

NORTH CAROLINA GENERAL ASSEMBLY
NORTH CAROLINA HOUSE OF REPRESENTATIVES

TRANSCRIPT OF THE PROCEEDINGS
FLOOR SESSION, VOLUME TWO OF TWO

In Raleigh, North Carolina
Thursday, February 18, 2016
Reported by Robbie W. Worley

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

<p style="text-align: right;">2</p> <p>1 (Reporter's note: Proceedings in this 2 matter began at 12:15 p.m.) 3 CLERK: Representatives Jones and 4 Hardister are primary sponsors for House Bill 2, a 5 bill to be entitled An Act to Revise Procedures for 6 the Conduct of the 2016 United States House of 7 Representatives Primary Election to Comply with the 8 Court Order in Harris v. McCrory. It is filed 9 today, and it is referred to the Committee on 10 Redistricting. 11 (RECESS) 12 SPEAKER MOORE: The House is in order. 13 Members, we are going to go back into recess 14 subject to the conditions announced previously, and 15 the reason for that, just to give an update, the 16 staff is still working on getting all the bills 17 drafted that are there. The Elections Committee -- 18 the Redistricting Committee is going to go in -- I 19 believe convenes at 3:30. 3:30, I believe now. 20 Yes, changed to 3:30. Representative Hager, are 21 you going to call a caucus? The gentleman is 22 recognized for an announcement. 23 REP. HAGER: Thank you, Mr. Speaker. The 24 Republicans will caucus in 544 immediately after 25 the Speaker recesses the body.</p>	<p style="text-align: right;">4</p> <p>1 if this was the time for announcements yet, but if 2 it is -- 3 SPEAKER MOORE: The gentleman is 4 recognized for that purpose. 5 REP. HAGER: Thank you, Mr. Speaker. I 6 would want to let the Republican honor of Denise 7 Weeks, that the Republicans will caucus in 544 8 right after you've put this body in recess. 9 SPEAKER MOORE: Members, for your 10 planning purposes, where we are is, the draft of 11 the legislation has finally been -- we think 12 finally, fully crafted. The staff still needs a 13 little bit of time. Part of the issue today has 14 been that the staff has been tied up primarily with 15 the Senate, because they were working on the maps. 16 And so, we were working on the bill dealing with 17 the primary, the filing and all that. 18 So it is -- the Redistricting Committee 19 will be meeting at 6 p.m. to take up the 20 Congressional -- the actual primary bill, which is 21 not the maps, and we were going to come back into 22 session at 7:00, where we anticipate taking the 23 bill up at that time. The bill that you also heard 24 read a few moments ago was the actual map bill, the 25 districts that came in, and that has now been</p>
<p style="text-align: right;">3</p> <p>1 SPEAKER MOORE: So we're going to come 2 back -- given that we have initially indicated we 3 would probably come back at 4:00, I don't think 4 that's going to be fruitful, since the committee 5 doesn't meet until 3:30. So, subject to the 6 conditions announced prior, I'm about to put us 7 into recess until 5 p.m. Do we have any further 8 notices or announcements? If not, the House will 9 stand in recess subject to the conditions 10 previously announced until 5 p.m. 11 (PROCEEDINGS RESUME) 12 SPEAKER MOORE: The House will come to 13 order. Measures from the Senate, the Court will 14 read. 15 CLERK: Senate Bill 2, committee 16 substitute, second revision. A bill to be entitled 17 An Act to Realign the Congressional Districts As 18 Recommended by the Joint Select Committee on 19 Congressional Redistricting to Comply with the 20 Court Order in Harris versus McCrory. 21 SPEAKER MOORE: The bill is referred to 22 the Committee on Congressional Redistricting. 23 To what purpose does the gentleman from 24 Rutherford, Representative Hager, arise? 25 REP. HAGER: Mr. Speaker, I wasn't sure</p>	<p style="text-align: right;">5</p> <p>1 referred to the Redistricting Committee as well. 2 It is the Chair's intent at this point that that 3 bill will be heard in committee tomorrow morning. 4 If anything should change, members will be 5 notified, but that's the intent of that. And we're 6 looking at probably -- well, we'll deal with the 7 session for tomorrow morning later. 8 But in any event, we're about to go into 9 recess until 7 p.m. this evening, but when we come 10 back at 7, I would expect that we would take up 11 legislation and would be having a vote. 12 Further notices and announcements? If 13 not, subject to the filing of bills, ratification 14 of bills, and messages from the Senate, committee 15 reports, re-referral bills, resolutions, and 16 introduction of bills and resolutions, the House 17 does now stand in recess until 7 p.m. 18 (RECESS) 19 SPEAKER MOORE: The House will come back 20 to order. Representative Lewis is recognized to 21 file a resolution. The House Chair directs that it 22 be assigned the title of House Joint Resolution 3. 23 The Clerk will read. 24 CLERK: House Joint Resolution 3, a joint 25 resolution providing for adjournment sine die of</p>

