

NORTH CAROLINA GENERAL ASSEMBLY  
NORTH CAROLINA HOUSE OF REPRESENTATIVES

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TRANSCRIPT OF THE PROCEEDINGS  
FLOOR SESSION ONE (11:30 A.M.)

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In Raleigh, North Carolina  
Friday, February 19, 2016  
Reported by Rachel L. Hammond, CVR-M

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<p style="text-align: right;">2</p> <p>1 (Reporter's note: Proceedings in this matter 2 began at 11:30 a.m. on February 19, 2016.) 3 SPEAKER MOORE: The House will come to order. 4 Members will take their seats. Visitors will retire 5 from the chamber. The Sergeant-at-Arms will close the 6 doors. Members and guests are asked to please silence 7 all electronic devices. 8 This morning's prayer will be offered by 9 Representative Avila. We'd ask all members and all 10 guests in the gallery to please stand for the prayer 11 and remain standing for the Pledge of Allegiance. 12 Representative Avila. 13 (Prayer and the Pledge of Allegiance.) 14 SPEAKER MOORE: The gentleman from Harnett, 15 Representative Lewis, is recognized for a motion. 16 REP. LEWIS: Mr. Speaker, the journal for 17 February 18, has been examined and found to be correct. 18 I move that it stand approved as written. 19 SPEAKER MOORE: Representative Lewis moves that 20 the journal for February 18 be approved as written; 21 those in favor will say "aye." 22 (Voice vote.) 23 SPEAKER MOORE: Those opposed "no." 24 The ayes have it. The journal is approved as 25 written. Notices and announcements -- strike that.</p>	<p style="text-align: right;">4</p> <p>1 order issued in the Harris versus McCrory case, which 2 instructed us not to hold the 2016 race for the United 3 States House of Representatives under the current map 4 and instructed us to redraw the districts. We, as you 5 know, have appealed and sought a stay of that decision. 6 However, as of this moment, that stay has not been 7 granted. We are still hopefully optimistic that it 8 will, in fact, come. However, out of respect for the 9 rule of law and the court's findings, I will present to 10 you today a 2016 Contingent Congressional Map. I will 11 point out that this map was created based on criteria 12 that was adopted by a Joint Select Committee of the 13 House and the Senate appointed by the Speaker and the 14 President Pro Tem; the committee adopted this criteria 15 on February 16. 16 I will point out to you the criteria on which 17 the maps before you were drawn. First, was the 18 criteria of equal population. All of the districts 19 were drawn with either 733,499 total persons or 733,498 20 total persons. This is as equal as practicable and is 21 in accordance with federal law. Another criteria was 22 contiguity. All the areas of every district are 23 composed within contiguous territories. Another 24 criteria was political data. The stat pack attached to 25 the maps placed on each one of your desk show which</p>
<p style="text-align: right;">3</p> <p>1 Reports of standing committees. 2 Representative Lewis, the Chair on the 3 Committee -- the Redistricting Committee is recognized 4 to send forward the committee report. The clerk will 5 read. 6 CLERK: Representative Lewis Redistricting 7 Committee reported Senate Bill 2 2016 Contingent 8 Congressional Plan. 9 SPEAKER MOORE: Calendar for this morning. 10 Senate Bill 2, the clerk will read. 11 (Bill read by clerk.) 12 SPEAKER MOORE: The gentleman from Harnett, 13 Representative Lewis, is recognized to debate the bill. 14 The House will come to order. 15 Members, before the gentleman starts, I want to 16 remind the body we do have the court reporter with us 17 again here today. So all of the extra noise and the 18 chatter that is occurring makes it very difficult for 19 her to hear. So, again, if you need to have any extra 20 conversations, I would ask members to please step off 21 the floor to do so or to keep that to a very low tone. 22 The gentleman from Harnett has the floor to 23 debate the bill. 24 REP. LEWIS: Thank you, Mr. Speaker. Members 25 of the House, we are here today to comply with a court</p>	<p style="text-align: right;">5</p> <p>1 election results were used in building these districts. 2 Race was not considered and is not present in these 3 reports. A further criteria was partisan advantage. 4 We believe that this map will produce an opportunity to 5 elect ten Republican members of Congress, but make no 6 mistake, this is a weaker map than the enacted plan in 7 that respect. The Committee further adopted criteria 8 to do away with the 12th district, which has been 9 described as serpentine in nature because of the shape, 10 the way it appears on a map. The drawing of this 11 corrected -- the drawing of this plan before you 12 corrects that. An additional criteria was compactness. 13 Only 13 counties and 12 voting districts were split in 14 this map. In accordance with the criteria, more whole 15 counties and more whole precincts are the best 16 indicator of compactness that we believe to be 17 available. An additional criteria adopted by the 18 committee was incumbency. In this map, only two 19 incumbent members of Congress reside in the same 20 congressional district, one Republican and one 21 Democrat. They are Representative Holding and 22 Representative Price, both of whom reside within the 23 geographic territory that makes up the proposed 4th 24 Congressional District. Eleven incumbents were placed 25 in a congressional district by themselves.</p>

<p style="text-align: right;">6</p> <p>1 I want to offer only a bit of historical 2 context that I hope you will consider when you're 3 voting for those maps. The 1992 Congressional Plan 4 split 44 counties; the 1997 plan split 22 counties; the 5 1998 plan split 21 counties; the 2001 plan split 28 6 counties and 22 Voting Tabulation Districts; the 2011 7 Congressional Plan, which I'll refer to henceforth as 8 the enacted plan, split 40 counties and 68 voting 9 districts, or VTDs; and the map that you have before 10 you splits 13 counties and 12 VTDs.</p> <p>11 I am very proud and appreciative of all of the 12 work that members of the committee gave, that our 13 central staff dedicated themselves to do. I appreciate 14 all of the members who brought forward constructive 15 advice on how to design these maps to comply with the 16 court decision. And I look forward to being able to 17 more fully debate and explain these maps as directed by 18 the Speaker. But I would ask for your support. I 19 believe that this is a major step forward and should 20 the stay not be granted by the U.S. Supreme Court, I 21 believe that this map, drawn in accordance with the 22 criteria that I have mentioned in my earlier remarks, 23 will help us comply with the court order from the 24 Harris case. And I would respectfully ask at the 25 conclusion of this debate that you would vote "aye" on</p>	<p style="text-align: right;">8</p> <p>1 you use race, "strict scrutiny" applies. It doesn't 2 mean it can't be applied, but you have to look at it a 3 little bit closer than the way you normally look at. 4 What this body has done in this -- I'm sorry, what the 5 committee has done, is they have taken race out of the 6 equation totally and completely. In other words, this 7 map that you have before you today was drawn without 8 consideration of race.</p> <p>9 Now everybody tries to think that we're going 10 to have a colorblind situation and wishes for one, 11 which is the ultimate dream in euphoria. Race will 12 always be there because there will always be 13 differences either race, class, whatever way you want 14 to put it. So you cannot, you cannot do maps without 15 including race as a part of it.</p> <p>16 The second part of that, or other part of that 17 decision says this, "redistricting legislation must," 18 and I repeat, "redistricting legislation must comply 19 with the Voting Rights Act of 1965." Many people have 20 thought that the Shelby case knocked out the Voting 21 Rights Act. It did not. It only knocked out Section 4 22 from the Voting Rights Act, that section which set up a 23 formula for which preclearance was required. The 24 Voting Rights Act of 1965 still stands. And I repeat, 25 that it says that any district lines must comply with</p>
<p style="text-align: right;">7</p> <p>1 this bill. Thank you, Mr. Speaker.</p> <p>2 SPEAKER MOORE: For what purpose does the 3 gentleman from Durham, Representative Michaux, arise? 4 REP. MICHAUX: To speak on the bill. 5 SPEAKER MOORE: The gentleman has the floor to 6 debate the bill.</p> <p>7 REP. MICHAUX: Mr. Speaker and ladies and 8 gentlemen of the House, I'm not going to ask 9 Representative Lewis any questions on this. I think 10 that has been thoroughly covered in committee, and the 11 record has been made in committee on this. What I want 12 to do very simply is to caution you about what you're 13 about to do. And in order to set the framework for 14 that -- what I want to say about this, I want to quote 15 a couple of things from the Harris decision that got us 16 where we are today. The first is that on page 2 of 17 that decision -- page 3 it says, "This does not mean 18 that race can never play a role in redistricting. 19 Legislatures are almost always cognizant of race when 20 drawing district lines, and simply being aware of race 21 poses no constitutional violation. Only when race is 22 the 'dominant and controlling' consideration in drawing 23 district lines does strict scrutiny, strict scrutiny 24 apply." What the Court is saying very simply in this 25 is that race can still be used in drawing lines, but if</p>	<p style="text-align: right;">9</p> <p>1 the Voting Rights Act of 1965. And in that same vein, 2 they said that, "the Voting Rights Act prohibits states 3 from adopting plans that would result in vote dilution 4 under section 2." So, Section 2 basically is the 5 operative clause under which we operate and draw 6 district lines.</p> <p>7 Now, what you have done with this map is you 8 have gone in the complete opposite, and you have made 9 race a predominant factor again because you left it 10 out. You don't consider whether or not these districts 11 that have been drawn on this map create any dilution of 12 minority registrants, minority voting. You don't have 13 any clue as to whether or not minorities, African 14 Americans in particular, are able to elect 15 representatives of their choice. That's because you 16 cut out race as a factor in determining what these 17 lines are being drawn for. So I say that you set up an 18 unconstitutionally drawn map, and you're sending back 19 another unconstitutionally drawn map. But that is not 20 for me to decide. That is for the Court to decide. 21 But just taking a simple look at it you say, well, how 22 do we do this? All you have to do -- you don't have to 23 make it a predominant factor. You can look at it and 24 you can draw lines that fall within parameters that 25 don't make race a predominant factor and still</p>

<p style="text-align: right;">10</p> <p>1 guarantee that you don't have voter dilution and still 2 guarantee that you have a position where African 3 Americans are able to elect persons of their choosing. 4 Now, there is one other thing I want to call to 5 your attention out of that same decision. It says that 6 there is strong evidence -- and this comes from the 7 Harris decision -- "There is strong evidence that race 8 was the only nonnegotiable criterion and that 9 traditional redistricting principles were subordinated 10 to race." I say again, "There is strong evidence that 11 race was the only nonnegotiable criterion." Here 12 again, in these maps that are being drawn, race is the 13 only nonnegotiable criterion that has brought these 14 maps about. 15 Finally, it says, "A congressional district 16 necessarily is crafted because of race, when a racial 17 quota is the single filter through which all 18 line-drawing decisions are made." Now, folks, it 19 doesn't take a rocket scientist or a mathematician to 20 figure that if you're going to draw district lines, 21 you've got to take into account the population of that 22 district. How it affects not just one part of the 23 population, but the total, the total population, and 24 that includes members of any ethnic group, any racial 25 group, anything. It all has to be considered. Here,</p>	<p style="text-align: right;">12</p> <p>1 to take the time to make sure that every facet of this 2 thing is covered. A lot of folks don't want to talk 3 about race. I don't particularly. One thing about my 4 good friend Martin Luther King, Jr., Martin told me -- 5 I never heard him use the word "colorblind" because in 6 his thinking we will never have a colorblind society. 7 And unfortunately, or fortunately, it is here, and it's 8 faced. And we have to take it into consideration. And 9 when you take it out, then that becomes a predominant 10 factor in this whole thing. So you're going to do what 11 you're going to do, but I don't think you've seen the 12 end of this problem yet. 13 REP. LEWIS: Mr. Speaker. 14 SPEAKER MOORE: For what purpose does the 15 gentleman from Harnett, Representative Lewis, arise? 16 REP. LEWIS: Would the distinguished gentleman 17 from Durham yield to a question? 18 SPEAKER MOORE: Does the gentleman from Durham, 19 Representative Michaux, yield to the gentleman from 20 Harnett? 21 REP. MICHAUX: The gentleman will yield. I 22 don't know how distinguished he is. 23 SPEAKER MOORE: He yields. 24 REP. MICHAUX: I yield. 25 REP. LEWIS: Mr. Speaker, I appreciate not only</p>
<p style="text-align: right;">11</p> <p>1 in this map that was drawn, none of that was 2 considered. And I say to you that I know what you're 3 going to do. Everybody is going -- both sides are 4 going to probably go lockstep, no question about it. 5 But what you're doing is you're setting up a situation 6 where there is a good possibility of you coming back 7 here again if the courts find that you have not 8 followed their instructions. They could send it back. 9 They could do it themselves, or they could put in a 10 Special Master to draw the lines. There are other 11 things here, everybody says, well, it is confusing. 12 Chaos reigns as a result of this. Well, folks, those 13 of us on this side did not cause that chaos. We were 14 never asked to have any input into this. We got -- to 15 give you an example, this map that you have drawn 16 today, I think the decision was handed down February 5 17 or February 6, and before any criteria was set up, I 18 understand from folks on the other side, that plans 19 were already being drawn and criteria was already being 20 set up -- not having been set up, but maps were being 21 drawn without that. And then to come in on, I think, 22 Tuesday of this -- Monday or Tuesday of this week and 23 pass criteria, and on Wednesday we've got a map, then 24 there's a problem. There are many things wrong with 25 this, and I know this was done in a hurry. But we need</p>	<p style="text-align: right;">13</p> <p>1 the distinguished but the well-dressed gentleman taking 2 time to yield to me. 3 Representative Michaux, you referenced the 4 Harris decision in your remarks. Would I be safe to 5 operate under the belief that you have it before you? 6 REP. MICHAUX: You -- yes, sir. Here it is, 7 yes. 8 REP. LEWIS: Thank you. May I ask another 9 question, Mr. Speaker? 10 SPEAKER MOORE: The gentleman is recognized for 11 a second question. Does the gentleman from Durham 12 yield? 13 REP. MICHAUX: Yes, I yield. 14 SPEAKER MOORE: He yields. 15 REP. LEWIS: Thank you, Mr. Speaker. 16 Representative, may I ask you to please look at page 57 17 of that opinion? 18 REP. MICHAUX: 57? 19 REP. LEWIS: Page 57, yes, sir. And, sir, the 20 particular -- 21 REP. MICHAUX: Yes, sir, I have it. 22 REP. LEWIS: Right before the number 2 there, 23 there is a sentence that reads in part, "As the 24 defendants," which would have been us, "fail to meet 25 the third Gingles factor, the Court concludes that</p>

