King, Jr.'s I Have a Dream speech, and we have,
in fact, come a long way, but I do not believe we are at the point in this country, in the south or even in this state where you can no longer consider race in these type of decisions.

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

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

First, there was the process you've known since June 5th that your maps were unconstitutional and needed to be redrawn and we did nothing. Governor Cooper attempted to call us into special session on June 7th; again we did nothing. Finally, you acted laying out a long, drawn out timetable for public
input and hearings. It sounded great except that it was now August. And remember last time you tried to schedule filing in December and that's a long process and prevents us from recruiting candidates. That's not a problem for your side with so many incumbents and maps to consult, but the court figured this out and rightly called you out on it.

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

The second flaw in the plan before us today is the alleged non-use of racial data. Nine Supreme Court justices, who rarely agree on anything, struck down your maps as a racial gerrymander. Some argued that the court did not find such a racial gerrymander, only that you considered race without the proper factual findings or that the law has somehow changed
since 2011. In my opinion that just isn't accurate.

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

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

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

Again, note the magic words, legislatures
must. Again, we have not done that.

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

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

What's more, you even refused to even check
on the back end to make sure you have identified and
cured potential Section II violations. The court has
told you to do so, but you have refused. I'd ask that
you not cry foul if and when the court calls you to
task on it. Everyone has warned you.

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

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

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

There's no legal universe with your
political reasons can trump the North Carolina
Constitution. It's as clear as day. Article II,
Section 5 says, "When established, the House districts
in the apportionment of their representatives shall
remains unaltered until the return of another census of population taken by order of Congress."

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

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

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

The second I looked up the last democratic plan of 2003, looking at the closest statewide race of 2000, which was the democratic candidate won by three points, the 2003 democratic gerrymander gave us, gave our party, the democratic party, 66 seats and yours 54. Obviously it was drawn at that time to help the
democrats, yet compared to what we have before us today, Attorney General Stein won in North Carolina. He wins over 42 seats in your plan. 35% of the North Carolina House.

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

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

I know that partisan gerrymandering has not been struck down by the courts yet. Plans like the one before us today are putting us on that path.
There are bad democratic gerrymanders in states like Maryland, and bad republican ones in states like Wisconsin, but we remain the top dog in gerrymandering. Nobody does it like North Carolina. We're number one. The fact that you would do it again after your first maps were struck down by the courts is very interesting, to say the least. You could have drawn a more reasonable map that guaranteed you to stay in control of this body through 2020. You could have shown a little humility, a little moderation, a little caution knowing that the court this time has to approve this plan, but you didn't. You're going all in, and we'll see how this all works out in a few weeks.

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

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

REPRESENTATIVE JOHNS: Briefly debate the bill.

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

REPRESENTATIVE JOHNS: Since I announced my intention to seek election to this body nearly a year ago, I have consistently and repeatedly spoken of my
firm belief that the task of drawing electoral
districts for the North Carolina House and the North
Carolina Senate should be assigned to a wholly
independent, impartial, and most importantly, a
nonpartisan commission.

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

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

My personal wish, and I believe the wish of
the vast majority of North Carolinians, would have
been that the General Assembly would have considered
and early on passed a law establishing an independent
redistricting commission. Bipartisan proposals to do
so currently languish in the House Rules Committee,
and sadly, no such legislation was passed. What we have instead are the proposed maps before us, the many flaws of which have been pointed out in the questions and statements we have heard.

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

Thank you, Mr. Speaker.

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

REPRESENTATIVE LEWIS: May I send forth an amendment?

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


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

REPRESENTATIVE LEWIS: Thank you, Mr. Speaker.

Mr. Speaker and Members, this is a purely
technical amendment recommend to me by essential staff. It simply makes it easier to identify the map that appeared on the calendar today from the map that now appears as amended with the Wake County amendment. Therefore, I would respectfully ask you to vote green and adopt this amendment. It just renames the map.

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

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

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

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

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

SPEAKER MOORE: Does the gentleman from Wake yield to the gentleman from Harnett?
REPRESENTATIVE JACKSON: Yes, Mr. Speaker.

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

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

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

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

REPRESENTATIVE LEWIS: Thank you.

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

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

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

SPEAKER MOORE: Yes, sir.

REPRESENTATIVE LEWIS: Thank you, Mr. Speaker, and thank you Representative Jackson. Have you published this racial data or do you intend to? Is it a part of the record somewhere?

REPRESENTATIVE JACKSON: I believe it exists, Representative Lewis, in this computers. I have not published it. I believe that some members of my caucus have seen it as it applied to your previous plan as introduced to committee last week. I don't believe everyone on our side has seen the data as it exists for the Covington map. And, then, this weekend after you were kind enough on Saturday to share the Wake County amendment that you intended to run, I did
get a breakdown of some of the changes to some of those districts in Wake County and I've only shared that with a few members.

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

SPEAKER MOORE: Further discussion, further debate? If not, the question for the House is the passage of House Bill 927 on the second reading.

Those in favor will vote Aye; those opposed will vote No. The Clerk will open the vote.

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

HOUSE CLERK: North Carolina enacts.

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

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

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

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

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

(HOUSE IS AT EASE.)

House will come back to order.

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

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

Is there any objection to -- is there
anybody going to object to the reading of the Senate
redistricting map on Wednesday? Okay, then, the plan
will be that we'll do second and third reading on the
Senate map and on Wednesday. For ratification
purposes and so forth, I believe we still may be here
Thursday, but at least right now it would appear that
the voting business will be done Wednesday, but I'm
not sure. I know there are several other bills
floating around. There are some comp reports folks
are working on. So, those may be taken up Wednesday
and Thursday as well, but that's where we are for
right now.
The gentleman from Harnett, Representative Lewis, is recognized for an announcement.

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

REPRESENTATIVE BELL: Thank you, Mr. Speaker.

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

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

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

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

Is there an objection? Hearing none, so ordered.

For what purpose does the gentleman from
Wake, Representative Jackson, rise?

    REPRESENTATIVE JACKSON: For an announcement.

    SPEAKER MOORE: The gentleman is recognized for an announcement.

    REPRESENTATIVE JACKSON: Thank you, Mr. Speaker.

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

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

    Further notices and announcements?

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

    REPRESENTATIVE MICHAUX: Inquiry of the Chair.

    SPEAKER MOORE: Just a moment.

    Members of the House will come to order.

    The gentleman is recognized for an inquiry.

    REPRESENTATIVE MICHAUX: Barring any other order or anything coming from the court, what's on
schedule after Wednesday or Thursday?

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

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

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

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

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

REPRESENTATIVE MICHAUX: What's safe about that?

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

Further notices and announcements?
If not, gentleman from Harnett,
Representative Lewis, recognized for a motion.

Just a moment.

REPRESENTATIVE LEWIS: Mr. Speaker.

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

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

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

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

(APPLAUSE.)

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

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

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

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

Those in favor say Aye.

HOUSE MEMBERS: Aye.

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

(HOUSE SESSION ADJOURNED AT 3:07 P.M.)
STATE OF NORTH CAROLINA
COUNTY OF DURHAM

REPORTER'S CERTIFICATE

I, Regina Toppins, Shorthand Reporter and Notary Public in and for the State of North Carolina, do hereby affirm that the foregoing pages contain a verbatim transcription of the above-captioned proceedings and have been transcribed to the best of my ability and understanding; I further affirm 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 28th day of August, 2017.

[Signature]

Regina Toppins, Notary Public
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