<p style="text-align: right;">6</p> <p>1 the 2016 extra session. House resolves, Senate 2 concurs.</p> <p>3 SPEAKER MOORE: The Chair directs that 4 Joint Resolution 3 be added to this evening's 5 calendar. The Clerk will read.</p> <p>6 CLERK: House Joint Resolution 3, a joint 7 resolution providing for adjournment sine die of 8 the 2016 extra session. House resolves, Senate 9 concurs.</p> <p>10 SPEAKER MOORE: The gentleman from 11 Harnett, Representative Lewis, is recognized to 12 debate the motion -- the resolution.</p> <p>13 REP. LEWIS: Thank you, Mr. Speaker; 14 thank you, members of the House. What you have 15 with House Joint Resolution 3 is standard, 16 boilerplate language. This simply provides that 17 when the House and the Senate adjourn tomorrow, 18 Friday, February 9th, 2016, that they will stand 19 adjourned sine die. I'll be happy to answer any 20 questions, Mr. Speaker, but I would urge adoption 21 of the resolution.</p> <p>22 SPEAKER MOORE: Further discussion and 23 further debate on the resolution? If not, the 24 question before the House is the adoption of House 25 Joint Resolution 3 on the second reading. Those in</p>	<p style="text-align: right;">8</p> <p>1 REP. BRAWLEY: Thank you, Mr. Speaker. I 2 found that a small cushion in the shape of a North 3 Carolina flag and a bookend were on my desk. These 4 aren't mine, and they may have been placed here by 5 the workmen. If you're missing such items, I have 6 them.</p> <p>7 SPEAKER MOORE: Members, we're awaiting 8 the receipt of the committee report. The House 9 Redistricting Committee did meet and did pass out 10 the legislation, but we have not received the 11 formalized committee report just yet, so we will be 12 momentarily at ease.</p> <p>13 (Pause.)</p> <p>14 Representative Lewis, the chair of the 15 committee of -- the Redistricting Committee, is 16 recognized to send forth the committee report. The 17 Clerk will read.</p> <p>18 CLERK: Representative Lewis, 19 Redistricting Committee report, House Bill 2, 2016 20 House of Representatives primary, favorable 21 committee substitute, unfavorable original bill.</p> <p>22 SPEAKER MOORE: The original bill is 23 placed on the unfavorable calendar. The committee 24 substitute will be calendared for immediate 25 consideration.</p>
<p style="text-align: right;">7</p> <p>1 favor will vote aye; those opposed will vote no. 2 The Clerk will open the vote.</p> <p>3 (Votes recorded.)</p> <p>4 SPEAKER MOORE: The Clerk will lock the 5 machine and record the vote. 91 having voted in 6 the affirmative, none in the negative, House Joint 7 Resolution 3 passes its second reading and will be 8 read a third time.</p> <p>9 CLERK: The House resolves, Senate 10 concurs.</p> <p>11 SPEAKER MOORE: Further discussion and 12 further debate? If not, the question before the 13 House is the passage of House Joint Resolution 3 on 14 its third reading. Those in favor will say aye?</p> <p>15 (Voice vote.)</p> <p>16 SPEAKER MOORE: Those opposed, no? The 17 ayes have it. House Joint Resolution 3, having 18 passed its third reading, will be sent to the 19 Senate by special messenger.</p> <p>20 For what purpose does the gentleman from 21 Mecklenburg, Representative Brawley, arise?</p> <p>22 REP. BRAWLEY: A quick announcement, Mr. 23 Speaker.</p> <p>24 SPEAKER MOORE: The gentleman has the 25 floor for an announcement.</p>	<p style="text-align: right;">9</p> <p>1 House Bill 2, the Clerk will read.</p> <p>2 CLERK: House Committee Substitute to 3 House Bill 2, An Act to Revise Procedures for the 4 Conduct of the 2016 Primary Election to Comply with 5 the Court Order in Harris v. McCrory. The General 6 Assembly of North Carolina enacts.</p> <p>7 SPEAKER MOORE: The gentleman from 8 Rockingham, Representative Jones, is recognized to 9 debate -- debate the bill.</p> <p>10 REP. JONES: Thank you, Mr. Speaker. 11 Ladies and gentlemen of the House, you have before 12 you House Bill 2, which has been quite a monumental 13 effort. I just want to take the opportunity, as I 14 did in committee, to recognize the expertise and 15 the dedication of our hard-working staff. It's 16 quite a bit more complicated than most people might 17 imagine to try to put this together, and it's been 18 a lot of hard work that went into this, a lot of 19 items to consider, but I just want to recognize 20 those people that really worked so hard on this.</p> <p>21 I will walk you through, real quickly, 22 the bill, if you will. Section 1(a) says that we 23 are going to conduct a 2016 primary election for 24 the U.S. House of Representatives. Section 1(b) 25 says that that primary election will be Tuesday,</p>

