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

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

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(Reporter's note: Proceedings in this matter began at 11:30 a.m. on February 19, 2016.)

SPEAKER MOORE: The House will come to order.

Members will take their seats. Visitors will retire from the chamber. The Sergeant-at-Arms will close the doors. Members and guests are asked to please silence all electronic devices.

This morning’s prayer will be offered by Representative Avila. We’d ask all members and all guests in the gallery to please stand for the prayer and remain standing for the Pledge of Allegiance.

Representative Avila.

(Prayer and the Pledge of Allegiance.)

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

REP. LEWIS: Mr. Speaker, the journal for February 18, has been examined and found to be correct. I move that it stand approved as written.

SPEAKER MOORE: Representative Lewis moves that the journal for February 18 be approved as written; those in favor will say “aye.”

(Voice vote.)

SPEAKER MOORE: Those opposed “no.”

The ayes have it. The journal is approved as written. Notices and announcements -- strike that.

Reports of standing committees.

Representative Lewis, the Chair on the Committee -- the Redistricting Committee is recognized to send forward the committee report. The clerk will read.

CLERK: Representative Lewis Redistricting Committee reported Senate Bill 2 2016 Contingent Congressional Plan.

SPEAKER MOORE: Calendar for this morning. Senate Bill 2, the clerk will read.

(Bill read by clerk.)

SPEAKER MOORE: The gentleman from Harnett, Representative Lewis, is recognized to debate the bill.

The House will come to order.

Members, before the gentleman starts, I want to remind the body we do have the court reporter with us again here today. So all of the extra noise and the chatter that is occurring makes it very difficult for her to hear. So, again, if you need to have any extra conversations, I would ask members to please step off the floor to do so or to keep that to a very low tone.

The gentleman from Harnett has the floor to debate the bill.

REP. LEWIS: Thank you, Mr. Speaker. Members of the House, we are here today to comply with a court order issued in the Harris versus McCrory case, which instructed us not to hold the 2016 race for the United States House of Representatives under the current map and instructed us to redraw the districts. We, as you know, have appealed and sought a stay of that decision. However, as of this moment, that stay has not been granted. We are still hopefully optimistic that it will, in fact, come. However, out of respect for the rule of law and the court’s findings, I will present to you today a 2016 Contingent Congressional Map. I will point out that this map was created based on criteria that was adopted by a Joint Select Committee of the House and the Senate appointed by the Speaker and the President Pro Tem; the committee adopted this criteria on February 16.

I will point out to you the criteria on which the maps before you were drawn. First, was the criteria of equal population. All of the districts were drawn with either 733,499 total persons or 733,498 total persons. This is as equal as practicable and is in accordance with federal law. Another criteria was contiguity. All the areas of every district are composed within contiguous territories. Another criteria was political data. The stat pack attached to the maps placed on each one of your desk show which election results were used in building these districts. Race was not considered and is not present in these reports. A further criteria was partisan advantage. We believe that this map will produce an opportunity to elect ten Republican members of Congress, but make no mistake, this is a weaker map than the enacted plan in that respect. The Committee further adopted criteria to do away with the 12th district, which has been described as serpentine in nature because of the shape, the way it appears on a map. The drawing of this corrected -- the drawing of this plan before you corrects that. An additional criteria was compactness. Only 13 counties and 12 voting districts were split in this map. In accordance with the criteria, more whole counties and more whole precincts are the best indicator of compactness that we believe to be available. An additional criteria adopted by the committee was incumbency. In this map, only two incumbent members of Congress reside in the same congressional district, one Republican and one Democrat. They are Representative Holding and Representative Price, both of whom reside within the geographic territory that makes up the proposed 4th Congressional District. Eleven incumbents were placed in a congressional district by themselves.
I want to offer only a bit of historical context that I hope you will consider when you're voting for those maps. The 1992 Congressional Plan split 44 counties; the 1997 plan split 22 counties; the 1998 plan split 21 counties; the 2001 plan split 28 counties and 22 Voting Tabulation Districts; the 2011 Congressional Plan, which I’ll refer to henceforth as the enacted plan, split 40 counties and 68 voting districts, or VTDs; and the map that you have before you splits 13 counties and 12 VTDs.

I am very proud and appreciative of all of the work that members of the committee gave, that our central staff dedicated themselves to do. I appreciate all of the members who brought forward constructive advice on how to design these maps to comply with the court decision. And I look forward to being able to more fully debate and explain these maps as directed by the Speaker. But I would ask for your support. I believe that this is a major step forward and should the stay not be granted by the U.S. Supreme Court, I believe that this map, drawn in accordance with the criteria that I have mentioned in my earlier remarks, will help us comply with the court order from the Harris case. And I would respectfully ask at the conclusion of this debate that you would vote “aye” on this bill. Thank you, Mr. Speaker.

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

REP. MICHAUX: To speak on the bill.

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

REP. MICHAUX: Mr. Speaker and ladies and gentlemen of the House, I’m not going to ask Representative Lewis any questions on this. I think that has been thoroughly covered in committee, and the record has been made in committee on this. What I want to do very simply is to caution you about what you’re about to do. And in order to set the framework for that – what I want to say about this, I want to quote a couple of things from the Harris decision that got us where we are today. The first is that on page 2 of that decision – page 3 it says, “This does not mean that race can never play a role in redistricting. Legislatures are almost always cognizant of race when drawing district lines, and simply being aware of race poses no constitutional violation. Only when race is the ‘dominant and controlling’ consideration in drawing district lines does strict scrutiny, strict scrutiny apply.” What the Court is saying very simply in this is that race can still be used in drawing lines, but if you use race, “strict scrutiny” applies. It doesn’t mean it can’t be applied, but you have to look at it a little bit closer than the way you normally look at. What this body has done in this -- I’m sorry, what the committee has done, is they have taken race out of the equation totally and completely. In other words, this map that you have before you today was drawn without consideration of race.

Now everybody tries to think that we’re going to have a colorblind situation and wishes for one, which is the ultimate dream in euphoria. Race will always be there because there will always be differences either race, class, whatever way you want to put it. So you cannot, you cannot do maps without including race as a part of it.

The second part of that, or other part of that decision says this, “redistricting legislation must,” and I repeat, “redistricting legislation must comply with the Voting Rights Act of 1965.” Many people have thought that the Shelby case knocked out the Voting Rights Act. It did not. It only knocked out Section 4 from the Voting Rights Act, that section which set up a formula for which preclearance was required. The Voting Rights Act of 1965 still stands. And I repeat, that it says that any district lines must comply with the Voting Rights Act of 1965. And in that same vein, they said that, “the Voting Rights Act prohibits states from adopting plans that would result in vote dilution under section 2.” So, Section 2 basically is the operative clause under which we operate and draw district lines.

Now, what you have done with this map is you have gone in the complete opposite, and you have made race a predominant factor again because you left it out. You don’t consider whether or not these districts that have been drawn on this map create any dilution of minority registrants, minority voting. You don’t have any clue as to whether or not minorities, African Americans in particular, are able to elect representatives of their choice. That’s because you cut out race as a factor in determining what these lines are being drawn for. So I say that you set up an unconstitutionally drawn map, and you’re sending back another unconstitutionally drawn map. But that is not for me to decide. That is for the Court to decide. But just taking a simple look at it you say, well, how do we do this? All you have to do -- you don’t have to make it a predominant factor. You can look at it and you can draw lines that fall within parameters that don’t make race a predominant factor and still...
guarantee that you don’t have voter dilution and still guarantee that you have a position where African Americans are able to elect persons of their choosing.