<p style="text-align: right;">14</p> <p>1 section 2 did not require the defendants to create a 2 majority-minority district in CD 1." Is that not 3 saying that the Court finds that racially polarized 4 voting was not present or proven so that we shouldn't 5 have used it in drawing the map? 6 REP. MICHAUX: That's not what it says to me, 7 Representative Lewis. What is says to me is that there 8 was racially polarized showing in that. You didn't 9 meet the requirements, the third requirement of -- 10 requirements in the Gingles case. Which set up the 11 fact that if you have racial polarization, you have got 12 to take into consideration these factors. 13 REP. LEWIS: Mr. Speaker, may I ask the 14 gentleman another question? 15 SPEAKER MOORE: Does the gentleman from Durham 16 yield to an additional question? 17 REP. MICHAUX: Yes, I yield. 18 SPEAKER MOORE: He yields. 19 REP. LEWIS: Thank you, Mr. Speaker, and thank 20 you, Representative. If I may, would you turn to 21 page 56 of the same opinion of which we were just 22 looking. 23 REP. MICHAUX: I have it, yes, sir. 24 REP. LEWIS: Thank you, sir. When the Court 25 writes, "the composition and election results under the</p>	<p style="text-align: right;">16</p> <p>1 SPEAKER MOORE: Does the gentleman from Durham 2 yield to an additional question? 3 REP. MICHAUX: Yes, sir. 4 SPEAKER MOORE: He yields. 5 REP. LEWIS: Just for the sake of this 6 conversation, Representative Michaux, and I've 7 acknowledged freely in earlier meetings that you are an 8 attorney and I'm not. You're much more versed in the 9 law. Would you acknowledge at least with me -- and I 10 apologize to skip around in this opinion, but do -- 11 would I be correct to operate under the understanding 12 of this opinion that at least in the opinion issued in 13 the Harris court, that the third Gingles element of 14 establishing racially polarized voting per this court 15 decision was not met? 16 REP. MICHAUX: Yes, it says that. 17 REP. LEWIS: Thank you, sir. Mr. Speaker, may 18 I ask the gentleman another question on another subject 19 matter? 20 SPEAKER MOORE: Does the gentleman from Durham 21 yield to an additional question from the gentleman from 22 Harnett? 23 REP. MICHAUX: Yes, sir. I yield. 24 SPEAKER MOORE: He yields. 25 REP. LEWIS: Thank you, Mr. Speaker, and thank</p>
<p style="text-align: right;">15</p> <p>1 earlier version of CD 1 vividly demonstrate that, 2 though not previously a majority-BVAP district, the 3 white majority" -- this is the operative part I'd like 4 your advice on -- "the white majority did not vote as a 5 bloc to defeat the African-Americans' candidate of 6 choice. In fact, precisely the opposite occurred in 7 these two districts: significant crossover voting by 8 white voters supported the African-American candidate." 9 Does that not indicate that the Harris court did not 10 find racially polarized voting? 11 REP. MICHAUX: I'm not sure that it does, 12 Representative Lewis, because you have to have certain 13 iterations in these types of situations. It's known, 14 and it is a known fact, and it has been proved. 15 Gingles proved it and several of the other cases, 16 Stevens' case proved it, that whites sometimes 17 basically vote as a bloc in order to keep 18 African-Americans, or whatever ethnic group, out. And 19 that has happened -- it has happened in my case. I 20 personally had it happen to me. So this iteration in 21 here is actually stating what should not or could not 22 have to happen. And of course, you know, you're on 23 that segment. I've got that page marked also. 24 REP. LEWIS: May I ask the gentleman an 25 additional question?</p>	<p style="text-align: right;">17</p> <p>1 you, Representative. You mentioned in your remarks the 2 map that is prepared before us and also perhaps the 3 steps that were taken in the preparation of those maps, 4 I was wondering, sir, if you would speak to what -- and 5 of course, I only ask for your personal knowledge, of 6 what steps the Democratic Party took, or the Democratic 7 members of this House took, to comply with the court 8 order that we were all notified about on February 6. 9 REP. MICHAUX: My answer to you, Representative 10 Lewis, on that is we were not ordered to comply with 11 that decision. You were ordered to comply with that 12 decision. We did not draw the maps. You drew the 13 maps, so that decision was aimed at you. The matter is 14 in court. If the Court wants our advice, we will give 15 them that advice. We tried to give you our advice on 16 the mistakes that you made. You could take them any 17 kind of way you see, and it comes back, you say, well, 18 the minority party helped us do this. 19 This is a problem that you created. This is a 20 problem that you have to solve. If the Courts want our 21 opinion on it, they will ask us, and we are prepared -- 22 we will be prepared to answer any questions that the 23 Court raises with us on it. And by the way, 24 Representative Lewis, let me just -- since you are 25 referring to the opinion, you referred to page 55 on</p>

<p style="text-align: right;">18</p> <p>1 that -- 56 on that. On 54, "Strikingly, there is no 2 evidence that the General Assembly conducted or 3 considered any sort of a particularized 4 polarized-voting analysis during the 2011 redistricting 5 process." So I just wanted to clear that up. 6 REP. LEWIS: Mr. Speaker, may I ask the 7 gentleman another question? 8 SPEAKER MOORE: Does the gentleman from Durham 9 yield to an additional question? 10 REP. MICHAUX: Anytime. Yes, sir. 11 SPEAKER MOORE: He yields. 12 REP. LEWIS: Thank you, Mr. Speaker, and thank 13 you, Representative. I just wanted to -- and this is 14 along the lines of the last question I asked, if I may. 15 Would it be fair to say that you, as a member of the 16 General Assembly, as a member of the Joint Select 17 Committee, and of the House Committee, while, by your 18 own remarks, had the opportunity to participate and 19 offer input to the map, have instead elected not to do 20 that and are preparing instead to offer maps that you 21 developed to the Court? So it would be fair to say 22 that you declined largely to constructively participate 23 in the legislative process, preferring to focus on the 24 judicial process? 25 REP. MICHAUX: In the joint meeting of the</p>	<p style="text-align: right;">20</p> <p>1 you, Representative. I do not have the committee 2 minutes before me, and I am certainly prepared to be 3 corrected. Did members of the minority party, the 4 Democratic Party, offer amendments in the form of a map 5 or guidelines to how the map should look, or were those 6 amendments largely unrelated to the drawing of a map? 7 REP. MICHAUX: The amendments affected the 8 criteria under which the maps were to be drawn. 9 REP. LEWIS: Thank you, sir, for your time. 10 And thank you, Mr. Speaker. 11 SPEAKER MOORE: For what purpose does the 12 gentleman from Bladen, Representative Brisson, arise? 13 REP. BRISSON: To see if Representative Lewis 14 will yield for a couple of questions. 15 SPEAKER MOORE: Does the gentleman from Harnett 16 yield to the gentleman from Bladen? 17 REP. LEWIS: I do, Mr. Speaker. 18 SPEAKER MOORE: He yields. 19 REP. BRISSON: Thank you, Mr. Speaker. Thank 20 you, Representative Lewis. It may take me a minute 21 here to get through my questions, but in the beginning 22 when the Courts made the decision, it was certainly 23 on -- obviously it was on district 1 and 12, which was 24 two out of the 13 districts. And, I guess, I'm 25 certainly not speaking for any of the other members,</p>
<p style="text-align: right;">19</p> <p>1 committee, several amendments were offered by the 2 minority party. They were all killed. In other 3 instances in this body when we have tried to 4 participate and offer what we thought were constructive 5 amendments, whether some, even folks on your side have 6 agreed, we have been struck down. And here again, I 7 refer to my good friend Martin Luther King, Jr. Martin 8 said, Mickey, you have always got to be able to -- if 9 they hit you on one side to turn the other cheek and 10 let them hit you on -- you know, don't hit back. Well, 11 I've been hit on both cheeks by you-all, and I am just 12 not going to let you hit me anymore. And that's -- I 13 mean, that's it, Mr. Lewis, why should we, why should 14 we -- when you haven't sought our help in the beginning 15 and you haven't sought our help now. You haven't asked 16 us anything. You have already gone on and done these 17 maps before we even had a committee meeting. 18 REP. LEWIS: Mr. Speaker, may I ask the 19 gentleman another question? 20 SPEAKER MOORE: Does the gentleman from Durham 21 yield to an additional question from the gentleman from 22 Harnett? 23 REP. MICHAUX: Yes, I yield. 24 SPEAKER MOORE: He yields. 25 REP. LEWIS: Thank you, Mr. Speaker, and thank</p>	<p style="text-align: right;">21</p> <p>1 but I kind of assumed that should we -- evidently, 2 we've got a problem there. When we started off I 3 thought, I assumed, that maybe the problem could be 4 worked out in the general consensus of that district. 5 Do you understand what I'm saying? That maybe it 6 didn't involve the whole state. One of my questions, 7 how much time did the committee spend on concentrating 8 on trying to get in compliance in that general area 9 versus -- and when was the decision made to do it 10 statewide because it changed? In the original 11 committee was kind of -- I saw the members. It looked 12 like that it was maybe not intentionally set up, but 13 basically a lot of -- it was close by neighbors 14 involved in that general vicinity of the state on the 15 committee, maybe one or two scattered out away from, 16 kind of, more distant away. And after the two 17 questions that I'm trying to ask, and I'll them both is 18 how much time, or if any time was spent on just the 19 general consensus and vicinity of the question -- the 20 two districts in question? And at what time did the 21 committee decide to expand and redo the whole state? 22 And did the committee look at maybe taking a look at 23 the committee then when they went to the full state to 24 maybe justify expanding the committee or make sure we 25 have broader input from throughout the state?</p>

