Exhibit 3

1992 Section 5 Submission
# 1992 SECTION 5 PRECLEARANCE SUBMISSION EXCERPTS

## Table of Contents

<table>
<thead>
<tr>
<th>1992 Congressional Plan</th>
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<tr>
<td>2C/27C – Explanation of Changes to the Congressional Redistricting Plan</td>
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2C/27C. Explanation of Changes to the Congressional Redistricting Plan.

The change affecting voting is contained in Chapter 7 of the 1991 Session Laws, 1991 Regular Session (House Bill 3), included as Attachment 2C/27A-1. The initial plan was Chapter 601 of the 1991 Session Laws, included in the original Congressional submission as Attachment C-27A-1.

The proposed plan continues to increase the opportunity for minorities to elect candidates of their choice. In the proposed plan, 1992 CONGRESSIONAL BASE PLAN #10, total black population (BLTOTPOP), total black voting age population (BLVAP), total black voter registration (BLVOT), and the percentage of registered Democrats who are black (BLDEM) are listed for the 1st and 12th Congressional Districts. Similar information is then listed for the 1st Congressional District in the previous plan, 1991 CONGRESSIONAL BASE PLAN #6. Although the Attorney General had approved the 1st Congressional District in BASE PLAN #6, both black districts in the plan now submitted have higher black percentages than the 1st District that you approved in the submission of Chapter 601.

PLAN #10 (proposed)

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PLAN #6 (previous)

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Attachment 2C-27C-1 explains the method used for estimating voter registration when precincts were divided.
January 23, 1992

MEMORANDUM

TO: Members of the General Assembly

FROM: Gerry F. Cohen,
Director of Legislative Drafting

SUBJECT: 1992 CONGRESSIONAL BASE PLAN #10-Split Precincts

In my memorandum of today concerning Congressional Redistricting Plan 1992 CONGRESSIONAL BASE PLAN #10 I explained that the computer printout from the redistricting software indicates that the voter registration is 50.53% and 53.54% black respectively, but I believe this is seriously understated because of the large number of divided precincts and the limitation of analysis by that software of divided precincts. It is my professional opinion that more accurate black voter registration percentages for the 1st and 12th Congressional Districts are 52.41% and 54.71% respectively.

The reason for this statistical inaccuracy is because when a precinct is divided, the census information is accurate, but the computer merely divides the voter registration between the two districts in proportion to the division of voting age population between the two districts. If the precinct was homogeneous, or the two divided parts both have the same racial characteristics, the allocation of voter registration would be accurate. But if a precinct 50% Black is divided into two parts, one of which is 75% Black, and the other 25% Black, the allocation of voter registration statistics would erroneously assume that both parts of the precinct have voter registration of 50% Black. Many of the precinct divisions in fact were to put black population concentrations from predominantly white precincts into the 1st or 12th Congressional District.

I have recalculated voter registration statistics for the divided precincts in order to get a more accurate picture. I did this by finding out the total number of voting age blacks and whites in the whole precinct and in the area of the precinct included in the 1st or 12th Congressional district, and the total black and white voter registration in the precinct. I also
checked the computer printout to see what the arbitrary analysis
the computer had made in the divided part of the precinct.

I then divided the total black registration by the total black
voting age population in the divided precinct, to see what
percentage of voting age blacks are registered to vote in the
precinct. The same was done for white voters and voting age
population. The resulting percentage was multiplied by the black
and white voting age population in the part of the precinct that
was divided out, and the results netted out against the computer
analysis to arrive at an adjusted number. This same technical
methodology was used to calculate voter registration percentages
in the Voting Rights Act submission to the Justice Department
this year of the Nash-Rocky Mount school merger bill.

Note that for Beaufort, Bladen, and Columbus County
registration data was loaded at the county rather than the
precinct level, and similar adjustments were made as to these
entire counties.
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1. Black VAP total in part of precinct
2. White
3. Black registration in total precinct
4. White
5. Black VAP total in whole precinct
6. White
7. % of Black VAP registered in whole
8. % of White
9. Computer pre-analysis of registration
10. Same as #8
11. Adjusted Black registration
12. Adjusted White registration
2C/27H. Authority and Process for Congressional Redistricting.

The process for Congressional Redistricting after the enactment of the initial plan (1991 CONGRESSIONAL BASE PLAN #6, ratified as Chapter 601 of the 1991 Session Laws) began on December 18, 1991 - the date on which the General Assembly received a facsimile of the Section 5 objection letter from the U.S. Justice Department.

On December 20, 1991, Governor James G. Martin issued a proclamation calling for an extra session of the General Assembly to revise the redistricting plans and to postpone the filing period for candidates.

In response to the Governor’s proclamation, the General Assembly convened its extra session on December 30, 1991 to delay candidate filing dates. See section 2C/27J of this submission. Representatives Milton F. Fitch (black Democrat), Ed Bowen (white Democrat), and Samuel Hunt (white Democrat) introduced House Bill 3, a blank bill (see Attachment 2C/27H-1) as a vehicle for potential changes to the enacted Congressional redistricting plan.

On the same day, Rep. David G. Balmer (white Republican) introduced four bills, House Bills 8, 9, 10, and 11, that were different approaches to congressional plans containing two minority districts. (See Attachments 2C/27R-1(a) through (d) for those bills. Map/statistical packs are included with House Bills 8, 9, and 10. A map/statistical pack that describes House Bill 11 was included as Attachment C-27R-6 of the original Congressional submission.) One of Rep. Balmer’s bills, House Bill 10, called "Congressional Balmer 8.1," contained one black district linking the black precincts of Piedmont urban areas along Interstate 85, and another mostly rural black district in Eastern North Carolina. Rep. Balmer never asked that any of the four plans be considered by redistricting committees during the 1991 Extra Session.