<p style="text-align: right;">10</p> <p>1 June the 7th, 2016. Section 1(c) establishes the 2 filing period for that election, which would be 3 beginning at 12 noon on March the 16th. I would 4 just point out to you. I would just point out to 5 you that that is, of course, the day after the 6 March 15th primary election, and it would close on 7 March the 25th.</p> <p>8 Section 1(d), about the eligibility to 9 file. You must be affiliated with your political 10 party for at least 75 days before registering to 11 file with that political party for Congress.</p> <p>12 Section 1(e) says that you cannot run for 13 two separate offices at the same time. Current 14 state law says that you cannot do this. Since we 15 are having a separate primary for the Congressional 16 primary, you are allowed, if you are currently the 17 nominee for a different office in the state, you 18 can file to run for Congress, but if you win that 19 primary on June the 7th, then you would have to 20 withdraw from one of those races, after which you 21 could not run for both offices in the November 22 election.</p> <p>23 Section 1(f) returns the filing fee for 24 anyone that might have filed for Congress already 25 in the election that was underway when this</p>	<p style="text-align: right;">12</p> <p>1 January the 1st, 2015, in other words, the maps 2 that are currently in place, before we would adopt 3 these new maps. And you can just imagine how much 4 havoc it would wreak on the political party 5 structures in the state if they had to go back and 6 redistrict all of the current districts in the 7 state, re-elect officers, have county conventions, 8 district conventions. It would be practically 9 impossible to do that, so for the purpose of 10 electing presidential electors, they would continue 11 to use the current maps as they are now.</p> <p>12 Section 4 has to do with temporary 13 orders. This accommodates the scheduling of the 14 primary, and the State Board of Elections is 15 empowered to issue certain temporary orders that 16 could affect this. The rest of Section 4 is rather 17 technical with that. It orders, not rules, the 18 orders expire and become void ten days after the 19 certification of the 2016 Congressional primary 20 elections, and then in 4(d), we define what an 21 order is.</p> <p>22 And Section 5, any ballot that is cast on 23 March the 15th for the Congressional primary, 24 obviously, the ballots have already been printed 25 up, and so the Congressional candidates are going</p>
<p style="text-align: right;">11</p> <p>1 exercise began, so for a person that filed for 2 that, they could have their filing fee -- they're 3 eligible to have their filing fee returned.</p> <p>4 Section 2(a) says that there will be no 5 second primary, and that would be throughout the 6 2016 primary election cycle, so that would apply to 7 the March 15th primary, as well as the June 7th 8 Congressional primary. There would be no second 9 primary.</p> <p>10 Section 2(b) speaks to that as well, 11 repeals language that has to do with second 12 primaries.</p> <p>13 Section 2(c), authorizes by statute that 14 is set for the date of the second primary shall be 15 placed on the ballot at the time. So, any other 16 election that would be taking place, such as a 17 judicial vacancy election, would be held at the 18 same time as that June 7th primary.</p> <p>19 Section 3 has to do with nominating 20 electors to the Electoral College. This has to do 21 with the presidential election. North Carolina 22 gets 15 electors, including one elector from each 23 presidential district. And for the purpose of 24 electing presidential electors, we would use the 25 maps that were in place on June -- it says here,</p>	<p style="text-align: right;">13</p> <p>1 to be on those ballots and the maps as they are 2 now, and clearly, that election would be null and 3 void, and so the State Board of Elections is 4 directed here not to certify that election, and to 5 keep any results from that confidential. They 6 would not be a public record.</p> <p>7 Section 6 makes this act effective when 8 it becomes law, but it applies to this election 9 cycle unless prior to March the 16th, the U.S. 10 Supreme Court reverses or stays the decision that 11 has brought us all here this week. And so, I hope 12 that clearly explains to anyone. Mr. Speaker, I'd 13 be happy to entertain any questions. I would urge 14 my colleagues, please vote green on House Bill 2.</p> <p>15 SPEAKER MOORE: Further discussion and 16 further debate? For what purpose does the 17 gentleman from Wake, Representative Jackson, arise?</p> <p>18 REP. JACKSON: To send forth an 19 amendment.</p> <p>20 SPEAKER MOORE: The gentleman is rec- -- 21 the Clerk does not have a copy of the amendment. 22 Further discussion and further debate, while we're 23 awaiting the amendment? The House will be at ease 24 momentarily.</p> <p>25 For what purpose does the representative</p>

<p style="text-align: right;">14</p> <p>1 from Haywood, Representative Queen, arise? 2 REP. QUEEN: Just for a question to the 3 bill sponsor. 4 SPEAKER MOORE: Does the gentleman from 5 Harnett yield to -- oh, excuse me, does the 6 gentleman from Rockingham yield to the gentleman 7 from Haywood? 8 REP. JONES: Yes, sir. 9 SPEAKER MOORE: He yields. 10 REP. QUEEN: Would you explain the -- the 11 situation where you're running for two offices and 12 then have to drop out of one once again, just so I 13 can get that straight? 14 REP. JONES: Yes, sir. Right now, the 15 state law says that you cannot run for two offices 16 at the same time, you cannot file for election for 17 two offices at the same time. Obviously, this is a 18 special Congressional primary; it's going to be 19 conducted later than the other primaries, and no 20 one knew about this until now. So, what we're 21 saying is that if you are already the nominee for 22 the State House, the State Senate, county 23 commissioner, any other elected official in the 24 state, you are allowed to file to run for Congress. 25 But if you win your primary on June the 7th, you</p>	<p style="text-align: right;">16</p> <p>1 workers to only have one primary. 2 Just today, we had an issue that affects 3 our Supreme Court election this year. The 4 retention elections were struck down by a three- 5 judge panel. I have not seen that order, but I 6 guess, I am speculating that that's going to 7 require us to open up another filing period and 8 allow a primary in that race as well. We've got a 9 lot of other litigation going on in this state. We 10 have a case in Wake County that is currently 11 pending in front of the district -- federal 12 district court that could change our county 13 commissioner districts and our school board 14 districts. 15 And so I tried to pick a date that was 16 the farthest away, in the hope that we can do this 17 once and do it right. There would be no runoff, it 18 would be the same that's in the bill before you, 19 but hopefully, it would save the State some money 20 and give us time. 21 And one of the arguments I want to tell 22 you is, we are making this -- this bill today 23 before you with the expectation that the federal 24 district court will approve the maps that we have 25 yet to see in this chamber but were seen by the</p>
<p style="text-align: right;">15</p> <p>1 cannot go forward as your party's nominee in two 2 separate offices. You would have to withdraw from 3 one of those two offices. 4 SPEAKER MOORE: The gentleman from Wake, 5 Representative Jackson, is now recognized to send 6 forth an amendment. The Clerk will read. 7 CLERK: Representative Jackson moves to 8 amend the bill on page 1, lines 5 through page 2, 9 line 28, by rewriting those lines to read. 10 SPEAKER MOORE: The gentleman has the 11 floor to debate the amendment. 12 REP. JACKSON: Thank you, Mr. Speaker. 13 Ladies and gentlemen, for those of you who were not 14 in the Redistricting Committee, this is the same 15 amendment I just read a few minutes ago there. It 16 would move all our primaries, even the bond, to 17 June 21st. I want to tell you why I chose that 18 date. That is the latest date we could hold a 19 presidential primary. I believe D.C. holds their 20 presidential primary on that day. 21 I believe this would save some money. 22 The Board of Elections was clear that it would not 23 save the entire price of having a primary, because 24 of the work that's already been done; however, it 25 would certainly save the labor cost of all the poll</p>	<p style="text-align: right;">17</p> <p>1 Redistricting Committee and approved by the Senate 2 today. However, there were some novel arguments 3 raised in our Redistricting Committee. 4 The majority has argued that in drawing 5 these new maps, they didn't consider race at all, 6 and instead of using a racial gerrymander, they 7 replaced it, freely admitting, with a political 8 gerrymander. I'm telling you that that is a novel 9 legal argument, to say that in the South, when you 10 draw Congressional seats, you use race not at all 11 in consideration. 12 I think it's going to take the federal 13 district court a while to look at that and look at 14 what we've done. And if it takes them one month or 15 two months to approve these new districts, we are 16 going to wish that we had the latest primary we 17 could have, and because of that, I'm going to ask 18 you to support this bill. 19 Now, earlier, we had some people stand 20 up, or speak in committee, and they said, 'Well, 21 you know, this isn't fair to our current candidates 22 who are all on the March primary who think that 23 they're having an election in March.' And I agree 24 that it's probably not fair, but we're changing the 25 rules on those folks already, because those folks</p>