<p style="text-align: right;">22</p> <p>1 REP. LEWIS: Thank you for that question, 2 Representative. Let me do my very best to answer. 3 First of all, you are right when you say the case that 4 was brought and adjudicated by the three-judge panel 5 involved the 1st Congressional District and the 12th, 6 not all 13. However, when you're drawing districts, 7 what you're talking about is assigning geographic areas 8 where 733,498 or 499 people can elect a member to the 9 U.S. House. So, when you change lines in one part of 10 the state, you are essentially moving people. And as 11 you move people that a cause in one district almost 12 certainly causes a change in those around it. So what 13 you'll notice when you look at the proposed map is that 14 some districts seem to have changed very little. The 15 11th, for instance, the mountain district, really I 16 think the only change that was made there had to do 17 with trying to equalize some population because 18 additional population had been pushed west, if you 19 will, from the 10th and from the 5th. So, as far as 20 the time spent, what the committee did was debate the 21 criteria that we felt would help us comply with the 22 Harris court decision. We respect the judges and want 23 to honor both the written law and the spirit in which 24 they issued the opinion. But in candor, there was not 25 a great deal of curative language in the opinion that</p>	<p style="text-align: right;">24</p> <p>1 before, this map divides only 13 counties and only 12 2 VTDs. So this map, to the extent that it has to be 3 used because a stay is not granted, at least based on 4 the criteria adopted by the committee, is a superior 5 map and we believe complies with what we were ordered 6 to do by the Court. 7 REP. BRISSON: Thank you. 8 SPEAKER MOORE: Does the gentleman from Bladen 9 wish to ask an additional question? 10 REP. BRISSON: I just -- 11 SPEAKER MOORE: Or does the gentleman wish to 12 debate the bill? 13 REP. BRISSON: I just wanted to ask to make 14 sure that I got my question, both questions answered. 15 SPEAKER MOORE: Does the gentleman from Harnett 16 yield to an additional question? 17 REP. LEWIS: I yield. 18 SPEAKER MOORE: He yields. The gentleman is 19 recognized -- and Representative Brisson, I am trying 20 to do this orderly because the court reporter is trying 21 to make a record, so bear with me on that. The 22 gentleman has the floor for a question. 23 REP. BRISSON: Thank you, Mr. Speaker. Thank 24 you, Representative Lewis. What -- so did the 25 committee ever look at expanding when we decided to</p>
<p style="text-align: right;">23</p> <p>1 said had you done X, Y and Z, we would not have found 2 the way we found. So what the committee did instead is 3 it went through in a full and open session in which 4 amendments were, in fact, considered, and it adopted 5 criteria that it felt would help us be able to comply 6 with the court order. Those, as I have said, were the 7 equal population, the contiguity, the political data, 8 partisan advantage, doing away with the serpentine 9 nature of the 12th, compactness, and incumbency. So 10 once the committee adopted those criteria, we set about 11 and have been able to produce a map which is based on 12 those criteria. 13 I think what you're asking about in particular 14 is there are some counties that seem to be 15 geographically far away from either the 1st or the 12th 16 that their district lines have changed. And I will 17 openly concede that you are right in the observation 18 that you have made. But, again, for lack of a better 19 analogy, if you picture a child playing with a balloon, 20 when the child will squeeze the balloon in one part, 21 another part will change its shape. And that is 22 largely why districts all across the state changed. 23 But, again, I would point out, even though certain 24 counties may have changed the district they were in or 25 certain counties may be divided that weren't divided</p>	<p style="text-align: right;">25</p> <p>1 go -- that was one of my questions, expanding the 2 committee to make sure that we had a pretty much 3 representation statewide on the committee? 4 REP. LEWIS: Thank you for that question, 5 Representative. And I did fail to answer it the first 6 time you asked it, I apologize. The Speaker and the 7 President Pro Tem made these appointments about a week 8 ago today. We have been operating under -- I think 9 even those opposed to the maps, would acknowledge that 10 we have been operating under a very compressed 11 timetable. And when the decisions were made, I did not 12 ask the Speaker and the President Pro Tem to expand the 13 membership of the committees. They certainly have the 14 authority to do that. I don't even know, in candor, 15 that it was contemplated to expand the committee. We 16 did make clear though, in every effort that we could, 17 that all members of the General Assembly, regardless if 18 they were voting members of the committee or not, were 19 encouraged to attend the committee and were certainly 20 given a chance to speak. I think, in fact, I think 21 several did actually ask questions or take part in the 22 debate that were not actually seated members of the 23 committee. And I would point out that while it is 24 pretty much a expected tradition of the General 25 Assembly that a member of the General Assembly that</p>

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1 wants to address a standing committee can certainly do  
2 so, I think we actually went above and beyond trying to  
3 reassure members that their input or their questions  
4 were welcomed whether or not they were a seated member  
5 of the committee.  
6 REP. BRISSON: Thank you, Representative Lewis.  
7 Mr. Speaker, can I speak on the bill?  
8 SPEAKER MOORE: The gentleman has the floor to  
9 debate the bill.  
10 REP. BRISSON: Thank you, Mr. Speaker. Ladies  
11 and gentlemen, I just -- and I know that we have ended  
12 up with less split counties, divided counties, which is  
13 great. But I just want to remind this body that with  
14 small populated counties, and I represent -- two out of  
15 three that I represent are kind of considered small  
16 population -- any time that the smaller counties have  
17 to be divided, it does make a big difference to the  
18 people. Maybe not statewide concerns, but the  
19 general -- people in general in small populations, they  
20 feel like divided, when you divide them, they are not  
21 whole. And we don't get a whole lot of recognition  
22 with the small population to begin with. We don't feel  
23 that maybe our word is not heard. Our message is not  
24 heard quite as well as the larger counties populated.  
25 But when you divide us in half or take a third of our

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1 folks, it does have the people concerned that maybe we  
2 don't end up with the representation in Congress or  
3 wherever it be. And that is my concern and it is all  
4 about the small populated. Anytime that we can do  
5 anything to help those situations, I hope that we will  
6 certainly consider that. Thank you so much, Mr.  
7 Speaker.  
8 SPEAKER MOORE: For what purpose does the  
9 gentleman from Wake, Rep. Martin, arise?  
10 REP. MARTIN: To see if the gentleman from  
11 Harnett would yield to a few questions.  
12 SPEAKER MOORE: Does the gentleman from  
13 Harnett, Representative Lewis, yield to the gentleman  
14 from Wake?  
15 REP. LEWIS: I yield, Mr. Speaker.  
16 SPEAKER MOORE: He yields.  
17 REP. MARTIN: Thank you, Mr. Speaker, and thank  
18 you, Representative Lewis. I was in attendance in the  
19 committees and tried to pay attention to the questions  
20 that were asked. Unfortunately, I made the mistake of  
21 the sitting next to Representative Torbett, and we were  
22 cutting up in class a little bit. So, Representative  
23 Lewis, I may repeat some of the questions that you have  
24 already attempted to answer and for that I apologize,  
25 but blame Representative Torbett for that.

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1 Mr. Speaker, the first question I would ask the  
2 gentleman from Harnett is regarding Dr. Hofeller who I  
3 believe he said was the map drawer. And my question  
4 is, was Dr. Hofeller paid for his services with public  
5 funds? And if so, how much did he receive in public  
6 money?  
7 REP. LEWIS: Thank you for that question,  
8 Representative. Dr. Hofeller has not, to my knowledge,  
9 invoiced the state yet. I do anticipate that he will.  
10 I don't have access to that at the moment. It  
11 certainly would not exceed the 25,000 that was  
12 authorized to Chairman Rucho and myself on behalf of  
13 the Republicans and the 25,000 that was authorized to  
14 the Democrats to be able to produce the maps. But I  
15 don't have an exact figure. I'm sorry.  
16 REP. MARTIN: Thank you, sir. Mr. Speaker, to  
17 ask another question of the gentleman.  
18 SPEAKER MOORE: Does the gentleman from Harnett  
19 yield to an additional question from the gentleman from  
20 Wake?  
21 REP. LEWIS: I yield.  
22 SPEAKER MOORE: He yields.  
23 REP. MARTIN: Thank you, Mr. Speaker. Thank  
24 you, Representative Lewis. Representative Lewis has  
25 been quite up front that this is an attempt to get ten

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1 seats for Republicans and three for Democrats and that  
2 this has partisan purposes. So my question to the  
3 gentleman from Harnett is, is this essentially a  
4 partisan gerrymander?  
5 REP. LEWIS: Well, thank you for that question,  
6 Representative. To be clear, the map that you have  
7 before you was drawn using criteria that was openly  
8 debated and adopted by the Joint Redistricting  
9 Committee. Those factors that went into this were of  
10 course the requirement to have equal population,  
11 contiguity. Political data did play a part in drawing  
12 the map. We did seek partisan advantage in drawing the  
13 map. We did seek to eliminate the shape of the 12th  
14 Congressional District. We did strive for compactness,  
15 a lot to what Representative Brisson was just referring  
16 to, trying not to split the smaller rural counties if  
17 we could. And we considered incumbency. So, as I said  
18 earlier in the committee, when a partisan such as you  
19 or I look at a political map, some of us see an evil  
20 sinister gerrymander if it doesn't meet the objectives  
21 that we would like for it to meet. And some see it as  
22 a work of art or a work of good public policy. So I  
23 would submit to you that the map was drawn based on the  
24 criteria adopted by the committee, and is, in fact,  
25 good public policy.



<p style="text-align: right;">30</p> <p>1 REP. MARTIN: Thank you, Representative Lewis. 2 And, Mr. Speaker, to see if the gentleman would yield 3 to another question. 4 SPEAKER MOORE: Does the gentleman from Harnett 5 yield to an additional question from the gentleman from 6 Wake? 7 REP. LEWIS: I yield. 8 SPEAKER MOORE: He yields. 9 REP. MARTIN: And I apologize, Mr. Speaker, you 10 can rule me out of order pretty quickly, but a slight 11 editorial comment. Representative Lewis and I are both 12 fathers, and I will note that when our babies made 13 their first production in their diaper, we think it is 14 beautiful also. And I will withdraw that, and with it, 15 an apology. 16 Representative Lewis, the next question I would 17 have for you is do you believe that a partisan 18 gerrymander -- that -- I will restate that. That a 19 plan that would elect ten Republicans and three 20 Democrats in a state that is much more evenly divided 21 in electorates would violate the U.S. Constitution or 22 our State Constitution? 23 REP. LEWIS: Thank you for that question, 24 Representative. To be clear, when I went through the 25 criteria earlier, we did not look at political</p>	<p style="text-align: right;">32</p> <p>1 SPEAKER MOORE: He yields. 2 REP. MARTIN: Thank you, sir. Representative 3 Lewis, my question actually is intended to get more at 4 the issue not of partisan registration but actual 5 election results, and more specifically, election 6 results in congressional elections since we are talking 7 about congressional districts here. So my question is, 8 do you believe that it is constitutional under the 9 federal and the state constitutions to draw a plan, to 10 have a plan that elects ten Republicans and three 11 Democrats where election results of the past several 12 cycles are much more -- would suggest a much more -- 13 are much closer than a ten to three margin? 14 REP. LEWIS: Thank you for that question, 15 Representative. And let me try to answer it a 16 different way. But for the criteria adopted by the 17 committee which instructed the map drawers to do 18 certain things like try to maintain compactness, try to 19 make, you know -- take incumbency into account, try to 20 make the districts look more compact, be more compact, 21 keep more counties compact, we could have been much 22 more aggressive partisan-wise trying to obtain a map 23 that would elect 11 Republicans. But you can't really 24 do that if you simply consider partisanship as a part 25 of the criteria adopted by the committee, which is what</p>
<p style="text-align: right;">31</p> <p>1 registration because we believe that election results, 2 election outcome are much better predictors of how the 3 people actually vote than partisan registration is. I 4 mean, you and I have had conversations in the past 5 about the continued growth of the total percentage of 6 voters that choose to list themselves as unaffiliated. 7 We have talked about that in the past. So we believe 8 that we looked at the political results of past 9 elections and have been able to produce a map that will 10 still require the political parties or the individual 11 seeking to be elected within those districts to offer a 12 good solid candidate who can appeal to their base, be 13 it Democrat or Republican, but also be able to appeal 14 to the ever-growing unaffiliated. So, we believe that 15 while -- and I freely acknowledge that I sought 16 partisan advantage as based on the criteria in drawing 17 this map. We do believe that the map has been drawn in 18 a fair and open attempt to comply with the court 19 ruling. 20 REP. MARTIN: Mr. Speaker, to see if the 21 gentleman would yield to another question. 22 SPEAKER MOORE: Does the gentleman from Harnett 23 yield to an additional question from the gentleman from 24 Wake? 25 REP. LEWIS: I yield.</p>	<p style="text-align: right;">33</p> <p>1 we did. 2 REP. MARTIN: Mr. Speaker, to see if the 3 gentleman would yield to another question. 4 SPEAKER MOORE: Does the gentleman from Harnett 5 yield to an additional question from the gentleman from 6 Wake? 7 Actually before the gentleman does -- before 8 these students leave, the students up on the right, the 9 Chair wanted to recognize a group of elementary 10 students from Easley Elementary School in Durham. 11 Would you all please stand so that we can welcome you 12 and thank you for being with us today. From Durham 13 your representatives are Representative Hall, 14 Representative Michaux, I believe Representative Meyer 15 has part of Durham. Am I missing anybody? 16 REP. MICHAUX: Luebke. 17 SPEAKER MOORE: Representative Luebke is not 18 here, I don't think. So those are your representatives 19 also. Thanks for being with us today. 20 Sorry for the interruption. I believe the 21 gentleman from Wake was stating a question at this 22 point. The gentleman from Wake has the floor to 23 continue propounding the question to the gentleman from 24 Harnett. 25 REP. MARTIN: Thank you very much, Mr. Speaker.</p>

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1 Representative Lewis, the question I'm going to ask is  
2 an attempt to restate the question I've previously  
3 asked, and the fault is all with me for not stating it  
4 clearly. You've produced a district with ten  
5 Republicans, likely to elect ten Republicans and three  
6 Democrats. You stated, I think, just stated that you  
7 could have even done 11 Republicans and two Democrats,  
8 and I am trying to understand and get an answer from  
9 you as to whether or not you think that the plan you  
10 have now with the partisan result it has, in light of  
11 congressional election results of North Carolina, is  
12 constitutional?