Now, there is one other thing I want to call to your attention out of that same decision. It says that there is strong evidence – and this comes from the Harris decision -- "There is strong evidence that race was the only nonnegotiable criterion and that traditional redistricting principles were subordinated to race." I say again, "There is strong evidence that race was the only nonnegotiable criterion." Here again, in these maps that are being drawn, race is the only nonnegotiable criterion that has brought these maps about.

Finally, it says, "A congressional district necessarily is crafted because of race, when a racial quota is the single filter through which all line-drawing decisions are made." Now, folks, it doesn’t take a rocket scientist or a mathematician to figure that if you’re going to draw district lines, you’ve got to take into account the population of that district. How it affects not just one part of the population, but the total, the total population, and that includes members of any ethnic group, any racial group, anything. It all has to be considered. Here, to take the time to make sure that every facet of this thing is covered. A lot of folks don’t want to talk about race. I don’t particularly. One thing about my good friend Martin Luther King, Jr., Martin told me -- I never heard him use the word "colorblind" because in his thinking we will never have a colorblind society. And unfortunately, or fortunately, it is here, and it’s faced. And we have to take it into consideration. And when you take it out, then that becomes a predominant factor in this whole thing. So you’re going to do what you’re going to do, but I don’t think you’ve seen the end of this problem yet.

REP. LEWIS: Mr. Speaker.

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

REP. LEWIS: Would the distinguished gentleman from Durham yield to a question?

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

REP. MICHAUX: The gentleman will yield. I don’t know how distinguished he is.

SPEAKER MOORE: He yields.

REP. MICHAUX: I yield.

REP. LEWIS: Mr. Speaker, I appreciate not only

doing that which is done, but also the distinguished but the well-dressed gentleman taking time to yield to me.

Representative Michaux, you referenced the Harris decision in your remarks. Would I be safe to operate under the belief that you have it before you?

REP. MICHAUX: You – yes, sir. Here it is, yes.

REP. LEWIS: Thank you. May I ask another question, Mr. Speaker?

SPEAKER MOORE: The gentleman is recognized for a second question. Does the gentleman from Durham yield?

REP. MICHAUX: Yes, I yield.

SPEAKER MOORE: He yields.

REP. LEWIS: Thank you, Mr. Speaker.

Representative, may I ask you to please look at page 57 of that opinion?

REP. MICHAUX: 57?

REP. LEWIS: Page 57, yes, sir, and, sir, the particular –

REP. MICHAUX: Yes, sir, I have it.

REP. LEWIS: Right before the number 2 there, there is a sentence that reads in part, "As the defendants," which would have been us, "fail to meet the third Gingles factor, the Court concludes that
section 2 did not require the defendants to create a
majority-minority district in CD 1. Is that not
saying that the Court finds that racially polarized
testing was not present or proven so that we shouldn't
have used it in drawing the map?

REP. MICHAUX: That's not what it says to me,
Representative Lewis. What is says to me is that there
was racially polarized showing in that. You didn't
meet the requirements, the third requirement of --
requirements in the Gingles case. Which set up the
fact that if you have racial polarization, you have got
to take into consideration these factors.

REP. LEWIS: Mr. Speaker, may I ask the
gentleman another question?

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

REP. MICHAUX: Yes, I yield.

SPEAKER MOORE: He yields.

REP. LEWIS: Thank you, Mr. Speaker, and thank
you, Representative. If I may, would you turn to
page 56 of the same opinion of which we were just
looking.

REP. MICHAUX: I have it, yes, sir.

REP. LEWIS: Thank you, sir. When the Court
writes, "the composition and election results under the
earlier version of CD 1 vividly demonstrate that,
though not previously a majority-BVAP district, the
white majority" -- this is the operative part I'd like
your advice on -- "the white majority did not vote as a
block to defeat the African-Americans' candidate of
choice. In fact, precisely the opposite occurred in
these two districts: significant crossover voting by
white voters supported the African-American candidate."

Does that not indicate that the Harris court did not
find racially polarized voting?

REP. MICHAUX: I'm not sure that it does,
Representative Lewis, because you have to have certain
iterations in these types of situations. It's known,
and it is a known fact, and it has been proved.
Gingles proved it and several of the other cases,
Stevens' case proved it, that whites sometimes
basically vote as a bloc in order to keep
African-Americans, or whatever ethnic group, out. And
that has happened -- it has happened in my case. I
personally had it happen to me. So this iteration in
here is actually stating what should not or could not
have to happen. And of course, you know, you're on
that segment. I've got that page marked also.

REP. LEWIS: May I ask the gentleman an
additional question?

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

REP. MICHAUX: Yes, sir.

SPEAKER MOORE: He yields.

REP. LEWIS: Just for the sake of this
correspondence, Representative Michaux, and I've
acknowledged freely in earlier meetings that you are an
attorney and I'm not. You're much more versed in the
law. Would you acknowledge at least with me -- and I
apologize to skip around in this opinion, but do --
would I be correct to operate under the understanding
of this opinion that at least in the opinion issued in
the Harris court, that the third Gingles element of
estimating racially polarized voting per this court
decision was not met?

REP. MICHAUX: Yes, it says that.

REP. LEWIS: Thank you, sir. Mr. Speaker, may
I ask the gentleman another question on another subject
matter?

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

REP. MICHAUX: Yes, sir, I yield.

SPEAKER MOORE: He yields.

REP. LEWIS: Thank you, Mr. Speaker, and thank
you, Representative. You mentioned in your remarks the
map that is prepared before us and also perhaps the
steps that were taken in the preparation of those maps,
I was wondering, sir, if you would speak to what -- and
of course, I only ask for your personal knowledge, of
what steps the Democratic Party took, or the Democratic
members of this House took, to comply with the court
order that we were all notified about on February 6.

REP. MICHAUX: My answer to you, Representative
Lewis, on that is we were not ordered to comply with
that decision. You were ordered to comply with that
decision. We did not draw the maps. You drew the
maps, so that decision was aimed at you. The matter is
in court. If the Court wants our advice, we will give
them that advice. We tried to give you our advice on
the mistakes that you made. You could take them any
kind of way you see, and it comes back, you say, well,
the minority party helped us do this.

This is a problem that you created. This is a
problem that you have to solve. If the Courts want our
opinion on it, they will ask us, and we are prepared --
we will be prepared to answer any questions that the
Court raises with us on it. And by the way,
Representative Lewis, let me just -- since you are
referring to the opinion, you referred to page 55 on
that -- 56 on that. On 54, "Strikingly, there is no
evidence that the General Assembly conducted or
considered any sort of a particularized
polarized-voting analysis during the 2011 redistricting
process." So I just wanted to clear that up.

REP. LEWIS: Mr. Speaker, may I ask the
gentleman another question?

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

REP. MICHAUX: Anytime, yes, sir.

REP. LEWIS: Thank you, Mr. Speaker, and thank
you, Representative. I just wanted to -- and this is
along the lines of the last question I asked, if I may.

Would it be fair to say that you, as a member of the
General Assembly, as a member of the Joint Select
Committee, and of the House Committee, while, by your
own remarks, had the opportunity to participate and
offer input to the map, have instead elected not to do
that and are preparing instead to offer maps that you
developed to the Court? So it would be fair to say
that you declined largely to constructively participate
in the legislative process, preferring to focus on the
judicial process?

REP. MICHAUX: In the joint meeting of the

committee, several amendments were offered by the
minority party. They were all killed. In other
instances in this body when we have tried to
participate and offer what we thought were constructive
amendments, whether some, even folks on your side have
agreed, we have been struck down. And here again, I
refer to my good friend Martin Luther King, Jr. Martin
said, Mickey, you have always got to be able to -- if
they hit you on one side to turn the other cheek and
let them hit you on -- you know, don’t hit back. Well,
I’ve been hit on both cheeks by you-all, and I am just
not going to let you hit me anymore. And that’s -- I
mean, that’s it, Mr. Lewis, why should we, why should
we -- when you haven’t sought our help in the beginning
and you haven’t sought our help now. You haven’t asked
us anything. You have already gone on and done these
maps before we even had a committee meeting.