<p style="text-align: right;">18</p> <p>1 filed to run in districts, sometimes thinking, 2 well, they just needed to get to the runoff. They 3 didn't have to win the primary on March 15th. They 4 just had to be second place and make sure the 5 winner didn't pass that 40 percent threshold, but 6 we've done away with that. So we have already 7 changed the rules on them. This would at least 8 give them more time to be ready for this winner- 9 take-all format.</p> <p>10 And the second thing I want to say is, it 11 was pointed out, and I know this bothered a lot of 12 people on the Congressional races. The way this 13 current bill is set up is that if the Court issues 14 a stay prior to March 16th, then the current 15 districts will stay in place and the current 16 elections scheduled for March 15 would count.</p> <p>17 So what that means is, if you're a 18 current Congressional candidate in this state, and 19 you see these new maps and say, "Oh, I may not be 20 in my district," or "I may be in a different 21 district," or "I may be running for something 22 else," it doesn't matter. You've got to continue 23 running and spending money, because if the Court 24 steps in on March 14th and issues a stay, whatever 25 happens on March 15th is going to count. There</p>	<p style="text-align: right;">20</p> <p>1 have already been campaigning, spending money. 2 The gentleman mentioned the State saving 3 money. Before, we heard earlier from the director 4 of the State Board of Elections, was that, you 5 know, these ballots have already not only been 6 printed, but the coding that goes into them is, you 7 know, more expensive, really, than the printing 8 part. So, I don't see where there's going to be a 9 cost savings, but honestly, I think the best reason 10 to vote this down is that we don't need to create 11 further chaos and disruption for every election in 12 North Carolina, and for that reason alone, I would 13 ask for you to please defeat this amendment.</p> <p>14 SPEAKER MOORE: For what purpose does the 15 gentleman from Wake, Representative Martin, arise? 16 REP. MARTIN: To debate the amendment. 17 SPEAKER MOORE: The gentleman has the 18 floor to debate the amendment. 19 REP. MARTIN: After listening to the -- 20 both the amendment sponsor and the bill sponsor, it 21 sounds like we've all got the same end in sight 22 that we're all striving for, which is to reduce the 23 chaos around this election, and to reduce the 24 impact on North Carolina. I tend to side with my 25 friend from Wake County, the amendment sponsor,</p>
<p style="text-align: right;">19</p> <p>1 will be no primary in June for you. 2 So, for all those reasons, I think this 3 is the safer, more responsible. I think it will 4 give certainty, and we'll all leave here today 5 knowing we're not going to be back here in a month, 6 and I'd ask for your support.</p> <p>7 SPEAKER MOORE: For what purpose does the 8 gentleman from Rockingham, Representative Jones, 9 arise? 10 REP. JONES: To debate the amendment. 11 SPEAKER MOORE: The gentleman has the 12 floor to debate the amendment. 13 REP. JONES: Thank you, Mr. Speaker. I 14 certainly appreciate my friend from Wake and his 15 amendment, but, ladies and gentlemen, I'm going to 16 ask that you would please defeat this amendment. 17 You know, we're here this week and recognize that 18 what has happened has been a tremendous disruption 19 for the Congressional elections in North Carolina, 20 those 13 elections. What we're proposing here 21 would be a disruption of hundreds of elections 22 across the state. I don't think we want to create 23 more disruption than is necessary. I believe that 24 we are better suited to go forward on March 15th 25 with all those people that have planned to run and</p>	<p style="text-align: right;">21</p> <p>1 where he says that there's still a lot of issues to 2 be decided here. 3 Now, it really doesn't matter whether you 4 sort of agree with the Republican side of the 5 argument or the Democratic side of the argument on 6 how this litigation might play out, and it really 7 doesn't matter at all. Heck, we can blame the 8 judiciary for being slow in deciding these things. 9 Regardless of your opinion there, though, 10 I think we can all agree that there are many issues 11 to be decided, and it's going to take a good amount 12 of time for those issues to finally be decided. 13 And if we rush ahead a little bit and schedule the 14 elections too soon, we are putting the State at 15 serious risk of having, perhaps, to send us back 16 here to reschedule the dates of the elections, or 17 some other thing that's going to add to greater 18 chaos. 19 I agree with pretty much everything that 20 my colleague from Wake, the amendment sponsor, 21 said, except for I just want to elaborate on one of 22 his points. He argued that his amendment would 23 actually be better for all the candidates who are 24 already -- who have already been put into a great 25 period of uncertainty, and that's true. I do think</p>