13 REP. LEWIS: Representative, thank you for that  
14 question. As -- and I'm not trying to sound like a  
15 broken record. I know that you're an attorney. I'm  
16 not. I will tell you that the committee adopted  
17 criteria, one of which was to seek partisan advantage  
18 for the Republicans. Now, if you ask me personally if  
19 I think that is a good thing, I will tell you I do. I  
20 think you are a great man. I think you are a fine  
21 public servant. I think electing Republicans is better  
22 than electing Democrats. So I drew this map in a way  
23 to help foster what I think is better for the country.

24 REP. MARTIN: Mr. Speaker, to see if the  
25 gentleman would yield to another question.

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1 SPEAKER MOORE: Does the gentleman from Harnett  
2 yield to an additional question from the gentleman from  
3 Wake?

4 REP. LEWIS: I yield.

5 SPEAKER MOORE: He yields.

6 REP. MARTIN: Thank you, Mr. Speaker. And let  
7 me add for the record that I think the gentleman from  
8 Harnett is a fine public servant also with the interest  
9 in the public at heart, and to boot, he has wonderful  
10 hair also.

11 Mr. Speaker and members, I do feel that we have  
12 a tendency to treat questioning on the floor of the  
13 General Assembly like a cross-examination. We've heard  
14 the adage, physician heal thyself. I think in this  
15 case lawyer heal thyself is appropriate. So I don't  
16 want to turn this into a cross-examination, but I've  
17 tried to answer the question about his opinion on the  
18 constitutionality of a partisan gerrymander. I don't  
19 think it has been answered, but to avoid this from  
20 turning into cross-examination, I would like to move on  
21 to another question. And that question is, Dr.  
22 Hofeller and anyone else involved in the map drawing,  
23 what data did they use to meet your stated criteria of  
24 attempting to get a ten to three Republican advantage?

25 REP. LEWIS: Well, thank you for that question,

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1 Representative. On every member's desk and also before  
2 every member in the committee, the Joint Committee, the  
3 Committee in the Senate, and the Committee in the  
4 House, is a stat pack, if you will, that lists a  
5 variety of races that over 2008, 2010, and 2014, we  
6 list out all of the political contests that were used.  
7 I'll be happy, if you would like me to, to let you know  
8 which ones they were, but I think it's pretty clear to  
9 the members and on the record which political contests  
10 we used. Just real quick, Attorney General 2008,  
11 Commissioner of Agriculture 2008, you know, in fact --  
12 yeah, I mean, we used a variety of political contests  
13 from 2008 through 2014, all of which we provided to the  
14 members on their desk.

15 REP. MARTIN: Mr. Speaker, to see if the  
16 gentleman would yield to another question.

17 SPEAKER MOORE: Does the gentleman from Harnett  
18 yield to an additional question from the gentleman from  
19 Wake?

20 REP. LEWIS: Yes, sir, I yield.

21 SPEAKER MOORE: He yields.

22 REP. MARTIN: Thank you, Mr. Speaker. And Mr.  
23 Speaker, the gentleman from Harnett has been most  
24 gracious with his time in committee, in several  
25 committee meetings over going through the lists and

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1 explaining what the races are and what the codes meant.  
2 But I do want to ask just a couple of clarifying  
3 questions on that if I could. Representative Lewis,  
4 would it be accurate to say that the mapmakers  
5 considered every one of the races that's listed in the  
6 charts that were presented at committee several times.

7 REP. LEWIS: Yes, sir.

8 REP. MARTIN: And another question, Mr.  
9 Speaker.

10 SPEAKER MOORE: Does the gentleman wish to ask  
11 an additional question?

12 REP. MARTIN: Yes, sir.

13 SPEAKER MOORE: And does the gentleman from  
14 Harnett yield to an additional question?

15 REP. LEWIS: Yes, sir.

16 SPEAKER MOORE: He yields.

17 REP. MARTIN: Thank you, Mr. Speaker. And,  
18 Representative Lewis, are there any races that are not  
19 listed on these charts that the mapmakers considered?

20 REP. LEWIS: No, sir.

21 REP. MARTIN: Mr. Speaker, to see if the  
22 gentleman would yield to another question.

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

25 REP. LEWIS: I yield.

<p style="text-align: right;">38</p> <p>1 SPEAKER MOORE: He yields.</p> <p>2 REP. MARTIN: Thank you, Mr. Speaker. Thank</p> <p>3 you, Representative Lewis. In looking at those</p> <p>4 different races, did you weigh, for example, the</p> <p>5 results in lieutenant gubernatorial elections equally</p> <p>6 with those of say a gubernatorial election?</p> <p>7 REP. LEWIS: Thank you for that question,</p> <p>8 Representative. I think it is important to understand,</p> <p>9 the races that we used were statewide. We were trying</p> <p>10 to get, you know, the broadest swath of data that would</p> <p>11 apply equally in every district. I've had a couple of</p> <p>12 members say, well, why didn't you look at the race for</p> <p>13 Congress and whatnot, and it was just too hard to</p> <p>14 figure out how the data -- you know, for districts that</p> <p>15 have changed over time would work. So in terms of did</p> <p>16 we weigh them equally, to be candid with you, I think</p> <p>17 that those of us that spend way too much time in</p> <p>18 politics know that certain races, maybe weren't as</p> <p>19 equal as they should be because one party or the other</p> <p>20 either had a nonincumbent candidate that was trying to</p> <p>21 seek the office, which we believe -- you know, I'm sure</p> <p>22 you would agree, that most of the time, most the time</p> <p>23 incumbency is an advantage. Sometimes it might have</p> <p>24 been an underfunded campaign. So we looked at all of</p> <p>25 them, but, no, my gut would tell me that I would gain</p>	<p style="text-align: right;">40</p> <p>1 this is my fault.</p> <p>2 SPEAKER MOORE: It is actually the gentleman's</p> <p>3 time spending to ask the question. But the Chair will</p> <p>4 give the gentleman one additional question.</p> <p>5 REP. MARTIN: Thank you, Mr. Speaker.</p> <p>6 Representative Lewis, the question I would ask is, do</p> <p>7 you believe under these maps that African American</p> <p>8 voters have a reasonable opportunity to elect a</p> <p>9 candidate of their choice in any of the districts</p> <p>10 you've drawn? And if so, which of those districts do</p> <p>11 they have such an opportunity? And if so, how did you</p> <p>12 determine that?</p> <p>13 REP. LEWIS: Thank you for that question,</p> <p>14 Representative. As I've said before, the criteria that</p> <p>15 we used in drawing these maps has been spelled out.</p> <p>16 One of those criteria was not race. Race was not</p> <p>17 considered in the drawing of these maps. I do not know</p> <p>18 what the racial composition of the voters that reside</p> <p>19 in these districts is. So I don't feel that is a</p> <p>20 question that I can give a direct answer to as race was</p> <p>21 not among the criteria considered when we drew these</p> <p>22 maps, based on our understanding of the Harris case,</p> <p>23 which said that racially polarized voting did not</p> <p>24 exist. Thank you.</p> <p>25 SPEAKER MOORE: And, Representative Martin,</p>
<p style="text-align: right;">39</p> <p>1 more or garner more by looking at the Governor's</p> <p>2 results than I would the Lieutenant Governor's results</p> <p>3 and so on. But we looked at all of them and tried to</p> <p>4 blend the results. I mean, you know, frankly they</p> <p>5 don't always come up like we want them to. The</p> <p>6 Attorney General, the Democratic nominee for AG has won</p> <p>7 in all 13 of these. So certainly the strength of the</p> <p>8 candidate, if that is what you're trying to ask,</p> <p>9 certainly that matters.</p> <p>10 REP. MARTIN: Mr. Speaker, to see if the</p> <p>11 gentleman would yield to another question.</p> <p>12 SPEAKER MOORE: Does the gentleman from Harnett</p> <p>13 yield to an additional question from the gentleman from</p> <p>14 Wake?</p> <p>15 REP. LEWIS: I yield. Yes, sir.</p> <p>16 SPEAKER MOORE: He yields.</p> <p>17 REP. MARTIN: Thank you, Mr. Speaker. I would</p> <p>18 like to thank the gentleman from Harnett for his</p> <p>19 patience also.</p> <p>20 SPEAKER MOORE: Representative Martin, I</p> <p>21 apologize, the gentleman's time has expired. The Chair</p> <p>22 will, however, at the Chair's discretion will allow the</p> <p>23 gentleman to ask one additional question.</p> <p>24 REP. MARTIN: I would be happy to yield in my</p> <p>25 time if that is permissible under the rules because</p>	<p style="text-align: right;">41</p> <p>1 should the gentleman wish additional questions, the</p> <p>2 gentleman will be recognized a second time for that in</p> <p>3 just a bit if the gentleman so desires.</p> <p>4 For what purpose does the lady from Buncombe,</p> <p>5 Representative Fisher, arise?</p> <p>6 REP. FISHER: To ask a question of the bill</p> <p>7 sponsor, please.</p> <p>8 SPEAKER MOORE: Does the gentleman from Harnett</p> <p>9 yield to the lady from Buncombe?</p> <p>10 REP. LEWIS: Yes, sir. I yield.</p> <p>11 SPEAKER MOORE: He yields.</p> <p>12 REP. FISHER: Take a breath, Representative. I</p> <p>13 know you've been on the spot for a little while, but I</p> <p>14 appreciate your taking a moment to answer. I had a</p> <p>15 concern passed along to me and because it happens to</p> <p>16 deal with my district, which I thought was kind of</p> <p>17 unusual because I thought that this was only going to</p> <p>18 deal with a couple of congressional districts, but it</p> <p>19 seems like it is stretching even further west. Can you</p> <p>20 tell me why, for example, Calvary Baptist Church area</p> <p>21 on Haywood Road in West Asheville might have been moved</p> <p>22 from the 10th to the 11th district?</p> <p>23 REP. LEWIS: Thank you for the question,</p> <p>24 Representative. And sadly, while I know you represent</p> <p>25 one of the most beautiful parts of our state, I am not</p>

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1 immediately familiar with the church that you  
2 referenced. I will tell you that the changes that were  
3 made in Buncombe County were to equalize population  
4 that had been moved around because other districts were  
5 redrawn.  
6 REP. FISHER: A follow-up.  
7 SPEAKER MOORE: Does the gentleman from Harnett  
8 yield to an additional question from the lady from  
9 Buncombe?  
10 REP. LEWIS: Yes, sir. I yield.  
11 SPEAKER MOORE: He yields.  
12 REP. FISHER: And I think then from your  
13 answer -- from your previous answer, that I can assume  
14 that the same would be true for having moved part of  
15 Biltmore Forest in Asheville to the 11th, east of  
16 Sweeten Creek Road, from the 11th to the 10th. And  
17 then an area of North Asheville in Woodfin from the  
18 10th to the 11th; am I assuming correctly?  
19 REP. LEWIS: Thank you for the question,  
20 Representative. The reason that we would have divided  
21 counties would have been one of the criteria that was  
22 listed earlier and considered by the committee. I have  
23 a map on my desk that shows only whole VTDs of Buncombe  
24 County. I'm afraid I just don't know -- my wife  
25 actually fussed at me because I've been gone for two