REP. LEWIS: Mr. Speaker, may I ask the
gentleman another question?

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

REP. MICHAUX: Yes, I yield.

SPEAKER MOORE: He yields.

REP. LEWIS: Thank you, Mr. Speaker, and thank

you, Representative. I do not have the committee
minutes before me, and I am certainly prepared to be
corrected. Did members of the minority party, the
Democratic Party, offer amendments in the form of a map
or guidelines to how the map should look, or were those
amendments largely unrelated to the drawing of a map?

REP. MICHAUX: The amendments affected the
criteria under which the maps were to be drawn.

REP. LEWIS: Thank you, sir, for your time.

And thank you, Mr. Speaker.

SPEAKER MOORE: For what purpose does the
gentleman from Bladen, Representative Brisson, arise?

REP. BRISON: To see if Representative Lewis
will yield for a couple of questions.

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

REP. LEWIS: I do, Mr. Speaker.

SPEAKER MOORE: He yields.

REP. BRISON: Thank you, Mr. Speaker. Thank
you, Representative Lewis. It may take me a minute
here to get through my questions, but in the beginning
when the Courts made the decision, it was certainly
on -- obviously it was on district 1 and 12, which was
two out of the 13 districts. And, I guess, I’m
certainly not speaking for any of the other members,

but I kind of assumed that should we -- evidently,
we’ve got a problem there. When we started off I
thought, I assumed, that maybe the problem could be
worked out in the general consensus of that district.
Do you understand what I’m saying? That maybe it
didn’t involve the whole state. One of my questions,
how much time did the committee spend on concentrating
on trying to get in compliance in that general area
versus -- and when was the decision made to do it
statewide because it changed? In the original
committee was kind of -- I saw the members. It looked
like that it was maybe not intentionally set up, but
basically a lot of -- it was close by neighbors
involved in that general vicinity of the state on the
committee, maybe one or two scattered out away from,
kind of, more distant away. And after the two
questions that I’m trying to ask, and I’ll them both is
how much time, or if any time was spent on just the
general consensus and vicinity of the question -- the
two districts in question? And at what time did the
committee decide to expand and redo the whole state?
And did the committee look at maybe taking a look at
the committee then when they went to the full state to
maybe justify expanding the committee or make sure we
have broader input from throughout the state?
REP. LEWIS: Thank you for that question, Representative. Let me do my very best to answer. First of all, you are right when you say the case that was brought and adjudicated by the three-judge panel involved the 1st Congressional District and the 12th, not all 13. However, when you're drawing districts, what you're talking about is assigning geographic areas where 733,498 or 499 people can elect a member to the U.S. House. So, when you change lines in one part of the state, you are essentially moving people. And as you move people that a cause in one district almost certainly causes a change in those around it. So what you'll notice when you look at the proposed map is that some districts seem to have changed very little. The 11th, for instance, the mountain district, really I think the only change that was made there had to do with trying to equalize some population because additional population had been pushed west, if you will, from the 10th and from the 5th. So, as far as the time spent, what the committee did was debate the criteria that we felt would help us comply with the Harris court decision. We respect the judges and want to honor both the written law and the spirit in which they issued the opinion. But in candor, there was not a great deal of curative language in the opinion that said had you done X, Y and Z, we would not have found the way we found. So what the committee did instead is it went through in a full and open session in which amendments were, in fact, considered, and it adopted criteria that it felt would help us comply with the court order. Those, as I have said, were the equal population, the contiguity, the political data, partisan advantage, doing away with the serpentine nature of the 12th, compactness, and incumbency. So once the committee adopted those criteria, we set about and have been able to produce a map which is based on those criteria.

I think what you're asking about in particular is there are some counties that seem to be geographically far away from either the 1st or the 12th that their district lines have changed. And I will openly concede that you are right in the observation that you have made. But, again, for lack of a better analogy, if you picture a child playing with a balloon, when the child will squeeze the balloon in one part, another part will change its shape. And that is largely why districts all across the state changed. But, again, I would point out, even though certain counties may have changed the district they were in or certain counties may be divided that weren't divided before, this map divides only 13 counties and only 12 VTDs. So this map, to the extent that it has to be used because a stay is not granted, at least based on the criteria adopted by the committee, is a superior map and we believe complies with what we were ordered to do by the Court.

REP. BRISSON: Thank you.

SPEAKER MOORE: Does the gentleman from Bladen wish to ask an additional question?

REP. BRISSON: I just --

SPEAKER MOORE: Or does the gentleman wish to debate the bill?

REP. BRISSON: I just wanted to ask make sure that I got my question, both questions answered.

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

REP. LEWIS: I yield.

SPEAKER MOORE: He yields. The gentleman is recognized -- and Representative Brisson, I am trying to do this orderly because the court reporter is trying to make a record, so bear with me on that. The gentleman has the floor for a question.

REP. BRISSON: Thank you, Mr. Speaker. Thank you, Representative Lewis. What -- so did the committee ever look at expanding when we decided to go -- that was one of my questions, expanding the committee to make sure that we had a pretty much representation statewide on the committee?

REP. LEWIS: Thank you for that question, Representative. And I did fail to answer it the first time you asked it, I apologize. The Speaker and the President Pro Tem made these appointments about a week ago today. We have been operating under -- I think even those opposed to the maps, would acknowledge that we have been operating under a very compressed timetable. And when the decisions were made, I did not ask the Speaker and the President Pro Tem to expand the membership of the committees. They certainly have the authority to do that. I don't even know, in candor, that it was contemplated to expand the committee. We did make clear though, in every effort that we could, that all members of the General Assembly, regardless if they were voting members of the committee or not, were encouraged to attend the committee and were certainly given a chance to speak. I think, in fact, I think several did actually ask questions or take part in the debate that were not actually seated members of the committee. And I would point out that while it is pretty much a expected tradition of the General Assembly that a member of the General Assembly that
funds? And if so, how much did he receive in public money?

REP. LEWIS: Thank you for that question, Representative. Dr. Hofeller has not, to my knowledge, invoiced the state yet. I do anticipate that he will.

Mr. Speaker, can I speak on the bill?

REP. MARTIN: Thank you, Mr. Speaker, and thank you, Mr. Speaker, to the question from the gentleman from Wake. We did strive for compactness, cutting up in class a little bit. So, Representative

REP. LEWIS: I yield.

SPEAKER MOORE: He yields.

SPEAKER MOORE: Mr. Speaker, the first question I would ask the gentleman from Harnett is regarding Dr. Hofeller who I believe he said was the map drawer. And my question is, was Dr. Hofeller paid for his services with public funds? And if so, how much did he receive in public money?

SPEAKER MOORE: Thank you, Mr. Speaker.

Mr. Speaker, can I speak on the bill?

REP. MARTIN: Thank you, Mr. Speaker. Thank you, Mr. Speaker, to ask another question of the gentleman.

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

REP. LEWIS: Well, thank you for that question, Representative. To be clear, the map that you have before you was drawn using criteria that was openly debated and adopted by the Joint Redistricting Committee. Those factors that went into this were of course the requirement to have equal population, contiguity. Political data did play a part in drawing the map. We did seek partisan advantage in drawing the map. We did seek to eliminate the shape of the 12th Congressional District. We did strive for compactness, a lot to what Representative Brisson was just referring to, trying not to split the smaller rural counties if we could. And we considered incumbency. So, as I said earlier in the committee, when a partisan such as you or I look at a political map, some of us see an evil sinister gerrymander if it doesn’t meet the objectives that we would like for it to meet. And some see it as a work of art or a work of good public policy. So I would submit to you that the map was drawn based on the criteria adopted by the committee, and is, in fact, good public policy.