<p style="text-align: right;">22</p> <p>1 his amendment would help those candidates who have 2 put their -- staked themselves out there to serve 3 the public. 4 But at the end, I think the main reason 5 to vote for his amendment is that it will reduce 6 the likelihood of chaos, not for the candidates, 7 but for the greater population of North Carolinians 8 who they seek to serve. So I'd urge you to support 9 his amendment. 10 SPEAKER MOORE: For what purpose does the 11 gentleman from Cumberland, Representative Floyd, 12 arise? For what purpose does the lady from 13 Buncombe, Representative Fisher, arise? 14 REP. FISHER: To ask the amendment 15 sponsor a question, please. 16 SPEAKER MOORE: Does the gentleman from 17 Wake, Representative Jackson, yield to the lady 18 from Buncombe? 19 REP. JACKSON: Yes, sir. 20 SPEAKER MOORE: He yields. 21 REP. FISHER: Thank you, Representative 22 Jackson. During the committee meeting, was there 23 any talk about what the estimated cost of running 24 these primaries might be for North Carolina 25 taxpayers?</p>	<p style="text-align: right;">24</p> <p>1 an amendment that would help us out of this problem 2 we're in right now, so I appreciate Representative 3 Jackson's work on this, and staff as well. 4 We're in a situation right now where the 5 focus is really going the wrong way, and that might 6 be why we're in the position that we're in now. As 7 you heard people speak tonight, one of the main 8 reasons for saying don't support this amendment 9 was, it's going to be inconvenient to candidates, 10 and it's going to cost them more money. 11 We're trying to do, or should be focused 12 on, what's going to be fairer to the people of 13 North Carolina as they try to vote for their 14 representation, and we should focus on that. 15 And so, putting this deal back and giving 16 us time not only to ensure everybody knows who 17 they're running -- who's running in their district, 18 who is going to represent them, and have a clear 19 knowledge of what their abilities are, is key. So 20 we do need the time to educate the voters, or give 21 us an opportunity to educate the voters. 22 The question of chaos on these districts, 23 or the question of chaos in the election, we made 24 major changes in the election to make it harder for 25 every individual North Carolinian to vote with the</p>
<p style="text-align: right;">23</p> <p>1 REP. JACKSON: The testimony was that 2 generally, a second primary costs between 9-1/2 and 3 10 million dollars. However, that's a lot 4 different this time, because the election has 5 already started, and the ballots have been printed, 6 and all the coding. So while you would save the 7 labor costs from the poll workers, there would be 8 more labor cost involved in recoding and doing 9 another set of ballots. And so, everybody was 10 speculating based on what they heard. There was no 11 hard and fast evidence as to, it would save this 12 amount or it would cost that much. 13 SPEAKER MOORE: Further discussion, 14 further debate on the amendment? I believe 15 Representative Floyd, the gentleman, he wishes to 16 debate the bill, so not on the amendment, is that 17 correct? 18 REP. FLOYD: Correct. 19 SPEAKER MOORE: For what purpose does the 20 gentleman from Durham, Representative Hall, arise? 21 REP. HALL: To speak on the amendment. 22 SPEAKER MOORE: The gentleman has the 23 floor to debate the amendment. 24 REP. HALL: Thank you, Mr. Speaker, and I 25 appreciate the work that's gone into trying to find</p>	<p style="text-align: right;">25</p> <p>1 voter ID law that we passed, and we didn't use that 2 as a reason not to do it. So we have an 3 opportunity to take more time, to get it right, to 4 have these elections settled, and educate the 5 people of North Carolina. It's going to cost 6 something, somewhere. 7 You know, democracy is messy. It's not 8 free, and candidates may have to spend, or maybe 9 not spend more money, depending upon these 10 districts. And so, I'd ask you to support the 11 amendment. Let's think about the interests of 12 North Carolinians. Let's think about the interests 13 of the voters. Let's give them some time and 14 opportunity to understand this. 15 We're up here, some folks were in on 16 drawing this plan, and they feel comfortable that 17 it's the right thing to do. Other folks weren't in 18 on the fast track, don't have an idea, and they 19 will be confused about who their representatives 20 are, who they're voting for, what they're voting 21 for. And we certainly want North Carolinians to 22 participate. We don't want them to be turned off 23 and think this is just an inside game. 24 So, I hope you'll give fair consideration 25 to the amendment. I hope you'll consider passing</p>

26

1 it and giving the priority to the voters of North
2 Carolina and not just to the candidates.
3 SPEAKER MOORE: For what purpose does the
4 gentleman from Rutherford, Representative Hager,
5 arise?
6 REP. HAGER: To debate the amendment.
7 SPEAKER MOORE: The gentleman has the
8 floor to debate the amendment.
9 REP. HAGER: Thank you, Mr. Speaker.
10 There's two issues I hear here, guys. One is, I
11 think Representative Jackson, he brought his side
12 up, and I brought my side up in committee, that
13 this may save us a little money, but as he said
14 earlier, that the coding of these ballots that has
15 already taken place for the March 15th ballot has
16 already been paid. It actually will probably cost
17 us more to recode the June 7th or the date that he
18 had out there for more candidates on there. So it
19 has a high potential of costing us more money to
20 move all these primaries to June -- to the June
21 time frame.
22 Now, we talked about -- Representative
23 Hall talked about doing the right thing for North
24 Carolinians. You know, I'm pretty sure that the
25 folks on that side of the aisle got the news, maybe

27

1 even quicker than we did, of this three-judge panel
2 discussion and opinion. So at that time, they had
3 the same amount of time to draw these maps as we
4 did. But yeah, Representative Lewis worked hard,
5 and I commend him for doing that. Senator Rucho
6 worked hard to get maps to the table that we'll
7 have in front of us tomorrow.
8 Now, what they want to do is say, 'Well,
9 let's wait three more months so everybody can run
10 now,' when this issue only affects 13 races. It
11 doesn't affect the 120 races in this House. It
12 doesn't affect the 50 races over in the Senate, and
13 it doesn't affect anything but 13 races in the
14 state of North Carolina. But yet, we've got to
15 wait three months so everybody understands what's
16 going on.
17 Well, it's a wait, wait, wait, wait issue
18 on the minority side. I think we all owe it to our
19 citizens and to our constituents, to let's settle
20 our piece of it. Let's settle the 120 House races.
21 Let's settle the 50 Senate races. Let's settle the
22 Council of State races, the governor's race. Let's
23 get that done, and then let's worry about educating
24 folks for the next three months for the -- for the
25 Congressional districts. So, please vote no on