Before the General Assembly adjourned on December 30 to return January 13, 1992, the leaders of the Senate and House announced on the floors the schedule of redistricting meetings for the next week, and schedules of the meetings for each House was mailed to each House’s members. On December 31, 1991, the staff of the Legislative Services Office mailed a notice of public hearing to be held on January 8, 1992, to approximately 400 newspapers, radio stations, and television stations throughout North Carolina and to minority citizens, minority groups, and other interested individuals. A copy of the notice was faxed to the Associated Press for release over its wire service. Copies of the notice were also provided to the North Carolina Association of County Commissioners and the North Carolina League of Municipalities. These organizations notified their constituent local governments of the public hearings. On January 2, 1992, the staff of the Legislative Services Office
forwarded copies of the public hearing notice to all county managers and to all mayors for whom a current address was available. (See Attachment 2C/28F-1 for the committee notices mailed to members and the public notice of the hearing).

On January 8, 1992, the House Congressional Redistricting Committee and the Senate Redistricting Committee held a public hearing in the State Legislative Building to solicit comments from the public about the Congressional redistricting plan. A copy of the public hearing transcript is included as Attachment 2C/28F-2. Among those who spoke at the public hearing were Mary Peeler, State Director of the NAACP. Ms. Peeler offered a congressional plan that contained two black districts: one district containing mostly black areas in the urban Piedmont and another containing mostly black areas in rural Eastern North Carolina. This plan had initially been presented to the Committee Co-Chairs for their consideration by several North Carolina congressmen. The black districts in the NAACP plan were similar to those proposed by Rep. Balmer in House Bill 10. The black districts created by the NAACP plan were themselves the basis for the black districts in the newly enacted plan. See Attachment 2C/27R-2 for maps and reports describing Ms. Peeler’s NAACP plan.

The House Congressional Redistricting Committee met January 9 and, without taking votes, discussed possible ways to approach the situation. The House Committee on that day heard a proposal from Rep. Larry Justus (white Republican) that he said would create two relatively compact minority districts. One of the two districts aggregated black and Lumbee voters as one minority. See Attachment 2C/27R-3. A Senate Congressional Redistricting Subcommittee meeting scheduled for that day was cancelled.

During the first two weeks of January, as the leaders of the House and Senate concentrated on legislative redistricting, legislative staff continued to work on congressional plans for the Senate and House Committees and the Public Access computer was available for the development of Congressional redistricting plans. Once the House and Senate legislative plans were ratified on January 14, the two houses adjourned to reconvene January 22 to deal with the Congressional redistricting plan. The House and Senate plans were submitted to the U.S. Department of Justice or preclearance on January 19, 1992. See your file Nos. and

On the weekend of January 18-19, 1992, the leadership of the Senate and House redistricting committees released separate Senate and House plans to the members of each body and to the public. The House plan was 1992 CONGRESSIONAL BASE PLAN #7 (see Attachment 2C/27H-2). The Senate plan was 1992 CONGRESSIONAL BASE PLAN #8 (see Attachment 2C/27H-3). Each plan was a variation of Ms. Peeler’s plan, with an urban and a
rural black district. The urban black district was the same in each plan; the rural district had only a difference of 131 people in Wayne and Duplin counties.

The House Congressional Redistricting Committee met January 21. The members discussed Base #7, which they had received over the weekend, and heard Rep. David T. Flaherty Jr. (white Republican) present "REP. FLAHERTY'S CONGRESS PLAN," which contained two black districts and what he described as a minority-influence district which had concentrations of black people and Lumbee Indians. (See Attachment 2C/27R-4).

The House Congressional Redistricting Committee met the next day, January 22. Reps. Justus and Flaherty were recognised for further comments about their plans. Other members expressed interest in amending Base #7. Since the Co-Chairs said they themselves intended to make changes to Base #7 and present it the next day for a vote in the Committee, it was decided to hold off amendments until the next day when the revised plan was available.

The Senate Congressional Redistricting Subcommittee met the same day, January 22. It was decided to postpone further Senate deliberations on Congressional redistricting until the House passed a Congressional plan.

The House Co-Chairs returned January 23 with 1992 Congressional Base Plan #9 and presented it to the House Congressional Redistricting Committee as a version of House Bill 3. Base #9 contained a variety of changes to Base #7 that had been suggested by Committee members. (See Attachment 2C/27H-4). The Committee voted down amendments that would have substituted Rep. Flaherty’s plan and Rep. Justus’s plan (both as described above). The Committee also voted down an amendment by Rep. Michael Decker (white Republican) that had no effect on either majority-black district.

The Committee approved, however, an amendment offered by Rep. Walter B. Jones, Jr. (white Democrat) to take four precincts in Pitt County out of the 2nd District and place them in the 1st District (the Eastern black district). In compensation, three precincts in Edgecombe County would be moved into the 2nd. A much-debated effect of Rep. Jones' amendment would be to place his own residence and that of his father, incumbent Congressman Walter B. Jones, Sr., in the 1st District. (See Attachment 2C/27H-5). The previously submitted plan (Chapter 601) had included Congressman Jones in the proposed majority-black 1st District. Another effect of State Rep. Jones’s amendment was to increase the minority percentage in the 1st District by about .25%.
The Committee gave a favorable report to Base #9 in the form of House Bill 3 with Rep. Jones' amendment, and voted to engross the amendment and bill into a Committee Substitute to present on the House floor. The computer name for the Committee Substitute was "1992 Congressional Base Plan #10" (see Attachment 2C/27A-1). All roll-call votes on House Bill 3 and its amendments in the Committee on January 23 are included with the transcript of the Committee meeting as Attachment 2C/28F-3(d).