SPEAKER MOORE: He yields.

SPEAKER MOORE: He yeilded.

REP. LEWIS: I yield.

SPEAKER MOORE: He yeilds.

SPEAKER MOORE: Mr. Speaker, in regard to the gentleman from Harnett, Representative Lewis, yield to the gentleman from Wake?

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REP. LEWIS: I yield.

SPEAKER MOORE: He yields.

SPEAKER MOORE: Mr. Speaker, the first question I would ask the gentleman from Harnett is regarding Dr. Hofeller who I believe he said was the map drawer. And my question is, was Dr. Hofeller paid for his services with public funds? And if so, how much did he receive in public money?

SPEAKER MOORE: Thank you, Mr. Speaker.

Mr. Speaker, can I speak on the bill?

REP. MARTIN: Thank you, Mr. Speaker. Thank you, Mr. Speaker, to ask another question of the gentleman.

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

REP. LEWIS: Well, thank you for that question, Representative. To be clear, the map that you have before you was drawn using criteria that was openly debated and adopted by the Joint Redistricting Committee. Those factors that went into this were of course the requirement to have equal population, contiguity. Political data did play a part in drawing the map. We did seek partisan advantage in drawing the map. We did seek to eliminate the shape of the 12th Congressional District. We did strive for compactness, a lot to what Representative Brisson was just referring to, trying not to split the smaller rural counties if we could. And we considered incumbency. So, as I said earlier in the committee, when a partisan such as you or I look at a political map, some of us see an evil sinister gerrymander if it doesn’t meet the objectives that we would like for it to meet. And some see it as a work of art or a work of good public policy. So I would submit to you that the map was drawn based on the criteria adopted by the committee, and is, in fact, good public policy.
REP. MARTIN: Thank you, Representative Lewis. And, Mr. Speaker, to see if the gentleman would yield to another question.

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

REP. LEWIS: I yield.

SPEAKER MOORE: He yields.

REP. MARTIN: And I apologize, Mr. Speaker, you can rule me out of order pretty quickly, but a slight editorial comment. Representative Lewis and I are both fathers, and I will note that when our babies made their first production in their diaper, we think it is beautiful also. And I will withdraw that, and with it, an apology.

Representative Lewis, the next question I would have for you is do you believe that a partisan gerrymander -- that I will restate that. That a plan that would elect ten Republicans and three Democrats in a state that is much more evenly divided in electorates would violate the U.S. Constitution or our State Constitution?

REP. LEWIS: Thank you for that question, Representative. To be clear, when I went through the criteria earlier, we did not look at political registration because we believe that election results, election outcome are much better predictors of how the people actually vote than partisan registration is. I mean, you and I have had conversations in the past about the continued growth of the total percentage of voters that choose to list themselves as unaffiliated. We have talked about that in the past. So we believe that we looked at the political results of past elections and have been able to produce a map that will still require the political parties or the individual seeking to be elected within those districts to offer a good solid candidate who can appeal to their base, be it Democrat or Republican, but also be able to appeal to the ever-growing unaffiliated. So, we believe that while -- and I freely acknowledge that I sought partisan advantage as based on the criteria in drawing this map. We do believe that the map has been drawn in a fair and open attempt to comply with the court ruling.

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

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

REP. LEWIS: I yield.

REP. MARTIN: Thank you very much, Mr. Speaker.
Representative Lewis, the question I’m going to ask is an attempt to restate the question I’ve previously asked, and the fault is all with me for not stating it clearly. You've produced a district with ten Republicans, likely to elect ten Republicans and three Democrats. You stated, I think, just stated that you could have done even 11 Republicans and two Democrats, and I am trying to understand and get an answer from you as to whether or not you think that the plan you have now with the partisan result it has, in light of congressional election results of North Carolina, is constitutional?

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

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

SPEAKER MOORE: Does the gentleman yield to another question?

REP. LEWIS: Yes, sir.

SPEAKER MOORE: He yields.

REP. MARTIN: Thank you, Mr. Speaker. And Mr. Speaker, the gentleman from Harnett has been most gracious with his time in committee, in several committee meetings over going through the lists and charts that were presented at committee several times.

REP. LEWIS: Yes, sir.

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

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

REP. MARTIN: Yes, sir.

SPEAKER MOORE: Does the gentleman wish to ask an additional question from the gentleman from Wake?

REP. LEWIS: Yes, sir.

SPEAKER MOORE: He yields.

REP. MARTIN: Thank you, Mr. Speaker. And Mr. Speaker, the gentleman from Harnett has been most gracious with his time in committee, in several committee meetings over going through the lists and explaining what the races are and what the codes meant. But I do want to ask just a couple of clarifying questions on that if I could. Representative Lewis, would it be accurate to say that the mapmakers considered every one of the races that’s listed in the charts that were presented at committee several times.

REP. LEWIS: Yes, sir.

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

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

REP. MARTIN: Yes, sir.

SPEAKER MOORE: And does the gentleman wish to ask an additional question from the gentleman from Wake?

REP. LEWIS: Yes, sir.

SPEAKER MOORE: He yields.

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

REP. LEWIS: No, sir.

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

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

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

REP. FISHER: A follow-up.  

SPEAKER MOORE: Does the gentleman from Harnett yield to an additional question from the lady from Buncombe?  

REP. LEWIS: Yes, sir. I yield.  

SPEAKER MOORE: He yields.  

REP. FISHER: And I think then from your answer -- from your previous answer, that I can assume that the same would be true for having moved part of Biltmore Forest in Asheville to the 11th, east of Sweeten Creek Road, from the 11th to the 10th. And then an area of North Asheville in Woodfin from the 10th to the 11th; am I assuming correctly?  

REP. LEWIS: Thank you for the question, Representative. The reason that we would have divided counties would have been one of the criteria that was listed earlier and considered by the committee. I have a map on my desk that shows only whole VTDs of Buncombe County. I'm afraid I just don't know -- my wife actually fussed at me because I've been gone for two weeks doing this. She would like to go to Grove Park this weekend. So maybe I could visit Biltmore Forest when I'm there, but I don't that we're going to be able to make it.  

REP. FISHER: Well, I hope you'll be able to. There's a great Arts and Crafts Mission Furniture Conference going on there right now that my daughter helped plan. But I think --  

SPEAKER MOORE: Does the lady wish to ask an additional question?  

REP. FISHER: I would like to speak on the bill for just briefly, Mr. Speaker.  

SPEAKER MOORE: The lady is recognized to debate the bill and to do a public service announcement for Asheville as well.  

REP. FISHER: Sure, I can do an advertisement anytime. I'm very proud of my town. I appreciate the representative taking the time to try to address my questions. But the point, I guess, I would like to make in having asked the questions in the first place is that we are, again, embarking on an exercise that will further confuse the voters. I know from having listened to the four or so hours of the public hearing that we had several examples of people who have gone to their polling places, filled out their ballot, only to find out that they didn't know who their congressperson was. So they were surprised to see either one name or another on their ballot. They thought that this person was their Congressperson, but it turns out it was somebody else. And I would just caution us that if we're going to have to do this, there needs to be some way, some efficient way, to educate the voters about the changes that are being made. And try to make it easier for them to do what is their right to do, which is exercise their vote. So, I just felt it important to make the body aware, or again aware, of how difficult this whole thing is making it for the voters in North Carolina. Thank you, Mr. Speaker.  