28

1 this amendment.
2 SPEAKER MOORE: For what purpose does the
3 gentleman from Wake, Representative Jackson, arise?
4 REP. JACKSON: To speak a second time.
5 SPEAKER MOORE: The gentleman has the
6 floor to debate the amendment a second time.
7 REP. JACKSON: Thank you, Mr. Speaker. I
8 couldn't disagree with Representative Hager any
9 more. To say that this bill only affects 13
10 Congressional districts, we are taking the right to
11 run in a second primary away from every candidate.
12 I mean, that -- that's big, folks. There are a lot
13 of people who have laid out a lot of campaign
14 strategy the last three months, the last four
15 months, planning to only have to get into that
16 runoff. They just wanted to be in the top two.
17 And you're taking that away from them. So it's
18 going to affect people across the state.
19 You're changing the game on a lot of
20 candidates right before an election. So we should
21 consider that. It does affect a lot more than 13
22 Congressional. It affects anybody with a primary
23 with more than two candidates in it.
24 SPEAKER MOORE: Further discussion,
25 further debate on the amendment? If not, the

29

1 question before the House is the adoption of
2 amendment 1 set forth by Representative Jackson to
3 House Bill 2. Those in favor will vote aye; those
4 opposed will vote no. The Clerk will open the
5 vote.
6 (Votes recorded.)
7 SPEAKER MOORE: The Clerk will lock the
8 machine and record the vote. 32 having voted in
9 the affirmative and 69 in the negative, the
10 amendment is not adopted. We are now back on the
11 bill. For what purpose does the gentleman from
12 Cumberland, Representative Floyd, arise?
13 REP. FLOYD: To see if the bill sponsor
14 will yield for a question, Mr. Speaker.
15 SPEAKER MOORE: Does the gentleman from
16 Rockingham yield to the gentleman from Cumberland?
17 REP. JONES: Yes, sir.
18 SPEAKER MOORE: He yields.
19 REP. FLOYD: I was trying to find it in
20 here, where the thing was about the second primary.
21 Could you elaborate on that just a little bit?
22 REP. JONES: Okay. Section 2 speaks to
23 the second primary. Do you want me to elaborate on
24 section 2?
25 REP. FLOYD: Yes, sir, because I want to

<p style="text-align: right;">30</p> <p>1 make it very clear, because this is something that 2 I have been working on for eight years, so I just 3 want to make sure that I get it correct. I know 4 that they are going to have some effect on some, 5 but this would save the State millions of dollars, 6 so I just wondered. 7 REP. JONES: Okay. Thank you for your 8 question, Representative Floyd. What this bill 9 would do is, it's only for the 2016 primary 10 election cycle. There would be no second 11 primaries. Obviously, for reasons that we're here, 12 we're condensing the election cycle for the 13 Congressional primary, and we thought that the best 14 route would be not to have second primaries for 15 either the March 15th election or the June 7th 16 Congressional primary, so no second primaries, but 17 that's this year only. 18 REP. FLOYD: Follow-up, Mr. Speaker? 19 SPEAKER MOORE: Does the gentleman yield 20 for an additional question? 21 REP. JONES: I yield. 22 SPEAKER MOORE: He yields. 23 REP. FLOYD: If it were a second primary 24 this year, the estimated costs would be 25 approximately?</p>	<p style="text-align: right;">32</p> <p>1 it this time, and I just hope that this is 2 something that we may visit again in the future. 3 Thank you. 4 SPEAKER MOORE: For what purpose does the 5 gentleman from Wake, Representative Jackson, arise? 6 REP. JACKSON: A question for the bill 7 sponsor. 8 SPEAKER MOORE: Does the gentleman from 9 Rockingham yield to the gentleman from Wake? 10 REP. JONES: I yield. 11 SPEAKER MOORE: He yields. 12 REP. JACKSON: Representative Jones, I 13 heard the explanation in the Redistricting 14 Committee, but perhaps the other members might not 15 be familiar. Since we are going to run a second, 16 statewide election on June 7th for all 13 17 Congressional districts, why could we not have a 18 runoff election for the March 15th candidates on 19 that same day, since we'll be doing statewide 20 elections anyway? 21 REP. JONES: That is an excellent 22 question; I appreciate you posing it. I was 23 thinking that I would speak again and explain it 24 anyway, so you gave me an opportunity. 25 A primary reason for doing it, quite</p>
<p style="text-align: right;">31</p> <p>1 REP. JONES: I believe the figure that I 2 know Representative Jackson quoted earlier was 3 9-1/2 to 10 million dollars for a second primary, 4 so I will accept that figure. 5 REP. FLOYD: Mr. Speaker, may I speak on 6 the bill now? 7 SPEAKER MOORE: The gentleman is 8 recognized to debate the bill. 9 REP. FLOYD: Mr. Speaker, given eight 10 years of just trying to do a study to see how the 11 second primary would affect the State, and the 12 millions of dollars that it would cost the State, 13 I'm just happy to see that at least it is tried 14 this year, so that we can save the millions of 15 dollars, just the first time, just to try and see 16 and look at the second primary. Although the 17 second primary was held about seven weeks after the 18 first primary, but at the same time, as 19 Representative Jackson mentioned, there's a lot of 20 individuals look at the first primary, and then set 21 for you at the second primary, and you've spent all 22 your money in the first primary. Seven weeks 23 later, you don't have sufficient enough funds to 24 run in the second primary. 25 So, it's a blessing that we're looking at</p>	<p style="text-align: right;">33</p> <p>1 honestly, is that normally, after an election, the 2 poll books are closed. But in this case, because 3 we would be having this second election on June the 4 7th, those poll books would remain open. So, 5 normally, in order to vote in a second primary, you 6 had to be eligible to vote in the first primary. 7 In this case, by leaving it open, you 8 would not only be opening the second primary to 9 people that might register to vote between those 10 times, but theoretically, and I think practically 11 that would be the case, you could be encouraging 12 people to go out and change parties for that 13 particular time, just so they could vote in a 14 second primary. And we just felt like in weighing 15 all the options, the best thing to do was just to 16 eliminate the second primary altogether. 17 Quite frankly, it made the administration 18 of it much, much simpler for the Board of 19 Elections, but it also took away the opportunities 20 that I just discussed, and we felt like it was the 21 best option. Thank you, Representative Jackson. 22 SPEAKER MOORE: For what purpose does the 23 gentleman from Robeson, Representative Graham, 24 arise? 25 REP. C. GRAHAM: A question of the bill</p>

34

1 sponsor.