On the House floor that same day, January 23, 1992, Reps. Flaherty and Justus offered the same amendments they offered in committee, and those amendments were defeated. All black and Native-American members of the House voted against the Flaherty amendment except the Speaker, who traditionally does not vote unless there is a tie. No black or Native-American member voted for Rep. Justus's amendment (four black members were recorded as not voting; the other 10 voted no). Rep. Marty Kimsey (white Republican) offered an amendment to submit the Congressional plan to an advisory panel if it were denied preclearance, but he withdrew his amendment when it was ruled out of order because it did not have a fiscal note. Rep. James P. Green Sr. (black Democrat) offered an amendment that would have reversed Rep. Jones's successful committee amendment concerning the Pitt and Edgecombe precincts and would have made a small change involving Warren and Halifax counties. (See Attachment 2C/27R-5). Rep. Green's amendment was defeated on a voice vote after being opposed by Rep. Milton F. Fitch (black Democrat), one of the Committee Co-Chairs.

After the amendments were defeated, the full House passed House Bill 3 on second reading. When no one objected to third reading, the House passed the bill on third reading the same day. All black and Native-American members of the House voted for the bill on second reading. Except for one black member not recorded as voting, the same held true for third reading. The roll-call votes on House Bill 3 and its amendments on the House floor are included as Attachment 2C/27H-6.

The Senate Redistricting Committee was assigned to consider House Bill 3 on January 24. After defeating an amendment offered by Sen. Leo Daughtry (white Republican) that was identical to Rep. Flaherty's Committee and floor amendments, the Committee gave the bill a favorable report.

The full Senate passed House Bill 3 on second and third readings on January 24, without amendment. The only roll-call vote on House Bill 3 on the Senate floor was the vote on second reading; that roll-call is included at Attachment 2C/27H-7. All five black Senators voted for House Bill 3 on the floor.
House Bill 3 was ratified the same day as Chapter 7 of the 1991 Extra Session.

All transcripts of House Committee meetings and House floor debates may be found at 2C/28F-3. All transcripts of Senate Committee meetings and Senate floor debates may be found at 2C/28F-4.

A chronology of the redistricting process is included at Attachment 2C/27H-8.
2C/27N. **Effect of Change on Minority Voters.**

The effect of the adoption of Chapter 7 of the 1991 Session Laws, 1991 Extra Session (House Bill 3), on North Carolina's minority voters is to provide minorities with an opportunity to elect candidates of their choice. Two congressional districts, the 1st and 12th, are created in which blacks have an effective voting majority. See Part 2C/27C for statistics relating to these districts.

After evaluating the objection letter of December 18, 1991, which failed to preclear the previously enacted plan, the General Assembly examined alternative configurations before it which created two black districts. The newly enacted plan include two districts that are based in large part on the plan proposed by Mary Peeler of the NAACP at the Congressional Public hearing of January 8, 1992. That plan had an urban black district (the 12th) and a rural black district (the 1st). The urban/rural two district alignment had itself been originally proposed by Representative David Balmer (White Republican) in a letter to Mr. Dunne dated August 5, 1991, copy enclosed as Attachment 2C-27N-1.

The committee chairman examined the Mary Peeler/NAACP proposal, which was put in our computer system as Plan 92 CONGRESS 1. In order to better assure that minorities had an effective black majority in the district, some alterations were made in that plan, which had black populations for the two districts of 56.05% and 56.13% respectively for Districts 1 and 12. Black concentrations in Gastonia and Winston-Salem were added to the 12th District, while black concentrations in Vance County and Duplin County were added to the 1st, along with a series of other minor changes to increase the black populations in the districts.

The proposal to have an urban black district (the 12th) and a rural black district (the 1st) recognizes commonalities of interest within each district. In the 12th District, 80% of the population lives within the corporate limits of cities with a population of 20,000 or over, while in the 1st district, 82% of the population lives outside the corporate limits of cities with a population of 20,000 or over.

The proposal recognizes substantial black populations in the southeastern area of the State, as suggested by the objection letter of December 18, 1991. The 1st District will include the heaviest black concentrations in Bladen, Columbus, Cumberland, Duplin, New Hanover, and Pender Counties.

The 1st District, which had already been approved by the Attorney General in the letter of December 18, 1991, has an even greater black concentration than before. The revised plan increases the black total census population from 55.69% to 57.26%, an increase of 1.57%. The black voting age population is increased from
52.18% to 53.40%, an increase of 1.22%. The total black voter registration is increased from 51.34% to 52.41%, an increase of 1.07%. The total estimated percentage of Democrats who are black is increased from 57.13% to 57.78%, an increase of 0.65%.

It is clear that in the 12th Congressional District, blacks constitute an effective black voting majority. 54.71% of the registered voters are black, and Harvey Gantt received 71.47% of the vote in the 1990 general election for the United States Senate in that district. Of the registered Democrats, an estimated 67.10% are black. The district includes the well organized black communities of Charlotte, High Point, Greensboro, Winston-Salem, and Durham. Total black census population is 56.63%, and total Black VAP is 53.34%.

The newly proposed plan also improves upon another district in the plan enacted in July. In our response to the ACLU comment and in our response to your request for additional information, we discussed the lack of polarized voting in the 4th Congressional District. In the newly revised plan, the Black population has been increased in that district from 19.65% to 20.13% by removing Johnston County from the district and adding the remainder of Chatham County to the district. In the revised 4th District, Gantt received 58.69% of the vote in the general election. More significantly, in the 1st and 2nd primaries in the proposed 4th District, Gantt received significant majorities. In the 2nd primary, Gantt received 31,103 votes to 14,582 for Easley, 68.08% of the total. In the 1st primary, Gantt received 50.31% of the vote against five opponents in the proposed 4th Congressional District, well above the 40% threshold necessary to achieve victory in a primary under State law. As noted in debate on the Senate floor by Senator Howard Lee (Black Democrat), who was elected from a predominantly white Senate district, and has been a candidate in two unsuccessful Congressional campaigns: "Well, I live in the Fourth Congressional District, which is made up of Orange, Wake, and Chatham Counties ... Now, I don't expect my Congressman to retire any time soon. But, should he decide not to ever seek re-election, I can tick off five [black] people, in my opinion, who could be elected in this district. So, I hope that we will see the fact that in this new plan, the Fourth District in my opinion, has been made a much better district and in the long run offers an equal opportunity for another person who may be minority to run and get elected in this District." (Attachment 28F-4(d), Senate floor debate of January 24, 1992, transcript pages 19-20)