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1 weeks doing this. She would like to go to Grove Park  
2 this weekend. So maybe I could visit Biltmore Forest  
3 when I'm there, but I don't that we're going to be able  
4 to make it.  
5 REP. FISHER: Well, I hope you'll be able to.  
6 There's a great Arts and Crafts Mission Furniture  
7 Conference going on there right now that my daughter  
8 helped plan. But I think --  
9 SPEAKER MOORE: Does the lady wish to ask an  
10 additional question?  
11 REP. FISHER: I would like to speak on the bill  
12 for just briefly, Mr. Speaker.  
13 SPEAKER MOORE: The lady is recognized to  
14 debate the bill and to do a public service announcement  
15 for Asheville as well.  
16 REP. FISHER: Sure, I can do an advertisement  
17 anytime. I'm very proud of my town. I appreciate the  
18 representative taking the time to try to address my  
19 questions. But the point, I guess, I would like to  
20 make in having asked the questions in the first place  
21 is that we are, again, embarking on an exercise that  
22 will further confuse the voters. I know from having  
23 listened to the four or so hours of the public hearing  
24 that we had several examples of people who have gone to  
25 their polling places, filled out their ballot, only to

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1 find out that they didn't know who their congressperson  
2 was. So they were surprised to see either one name or  
3 another on their ballot. They thought that this person  
4 was their Congressperson, but it turns out it was  
5 somebody else. And I would just caution us that if  
6 we're going to have to do this, there needs to be some  
7 way, some efficient way, to educate the voters about  
8 the changes that are being made. And try to make it  
9 easier for them to do what is their right to do, which  
10 is exercise their vote. So, I just felt it important  
11 to make the body aware, or again aware, of how  
12 difficult this whole thing is making it for the voters  
13 in North Carolina. Thank you, Mr. Speaker.  
14 SPEAKER MOORE: Members, I hope you'll join me  
15 in welcoming, we have another school group with us  
16 today. We have students from the Longleaf School of  
17 the Arts here in Raleigh with us. If you all would  
18 please stand and let us welcome you. Thank you for  
19 being with us today.  
20 For what purpose does the lady from Wilson,  
21 Representative Farmer-Butterfield, arise?  
22 REP. FARMER-BUTTERFIELD: To speak on the bill.  
23 SPEAKER MOORE: The lady has the floor to  
24 debate the bill.  
25 REP. FARMER-BUTTERFIELD: Thank you,

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1 Mr. Speaker. I feel compelled to speak on this as an  
2 African American. If I think about redistricting for  
3 me in my district, I went from Wilson and Edgecombe to  
4 Wilson and Pitt. My constituents from Edgecombe and  
5 Wilson were reluctant about the change in terms of  
6 redistricting as it related to my having Pitt County.  
7 But if I look back, I am happy with Pitt County and I  
8 consider it a blessing that I was able to move from  
9 Wilson, Edgecombe with experience and represent the  
10 economic engine of the East in Pitt County.  
11 So today in looking at the congressional  
12 districts, I want to talk about the process. Public  
13 hearings were convened before the release of draft maps  
14 for the public to view. Was that really cost efficient  
15 and necessary? Nothing was available for the public to  
16 respond to. Why would we do that? Let's talk about  
17 moving from one extreme to the other. In drawing the  
18 initial maps, we went from African Americans exceeding  
19 50 percent in those districts, the two key districts  
20 that we're talking about that have been changed. Now,  
21 we are looking at no consideration at all for race.  
22 It's overreaching in that the maps guarantee election  
23 of ten Republicans and three Democrats so is said.  
24 Democrats are 43 percent of the voters in this state  
25 and only given an opportunity for three districts for

<p style="text-align: right;">46</p> <p>1 Congress doesn't seem balanced at all. In fact, one of 2 the districts that was recently drawn, we were told 3 that it was leaning Republican. What about 4 legislators, are they required to protect minority 5 communities from racially polarized voting patterns? 6 Yes, they are. Voter discrimination matters. If, 7 indeed, public hearings mattered and the input of 8 African Americans had been taken into consideration, 9 perhaps we would not be in this position we are in 10 today. In fact, I know we would not be in the position 11 we are in today.</p> <p>12 Finally, when the leadership was asked in 13 committee this morning if the map was drawn prior to 14 the public hearings held on Monday and prior to the 15 criterion being decided on Tuesday the response was, I 16 can't say. So given all of these factors I share with 17 you, I ask that you vote against these maps that have 18 been redrawn. Thank you.</p> <p>19 SPEAKER MOORE: For what purpose does the 20 gentleman from Forsyth, Representative Hanes, arise? 21 REP. HANES: To ask the bill sponsor a question 22 and to speak on the bill. 23 SPEAKER MOORE: Does the gentleman from Harnett 24 yield to the gentleman from Forsyth? 25 REP. LEWIS: I yield.</p>	<p style="text-align: right;">48</p> <p>1 man and woman and said, this is good. And then he 2 created America, and he said, I like that too. And 3 then black folk and white folk got together in a most 4 disagreeable one-sided contract negotiation. And I can 5 assure you that both black folk and white folk got to 6 America on a boat. Okay? And over the years black 7 folk, my folks, continued to have disagreement about 8 this contract that we got brought into here. And over 9 the years we got our freedom. Representative Michaux 10 was elected to the House of Representatives, and here 11 we are today talking about race and elections.</p> <p>12 The question I asked was, does race impact this 13 map? That is either directly or indirectly. And the 14 answer is, of course it does; of course it does. What 15 we have here is we have Democrats submerged in majority 16 Republican districts, ten of them, and Republicans 17 submerged in majority Democratic districts, three of 18 them. Of course, it matters. If you look at the 19 numbers for the state, there are 1.9 million 20 Republicans; 95 percent of them are white. The 21 2.6 million Democrats; 41 percent of them are black. 22 So saying in some way that we did not use race is 23 frankly just simple subterfuge toward achieving a 24 broader goal. And that is a goal that was admitted 25 during our committee, and that goal was the maintenance</p>
<p style="text-align: right;">47</p> <p>1 SPEAKER MOORE: He yields. 2 REP. HANES: Representative Lewis, let's talk 3 about race for just a second, and some of the 4 representatives here know that I like this 5 conversation. And I fashion myself as a person who can 6 do it -- talk about race without getting racial. So I 7 want to ask you a question, and it is a little nuanced 8 from the questions that have been asked to you 9 regarding race this morning. Representative Lewis, 10 does race impact the maps that have been drawn? The 11 question is not did you consider race, but does race 12 impact the maps that have been drawn? 13 REP. LEWIS: Thank you for the question, 14 Representative. All I can tell you is that race was 15 not a consideration when the maps were drawn. I am 16 not, to be candid with you, sure I truly understand the 17 nature of the nuanced question. 18 REP. HANES: Okay. Okay. Thank you. 19 Mr. Speaker, to speak on the bill, please. 20 SPEAKER MOORE: The gentleman from Forsyth has 21 the floor to debate the bill. 22 REP. HANES: So, ladies and gentlemen, let's 23 have a brief conversation about race, and it goes all 24 of the way back to the beginning. So as you know, in 25 the beginning God created heaven and earth. He created</p>	<p style="text-align: right;">49</p> <p>1 of districts that disenfranchise Democrats. And in 2 many ways, whether that is intentional or not, those 3 districts silenced the voices of people who look like 4 me.</p> <p>5 Two of the largest minority populations in this 6 state, Forsyth and Guilford County, have been silenced 7 with regard to congressional politics. We could have 8 gone nine to four, with a district there in the Triad 9 maintained Representative Alma Adams, and we could have 10 achieved this goal of eliminating the serpentine 11 districts, as we've called them, of the 12th district. 12 And we could have been gone away from here hours ago. 13 We chose not to do that, and we continue to think about 14 these maps as not impacting race.</p> <p>15 Let me just make one more statement, and it is 16 from a op-ed I wrote in the Winston-Salem Chronicle 17 this week. And I want to read for you the last 18 paragraph of that statement as it regards to how we 19 need to think about and how race actually does matter, 20 you know, for us. I said, "Black people are, in fact, 21 people and should be counted in the whole! Our lives, 22 our voices, and our votes matter from Murphy to Manteo. 23 We are part of the fabric of North Carolina and have 24 earned our right to representation through 25 constitutionally consistent districts in every corner</p>

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1 of this state. We paid for that right by whip, through  
2 blood, by protest, and through eventual freedom. It is  
3 never the wrong time to do the right thing." Thank  
4 you.

5 SPEAKER MOORE: For what purpose does the  
6 gentleman from Rockingham, Representative Jones, arise?  
7 REP. JONES: To debate the bill.

8 SPEAKER MOORE: The gentleman has the floor to  
9 debate the bill.

10 REP. JONES: Thank you, Mr. Speaker. Ladies  
11 and gentlemen of the House, I have to say that I have  
12 been quite fascinated with so many aspects of this  
13 debate, and discussion throughout the committee process  
14 and today on the floor, and I just want to speak to  
15 that a little bit. You know, as someone who has lived  
16 in the state of North Carolina for all of my life and  
17 has been kind of a student of election history over the  
18 past few decades in particular, I continue to be quite  
19 fascinated and have really enjoyed this conversation,  
20 particularly when we have heard about gerrymandering.  
21 And I think it behooves us a little bit to consider  
22 maybe a little trip down memory lane when we think  
23 about gerrymandering. Because, quite frankly, I'm not  
24 sure that a lot of people knew that the word was  
25 invented until Republicans took the majority in 2010.

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1 I never really heard it reported on very much through  
2 the media. I never heard it spoken about in the  
3 General Assembly. I thought it was fascinating as we  
4 were in committee this week as we saw the maps up on  
5 the wall that went all the way back to 1992 at least.  
6 I also happen to recall a time that the state  
7 legislature looked very different than it does today.  
8 And, you know, there was no stone unturned. We  
9 remember a time of single-member districts and  
10 two-member districts and three-member districts and  
11 four-member districts. You know, whatever it took to  
12 keep the majority in the time at the majority that  
13 seemed to be fine. And so a lot of the voices that I  
14 hear today representing the minority party that used to  
15 be in the majority, I have to wonder, you know, where  
16 were those voices in the Democratic Party for decades  
17 and decades and decades?

18 You know, I've heard it also a lot of  
19 complaining about the fact that there are ten  
20 Republican congressman and three Democrats. That there  
21 currently are and that these maps as, Representative  
22 Lewis has been very candid and transparent and honest,  
23 something that I for one greatly appreciate, and  
24 would've greatly appreciated that conversation over the  
25 decades. So thank you, Representative Lewis, for your

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1 honesty and integrity and transparency in coming right  
2 out and saying that, yes, I do believe as we adopted in  
3 the committee that there was an attempt made at that  
4 partisan advantage. And I keep hearing the complaints  
5 from the other side that enjoyed that partisan  
6 advantage because of gerrymandering for so many  
7 decades.

8 I would just remind the members of this body  
9 that if you look over the last 40 years and see how  
10 North Carolinians have voted consistently in federal  
11 races, I would remind you that in eight of the last  
12 nine presidential elections, they have voted  
13 Republican. That is 89 percent of the time. And I  
14 would remind you that you may not know that in the last  
15 16 United States Senate races in North Carolina, 13 of  
16 those races went Republican. That was 81 percent of  
17 the time. So to me, I don't see a problem in thinking  
18 that if you have ten Republicans and three Democrats,  
19 which is 77 percent, you might could make the argument  
20 that Republicans are underrepresented. But the point  
21 of the matter is these maps are not your problem. The  
22 problem is that your national party has left the values  
23 of the majority of the people in North Carolina. And I  
24 would take you back to the 2010 election of the  
25 legislature when this Republican majority gained its

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1 majority by 16 votes. Those were under maps that the  
2 Democrats drew. And fortunately, we had court cases  
3 over the years that eliminated the two and three and  
4 four-member districts, and we have the pod system now  
5 where you can't just divide counties wherever. But I  
6 would just remind the listeners and the voters and the  
7 students from North Carolina to study your history and  
8 to understand when you hear all these comments and all  
9 these complaints about gerrymandering, well, we sat at  
10 the master's feet for decades and perhaps some people  
11 learned something. But I would suggest that they are  
12 fair. Okay? I understand the Democrats don't like it.  
13 The Republicans didn't like the map for decades, but  
14 they are fair, they are legal, and they are by the  
15 rules.