2 SPEAKER MOORE: Does the gentleman from

3 Rockingham, Representative Jones, yield to the

4 gentleman from Robeson?

5 REP. JONES: Yes, sir.

6 SPEAKER MOORE: He yields.

7 REP. C. GRAHAM: Thank you,

8 Representative Jones. Just to clear my mind, we

9 have folks who are voting right now for these

10 Congressional districts. Explain to me again what

11 will happen to those votes. Make sure I'm clear in

12 my mind; I want to be able to explain that to folks

13 when I'm asked.

14 REP. JONES: Okay. What we're basically

15 saying here is that in response to the three-judge

16 panel and their ruling, that our Congressional

17 election will, frankly, start over. There will be

18 new districts, new maps, new candidates will come

19 in, and they will have to file for those offices,

20 and that election will start over, and under this

21 bill, it would be held on June the 7th. So any

22 votes that have been or will be cast for the March

23 15 primary election will be null and void, because

24 those Congressional districts will no longer exist.

25 SPEAKER MOORE: Further discussion or

35

1 further debate? For what purpose does the

2 gentleman from Scotland, Representative Pierce,

3 arise?

4 REP. PIERCE: Just wanted to ask the bill

5 sponsor a question.

6 SPEAKER MOORE: Does the gentleman from

7 Rockingham, Representative Jones, yield to the

8 gentleman from Scotland?

9 REP. JONES: Yes, sir.

10 SPEAKER MOORE: He yields.

11 REP. PIERCE: Representative Jones, you

12 did a good job explaining that. But the candidates

13 that are presently running, it's obvious that the

14 40 plus 1, that's off the table, right, if you --

15 no, that's -- if a person's in second place, what's

16 usually the numbers that would constitute a runoff?

17 REP. JONES: As the law currently exists,

18 if a candidate fails to get a 40 percent plurality,

19 then the other candidate can call for a second

20 primary election, and this bill would say there

21 would be no second primary, so, you know, the

22 highest vote-getter would win the election.

23 REP. PIERCE: Mr. Speaker, follow-up

24 question?

25 SPEAKER MOORE: Does the gentleman from

36

1 Rockingham yield to an additional question from the

2 gentleman from Scotland?

3 REP. JONES: Yes, sir, I yield.

4 SPEAKER MOORE: He yields.

5 REP. PIERCE: As -- and I mean, I'm not

6 sure, but as a candidate, by filing for office,

7 being assured or assumed that there would be a

8 runoff, are there any legal ramifications that a

9 candidate could say, well, I thought this was

10 always the case, and it's off to the legislative,

11 we're going to change it, but is there anything

12 legally that a candidate who comes in second place

13 could argue in a case? I'm just trying to look at

14 it from that standpoint. Is there anything that a

15 second-place candidate can do, even though we're

16 going to do what we're going to do, is there

17 anything a candidate could do, if they come in

18 second place? Thank you.

19 REP. JONES: Thank you for that question.

20 We contemplated that. I think the answer from

21 legal scholars is that no one has a constitutional

22 right to a second primary, but quite honestly, yes,

23 they -- they would have gone into the original

24 election thinking that we were having a second

25 primary. We are seeing now that we're not, but

37

1 obviously, in response to this three-judge panel,

2 very unusual situation, we're having to make

3 changes in our election. So thank you for your

4 question.

5 SPEAKER MOORE: For what purpose does the

6 gentleman from Haywood, Representative Queen,

7 arise?

8 REP. QUEEN: To ask another question just

9 for clarification to the bill sponsor.

10 SPEAKER MOORE: Does the gentleman from

11 Rockingham, Representative Jones, yield to the

12 gentleman from Haywood?

13 REP. JONES: I yield.

14 SPEAKER MOORE: He yields.

15 REP. QUEEN: So, whenever -- if this

16 legislation moves forward, if there were ten new

17 filers for a Congressional district, and the -- the

18 vote was cast, and, you know, the leading vote-

19 getter got 15 percent of the vote, he would be the

20 candidate?