SPEAKER MOORE: Members, I hope you'll join me in welcoming, we have another school group with us today. We have students from the Longleaf School of the Arts here in Raleigh with us. If you all would please stand and let us welcome you. Thank you for being with us today. For what purpose does the lady from Wilson, Representative Farmer-Butterfield, arise?  

REP. FARMER-BUTTERFIELD: To speak on the bill.  

SPEAKER MOORE: The lady has the floor to debate the bill.  

REP. FARMER-BUTTERFIELD: Thank you, Mr. Speaker. I feel compelled to speak on this as an African American. If I think about redistricting for me in my district, I went from Wilson and Edgecombe to Wilson and Pitt. My constituents from Edgecombe and Wilson were reluctant about the change in terms of redistricting as it related to my having Pitt County. But if I look back, I am happy with Pitt County and I consider it a blessing that I was able to move from Wilson, Edgecombe with experience and represent the economic engine of the East in Pitt County. So today in looking at the congressional districts, I want to talk about the process. Public hearings were convened before the release of draft maps for the public to view. Was that really cost efficient and necessary? Nothing was available for the public to respond to. Why would we do that? Let's talk about moving from one extreme to the other. In drawing the initial maps, we went from African Americans exceeding 50 percent in those districts, the two key districts that we're talking about that have been changed. Now, we are looking at no consideration at all for race. It's overreaching in that the maps guarantee election of ten Republicans and three Democrats so is said. Democrats are 43 percent of the voters in this state and only given an opportunity for three districts for...
Congress doesn’t seem balanced at all. In fact, one of the districts that was recently drawn, we were told that it was leaning Republican. What about legislators, are they required to protect minority communities from racially polarized voting patterns? Yes, they are. Voter discrimination matters. If, indeed, public hearings mattered and the input of African Americans had been taken into consideration, perhaps we would not be in this position we are in today. In fact, I know we would not be in the position we are in today. Finally, when the leadership was asked in committee this morning if the map was drawn prior to the public hearings held on Monday and prior to the criterion being decided on Tuesday the response was, I can’t say. So given all of these factors I share with you, I ask that you vote against these maps that have been redrawn. Thank you.

SPEAKER MOORE: For what purpose does the gentleman from Forsyth, Representative Hanes, arise? REP. HANES: To ask the bill sponsor a question and to speak on the bill.

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

REP. LEWIS: I yield.

SPEAKER MOORE: He yields.

REP. HANES: Representative Lewis, let’s talk about race for just a second, and some of the representatives here know that I like this conversation. And I fashion myself as a person who can do it -- talk about race without getting racial. So I want to ask you a question, and it is a little nuanced from the questions that have been asked to you regarding race this morning. Representative Lewis, does race impact the maps that have been drawn? The question is not did you consider race, but does race impact the maps that have been drawn? REP. LEWIS: Thank you for the question, Representative. All I can tell you is that race was not a consideration when the maps were drawn. I am not, to be candid with you, sure I truly understand the nature of the nuanced question.

REP. HANES: Okay. Okay. Thank you.

Mr. Speaker, to speak on the bill, please.

SPEAKER MOORE: The gentleman from Forsyth has the floor to debate the bill.

REP. HANES: So, ladies and gentlemen, let’s have a brief conversation about race, and it goes all of the way back to the beginning. So as you know, in the beginning God created heaven and earth. He created man and woman and said, this is good. And then he created America, and he said, I like that too. And then black folk and white folk got together in a most disagreeable one-sided contract negotiation. And I can assure you that both black folk and white folk got to America on a boat. Okay? And over the years black folk, my folks, continued to have disagreement about this contract that we got brought into here. And over the years we got our freedom. Representative Michaux was elected to the House of Representatives, and here we are today talking about race and elections.

The question I asked was, does race impact this map? That is either directly or indirectly. And the answer is, of course it does; of course it does. What we have here is we have Democrats submerged in majority Republican districts, ten of them, and Republicans submerged in majority Democratic districts, three of them. Of course, it matters. If you look at the numbers for the state, there are 1.9 million Republicans; 95 percent of them are white. The 2.6 million Democrats; 41 percent of them are black. And we could have been gone away from here hours ago. So saying in some way that we did not use race is frankly just simple subterfuge toward achieving a broader goal. And that is a goal that was admitted during our committee, and that goal was the maintenance of districts that disenfranchise Democrats. And in many ways, whether that is intentional or not, those districts silenced the voices of people who look like me.

Two of the largest minority populations in this state, Forsyth and Guilford County, have been silenced with regard to congressional politics. We could have gone nine to four, with a district there in the Triad maintained Representative Alma Adams, and we could have achieved this goal of eliminating the serpentine districts, as we’ve called them, of the 12th district. And we could have been gone away from here hours ago. We chose not to do that, and we continue to think about these maps as not impacting race.

Let me just make one more statement, and it is from a op-ed I wrote in the Winston-Salem Chronicle this week. And I want to read for you the last paragraph of that statement as it regards to how we need to think about how race actually does matter, you know, for us. I said, "Black people are, in fact, people and should be counted in the whole! Our lives, our voices, and our votes matter from Murphy to Manteo. We are part of the fabric of North Carolina and have earned our right to representation through constitutionally consistent districts in every corner.
of this state. We paid for that right by whip, through blood, by protest, and through eventual freedom. It is never the wrong time to do the right thing." Thank you.

SPEAKER MOORE: For what purpose does the gentleman from Rockingham, Representative Jones, arise?

REP. JONES: To debate the bill.

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

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

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

You know, I've heard it also a lot of complaining about the fact that there are ten Republican congressmen and three Democrats. That there currently are and that these maps as, Representative Lewis has been very candid and transparent and honest, something that I for one greatly appreciate, and would've greatly appreciated that conversation over the decades. So thank you, Representative Lewis, for your honesty and integrity and transparency in coming right out and saying that, yes, I do believe as we adopted in the committee that there was an attempt made at that partisan advantage. And I keep hearing the complaints from the other side that enjoyed that partisan advantage because of gerrymandering for so many decades.

I would just remind the members of this body that if you look over the last 40 years and see how North Carolinians have voted consistently in federal races, I would remind you that in eight of the last nine presidential elections, they have voted Republican. That is 89 percent of the time. And I would remind you that you may not know that in the last 16 United States Senate races in North Carolina, 13 of those races went Republican. That was 81 percent of the time. So to me, I don't see a problem in thinking that if you have ten Republicans and three Democrats, which is 77 percent, you might could make the argument that Republicans are underrepresented. But the point of the matter is these maps are not your problem. The problem is that your national party has left the values of the majority of the people in North Carolina. And I would take you back to the 2010 election of the legislature when this Republican majority gained its majority by 16 votes. Those were under maps that the Democrats drew. And fortunately, we had court cases over the years that eliminated the two and three and four-member districts, and we have the pod system now where you can't just divide counties wherever. But I would just remind the listeners and the voters and the students from North Carolina to study your history and to understand when you hear all these comments and all these complaints about gerrymandering, well, we sat at the master's feet for decades and perhaps some people learned something. But I would suggest that they are fair. Okay? I understand the Democrats don't like it. The Republicans didn't like the map for decades, but they are fair, they are legal, and they are by the rules.