16 And finally, ladies and gentlemen, I would not  
17 accept that Democrats cannot be elected in these  
18 districts. If you look at the voting data before you,  
19 for instance, we mentioned this in committee, the 2008  
20 election for the Attorney General, the Democrat won 13  
21 out of 13 of these congressional districts. You go  
22 down the line, the State Auditor, the Democrat won 9 of  
23 13 of these districts. I believe the Commissioner of  
24 Insurance won a majority of these districts. And so,  
25 ladies and gentlemen, I would submit that the people of

<p style="text-align: right;">54</p> <p>1 North Carolina are not robots. They have the perfect 2 opportunity to elect the candidate of their choice, and 3 they can and they do cross party lines whenever they 4 feel it necessary. They look at the candidates. And 5 so I would suggest that we trust the voters of North 6 Carolina to go out there and make their choice. 7 Recognize that we are putting forward fair and legal 8 maps based on what the courts have directed us to do, 9 and I commend, for one, the people who have worked 10 very, very hard. I want to mention once again the 11 staff that has worked hard, the people that have worked 12 hard to put this forward. We have been given a very 13 difficult task in a very short period of time, and I 14 think we should be proud of the process and the 15 results. Thank you, Mr. Speaker. 16 SPEAKER MOORE: For what purpose does the 17 gentleman from Cumberland, Representative Floyd, arise? 18 REP. FLOYD: Inquiry, with the Chair. 19 SPEAKER MOORE: The gentleman may state his 20 inquiry. 21 REP. FLOYD: It is a very simple inquiry, Mr. 22 Chair. Are we going to meet the 5:00 deadline? 23 SPEAKER MOORE: One way or another. 24 For what purpose does the gentleman from 25 Haywood, Representative Queen, arise?</p>	<p style="text-align: right;">56</p> <p>1 their vote count equally or have they been 2 disenfranchised by the drawing of the district that 3 they live in where their vote really won't count in 4 that particular district? And one of the things that 5 I'll use as a data point on that is registered voters 6 self-identify themselves in this state, over 7 2.76 million Democrats and 2.01 million Republicans. 8 The democrats self-identify, but they are 9 disenfranchised in many of their districts by the 10 gerrymandering that has gone on. If we want to make 11 voting a truthful one vote per person, we need to 12 recognize every vote should count equally. I don't 13 think we're doing that here. I think it is clearly the 14 criteria that has been stated, been stated quite 15 clearly that that's not what we're doing, but that is 16 what we should be doing. So that's that point. The 17 second one is, in my region I would contend the 18 criteria that should be in addition to one vote per 19 citizen and every vote counts equally, that should be 20 certainly the criteria, the first one. The second one 21 is communities of interest should be contained in this 22 compactness. And I live in the mountains, as you all 23 know, and we have one urban core, one city, Asheville, 24 a wonderful city, that has been the center of our 25 mountain region since our state was founded. It has</p>
<p style="text-align: right;">55</p> <p>1 REP. QUEEN: To speak on the bill. 2 SPEAKER MOORE: The gentleman has the floor to 3 debate the bill. 4 REP. QUEEN: You know, we have heard a lot of 5 good points being made, but whenever your criteria is 6 for political advantage, this General Assembly is 7 disenfranchising voters. Where politicians get to 8 select their voters versus voters selecting their 9 politicians, something is awry. 10 Now, Representative Jones was talking about 11 history and the 2010 election was a historic one 12 because it was the first election since Citizens United 13 was passed, and there was about \$20 million that was 14 never in our elections that swung a lot of them. I was 15 in that election, and I experienced that tsunami of 16 outside money. So things have historically affected 17 races, but for this body to work on a bill that 18 basically empowers the politicians, not the citizens, 19 for the vote when the absolute foundation of our system 20 is one vote per citizen and every vote is equal. I 21 think if there was a -- or I will just -- I'll say, how 22 does -- whenever you do that, whenever you gerrymander 23 in a manner that we are speaking and in the manner it 24 was done after the last census by this body, how does 25 that affect the voters' trust in the system? Will</p>	<p style="text-align: right;">57</p> <p>1 grown to be a fabulous center. Well, the 2 gerrymandering last time that the courts have thrown 3 out -- or -- has taken our urban core away from our 4 region. So our congressman does not have the city of 5 his region in his district. So whether he's a Charles 6 Taylor or Heath Shuler, he's Democrat or Republican, 7 because you know the 11th district has flipped back and 8 forth for decades, but we always had a unified district 9 with our urban core in it. But for complete political 10 advantage, our congressional district has been neutered 11 from its urban core, and we all know that the urban 12 cores drive the economics of regions. So for these two 13 reasons I think this is a very unfortunate bill because 14 neither of these important issues, communities of 15 interest and one vote per citizen, are embodied in the 16 criteria that have been used to draw it. Thank you. 17 REP. STAM: Mr. Speaker. 18 SPEAKER MOORE: For what purpose does the 19 gentleman from Wake, Representative Stam, arise? 20 REP. STAM: Would Representative Queen yield 21 for one question? 22 SPEAKER MOORE: Does the gentleman from Haywood 23 yield to the gentleman from Wake? 24 REP. QUEEN: I will. 25 SPEAKER MOORE: He yields.</p>

<p style="text-align: right;">58</p> <p>1 REP. STAM: Representative Queen, I chaired our 2 State Platform Committee for a few years; it's 3 available. Have you ever thought of maybe changing the 4 policies and platform of your party so that you would 5 attract voters? 6 REP. QUEEN: I try to speak to the needs of the 7 citizens in this state every day, Representative Stam. 8 SPEAKER MOORE: For what purpose does the 9 gentleman from Wake, Representative Martin, arise? 10 REP. MARTIN: Mr. Speaker, I think to speak a 11 second time. 12 SPEAKER MOORE: The gentleman is recognized to 13 speak on the bill a second time. 14 REP. MARTIN: Thank you very much, Mr. Speaker. 15 Members, I'll leave the gentleman from Harnett alone 16 now. He was good to indulge me in a long series of 17 questions. But I do want to respond to a couple of 18 statements that were made both in the course of this 19 debate and throughout the committee debate and also to 20 the press. 21 There has been a contention made somehow that 22 Democrats failed to participate in this process, that 23 we offered no alternatives, and nothing could be 24 further from the truth. We offered several 25 amendments -- which I think I'm correct in saying that</p>	<p style="text-align: right;">60</p> <p>1 The gentleman from Rockingham, Representative 2 Jones, also talked about the importance of history, and 3 any Democrat that gets up and tells you that Democrats 4 have not participated in partisan gerrymandering 5 doesn't know what they're talking about and is paying 6 no attention to history. But that's a very 20th 7 Century way of looking at things, and it is not what 8 the public in North Carolina in the 21st Century wants 9 to hear. Folks, people are turning away from your 10 party and mine. 11 Representative Stam's comment about platforms 12 and so forth was from out of nowhere. Democrats have 13 had success in elections as much as Republicans. I 14 think the statistics show and the consensus is we are a 15 purple state now, but in the end, we are a state that 16 is losing a partisan flavor because voters are turning 17 away in droves from you and us. The leading candidate 18 right now for your presidential nomination is a guy who 19 gave significant amounts of money to Hillary Clinton, 20 the leading candidate for my party's nomination. The 21 other leading candidate for my party's nomination is a 22 senator who was unaffiliated until 2015. That should 23 tell both of our parties something. We ignore what the 24 voters are telling us at our peril. They do not want 25 to see partisan gerrymanderers like what the Democrats</p>
<p style="text-align: right;">59</p> <p>1 the record will show were opposed by every single 2 Republican member of the committees. In those 3 committees the Democratic members of the committee told 4 you that you needed to draw districts that gave 5 minority voters the opportunity to elect candidates of 6 their choice, that you have said that you refuse to 7 even consider that data. The Democratic members of 8 these committees told you that they thought it was 9 important to keep Representative Alma Adams, a highly 10 capable minority member of the North Carolina 11 Congressional Delegation, a district in which she has a 12 hope of getting reelected, but you declined to 13 incorporate that request. We told you that it is 14 important to consider one of the basic principles of 15 redistricting, communities of interest, which you heard 16 the gentleman from Bladen, Representative Brisson, I 17 think elude to in his comments and also the gentleman 18 from Forsyth, Representative Hanes, talk about also. 19 But you declined to incorporate that input. And 20 without a doubt, we told you that we did not want to 21 see a partisan gerrymander. Yet you shamelessly and 22 proudly got up and proclaimed that that was exactly 23 what you were going to do. We participated in full; 24 you just chose to ignore our participation. Anyone who 25 says differently is selling something.</p>	<p style="text-align: right;">61</p> <p>1 used to do and what the Republicans are doing now. 2 Now, I was not here the last time Democrats 3 drew statewide districts, but I was here and 4 participated significantly in drawing the Pender and 5 New Hanover districts, which were ordered by the 6 courts. That district came into my committee with a 7 two to one Republican advantage, and it left with a two 8 to one Republican advantage. There was probably no way 9 for us to screw with the partisan mixture of that, but 10 we didn't. And it left -- I think it is safe to say, 11 with the two Republican members from those counties 12 very satisfied with the result. So don't try to lay 13 the guilt of the Democratic party's past on me. I can 14 say that I never have and never will support partisan 15 gerrymandering, and I think it is safe to say that a 16 good number of my colleagues on the other side of the 17 aisle joined me in that also. 18 So folks, let's join together and at least 19 acknowledge that the public does not think that the 20 definition of fair is the childish statement, you did 21 it first. These districts are going to pass just like 22 the gerrymandered districts that Democrats did in the 23 past passed also. I'm under no illusions that we have 24 the ability to stop it. But next time we have the 25 chance to do this, let's find a better way.</p>



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1 SPEAKER MOORE: For what purpose does the  
2 gentleman from Durham, Representative Michaux, arise?  
3 REP. MICHAUX: To ask Representative Lewis a  
4 question.  
5 SPEAKER MOORE: Does the gentleman from Harnett  
6 yield to the gentleman from Durham?  
7 REP. LEWIS: I yield.  
8 SPEAKER MOORE: He yields.  
9 REP. MICHAUX: And, David, honestly, this will  
10 be my last question to you. In drawing the maps, was  
11 anything made or said or asked to what extent we must  
12 preserve the existing minority percentages in order to  
13 maintain the minority's present ability to elect its  
14 candidate of choice?  
15 REP. LEWIS: Representative, thank you for the  
16 question. It is my understanding of the Harris  
17 decision that they did not find the tests were met that  
18 racially polarized voting existed and, as such, we did  
19 not consider race in any way when we drew these  
20 districts.  
21 REP. MICHAUX: Thank you.  
22 SPEAKER MOORE: For what purpose does the  
23 gentleman from Cumberland, Representative Lucas, arise?  
24 REP. LUCAS: To speak briefly on the bill.  
25 SPEAKER MOORE: The gentleman has the floor to

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1 debate the bill.  
2 REP. LUCAS: Thank you, Mr. Speaker. Ladies  
3 and gentlemen, I have sat here very attentively as I  
4 have contemplated what we are about to do. And that  
5 is, we are about to sanction maps that will identify  
6 folk who will represent us in the United States  
7 Congress. And I would have to say that we should live  
8 in a democracy. We do live in a democracy. And when  
9 you live in a democracy, our personal feelings and  
10 doubts ought to be superseded by what is best for our  
11 people. And I'm not so sure that I'm getting that.  
12 I've heard some snide snickering. I've heard some  
13 snide remarks about, well, you all gerrymandered, so  
14 therefore, we're going to do it. Well, if it was wrong  
15 then, it is wrong now. Let's do what's right by the  
16 people of this great state of North Carolina. They  
17 deserve better than this. It is not about partisan  
18 bickering. I am saddened to see that we're turning it  
19 into that. It should be about who can best do the job  
20 for the people of this great state. And people who  
21 live in this state, many of them are now saying I don't  
22 care whether you are identified as a Democrat or as a  
23 Republican. They want to be identified as a citizen,  
24 an independent. And they want to have good  
25 representation. And that model is trending more and

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1 more, and the more we sit here and bicker, the more  
2 we're going to see that trend grow.  
3 We, last session, I thought were on the right  
4 track here in the House when we voted to have an  
5 independent commission draw boundary lines, and I  
6 thought that was great. I wish that we could get the  
7 Senate on board to do the very same thing. That is the  
8 most honest and the fairest way to get what we want to  
9 have done accomplished. Let's get serious about this;  
10 let's stop this partisan bickering; let's move on for  
11 the state of North Carolina. Thank you.  
12 SPEAKER MOORE: For what purpose does the  
13 gentleman from Durham, Representative Hall, arise?  
14 REP. L. HALL: To speak on the bill.  
15 SPEAKER MOORE: The gentleman has the floor to  
16 debate the bill.  
17 REP. L. HALL: Thank you, Mr. Speaker. And I  
18 want to certainly give thanks to all of those who  
19 worked on these maps and have made what I will take to  
20 be an effort to satisfy some different interests.  
21 I referenced it yesterday when we talked about  
22 what we were going to do for voting, and I want to  
23 reference it again today because I think we may be  
24 missing the boat on this. And I think because you  
25 occupy this leadership position and the Court has told