The proposed plan also provides three other districts, the 2nd, 3rd, and 8th, where blacks will have significant influence by having more than 20% of the population.
August 5, 1991

Mr. John R. Dunne
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
Post Office Box 66128
Washington, DC 20035-6128

Dear Mr. Dunne:

I am enclosing copies of Congressional plans that I introduced into the Legislative record as bills and alternatively as
amendments to the the final Senate Bill 16 (Conference Base #6)
which the Legislature adopted and forwarded to your office for
pre-clearance. Each of the plans that I introduced were defeated
by Legislative action either on the floor or in the House
Congressional Redistricting Committee.

As I pointed out in floor debate several times, the boundary
lines of the Congressional districts in Conference Base #6 (SB
16) divide black population concentrations in a manner that
neutralizes black voting potential in the State. For this and
other reasons, I repeatedly warned my fellow Legislators that the
Conference Base #6 did not comply with Section 5 of the Voting
introduced Congressional plans that do comply with Section 5.

Each of these plans has been drawn at precinct level except where
block work was necessary to comply with the "one man-one vote"
requirement of Baker v. Carr, 369 U.S. 186 (1962). As the first
page of each plan shows, the total deviation of each plan is
between 1 and 2 people (North Carolina’s population is not
equally divisible by 12). Each plan has a page outlining by
district total population, registration, and elections history.

Attachment

2c/27N-1
Letter to Mr. Dunne
Page 2

As you can see from careful examination of my Congressional plans, there are several ways to create two minority (Black or American Indian as protected groups under the Voting Rights Act) Congressional districts in North Carolina. Most of the Counties used to create these minority Congressional districts are Counties subject to Section 5 of the Voting Rights Act. The plans enclosed are three alternative ways to configure North Carolina's 12 Congressional districts to include 2 minority Congressional districts. There are several other ways to draw 2 minority districts from variations of these three alternatives.

It is my understanding that several organizations are planning to file official comments with your department concerning the North Carolina Congressional plan. Therefore, I am just enclosing 3 plans with this cover letter for your review.

If I can supply you with any additional information concerning these Congressional districts, I will be happy to do so.

Sincerely,

[Signature]

Rep. David G. Balmer
BALMER CONGRESS 8.1
CONGRESSIONAL REDISTRICTING PLAN
(TWO BLACK MAJORITY DISTRICTS)

DISTRICT 12
Totpop: 56.77% Black
Registration: 55.67% Black

DISTRICT 10
Totpop: 58.47% Black
Registration: 55.00% Black

SUBMITTED BY: Representative David Balmer
(Republican--Mecklenburg County)
512 Legislative Office Building
Raleigh, NC 27603
(919) 733-5907

NOTE: DOUBLE POINT CONTINUITY IS USED IN DISTRICTS 8 AND 6 ABOVE.
2C/27R. Other material concerning the purpose or effect of Chapter 7.

1992 CONGRESSIONAL BASE PLAN #10 is based in large part on the plan presented by Mary Peeler of the NAACP at the public hearing held on January 8, 1992. Modifications were made to that proposal to make each of the two black districts more homogeneous and to increase their black populations. Specifically, rural Vance, Caswell, Person and Granville Counties were removed from District 12, and the urban portions of Forsyth and Gaston Counties were substituted. This had the effect of leaving the 12th District somewhat more compact and more urban in character. As the 12th District is currently configured, 80% of its population lives in cities of 20,000 or more. These changes had the effect of increasing the black population of the district as proposed by the Peeler proposal from 56.13% black to 56.63% black. Given that 54.71% of the district’s registered voters are black and an estimated 67.1% of the registered Democrats are black, this district, as modified from the one Ms. Peeler initially proposed, plainly has an effective black voting majority.

The major modification to the 1st District as Ms. Peeler proposed it was to add majority black portions of Vance County to it. By removing portions of the district with higher white percentages, the chairmen were able to boost the black population in that district from 56.05% black to 57.26% black. This district is now a predominantly rural district with 82% of its population living outside cities of 20,000 or more. As noted in part 27N above, the black population of the 1st District has been increased from 55.69% in the plan previously approved in the December 18, 1991 letter from the Attorney General, to 57.26% black in the enacted plan. Black voter registration has been increased from 51.34% to 52.41%.

No minority citizen suggested to either Congressional redistricting committee or to their chairmen that either of these districts lacked an effective black voting majority.

A handful of alternative plans were presented either in the House or Senate Committees, as floor amendments, or at the public hearing that had two majority black districts or two majority Native American plus black districts.

In some plans the second minority district relied on cohesiveness between black and Native American voters. See, for example the Justus proposal, Attachment 2C/27R-3, made to the House Committee and the plan Vann Ellison presented at the public hearing, included in Attachment 2C/28F-2 public hearing transcript. It is at best unclear whether those districts meet the Thornburg v. Gingles threshold test of being majority minority in voting age population, since the voting records produced with the State’s
submission of Chapter 601 do not demonstrate that the two groups regularly vote for the same candidates. It is noteworthy that Mary Peeler of the NAACP specifically requested at the public hearing that the legislature not rely on black and Native American cohesiveness in creating a second minority district. See attachment 2C/28F-2 at page 39. The enacted plan removes any doubt by creating two districts which are majority black in voting age population and voter registration without any reliance on Native American voters.