And finally, ladies and gentlemen, I would not accept that Democrats cannot be elected in these districts. If you look at the voting data before you, for instance, we mentioned this in committee, the 2008 election for the Attorney General, the Democrat won 13 out of 13 of these congressional districts. You go down the line, the State Auditor, the Democrat won 9 of 13 of these districts. I believe the Commissioner of Insurance won a majority of these districts. And so, ladies and gentlemen, I would submit that the people of
North Carolina are not robots. They have the perfect opportunity to elect the candidate of their choice, and they can and they do cross party lines whenever they feel it necessary. They look at the candidates. And so I would suggest that we trust the voters of North Carolina to go out there and make their choice. Recognize that we are putting forward fair and legal maps based on what the courts have directed us to do, and I commend, for one, the people who have worked very, very hard. I want to mention once again the staff that has worked hard, the people that have worked hard to put this forward. We have been given a very difficult task in a very short period of time, and I think we should be proud of the process and the results. Thank you, Mr. Speaker.

SPEAKER MOORE: For what purpose does the gentleman from Cumberland, Representative Floyd, arise?

REP. FLOYD: Inquiry, with the Chair.

SPEAKER MOORE: The gentleman may state his inquiry.

REP. FLOYD: It is a very simple inquiry, Mr. Chair. Are we going to meet the 5:00 deadline?

SPEAKER MOORE: One way or another.

For what purpose does the gentleman from Haywood, Representative Queen, arise?

REP. QUEEN: To speak on the bill.

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

REP. QUEEN: You know, we have heard a lot of good points being made, but whenever your criteria is for political advantage, this General Assembly is disenfranchising voters. Where politicians get to select their voters versus voters selecting their politicians, something is awry. Now, Representative Jones was talking about history and the 2010 election was a historic one because it was the first election since Citizens United was passed, and there was about $20 million that was never in our elections that swung a lot of them. I was in that election, and I experienced that tsunami of outside money. So things have historically affected races, but for this body to work on a bill that basically empowers the politicians, not the citizens, for the vote when the absolute foundation of our system is one vote per citizen and every vote is equal. I think if there was a -- or I will just -- I'll say, how does -- whenever you do that, whenever you gerrymander in a manner that we are speaking and in the manner it was done after the last census by this body, how does that affect the voters' trust in the system? Will their vote count equally or have they been disenfranchised by the drawing of the district that they live in where their vote really won't count in that particular district? And one of the things that I'll use as a data point on that is registered voters self-identify themselves in this state, over 2.76 million Democrats and 2.01 million Republicans. The democrats self-identify, but they are disenfranchised in many of their districts by the gerrymandering that has gone on. If we want to make voting a truthful one vote per person, we need to recognize every vote should count equally. I don't think we're doing that here. I think it is clearly the criteria that has been stated, been stated quite clearly that that's not what we're doing, but that is what we should be doing. So that's that point. The second one is, in my region I would contend the compactness. And I live in the mountains, as you all know, and we have one urban core, one city, Asheville, a wonderful city, that has been the center of our mountain region since our state was founded. It has grown to be a fabulous center. Well, the gerrymandering last time that the courts have thrown out -- or -- has taken our urban core away from our region. So our congressman does not have the city of his region in his district. So whether he's a Charles Taylor or Heath Shuler, he's Democrat or Republican, because you know the 11th district has flipped back and forth for decades, but we always had a unified district with our urban core in it. But for complete political advantage, our congressional district has been neutered from its urban core, and we all know that the urban cores drive the economics of regions. So for these two reasons I think this is a very unfortunate bill because neither of these important issues, communities of interest and one vote per citizen, are embodied in the criteria that have been used to draw it. Thank you.

REP. STAM: Mr. Speaker.

SPEAKER MOORE: For what purpose does the gentleman from Wake, Representative Stam, arise?

REP. STAM: Would Representative Queen yield for one question?

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

REP. QUEEN: I will.

SPEAKER MOORE: He yields.
REP. STAM: Representative Queen, I chaired our State Platform Committee for a few years; it's available. Have you ever thought of maybe changing the policies and platform of your party so that you would attract voters?

REP. QUEEN: I try to speak to the needs of the citizens in this state every day, Representative Stam.

SPEAKER MOORE: For what purpose does the gentleman from Wake, Representative Martin, arise?

REP. MARTIN: Mr. Speaker, I think to speak a second time.

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

REP. MARTIN: Thank you very much, Mr. Speaker. Members, I’ll leave the gentleman from Harnett alone now. He was good to indulge me in a long series of questions. But I do want to respond to a couple of statements that were made both in the course of this debate and throughout the committee debate and also to the press.

There has been a contention made somehow that Democrats failed to participate in this process, that we offered no alternatives, and nothing could be further from the truth. We offered several amendments – which I think I’m correct in saying that the record will show were opposed by every single Republican member of the committees. In those committees the Democratic members of the committee told you that you needed to draw districts that gave minority voters the opportunity to elect candidates of their choice, that you have said that you refuse to even consider that data. The Democratic members of these committees told you that they thought it was important to keep Representative Alma Adams, a highly capable minority member of the North Carolina Congressional Delegation, a district in which she has a hope of getting reelected, but you declined to incorporate that request. We told you that it is important to consider one of the basic principles of redistricting, communities of interest, which you heard the gentleman from Bladen, Representative Brisson, I think elude to in his comments and also the gentleman from Forsyth, Representative Hanes, talk about also.

But you declined to incorporate that input. And without a doubt, we told you that we did not want to see a partisan gerrymander. Yet you shamelessly and proudly got up and proclaimed that that was exactly what you were going to do. We participated in full; you just chose to ignore our participation. Anyone who says differently is selling something.

The gentleman from Rockingham, Representative Jones, also talked about the importance of history, and any Democrat that gets up and tells you that Democrats have not participated in partisan gerrymandering doesn’t know what they’re talking about and is paying no attention to history. But that’s a very 20th Century way of looking at things, and it is not what the public in North Carolina in the 21st Century wants to hear. Folks, people are turning away from your party and mine.

Representative Stam’s comment about platforms and so forth was from out of nowhere. Democrats have had success in elections as much as Republicans. I think the statistics show and the consensus is we are a purple state now, but in the end, we are a state that is losing a partisan flavor because voters are turning away in droves from you and us. The leading candidate right now for your presidential nomination is a guy who gave significant amounts of money to Hillary Clinton, the leading candidate for my party’s nomination. The other leading candidate for my party’s nomination is a senator who was unaffiliated until 2015. That should tell both of our parties something. We ignore what the voters are telling us at our peril. They do not want to see partisan gerrymanders like what the Democrats used to do and what the Republicans are doing now.

Now, I was not here the last time Democrats drew statewide districts, but I was here and participated significantly in drawing the Pender and New Hanover districts, which were ordered by the courts. That district came into my committee with a two to one Republican advantage, and it left with a two to one Republican advantage. There was probably no way for us to screw with the partisan mixture of that, but we didn’t. And it left – I think it is safe to say, with the two Republican members from those counties very satisfied with the result. So don’t try to lay the guilt of the Democratic party’s past on me. I can say that I never have and never will support partisan gerrymandering, and I think it is safe to say that a good number of my colleagues on the other side of the aisle joined me in that also.