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1 you to back and draw these districts, they really  
2 weren't saying come back and draw the districts for  
3 yourself or to perpetuate your party's power. They  
4 were under the impression, and if they didn't  
5 explicitly say it, I think they meant to say it, and  
6 thought you understood it, that these districts should  
7 be drawn for the people of the state of North Carolina.  
8 Now we've already heard people talk about the  
9 statistics and whether or not there is a certain number  
10 of Democrats, a certain number of Republicans and  
11 almost a equal number of unaffiliated as there are  
12 Republicans, certainly a much larger number of  
13 registered Democrats. So we know factually,  
14 statistically that is the case. Now that would be  
15 turned on the head by the 10-3 districts that we've  
16 drawn here now. That is a fact. We can't get around  
17 it. And Representative Lewis did say that was his  
18 intention, so that has been achieved. So the partisan  
19 advantage has been maintained, but not really in  
20 compliance with the registered voters of North  
21 Carolina.  
22 I heard in response to the question about  
23 expert map drawers that there was some confusion that  
24 maybe the Democrats had authorized or entered into a  
25 contract for the person who drew these maps to be paid

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1 from the \$25,000 that the committee indicated could be  
2 used by Democrats. We did not do that. I hope there  
3 is no accounting problem, that someone gets confused  
4 and thinks that the \$25,000 that was supposed to be  
5 authorized by the committee to Democrats had been  
6 waived and authorized to be paid to the person who drew  
7 these maps who we don't know how much he charged for  
8 them. But we certainly did not -- and under the terms  
9 of the committee, I think it says they have to be  
10 authorized and released by us. We did not do that, and  
11 I just want to make sure that is clear on the record  
12 because I heard it stated otherwise.

13 Now, we've ended up with a difference without a  
14 distinction here, 10-3, that was our intent to keep it  
15 the way it was, and so we understand that. Not maps  
16 for the citizens, maps to keep the partisan advantage.  
17 And much has been made and I understand it, that the  
18 intent was to maintain this partisan advantage. I  
19 appreciate those who in this House, and that is one  
20 thing we did agree on, at least the majority of us,  
21 that we need a Redistricting Committee. A lot of  
22 people signed onto that bill that went out of here and  
23 voted for it because we recognized we need a  
24 Redistricting Committee.

25 We could have tried to do work in the spirit of

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1 a redistricting committee, try to draw fair districts  
2 for the citizens of North Carolina, try to have  
3 communities of interest together so they can be  
4 represented effectively and efficiently, and not make a  
5 partisan advantage or make an incumbency advantage the  
6 priority. We didn't do that.

7 I want to make sure that it is clear on the  
8 record as well, and there has been some reference to  
9 it, I think Representative Martin who was at the  
10 committee meetings when the criteria was adopted. Now,  
11 Representative Hagar said that they were working on the  
12 maps for two weeks before we came to Raleigh, and that  
13 was his statement in the committee. That was before  
14 the maps were even issued. So if there was some  
15 question of someone saying we can't comment as to  
16 whether these maps were drawn before the criteria was  
17 established, go back and check the record. That was a  
18 statement from Representative Hager, and I believe him  
19 to be an honest Representative.

20 The question now is, what happened in the  
21 committee? When we adopted the criteria for the maps  
22 that were already being drawn or worked on for two  
23 weeks. So you wonder, does the criteria come first, or  
24 do the maps come first? But at any rate, on the  
25 timeline when we went to adopt the criteria, I think

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1 Representative Martin already referenced it, and you  
2 can go back and check the record. That every  
3 Democratic criteria that was put forward was voted down  
4 along party lines, every one. Certainly you had a  
5 two-thirds one-third majority on the committee, and  
6 every one was voted down. I think it is important to  
7 note that one of those criteria specifically stated  
8 division of counties shall only be made for reasons of  
9 equalizing population, preserving communities defined  
10 by actual shared interests. That shared interest has  
11 been addressed by people already, and some of you I'm  
12 sure have districts but are not satisfied because  
13 communities of shared interest were not respected. And  
14 Representative Brisson was certainly right to bring  
15 that forward and ask that question, how did you violate  
16 that principle? Well, the answer, again, was, when  
17 that request was put forward in committee, it was voted  
18 down. And so I take people at their word in what  
19 they're saying, but we also can't live in an alternate  
20 reality.

21 Race is on the ground in North Carolina based  
22 on where we live, based on hundreds of years of  
23 history, and Jim Crow laws and slavery and  
24 discrimination and redlining. It's there. We see it  
25 every day when we drive through communities on our way

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1 to Raleigh. We live it every day when we're back home,  
2 and it is still there. We talk about it in our  
3 university system and other places when we do  
4 budgeting. So we see it, and we know it. So to draw  
5 this plan and say we don't recognize race in North  
6 Carolina, and we recognize the racial impact of the  
7 plan. But we won't say the word. We're going to do  
8 enough in theory to get by the court order, but we're  
9 not going to do enough to do good service to the  
10 citizens of North Carolina and respect them I think is  
11 a short coming that we could do better. So I hope, as  
12 someone has already said, that we'll make sure we get a  
13 redistricting commission. We shouldn't have to have  
14 this discussion. We should be able to recognize what  
15 the composition of the voters of North Carolina is,  
16 what they would express, and not hold them back from  
17 being able to work together and be effectively  
18 represented.

19 I heard, finally, a lot of times throughout the  
20 committee discussions sitting there -- and one of the  
21 responses continued to be, well, when you were in  
22 charge, you did it. Now, I don't remember how many of  
23 you remember Sherman and Mr. Peabody when they used to  
24 get in the time machine, and they would go back in  
25 history and visit all of these different places. Well,

<p style="text-align: right;">70</p> <p>1 the people of North Carolina are trying to go forward, 2 and we continue to talk about rebranding this state and 3 looking at the future. Hopefully, as Representative 4 Jones said, you learn not what to do going forward by 5 the failings of Democratic redistricting efforts. You 6 should have learned what not to do going forward in 7 redistricting. And so, the canority (ph) of saying, 8 well you did it so I can do it, and there should not be 9 any response is not enough. We should be trying to get 10 better. That is what redistricting commission is 11 about. And so again, I hope that we will leave that 12 behind, leave it behind with the Model T, leave it 13 behind with the horse and buggy, leave it behind with 14 the flip phone. We're not going back. Unaffiliated 15 voters are about to eclipse registered Republican 16 voters in North Carolina. Let's go forward. Let's not 17 continue to use the mistakes of the past as 18 justification for making mistakes now that will affect 19 our future. So I hope you'll vote against this bill. 20 Put us to the test to do better. Let's free ourselves 21 from the mistakes of the past. Let's pursue a better 22 future for the citizens of North Carolina. Let's draw 23 a map that lets them be full participants in their 24 government. Thank you. 25 SPEAKER MOORE: For what purpose does the</p>	<p style="text-align: right;">72</p> <p>1 criteria. The criteria says they regularly vote as a 2 bloc, not sometimes. Sometimes is not the requirement. 3 It's regularly. 4 Now, again, and I would like to talk a little 5 bit of what Representative Hall talked about. I did 6 not say in committee that we had been working on the 7 those for two -- I said, you guys had the same 8 opportunity as we did to work on those. That is what I 9 said. You can check the record. And you would think 10 that most folks in this body would say, well, my 11 district is a gerrymandered district because I won by 12 32 percent my first election. Let me read you a little 13 statistics from the first election I had. In 14 Rutherford County, there's 22,000 Democrats, 12,000 15 Republicans, and 8,000 Independents. I agree with what 16 Representative Jones says. People aren't dumb. 17 They're going to vote where their philosophy is. 18 They're going to vote where their values are; 22,000 19 Democrats, 12,000 Republicans, and I won by 32 percent. 20 The voters know what is going on. They will vote with 21 their values. The voters of the Democrats did not 22 leave the party; the party left them. 23 SPEAKER MOORE: For what purpose does the 24 gentleman from Rockingham, Representative Jones, arise? 25 REP. JONES: To debate the bill a second time.</p>
<p style="text-align: right;">71</p> <p>1 gentleman from Rutherford, Representative Hager, arise? 2 REP. HAGER: To speak on the bill. 3 SPEAKER MOORE: The gentleman has the floor to 4 debate the bill. 5 REP. HAGER: Thank you, Mr. Speaker. You know, 6 we've said this several times. I've said it in 7 committee and to everyone that would listen, 8 Representative Stam accused me of practicing law 9 without a license, but I think I'm okay on the floor 10 just as long as I don't do it outside of here. 11 Representative Michaux and I have talked about 12 this, you know, page 53 of the statement from the 13 three-judge court says, "A failure to establish any 14 (one) of the Gingles factors is fatal to the 15 defendants' claim." Now, there is three thresholds we 16 talked about to meet, and I'm going to go over them 17 real quick because I've got other stuff we need to talk 18 about. Vote dilution must meet all three of these 19 thresholds. This report said that the vote dilution 20 has to -- as a failure of it has shown because there is 21 no voting prioritization in there. It shows it time 22 and time again in this. Representative Jones contends 23 that we are in violation of the Voter Rights Act of 24 Section 2, and he made the statement that sometimes 25 whites vote as a bloc. Well, that's not one of the</p>	<p style="text-align: right;">73</p> <p>1 SPEAKER MOORE: The gentleman is recognized to 2 debate the bill a second time. 3 REP. JONES: Thank you, Mr. Speaker. I realize 4 the hour is late, and I will try to make a few brief 5 points. I would just suggest that the minority side 6 has used the vast majority of the time in debate today. 7 So there are a few points that I think deserve to be 8 made just simply for the record. 9 First of all, briefly I would just humbly 10 suggest that we do not live in a democracy. We live in 11 a constitutional republic. And there is quite a change 12 about that, you know, democracy is like two lions and a 13 lamb deciding what to have for dinner. And I would say 14 that things would look very different in our country 15 and if we were really a democracy. But this is the out 16 workings of a system -- of a constitutional republic, 17 and that is why we are here today as representatives of 18 the people to do the work of the people. 19 Secondly, I would just say that with all due 20 respect, there is a degree of hypocrisy to stand up and 21 just suggest that this is no more than partisan 22 bickering. Nobody is saying that, well, you know, it 23 is just great that one side is doing it because the 24 other side used to do it. But I would suggest that 25 everyone in this room, every representative in this</p>

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1 room, benefited from the system whether you are in the  
2 General Assembly or not, and I was not in the general  
3 assembly in the past decade. But in the past decade  
4 and some of you in the decades before that benefited  
5 from this system quite well, and I never heard a  
6 complaint. I never heard a suggestion that we need to  
7 change the process. We need to do something  
8 differently.

9 Thirdly, I just want to reiterate, just  
10 remember these three numbers, 89 percent in the last 40  
11 years, the people of North Carolina have voted for the  
12 Republican candidate for president 89 percent of the  
13 time; 81 percent in the last 16 U.S. Senate races in  
14 the last 40 years the people of North Carolina have  
15 voted for the Republican candidate 81 percent of the  
16 time. And then 77 percent, 77 percent is ten  
17 Republicans out of 13 congressional districts. So I  
18 would suggest that all of the stuff that we've heard  
19 today that, in fact, that is not overrepresentation,  
20 that these maps are not overrepresenting. The people  
21 of North Carolina have clearly stated that on the  
22 federal level, they are identifying more with the  
23 Republican Party and that -- you can't gerrymander a  
24 statewide election, okay? So when you --  
25 REP. HAMILTON: Mr. Speaker.