A few alternate plans were presented which had two majority black districts, namely the Kimbrough plan (presented at the public hearing, transcript in Attachment 2C/28F-2, the Flaherty plan, Attachment 2C/27R-4, the Peeler plan, Attachment 2C/27R-2 and two of the Balmer plans, Attachments 2C/27R-1(c) and (d) None of these had significantly higher black voter registration or voting age populations in the minority districts than does the enacted plan, except possibly Balmer Plan 8.1. See Attachment 2C/27R-1(c). It has an eastern black district that is 58.47% black total population. Representative Balmer accomplished this by including in his majority black district black voters from Wake County. This approach has two disadvantages. First, it combines a very urban population with a predominantly rural remainder of the district. Second, it removes Wake County voters from the 4th District, an area in which racially polarized voting is low, and in which black voters already enjoy a substantial opportunity to elect public officials of their choice. See further discussion of the 4th District in 2C/27N of this submittal. It is noteworthy that Representative Balmer did not seek to have this plan presented to either the House or Senate Redistricting Committee in either the Regular or Extra Session, nor did he offer it as a floor amendment. It had no known black support. None of these plans give black voters a materially better opportunity to elect Congressmen of their choice than does the enacted plan.

Representative Green offered a floor amendment which would have moved four precincts in Pitt County, including the one in which Congressman Walter Jones resides, from District 1 to District 2 and would have moved a like number of people in Edgecombe County from the District 2 to District 1. See Attachment 2C/27R-5. This amendment was opposed by Representative Fitch and was defeated in the House by a voice vote. The effect of the amendment would have been to lower the black population in District 1 by .25% and would have placed Pitt County into three different congressional districts. There was significant sentiment in the House and in the Senate that it was better to have Pitt County in only two districts, especially since further division of it did not increase black percentages. In addition, Congressman Jones, who resides in the minority district which Mr. Dunne approved in his December 18, 1991 letter, has said that he does not intend to run for reelection.
It was pointed out that since there is no residency requirement for congressional candidates, if he changes his mind, he can run again without regard to which district his home precinct is in.


In the case of the State’s revised submittal, Chapter 7, it was the judgment of the legislature, including the black Speaker of the House and the black Chairman of the House Congressional Redistricting Committee, that black influence was greatest with, in addition to two majority black seats, the black population being greater than 20% in four districts (numbers 2, 3, 4, and 8). This was viewed by blacks as better than having 41.33% of one district and 20% of only one other district as in the Flaherty Congressional Plan, Attachment 2C/27R-4.

It is patently clear that Chapter 7 has an enhancing and not a retrogressive effect. It is also clear that its overriding purpose was to comply with the dictates of the Attorney General’s December 18, 1991 letter and to create two congressional districts with effective black voting majorities.
2H/27C. Explanation of Changes to the House Redistricting Plan.

The change affecting voting is contained in Chapter 5 of the 1991 Session Laws, 1991 Regular Session (HB 2), included as Attachment 2H/27A-1. The prior law was Chapter 675 of the 1991 Session Laws, included in the original House submission as Attachment 27A-1. The changes from the prior law are noted on the cover letter of the statistical package for 1992 HOUSE BASE PLAN #5, included as Attachment 2H-27A-1.

Briefly, the changes were as follows:

(1) A new minority district was created in Guilford County and many of the surrounding districts in Guilford, Randolph, and Davidson Counties, including the existing minority district (District 26), were reconfigured accordingly. Under Chapter 5, District 26 is 57.20% in black population and 61.63% in black voter registration. District 28, the new minority district, is 58.23% black in population and 57.63% black in voter registration. Districts 26 and 28 were identical to the minority districts proposed by Representative Herman Gist in the House Local and Legislative Redistricting Committee (see attachment 2H/27R-3).

(2) The percentage of blacks in District 8 (parts of Pitt, Edgecombe, Martin, and Greene Counties) was increased from 58.25% to 61.73%. The black registration percentage in the statistical package severely understates the actual percentage of registered blacks because of the division of numerous precincts in the formation of this district. Adjoining Districts 71 and 9 were also adjusted to accommodate these changes.

(3) Two new minority districts were created in the southeastern area of the State: District 97 in Wayne, Duplin, and Sampson Counties and District 98 in Brunswick, Columbus, New Hanover, and Pender Counties. Excluding the more than 10,000 non-voting military residents at Seymour Johnson Air Force Base in Wayne County, District 97 is 60.6% black in total population. District 98 is 59.26% black in total population. The black registration percentages in the statistical packages for these districts are again seriously understated because of the division of numerous precincts. Changes were also made to the following districts in the southeast as a result of the creation of these two new minority districts: 10, 11, 12, 13, 14, 16, 19, 77, 79, and 95. The counties involved in these changes are Brunswick, Columbus, Cumberland, Duplin, Harnett, Johnston, Jones, Lenoir, New Hanover, Pender, Onslow, Sampson, and Wayne. As a result of the adjustments to these districts, District 79's percentage
of blacks also increased from 55.87% to 56.20%. Districts 11, 12, and 13, which were 2-member districts under the prior law, are single-member districts under Chapter 5. District 12 under Chapter 675 is now split into districts 12 and 96. District 14 remains a 2-member district.

The process for House Redistricting after the enactment of the initial plan (House Base Plan #3, ratified as Chapter 675 of the 1991 Session Laws) began on December 18, 1991 - the date on which the General Assembly received a facsimile of the Section 5 objection letter from the U.S. Justice Department. The Speaker of the House of Representatives notified the members of the House of Representatives of the objection soon afterwards and forwarded to them copies of the letter for their review.

On December 20, 1991, Governor James G. Martin issued a proclamation calling for an extra session of the General Assembly to revise the redistricting plans and to postpone the filing period for candidates.

