

# **Exhibit 14**

**May 17, 2011 Letter From  
Rucho/Lewis to McKissick**





NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27603

May 17, 2011

The Honorable Floyd B. McKissick, Jr.  
300 N. Salisbury Street, Room 520  
Raleigh, NC 27603-5925

Dear Senator McKissick,

As the redistricting process continues, we have now heard from citizens across North Carolina at public hearings covering 36 sites and counties. On the heels of this endeavor, we wanted to make a special effort to reach out to you to seek your input on some issues that we have identified as important to redistricting plans. Please consider the questions below and respond accordingly. As we continue through the redistricting process, we intend to do so prudently and deliberately. So that we can best consider your response to these questions, we would appreciate hearing back from you in the next ten days. Please direct your response by mail to Senator Rucho's office or by email to [Bob.Rucho@ncleg.net](mailto:Bob.Rucho@ncleg.net). Thank you for your input in the redistricting process, and as always, please contact us at any time with your questions or concerns.

1. What counties were the subject of a finding of liability under Section 2 of the Voting Rights Act in the case of *Thornburg v. Gingles*, 478 U.S. 30 (1986) ("Gingles")?
2. Following *Gingles*, and in all subsequent legislative redistricting plans, has the General Assembly created legislative districts in these counties with a total black population of at least 40 percent or higher?
3. Has there ever been a judicial ruling modifying, overturning, or vacating the judgment entered in *Gingles*?
4. During public hearings held by the House and Senate Redistricting Committees in 2011, several witnesses asked that the General Assembly create redistricting plans that avoid "cracking," "stacking," and "packing." Has the United States Supreme Court defined these terms and if so, in what cases have these terms been defined and how have they been defined?

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5. Please explain the elements needed to prove a violation of section 2 of the Voting Rights Act as explained in *Gingles* and as clarified in *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009).
6. Please explain your opinion of the holding by the North Carolina Supreme Court in *Strickland v. Bartlett*, 361 N.C. 491 (2007), with emphasis on the Court's holding that the General Assembly must consider citizen voting age population when deciding whether and where to create majority minority districts.
7. Does the U.S. Census Bureau report citizen voting age population? If not, can the General Assembly reasonably estimate citizen voting age population and, if so, how should that calculation be made?
8. Do African Americans constitute a larger percentage of the citizen voting age population than the voting age population, and if so, why?
9. What is the likelihood that African Americans would constitute a majority of the citizen voting age population if a legislative district in North Carolina was constructed to have a majority African American voting age population?
10. Has the United States Supreme Court provided any guidance on the number of majority African American districts that can or should insulate the state from any potential lawsuits claiming that legislative plans violate Section 2 of the Voting Rights Act? If so, please cite the case as well as any opinions you may have based upon such cases regarding the number of majority African American State House or State Senate districts that could or should be created by the General Assembly.
11. The North Carolina Supreme Court has clarified constitutional requirements under the North Carolina Constitution for drawing legislative districts. See *Stephenson v. Bartlett*, 355 N.C. 354 (2002) ("*Stephenson I*"); *Stephenson v. Bartlett*, 357 N.C. 301 (2003) ("*Stephenson II*"). Please explain your understanding of how the General Assembly applied the county grouping rules stated in *Stephenson I* and *II* in its creation of the 2003 House and Senate plans.
12. Following the decisions in *Stephenson I* and *II*, in the 2003 legislative plans, how did the General Assembly treat "VRA districts" (as defined in *Stephenson I* and *II*) relative to county groups? Were VRA districts nested within single counties or county groups or were they separated from county groups and treated as being a group of their own?

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13. Did the county grouping principles followed by the General Assembly in the 2003 plans comply with *Stephenson I* and *II*? If not, please explain where and how the plans violated the *Stephenson* county grouping principles.
14. Please explain your understanding of any criteria in *Stephenson I* and *II* that the General Assembly draws "compact" districts within single counties or county groups. Did the 2003 House and Senate plans comply with this criteria, and if not, please explain the location of any such violation and why you think that a particular district or districts violated this criteria.
15. Please explain your understanding of any criteria established in *Stephenson I* and *II* that the General Assembly consider "communities of interest" in drawing districts within a single county or county group. Did the 2003 House and Senate plans comply with this criteria, and if not, please explain the location of any such violation and why you think a particular district or districts violated this criteria.

Sincerely,



Senator Bob Rucho  
Senate Redistricting Chairman



Representative David R. Lewis  
House Redistricting Chairman

Questions posed by 2011 House and Senate Redistricting Committees  
May 17, 2011 Mailing List

The Honorable Floyd B. McKissick, Jr.  
300 N. Salisbury Street, Room 520  
Raleigh, NC 27603-5925  
floyd.mckissick@ncleg.net

The Honorable Martin L. Nesbitt, Jr.  
16 W. Jones Street, Room 1129  
Raleigh, NC 27601-2808  
martin.nesbitt@ncleg.net

The Honorable Joe Hackney  
300 N. Salisbury Street, Room 612  
Raleigh, NC 27603-5925  
joe.hackney@ncleg.net

Reverend Doctor William Barber II  
President of the NC NAACP  
114 W. Parrish Street, Second Floor  
Durham, NC 27701

Anita Earls, Esq.  
115 Market Street, Suite 470  
Durham, NC 27701  
anita@southerncoalition.org

Tiare Smiley and Alec Peters  
North Carolina Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
tsmiley@ncdoj.org  
apeters@ncdoj.org

Walker Reagan and Erika Churchill  
300 N. Salisbury Street, Suite 545  
Raleigh, NC 27603-5925  
walker.reagan@ncleg.net  
erika.churchill@ncleg.net

Chairman David Parker  
North Carolina Democratic Party  
220 Hillborough Street  
Raleigh, NC 27603  
davidparker@ncdp.org

Chairman Robin Hayes  
North Carolina Republican Party  
1506 Hillsborough Street  
Raleigh, NC 27605  
hayes@ncgop.org

Chairman Matt Drew  
Libertarian Party of North Carolina  
P.O. Box 28141  
Raleigh, NC 27611  
matt.drew@lpnc.org

Professor Michael Crowell  
Professor Robert P. Joyce  
School of Government  
Knapp-Sanders Building, Campus Box 3330  
The University of North Carolina at Chapel Hill  
Chapel Hill, NC 27599-3330  
crowellm@sog.unc.edu  
joyce@sog.unc.edu

Damon Circosta  
Executive Director  
North Carolina Center for Voter Education  
3933 Arrow Drive, Suite 101  
Raleigh, NC 27612  
circosta@nccve.org

Kathleen Balogh  
President  
League of Women Voters of North Carolina  
3509 Haworth Drive, Suite 404  
Raleigh, North Carolina 27609  
LWVNCPresident@bellsouth.net