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1 SPEAKER MOORE: For what purpose does the lady  
2 from New Hanover, Representative Hamilton, arise?  
3 REP. HAMILTON: To see if the gentleman would  
4 yield for a question.  
5 SPEAKER MOORE: Does the gentleman from  
6 Rockingham yield to the lady from New Hanover?  
7 REP. JONES: I will gladly yield when I  
8 conclude my remarks.  
9 SPEAKER MOORE: He doesn't yield at this time.  
10 The lady will be recognized if she would like to ask a  
11 question later.  
12 The gentleman from Rockingham has the floor to  
13 continue debating the bill.  
14 REP. JONES: Thank you, Mr. Speaker. So, the  
15 point that I'm making is that I believe it is wrong to  
16 suggest that a split of the three Democrats and ten  
17 Republicans is somehow very unfairly wrong. This is a  
18 federal election, and when you look at the federal  
19 elections that we have conducted over the past 40 years  
20 for the U.S. Senate and for the President of the United  
21 States, it is very clear that even in a greater  
22 percentage of the time, the people have voted for the  
23 Republican nominee.  
24 Finally, I would like to also talk about voter  
25 registration. We keep hearing voter registration, and

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1 I think Representative Lewis has very aptly said that  
2 we believe that voting history, voting result is a  
3 better indicator than voter registration. And the  
4 other side continues to point out that we have more  
5 registered Democrats than we do registered Republicans  
6 in this state, and that is true. And it is also true  
7 that we have a rising number of unaffiliated voters.  
8 And quite frankly, we incentivize that with the laws in  
9 this state because we allow unaffiliated voters to vote  
10 in the primary of their choice. It is very easy for  
11 people to go back and forth or whatever. But we  
12 incentivize people often times to be unaffiliated. I  
13 would simply suggest to you that if every registered  
14 Democrat goes out and votes Democrat and the registered  
15 Republicans vote Republican, and you can split  
16 unaffiliateds down the middle, I think Democrats would  
17 do very well under these maps. It is very clear that  
18 Democratic candidates can win in these districts as  
19 we've pointed out. It has been done in other races  
20 before.

21 And, finally, my last point, we keep hearing  
22 this call for a somehow independent redistricting  
23 committee and this idea that maybe we will put on two  
24 Democrats and two Republicans, and then we're going to  
25 have this one individual that has the great wisdom of

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1 King Solomon that has absolutely no partisan  
2 affiliation, has no bias whatsoever. Somehow there's  
3 this one perfect individual out there that is going to  
4 have no bias and is going to have the wisdom of Solomon  
5 and we're going to have these perfect maps. And,  
6 ladies and gentlemen, I would conclude that that is not  
7 going to happen because it is not possible to find that  
8 individual. So, again, we thank you for the debate.  
9 And, Mr. Speaker, if the lady has her question,  
10 I would be happy to yield.  
11 SPEAKER MOORE: Does the lady from New Hanover  
12 wish to propound a question to the gentleman from  
13 Rockingham?  
14 REP. HAMILTON: I do, sir.  
15 SPEAKER MOORE: She is recognized, and the  
16 gentleman has indicated he would yield. The lady has  
17 the floor to state her question.  
18 REP. HAMILTON: Thank you, Representative  
19 Jones. Just curious, over the last 40 years how many  
20 state elections that are also run statewide, for  
21 instance Governor, Attorney General, et cetera, how  
22 many of those positions have elected Republican versus  
23 Democrat?  
24 REP. JONES: Thank you to the lady for that  
25 question; I appreciate that. The point I was making is

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1 that this is a federal election. And I don't have the  
2 statistics in front of me; perhaps you do. My point is  
3 that I think it's irrelevant because we're talking  
4 about a federal election, and we all know that there  
5 are people in this state that might vote one way on the  
6 local election or even the state election but they see  
7 the national parties in a very different way. And the  
8 minority here can respectfully disagree, but there are  
9 many people that feel that on the national level that  
10 your party has moved quite a bit to the left and away  
11 from the majority of the voters in this state. And  
12 that is reflected in the fact that they have voted  
13 89 percent of the time for the Republican candidate for  
14 president, 81 percent of the time for the Republican  
15 candidate for the U.S. Senate. And they might do that,  
16 and they might still vote Democrat on a local or state  
17 level.

18 REP. HAMILTON: Thank you.

19 SPEAKER MOORE: For what purpose does the  
20 gentleman from Harnett, Representative Lewis, arise?

21 REP. LEWIS: I wanted to ask a series of  
22 questions to Representative Michaux. No, Mr. Speaker,  
23 I would like to speak a second time.

24 SPEAKER MOORE: The gentleman is recognized to  
25 debate the bill a final and second time.

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1 REP. LEWIS: Thank you, Mr. Speaker. Mr.  
2 Speaker and members, I want to thank all of you for  
3 your patience today, for the dignity that has been  
4 shown in this chamber. Obviously, this is an issue  
5 that all of us care very much about in our attempt to  
6 best comply with the court ruling. I did want to state  
7 a couple of last thoughts for the record and prior to  
8 the vote if I could.

9 First of, with all due respect, the Harris  
10 opinion does not find racially polarized voting, nor  
11 has any member of the body submitted any kind of  
12 document showing that there is racially polarized  
13 voting in the state. Further, I realize the time has  
14 been short, but we've even had members of the minority  
15 stand up and speak about possible ways that districts  
16 could have been drawn. Yet despite the fact that  
17 central staff and even special staff was made available  
18 to them, nobody has submitted a map showing how they  
19 think the districts should be drawn.

20 I also want to say that these plans in no way  
21 guarantee the election of ten Republicans. If you will  
22 look at -- I know the lady from New Hanover asked about  
23 statewide election results; they're actually -- most of  
24 them are on our desk. And you will see that in all 13  
25 of these districts, for instance, Attorney General

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1 Cooper won them. I think -- I'm not going to go into  
2 what some has been said before, but I think it has a  
3 great deal to do with the quality of the candidate and  
4 the message that they have in trying to elect -- or  
5 trying to offer themselves.

6 The final thing that I would like to say is  
7 while it has been talked about much throughout the  
8 committee and through today's hearing, we did adopt in  
9 an open forum what the criteria for these maps would  
10 be. We did say that all of the criteria would be  
11 considered together, and we would make every effort to  
12 harmonize them. I believe the map that you have before  
13 you addresses the concerns of the Harris opinion. I  
14 believe it provides a way for us to move forward and to  
15 move on and comply with the order of the Court, and I  
16 would respectfully ask for your support in voting "aye"  
17 on adopting these maps. Thank you, Mr. Speaker, and  
18 thank you, members of the House.

19 SPEAKER MOORE: Further discussion, further  
20 debate. If not, the question before the House is the  
21 passage of Senate Bill 2 on its second reading. Those  
22 in favor will vote "aye;" those opposed will vote "no."  
23 The clerk will open the vote.

24 The clerk will lock the machine and record the  
25 vote: 65 having voted in the affirmative and 43 in the

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1 negative. Senate Bill 2 passes its second reading and  
2 will be read a third time.

3 Further discussion, further debate?

4 For what purpose does the gentleman from  
5 Cumberland, Representative Floyd, arise?

6 Further discussion, further debate? If not the  
7 question before the House is the passage of Senate Bill  
8 2 on its third reading. Those in favor will say  
9 "aye."

10 (Voice vote.)

11 SPEAKER MOORE: Those opposed "no."  
12 (Voice vote.)

13 SPEAKER MOORE: In the opinion of the Chair,  
14 the ayes have it. The ayes do have it. Senate Bill  
15 2 passes its third reading. The bill is ordered  
16 enrolled.

17 Special message from the Senate, the clerk will  
18 read.

19 CLERK: House Bill 2, Senate Committee  
20 Substitute, third edition. A bill to be entitled An  
21 Act to Revise Procedures for the Conduct of the 2016  
22 Primary Election to Comply with the Court Order in  
23 Harris v. McCrory.

24 SPEAKER MOORE: The bill is ordered calendared  
25 for immediate consideration. The clerk will read.

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1 REP. FLOYD: Mr. Speaker.  
2 SPEAKER MOORE: Just a moment. The clerk will  
3 read the bill.  
4 CLERK: Representative Jones and Hardister,  
5 House Bill 2. A bill to be entitled An Act to Revise  
6 Procedures for the Conduct of the 2016 Primary Election  
7 to Comply with the Court Order in Harris v. McCrory.  
8 The General Assembly of North Carolina enacts.  
9 SPEAKER MOORE: For what purpose does the  
10 gentleman from Cumberland, Representative Floyd, arise?  
11 REP. FLOYD: Inquiry, Mr. Speaker.  
12 SPEAKER MOORE: The gentleman may state his  
13 inquiry.  
14 REP. FLOYD: I know my light came on but I also  
15 thought I pushed the red button for the last vote.  
16 SPEAKER MOORE: How does the gentleman wish to  
17 be recorded on the passage of the previous bill on the  
18 vote?  
19 REP. FLOYD: No.  
20 SPEAKER MOORE: The gentleman was recorded as a  
21 "no" vote on the prior bill. If the gentleman would  
22 like to change it to a yes the Chair will be glad to do  
23 that.  
24 For what purpose does the gentleman from  
25 Rockingham, Representative Jones, arise?

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1 REP. JONES: To debate the bill.  
2 SPEAKER MOORE: The gentleman has the floor to  
3 debate the bill.  
4 And again, members, we would ask that the  
5 conversations could be held down. We still have our  
6 court reporter here recording the proceedings.  
7 The gentleman has the floor.  
8 REP. JONES: Thank you, Mr. Speaker. Ladies  
9 and gentlemen of the House, House Bill 2 that we passed  
10 yesterday the Senate has amended and we are in support  
11 of the Senate Committee Substitute. The difference is  
12 that section 3 of that bill is taken out. We discussed  
13 yesterday that section 3 has to do with the  
14 presidential election, the electors to the electoral  
15 college. And what we voted to do yesterday was to  
16 adopt the old or existing congressional primary -- I'm  
17 sorry. Congressional maps for the parties to use to  
18 submit their presidential electors. That was done by  
19 request with both political parties. However, they've  
20 changed their mind on that, they would rather go with  
21 the new districts if there are new districts and so  
22 this section has been taken out. And so what that  
23 simply means is that if this plan goes forth and there  
24 is a congressional primary on June 7 and we adopt these  
25 congressional maps or any congressional maps, whatever

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1 congressional districts we end up using to elect our  
2 congressmen, we will use those same districts to select  
3 the presidential electors. So that is the change, and  
4 I would ask for a green vote that we support the Senate  
5 Committee Substitute to House Bill 2.  
6 SPEAKER MOORE: So, does the gentleman wish to  
7 make a motion to concur with the Senate Committee  
8 Substitute for House Bill 2?  
9 REP. JONES: Yes, sir. I make a motion to  
10 concur.  
11 SPEAKER MOORE: The gentleman has made that  
12 motion and has debated the motion. Further discussion,  
13 further debate on the motion to concur? If not, the  
14 question before the House is the motion to concur with  
15 the Senate Committee Substitute to House Bill 2. Those  
16 in favor will vote "aye" those opposed will vote "no."  
17 The clerk will open the vote.  
18 Do the following members wish to record on this  
19 vote: Representatives Cleveland, Steinburg, Whitmire,  
20 and Blust?  
21 The clerk will lock the machine and record the  
22 vote; 75 having voted in the affirmative and 30 in the  
23 negative. The motion to concur with the Senate  
24 Committee Substitute to House Bill 2 is adopted. The  
25 bill is ordered enrolled and sent to the Governor by a

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1 special messenger.  
2 The House will be at ease.  
3 (At ease.)  
4 SPEAKER MOORE: The House will come back to  
5 order. Members, the House is about to go into recess  
6 until 3:00. However, I want the members to know at  
7 3:00 there will be no votes. The only purpose for the  
8 3:00 session is for ratification. We are going to wait  
9 on ratification for awhile until we hear some news  
10 perhaps from Washington. So for those members who  
11 would like to be back at 3:00, you're welcome to do so,  
12 but the Chair does not anticipate any votes at that  
13 time.  
14 Notices and announcements?  
15 For what purpose does the lady from Yancey,  
16 Representative Presnell, arise?  
17 REP. PRESNELL: For a moment of personal  
18 privilege.  
19 SPEAKER MOORE: The lady has the floor to speak  
20 to a point of personal privilege.  
21 The house will come to order.  
22 REP. PRESNELL: I just wanted to wish my seat  
23 mate, Representative Turner, a Happy Birthday.  
24 SPEAKER MOORE: Further notices and  
25 announcements? If not, the House will stand in recess

<p style="text-align: right;">86</p> <p>1           until 3:00 p.m. 2           . (THE PROCEEDINGS IN THIS MATTER ADJOURNED AT 1:34 P.M.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p style="text-align: right;">87</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE</p> <p>I, Rachel L. Hammond, a Notary Public in and for the State of North Carolina duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that on February 19, 2016, this hearing 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 86 pages represents a true and accurate transcript of the proceedings to the best of my ability and understanding.</p> <p>IN WITNESS WHEREOF, I have hereto set my hand, this the 25th day of February, 2016.</p> <p style="text-align: center;">_____ Notary Public</p> <p style="text-align: center;">Rachel L. Hammond Notary Number 201126500152</p>	