In response to the Governor's proclamation, the General Assembly convened its extra session on December 30, 1991 to delay candidate filing dates. See section 2H/27J of this submission. Representatives Bowen, S. Hunt, and Fitch introduced House Bill 2, a blank bill (see Attachment 2H/27H-2) as a vehicle for potential changes to the enacted House of Representatives redistricting plan. The Speaker of the House announced that the members appointed to the House Committee on Legislative and Local Redistricting during the 1991 Session would continue serving on the Committee during the Extra Session. The Speaker also authorized the Committee to meet on days when the General Assembly would not be in session. Representative Hunt announced on the floor of the House the schedule for meetings of the Legislative and Local Redistricting Committee (see Attachment 2H/27H-3). The General Assembly adjourned until January 13, 1992.

On December 31, 1991, the staff of the Legislative Services Office mailed a notice of public hearing to be held on January 8, 1992, to approximately 400 newspapers, radio stations, and television stations throughout North Carolina and to minority citizens, minority groups, and other interested individuals. A copy of the notice was faxed to the Associated Press for release over its wire service. Copies of the notices were also provided to the North Carolina Association of County Commissioners and the North Carolina League of Municipalities. These organizations notified their constituent local governments of the public hearings. On January 2, 1992, the staff of the Legislative Services Office forwarded copies of the public hearing notices to all county managers and to all mayors for which a current address was available. See section 2H/28D of this submission.

On January 7, 1992, the House Legislative and Local Redistricting Committee met to consider redistricting proposals. The Committee heard presentations on three plans which are included as
Attachments 2H/27R-1, 2H/27R-2 and 2H/27R-3, but took no action.

On January 8, 1992, the House Legislative and Local Redistricting Committee held a public hearing in the State Legislative Building to solicit comments from the public about the House redistricting plan. A copy of the public hearing transcript is included as Attachment 2H/28F-2. Thirty persons spoke during the two-hour hearing.

On January 9, 1992, the House Legislative and Local Redistricting Committee met again. A transcript of the meeting is included at Attachment 2H/28F-3. Representative Martin Nesbitt of Buncombe County moved that the Committee chairman and committee staff develop a new House redistricting plan to comply with the Justice Department’s objection letter of December 18, 1991. Representative Nesbitt noted that the candidate filing period had already been delayed and that revising the plan beyond those areas objected to under Section 5 would prolong the process and further delay the primary and elections timetable. The Committee approved the motion. The Chairmen, with the consent of the Committee members, rescheduled the January 10, 1992 meeting for January 13, 1992.

Between January 9th and January 13th, the Chairmen and the staff, pursuant to the Committee’s instructions, assembled a plan revising those areas to which objections had been filed by the Justice Department. In putting together the plan, the Chairmen consulted with legislative members and other interested parties.

The Committee next met on January 13, 1992. The Chairmen of the Committee presented a new redistricting plan for consideration by the committee. The plan presented to the Committee, 1992 HOUSE BASE PLAN #4.1, is included as Attachment 2H/27H-2. In response to the Section 5 objection letter and the directive of the Committee, the plan made changes only to Guilford County, the southeast, and District 8. After presenting the proposed plan to the Committee, the chairmen recessed for approximately one-half hour to give Committee members an opportunity to review the plan. In response to requests by Committee members for additional time to prepare amendments to the plan, the Chairmen recessed the Committee for an additional hour. Amendments included in attachments 2H/27R-4, 2H/27R-5, and 2H/27R-6 were subsequently offered and defeated. The Committee approved the plan presented by the Chairmen as a substitute for House Bill 2.

The bill passed second reading on the House floor on Monday, January 13, 1992 and passed third reading on Tuesday, January 14th. (See attachments 2H/27H-4 and 2H/27H-5 for votes on second and third readings, respectively). There were nine amendments proposed to the bill on the floor of the House (See
Attachments 2H/27R-7 through 2H/27R-15). Seven of the amendments were defeated and two were adopted. Both adopted amendments were minor and affected only those areas to which Section 5 objections had been interposed. The amendment by Representative Russell (Attachment 2H/27R-13) shifted 300 - 400 persons from District 97 to 77 and 300 - 400 persons from District 11 to 97; it had the effect of increasing the percentage of minorities in the minority district (District 97) nearly one-tenth of one percent and of removing a white incumbent from the same minority district. The amendment by Representative Fitch (Attachment 2H/27R-15) was strictly a technical amendment in Guilford County.

The bill was considered and favorably reported by the Senate Redistricting Committee and passed second and third readings in the Senate on January 14th. (See attachments 2H/27H-6 and 2H/27H-7 for votes on second and third readings, respectively). There were no amendments offered to House Bill 2 in the Senate Redistricting Committee or on the floor of the Senate. All black members of the Senate voted in favor of the bill. House Bill 2 was ratified January 14, 1992 as Chapter 5 of the 1991 Session Laws (1991 Extra Session).

Subsequently, the legislative staff reproduced the statistical package as 1992 HOUSE BASE PLAN #5 to incorporate the changes made by the two successful amendments on the House floor. (See Attachment 2H/27A-1).

A chronology of the redistricting process is contained in the Senate submission at Attachment 2S/27H-10.
2H/27N. Effect of Change on Minority Voters.

The effect of the adoption of Chapter 5 of the 1991 Session Laws, 1991 Extra Session (HB2), on North Carolina's minority voters is to enhance their opportunity to elect candidates of their choice. Chapter 5 preserves all of the districts that were majority black or Native American under the previously submitted redistricting plan (Chapter 675 of the 1991 Session Laws), creates three additional districts that are majority black (District 28 in Guilford County and Districts 97 and 98 in the southeast), and increases the percentage of blacks in two other minority districts (District 8 in Pitt, Edgecombe, Martin, and Greene Counties and District 79 in Pamlico, Craven, Jones, and Lenoir Counties). See the discussion in section 2H/27C of this submission.