So folks, let’s join together and at least acknowledge that the public does not think that the definition of fair is the childish statement, you did it first. These districts are going to pass just like the gerrymandered districts that Democrats did in the past passed also. I’m under no illusions that we have the ability to stop it. But next time we have the chance to do this, let’s find a better way.
SPEAKER MOORE: For what purpose does the gentleman from Durham, Representative Michaux, arise?
REP. MICHAUX: To ask Representative Lewis a question.
SPEAKER MOORE: Does the gentleman from Harnett yield to the gentleman from Durham?
REP. LEWIS: I yield.
SPEAKER MOORE: He yields.
REP. MICHAUX: And, David, honestly, this will be my last question to you. In drawing the maps, was anything made or said or asked to what extent we must preserve the existing minority percentages in order to maintain the minority's present ability to elect its candidate of choice?
REP. LEWIS: Representative, thank you for the question. It is my understanding of the Harris decision that they did not find the tests were met that racially polarized voting existed and, as such, we did not consider race in any way when we drew these districts.
REP. MICHAUX: Thank you.
SPEAKER MOORE: For what purpose does the gentleman from Cumberland, Representative Lucas, arise?
REP. LUCAS: To speak briefly on the bill.
SPEAKER MOORE: The gentleman has the floor to debate the bill.
REP. LUCAS: Thank you, Mr. Speaker. Ladies and gentlemen, I have sat here very attentively as I have contemplated what we are about to do. And that is, we are about to sanction maps that will identify folk who will represent us in the United States Congress. And I would have to say that we should live in a democracy. We do live in a democracy. And when you live in a democracy, our personal feelings and doubts ought to be superseded by what is best for our people. And I'm not so sure that I'm getting that. I've heard some snide snickering, I've heard some snide remarks about, well, you all gerrymandered, so therefore, we're going to do it. Well, if it was wrong then, it is wrong now. Let's do what's right by the people of this great state of North Carolina. They deserve better than this. It is not about partisan bickering. I am saddened to see that we're turning it into that. It should be about who can best do the job for the people of this great state. And people who live in this state, many of them are now saying I don't care whether you are identified as a Democrat or a Republican. They want to be identified as a citizen, an independent. And they want to have good representation. And that model is trending more and more, and the more we sit here and bicker, the more we're going to see that trend grow.
We, last session, I thought were on the right track here in the House when we voted to have an independent commission draw boundary lines, and I thought that was great. I wish that we could get the Senate on board to do the very same thing. That is the most honest and the fairest way to get what we want to have done accomplished. Let's get serious about this; let's stop this partisan bickering; let's move on for the state of North Carolina. Thank you.
SPEAKER MOORE: For what purpose does the gentleman from Durham, Representative Hall, arise?
REP. L. HALL: To speak on the bill.
SPEAKER MOORE: The gentleman has the floor to debate the bill.
REP. L. HALL: Thank you, Mr. Speaker. And I want to certainly give thanks to all of those who worked on these maps and have made what I will take to be an effort to satisfy some different interests. I referenced it yesterday when we talked about what we were going to do for voting, and I want to reference it again today because I think we may be missing the boat on this. And I think because you turn on the head by the 10-3 districts that we've drawn here now. That is a fact. We can't get around it. And Representative Lewis did say that was his intention, so that has been achieved. So the partisan advantage has been maintained, but not really in compliance with the registered voters of North Carolina.
I heard in response to the question about expert map drawers that there was some confusion that maybe the Democrats had authorized or entered into a contract for the person who drew these maps to be paid
from the $25,000 that the committee indicated could be used by Democrats. We did not do that. I hope there is no accounting problem, that someone gets confused and thinks that the $25,000 that was supposed to be authorized by the committee to Democrats had been waived and authorized to be paid to the person who drew these maps who we don’t know how much he charged for them. But we certainly did not – and under the terms of the committee, I think it says they have to be authorized and released by us. We did not do that, and I just want to make sure that is clear on the record because I heard it stated otherwise.

Now, we’ve ended up with a difference without a distinction here, 10-3, that was our intent to keep it the way it was, and so we understand that. Not maps for the citizens, maps to keep the partisan advantage. And much has been made and I understand it, that the intent was to maintain this partisan advantage. I appreciate those who in this House, and that is one thing we did agree on, at least the majority of us, that we need a Redistricting Committee. A lot of people signed onto that bill that went out of here and voted for it because we recognized we need a Redistricting Committee. We could have tried to do work in the spirit of a redistricting committee, try to draw fair districts for the citizens of North Carolina, try to have communities of interest together so they can be represented effectively and efficiently, and not make a partisan advantage or make an incumbency advantage the priority. We didn’t do that.

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

The question now is, what happened in the committee? When we adopted the criteria for the maps that were already being drawn or worked on for two weeks. So you wonder, does the criteria come first, or do the maps come first? But at any rate, on the timeline when we went to adopt the criteria, I think to Raleigh. We live it every day when we’re back home, and it is still there. We talk about it in our university system and other places when we do budgeting. So we see it, and we know it. So to draw this plan and say we don’t recognize race in North Carolina, and we recognize the racial impact of the plan. But we won’t say the word. We’re going to do enough in theory to get by the court order, but we’re not going to do enough to do good service to the citizens of North Carolina and respect them I think is a short coming that we could do better. So I hope, as someone has already said, that we’ll make sure we get a redistricting commission. We shouldn’t have to have this discussion. We should be able to recognize what the composition of the voters of North Carolina is, what they would express, and not hold them back from being able to work together and be effectively represented.

I heard, finally, a lot of times throughout the committee discussions sitting there -- and one of the responses continued to be, well, when you were in charge, you did it. Now, I don’t remember how many of you remember Sherman and Mr. Peabody when they used to get in the time machine, and they would go back in history and visit all of these different places. Well,
the people of North Carolina are trying to go forward, and we continue to talk about rebranding this state and looking at the future. Hopefully, as Representative Jones said, you learn not what to do going forward by the failings of Democratic redistricting efforts. You should have learned what not to do going forward in redistricting. And so, the canority (ph) of saying, well you did it so I can do it, and there should not be any response is not enough. We should be trying to get better. That is what redistricting commission is about. And so again, I hope that we will leave that behind, leave it behind with the Model T, leave it behind with the horse and buggy, leave it behind with the flip phone. We’re not going back. Unaffiliated voters are about to eclipse registered Republican voters in North Carolina. Let’s go forward. Let’s not continue to use the mistakes of the past as justification for making mistakes now that will affect our future. So I hope you’ll vote against this bill. Put us to the test to do better. Let’s free ourselves from the mistakes of the past. Let’s pursue a better future for the citizens of North Carolina. Let’s draw a map that lets them be full participants in their government. Thank you.

SPEAKER MOORE: For what purpose does the gentleman from Rutherford, Representative Hager, arise?

REP. HAGER: To speak on the bill.

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

REP. HAGER: Thank you, Mr. Speaker. You know, we’ve said this several times. I’ve said it in committee and to everyone that would listen, Representative Stam accused me of practicing law without a license, but I think I’m okay on the floor just as long as I don’t do it outside of here.

Representative Michaux and I have talked about this, you know, page 53 of the statement from the three-judge court says, “A failure to establish any (one) of the Gingles factors is fatal to the defendants’ claim.” Now, there is three thresholds we talked about to meet, and I’m going to go over them real quick because I’ve got other stuff we need to talk about. Vote dilution must meet all three of these thresholds. This report said that the vote dilution has to -- as a failure if it has shown because there is no voting prioritization in there. It shows it time and time again in this. Representative Jones contends that we are in violation of the Voter Rights Act of Section 2, and he made the statement that sometimes whites vote as a bloc. Well, that’s not one of the criteria. The criteria says they regularly vote as a bloc, not sometimes. Sometimes is not the requirement. It’s regularly.

Now, again, and I would like to talk a little bit of what Representative Hall talked about. I did not say in committee that we had been working on the those for two -- I said, you guys had the same opportunity as we did to work on those. That is what I said. You can check the record. And you would think that most folks in this body would say, well, my district is a gerrymandered district because I won by 32 percent my first election. Let me read you a little statistics from the first election I had. In Rutherford County, there’s 22,000 Democrats, 12,000 Republicans, and 8,000 Independents. I agree with what Representative Jones says. People aren’t dumb. They’re going to vote where their philosophy is. They’re going to vote where their values are; 22,000 Democrats, 12,000 Republicans, and I won by 32 percent. The voters know what is going on. They will vote with their values. The voters of the Democrats did not leave the party; the party left them.