21 REP. JONES: Well, technically, all the

22 filers will be new filers, because it will be

23 district. But to answer your question, yes, that's

24 how it works. If there is no second primary,

25 regardless how many candidates there are, whoever

<p style="text-align: right;">38</p> <p>1 gets the most votes wins. 2 REP. QUEEN: Thank you. 3 SPEAKER MOORE: Further discussion, 4 further debate? If not, the question before the 5 House is the passage of House Bill 2 on its second 6 reading. Those in favor will vote aye; those 7 opposed will vote no. The Clerk will open the 8 vote. 9 (Votes recorded.) 10 SPEAKER MOORE: The Clerk will lock the 11 machine and record the vote. 71 having voted in 12 the affirmative and 32 in the negative, House Bill 13 2 passes its second reading and will be read a 14 third time. 15 CLERK: The General Assembly of North 16 Carolina enacts. 17 SPEAKER MOORE: Further discussion, 18 further debate. For what purpose does the 19 gentleman from Durham, Representative Hall, arise? 20 REP. HALL: To speak on the bill. 21 SPEAKER MOORE: The gentleman has the 22 floor to debate the bill. 23 REP. HALL: Thank you, Mr. Speaker. And 24 I understand that some items in the bill, as 25 quickly as it was formulated this evening and</p>	<p style="text-align: right;">40</p> <p>1 gentleman from Rockingham, Representative Jones, 2 arise? 3 REP. JONES: To debate the bill a second 4 time. 5 SPEAKER MOORE: The gentleman is 6 recognized to debate the bill. It's on third 7 reading. 8 REP. JONES: Oh, thank you. Thank you, 9 Mr. Speaker. Just in response to my friend's 10 comments, I just wanted to point out that 11 obviously, it's a very unusual situation that we 12 have a new special Congressional primary. Nobody's 13 trying to establish a precedent here. But just to 14 make it clear, no one can continue -- it will 15 continue that no one can run for two offices. If 16 you become the nominee for Congress, you cannot 17 remain the nominee for any other office. We'll 18 make that very clear, that the bill clearly states 19 that you would have to withdraw from one of those 20 offices within a week of certification of those 21 results. So, I thank him for his comments and just 22 wanted to clarify ours. And thank you for your 23 good vote, and would appreciate your green vote 24 again on third reading. 25 SPEAKER MOORE: Further discussion,</p>
<p style="text-align: right;">39</p> <p>1 pushed out of the committee, may have escaped the 2 attention of members of our body here or maybe the 3 public, but it is important to understand. We have 4 made a major change which is going to allow folks 5 to run for two offices during the same election 6 cycle, meaning you could run for a state office and 7 then run for a Congressional office, and then have 8 to choose, and I think that's an important item for 9 folks to understand, that we have changed this. 10 This is a major change, and as people talk about 11 being educated once again about what's going on and 12 any confusion that might be in people's minds about 13 it, it is important to note that. 14 So, again, this is a major piece of 15 legislation, and I hope we'll take it seriously as 16 we consider how to implement it. And ultimately, 17 we probably need to look at providing for local 18 boards of election, additional support. In effect, 19 this could become an unfunded mandate. I hope that 20 we will look at that and see what we can do in some 21 way, form or fashion to help our local boards of 22 election, because what we're getting ready to do is 23 going to require additional effort on their part, 24 especially educating voters. Thank you. 25 SPEAKER MOORE: For what purpose does the</p>	<p style="text-align: right;">41</p> <p>1 further debate? If not, the question before the 2 House is the passage of House Bill 2 on its third 3 reading. Those in favor will say aye. 4 (Voice vote.) 5 SPEAKER MOORE: Those opposed, no? 6 (Voice vote.) 7 SPEAKER MOORE: The ayes appear to have 8 it. The ayes do have it. House Bill 2 passes its 9 third reading, and the bill will be sent to the 10 Senate by special messenger. The House will be at 11 ease. 12 (Pause.) 13 Notices and announcements? And, by the 14 way, members, for your planning purposes, 15 tomorrow's session will be at 11:30. 16 Representative Lewis, has the gentleman previously 17 announced the Redistricting Committee meeting for 18 tomorrow? If not, the chair will recognize the 19 gentleman to do so at this time. 20 REP. LEWIS: Thank you, Mr. Speaker, and 21 for an announcement, Mr. Speaker and members, the 22 House Committee on Redistricting will meet tomorrow 23 at 9 a.m., where we will receive public comment 24 from 9 a.m. until 10 a.m. 25 Beginning at 10 a.m., we will debate the</p>

<p style="text-align: right;">42</p> <p>1 2016 contingent Congressional plan which is passed 2 over to us from the Senate. I would remind all 3 members and members of the public that may be 4 listening to this that the plan that passed over 5 from the Senate that will be considered tomorrow is 6 online to be reviewed. I would encourage all 7 members of the committee and all members that are 8 able to attend or to listen in online to join us 9 tomorrow at 9 a.m. in room 643. Again, we'll have 10 public comment from 9 to 10, and we'll consider the 11 bill beginning when the public comment is completed 12 or at 10:00. Thank you, Mr. Speaker.</p> <p>13 SPEAKER MOORE: For what purpose does the 14 gentleman from Durham, Representative Hall, arise? 15 REP. HALL: For an announcement, Mr. 16 Speaker.</p> <p>17 SPEAKER MOORE: The gentleman has the 18 floor for an announcement.</p> <p>19 REP. HALL: Thank you, Mr. Speaker. The 20 Democratic Caucus meeting previously scheduled for 21 8:30 tomorrow morning has been canceled. It will 22 be rescheduled. Thank you.</p> <p>23 SPEAKER MOORE: And, members, for 24 planning purposes, I mentioned earlier the session 25 will be at 11:30 tomorrow. As previously announced</p>	<p style="text-align: right;">44</p> <p>STATE OF NORTH CAROLINA COUNTY OF GRANVILLE CERTIFICATE</p> <p>I, Robbie W. Worley, a duly commissioned Notary Public in and for the State of North Carolina, do hereby certify that on February 18, 2016, this proceeding was held before me at the time and place aforesaid, that all parties were present as represented, and that the record as set forth in the preceding 43 pages represents a true and accurate transcription of the proceedings to the best of my ability and understanding.</p> <p>IN WITNESS WHEREOF, I have hereto set my hand, this the 28th day of February, 2016.</p>
<p style="text-align: right;">43</p> <p>1 by Chairman Lewis, the Redistricting Committee will 2 take up the Congressional redistricting bill, and 3 we have budgeted the time for that. If, however, 4 the hearings are continuing and the committee needs 5 more time, the Chair will certainly delay the 6 convening hour of session in deference to that. 7 But we believe 11:30 will be enough time, but that 8 remains to be seen. But as it stands right now, 9 session will be at 11:30 tomorrow morning.</p> <p>10 Further notices and announcements? If 11 not, the gentleman from Harnett, Representative 12 Lewis, is recognized for a motion.</p> <p>13 REP. LEWIS: Thank you, Mr. Speaker. I 14 move that the House do now adjourn to reconvene 15 Friday, February 19th at 11:30 a.m.</p> <p>16 SPEAKER MOORE: Representative Lewis 17 moves, seconded by Representative West, that the 18 House do now adjourn to reconvene on Friday, 19 February 19th, 2016, at 11:30 a.m. Those in favor 20 will say aye? 21 (Voice vote.) 22 SPEAKER MOORE: Those opposed, no? The 23 ayes have it. We stand adjourned. 24 (THE PROCEEDINGS IN THIS MATTER ADJOURNED) 25</p>	