During the deliberations of the House Legislative and Local Redistricting Committee on 1992 HOUSE BASE PLAN #4.1, a non-minority member of the Committee challenged the use of 10,000 military residents in the creation of District 97. The district is 51.68% black in population including these military residents.

As was pointed out on the cover memo to House Base Plan #4.1, distributed to this member and all other members of the Committee, the military population in this district is essentially a non-voting population. Of the 10,317 military residents of Seymour Johnson Air Force Base included in District 97, only 254 are currently registered to vote. Once these military residents are excluded, the off-base population of the district is 60.6% black (60.5% black at the time of the committee deliberations).

The use of military population for minority districts has been approved before in District 17 in Cumberland County -- a two-seat minority district that contains Fort Bragg. District 17 is 47.09% black overall. In addition, the use of non-voting military populations in the creation of minority districts is supported by the NAACP and ACLU, which submitted plans containing such districts (see the Rhyne plan, Attachment 2H/27R-12) and by a minority county commissioner from Wayne County. Mr. Jerry Braswell, who submitted a plan at the public hearing linking portions of Seymour Johnson Air Force Base in Wayne County with portions of Camp LeJeune Marine Base in Onslow County (see House public hearing transcript, pages 36 through 39 and Exhibit C, Attachment 2H/28F-2). Moreover, the use of military population in the minority district leaves the surrounding districts with a minority influence. Districts 11 and 12, for example, which adjoin District 97, have black populations of approximately 27% and 30%, respectively.

No racial minority representatives of the House voted against House Bill 2 on second reading. The only racial minority representative to vote against the bill on third reading was Representative McAllister of Cumberland County. The bill also had the support of the Speaker of the House.
Representative Daniel Blue, who did not vote. House Bill 2 passed the Senate with the support of all black Senators.
2H/27R. Other material concerning the purpose or effect of Chapter 5.

In order for the Attorney General to be able to determine the purpose and effect of Chapter 5, he will need to review amendments or alternative plans containing new proposals that were presented to the North Carolina General Assembly and that were not adopted. Most of the alternative minority districts proposed during the 1991 Extra Session had been proposed during the 1991 regular session; these proposals have been addressed in the initial submission.

The purpose of the Chairmen in offering House Bill 2 was to propose a redistricting plan that would ensure the continuation of all minority districts adopted in the previously submitted plan (Chapter 675 of the 1991 Session Laws) and respond to the concerns raised in the December 18, 1991 Section 5 objection letter. The Committee voted on January 9, 1992 to instruct the chairmen and staff of the House Legislative and Local Redistricting Committee to propose a new redistricting plan addressing only those objections stated in the letter. The consensus of the Committee was that revisions to other areas would re-open numerous conflicts, most involving non-Section 5 counties, that would further delay efforts to enact a plan that could be precleared for use in the scheduled May, 1992 primary election and the November, 1992 general election.

The House Legislative and Local Redistricting Committee and the full House therefore rejected attempts to make revisions other than those necessary to respond to the objections in the December 18, 1991 letter. All amendments and substitutes offered either in committee or on the floor are included in Attachment 2H/27R.

Minority district proposals that were not discussed in the submission of Chapter 675 were presented only for the following areas involving Section 5 counties: the northeast, the southeast, and the southwest:

Northeast: The proposed new northeastern district was rejected primarily because no Section 5 objection had been interposed for this area in the December 18, 1991 letter and the Committee had resolved to revise only those areas covered by the objection letter. There were three different versions of the new northeastern districts: one prepared by the ACLU and included in Representative Rhye's floor amendment (Attachment 2H/27R-12); one prepared by Representative Pope and included in all his amendments and substitutes (Attachments 2H/27R-1, 2H/27R-2, and 2H/27R-9); and one prepared by the legislative staff in an attempt to improve the ACLU proposal.

In addition to the reasons stated above, the Pope district was rejected because of its lack of compactness. Except for portions of Bertie and Washington Counties in the center of the district, the district runs southwest in a thin finger through Martin and Pitt Counties and northeast in a thin finger through Chowan.
Perquimans, and Pasquotank Counties. See the map of proposed District 6 in the statistical package labeled POPE HOUSE PLAN (119 District) V3 (see Attachment 2H/27R-1).

In addition to the reasons stated earlier, the Rhyne proposal was rejected because of its reduction in the black population percentages of most of the other northeastern minority districts, and its failure to address the concerns raised in the December 18, 1991 Section 5 objection letter concerning the low percentage of minorities in District 8 (See Attachment 2H/27R-12, Total Populations Report for Districts 5, 6, 7, 8, and 70).

The legislative staff attempted to draw an alternative version of the ACLU/Rhyne northeastern district to increase the black population in District 8 and the new district. However, the drawing of the district continued to result in lowered black population percentages for most of the remaining minority districts in the northeast and resulted in only a 57.76% black population in the new district. After considerable discussion, the Committee chairmen decided not to deviate from the Committee's resolution to revise only those areas to which Section 5 objections had been interposed.

Southwest: The proposed southwestern minority district in Gaston, Cleveland, Lincoln, and Rutherford Counties (proposed in the Pope plans) was rejected because it involves an area to which there was no Section 5 objection and it is absurdly noncompact (see the 2 maps of proposed district 48 in the POPE PLAN statistical and map report that is included as Attachment 2H/27R-1). Not a single precinct or township is left whole within the 4 affected counties. In addition, no minority resident of this area expressed support for this district.

Southeast: The proposal for three southeastern minority districts was rejected because of the extensive testimony from minority officials and citizens in Bladen County stating their preference that Bladen County not be used in the formation of a minority district. See Attachment 2H/28F-2 (public hearing transcript), testimony of Ms. Dilliah Blanks, a minority citizen of Bladen County and Vice-Chairman of the Bladen County Board of Commissioners, pages 28 through 30, and Exhibit H. In honoring the request by Ms. Blanks and minority citizens of Bladen County, the House Legislative and Local Redistricting Committee felt that it could draw only two viable minority districts in the southeast. Neither of the two southeastern minority districts in the ratified House plan contain any portion of Bladen County.
2S/27C. **Explanation of Changes to the Senate Redistricting Plan.**

Senate Bill 2, as enacted into Chapter 4 of the 1991 Session Laws (Extra Session 1991) (Attachment 2S/27A-1) creates one additional minority district in the southeastern part of North Carolina.