SPEAKER MOORE: For what purpose does the gentleman from Rockingham, Representative Jones, arise?

REP. JONES: To debate the bill a second time.

SPEAKER MOORE: Thank you, Mr. Speaker. I realize the hour is late, and I will try to make a few brief points. I would just suggest that the minority side has used the vast majority of the time in debate today. So there are a few points that I think deserve to be made just simply for the record.

First of all, briefly I would just humbly suggest that we do not live in a democracy. We live in a constitutional republic. And there is quite a change about that, you know, democracy is like two lions and a lamb deciding what to have for dinner. And I would say that things would look very different in our country and if we were really a democracy. But this is the out workings of a system -- of a constitutional republic, and that is why we are here today as representatives of the people to do the work of the people.

Secondly, I would just say that with all due respect, there is a degree of hypocrisy to stand up and just suggest that this is no more than partisan bickering. Nobody is saying that, well, you know, it is just great that one side is doing it because the other side used to do it. But I would suggest that everyone in this room, every representative in this
The gentleman from Rockingham has the floor to respond. Representative Hamilton, rise?

REP. HAMILTON: Thank you, Mr. Speaker.

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

And, finally, my last point, we keep hearing this call for a somehow independent redistricting committee and this idea that maybe we will put on two Democrats and two Republicans, and then we're going to have this one individual that has the great wisdom of King Solomon that has absolutely no partisan affiliation, has no bias whatsoever. Somehow there's this one perfect individual out there that is going to have no bias and is going to have the wisdom of Solomon and we're going to have these perfect maps. And, ladies and gentlemen, I would conclude that that is not going to happen because it is not possible to find that individual. So, again, we thank you for the debate.

And, Mr. Speaker, if the lady has her question, I would be happy to yield.

REP. JONES: I will gladly yield when I conclude my remarks.

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And, Mr. Speaker, if the lady has her question, I would be happy to yield.

REP. JONES: I will gladly yield when I conclude my remarks.

REP. JONES: Mr. Speaker.
that this is a federal election. And I don’t have the
statistics in front of me; perhaps you do. My point is
that I think it’s irrelevant because we’re talking
about a federal election, and we all know that there
are people in this state that might vote one way on the
local election or even the state election but they see
the national parties in a very different way. And the
minority here can respectfully disagree, but there are
many people that feel that on the national level that
your party has moved quite a bit to the left and away
from the majority of the voters in this state. And
that is reflected in the fact that they have voted
89 percent of the time for the Republican candidate for
president, 81 percent of the time for the Republican
candidate for the U.S. Senate. And they might do that,
and they might still vote Democrat on a local or state
level.

REP. HAMILTON: Thank you.

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

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

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

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

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

I also want to say that these plans in no way
guarantee the election of ten Republicans. If you will
look at — I know the lady from New Hanover asked about
statewide election results; they’re actually — most of
them are on our desk. And you will see that in all 13
of these districts, for instance, Attorney General
Cooper won them. I think — I’m not going to go into
what some has been said before, but I think it has a
great deal to do with the quality of the candidate and
the message that they have in trying to elect — or
trying to offer themselves.

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

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

The clerk will lock the machine and record the
vote; 65 having voted in the affirmative and 43 in the
negative. Senate Bill 2 passes its second reading and
will be read a third time.

Further discussion, further debate?

REP. LEWIS: Those opposed “no.”

(Voice vote.)

SPEAKER MOORE: Those opposed “no.”

(Voice vote.)

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

Special message from the Senate, the clerk will
read.

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

SPEAKER MOORE: The bill is ordered calendared
for immediate consideration. The clerk will read.
REP. FLOYD: Mr. Speaker.
SPEAKER MOORE: Just a moment. The clerk will read the bill.
CLERK: Representative Jones and Hardister, House Bill 2. A bill to be entitled An Act to Revise Procedures for the Conduct of the 2016 Primary Election to Comply with the Court Order in Harris v. McCrory. The General Assembly of North Carolina enacts.
SPEAKER MOORE: For what purpose does the gentleman from Cumberland, Representative Floyd, arise?
REP. FLOYD: Inquiry, Mr. Speaker.
SPEAKER MOORE: The gentleman may state his inquiry.
REP. FLOYD: I know my light came on but I also thought I pushed the red button for the last vote.
SPEAKER MOORE: How does the gentleman wish to be recorded on the passage of the previous bill on the vote?
REP. FLOYD: No.
SPEAKER MOORE: The gentleman was recorded as a "no" vote on the prior bill. If the gentleman would like to change it to a yes the Chair will be glad to do that.
For what purpose does the gentleman from Rockingham, Representative Jones, arise?
REP. JONES: To debate the bill.
SPEAKER MOORE: The gentleman has the floor to debate the bill.
And again, members, we would ask that the conversations could be held down. We still have our court reporter here recording the proceedings.
The gentleman has the floor.
REP. JONES: Thank you, Mr. Speaker. Ladies and gentlemen of the House, House Bill 2 that we passed yesterday the Senate has amended and we are in support of the Senate Committee Substitute. The difference is that section 3 of that bill is taken out. We discussed yesterday that section 3 has to do with the presidential election, the electors to the electoral college. And what we voted to do yesterday was to adopt the old or existing congressional primary -- I'm sorry. Congressional maps for the parties to use to submit their presidential electors. That was done by request with both political parties. However, they've changed their mind on that, they would rather go with the new districts if there are new districts and so this section has been taken out. And so what that simply means is that if this plan goes forth and there is a congressional primary on June 7 and we adopt these congressional maps or any congressional maps, whatever congressional districts we end up using to elect our congressmen, we will use those same districts to select the presidential electors. So that is the change, and I would ask for a green vote that we support the Senate Committee Substitute to House Bill 2.
SPEAKER MOORE: So, does the gentleman wish to make a motion to concur with the Senate Committee Substitute for House Bill 2?
REP. JONES: Yes, sir. I make a motion to concur.
SPEAKER MOORE: The gentleman has made that motion and has debated the motion. Further discussion, further debate on the motion to concur? If not, the question before the House is the motion to concur with the Senate Committee Substitute to House Bill 2. Those in favor will vote "aye" those opposed will vote "no."
The clerk will open the vote.
Do the following members wish to record on this vote: Representatives Cleveland, Steinburg, Whitmire, and Blust?
The clerk will lock the machine and record the vote; 75 having voted in the affirmative and 30 in the negative. The motion to concur with the Senate Committee Substitute to House Bill 2 is adopted. The bill is ordered enrolled and sent to the Governor by a special messenger.
The House will be at ease.
(At ease.)
SPEAKER MOORE: The House will come back to order. Members, the House is about to go into recess until 3:00. However, I want the members to know at 3:00 there will be no votes. The only purpose for the 3:00 session is for ratification. We are going to wait on ratification for awhile until we hear some news perhaps from Washington. So for those members who would like to be back at 3:00, you're welcome to do so, but the Chair does not anticipate any votes at that time.
Notices and announcements?
For what purpose does the lady from Yancey, Representative Presnell, arise?
REP. PRESNELL: For a moment of personal privilege.
SPEAKER MOORE: The lady has the floor to speak to a point of personal privilege.
The house will come to order.
REP. PRESNELL: I just wanted to wish my seat mate, Representative Turner, a Happy Birthday.
SPEAKER MOORE: Further notices and announcements? If not, the House will stand in recess.
until 3:00 p.m.

(THE PROCEEDINGS IN THIS MATTER ADJOURNED AT 1:34 P.M.)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CERTIFICATE

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.

IN WITNESS WHEREOF, I have hereto set my hand, this the 25th day of February, 2016.

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Notary Public

Rachel L. Hammond
Notary Number
201126500152