This District (#7) is located in parts of Onslow, Jones, and Lenoir counties (all of which are covered by §5 of the Voting Rights Act) as well as parts of New Hanover and Pender counties. District 7 contains a Black population of 43.38%, and Black voter registration of 54.26%, due to the large military population in Onslow County that is not registered to vote. (See comparable Senate District 41 and House District 17 in the original Senate and House submission at S27A and H27A). No incumbent Senator lives in District 7. The effect of this change is to improve the opportunity of racial minorities to elect senators of their choice.

Due to shifts in population necessary to create the new minority District 7, existing minority District 2 was slightly altered, leaving it with a higher percentage black population and voter registration. Data for District 2 in the original Senate submission (which was not objected to) showed the following: Black Population 59.39%, Black Registration 54.95%. (See Attachment S27A in the original Senate submission). Data for District 2 in Senate Bill 2 shows a Black Population of 59.46%, and Black Registration of 55.07%

District 13, a two-member district represented by a Black Senator from Durham County, was changed by the addition of one precinct from Wake County. The effect of this change was to reduce the Black registration of District 13 by 1/100th of one percent. The original submission data for District 13 stated Black Registration at 29.55% (See attachment S27A in the original submission). Correction of a database error in Person County yielded a corrected Black registration of 30.70% in the initial submission. Senate Bill 2 has a black registration of 30.69% for District 13.

District 30 was also changed by the removal of part of Hoke County, and the addition of part of Cumberland, Bladen, and Sampson counties. It contains a Black/Native American combined population of 60.59%. The original submission for District 30 had a combined Black/Native American population of 60.94%. The data contained in the prior submission shows that Black and Native American voters are not cohesive in this area of the state. If, however, this district were considered to be a minority district, its combined Black/Native American population of 60.94% would exceed the minority population of Districts 2, 6, 31 and 33, (which were not objected to in the original submission) and Black and Native Americans would constitute an effective voting majority.

No other majority minority districts were altered by Senate Bill 2.
Due to shifts in population necessary to create new minority District 7, the following non-minority districts located wholly or partially in counties covered by §5 of the Voting Rights Act are altered by Senate Bill 2: Districts 1, 3, 4, 5, 7, 8, 9, 11, 15, 16, 17, 18, 24, 25, 39.

The following non-minority districts located wholly outside of counties covered by §5 of the Voting Right Act were altered by Senate Bill 2: Districts 14, 20, 22, 23, 26, 27, 38.

A complete report of all changes made to the original Senate submission, entitled “Units with Differing Assignments Between Plans” is included in the statistical packet describing 1992 SENATE BASE #6 (Attachment 2S/27A-1).
Authority and Process for Senate Redistricting.

On December 18, 1991, the U.S. Department of Justice interposed an objection to the State Senate Plan.

In order to comply with the objection of the U.S. Justice Department as quickly as possible, on December 19 Senator Winner, Chairman of the Senate Redistricting Committee, began working with staff to create a minority district in Southeastern North Carolina. Work on possible configurations for a minority district continued through December 23.

On December 30, Senator Johnson introduced Senate Bill 2 (Attachment 2S/27H-9), which restated the original Senate plan and included a preamble explaining the need to examine the original Senate plan in light of the Justice Department’s objection letter.

On December 30/31, notice was sent to members of the General Assembly and the public of a public hearing on the Senate plan to be held on January 8, and Senate Redistricting Committee meetings to be held on January 9 (attachment 2S/28F-1).

On January 4, Senator Winner resumed working with staff to create a new minority Senate District in the southeast.

On January 8, a public hearing was held in Raleigh on State Senate Redistricting, which was attended by Senator Winner, chairman of the Senate Redistricting Committee, and by members of the Committee.

On January 9, the Senate Subcommittee on Legislative Redistricting met. 1992 SENATE BASE #4 (attachment 2S/27H-1) was presented, given a favorable report, and sent to the full Senate Redistricting Committee. The full Senate Redistricting Committee met later the same day, where 1992 SENATE BASE #4 was presented and explained. The chairman agreed to delay any vote on the plan until January 13, in order to give committee members and the public time to review the plan.

On January 9-13, Senator Winner worked with staff to adjust Districts 23/39 in Iredell County, in order to accommodate a request from an incumbent Republican Senator. Districts 8/9 in Lenoir County were also adjusted at the request of an incumbent Democrat Senator, in order to improve the compactness of Districts 8/9. These changes were incorporated into a new committee substitute. 1992 SENATE BASE #5 (attachment 2S/27H-2). These were the only changes between Senate #4 and Senate #5.

On January 13, 1992 SENATE BASE #5 was considered in the full Senate Redistricting Committee. Senator Marvin offered an
amendment to swap three precincts in Gaston County, and one in Lincoln, affecting Districts 25 and 39 (attachment 2S/27H-3). The amendment was approved and incorporated into a new committee substitute. The committee substitute was given a favorable report, and sent to the Senate floor. Later the same day, Senate Bill 2 (1992 SENATE BASE #5, as amended in committee) was amended twice on the Senate Floor (technical corrections--attachments 2S/27H-4, 2S/27H-5), passed second and third reading, and was then sent to the House. All Black Senators voted for Senate Bill 2 on second and third reading (attachment 2S/27H-7).

Still on January 13, 1992, the House Legislative and Local Redistricting Committee took up Senate Bill 2, voted by voice vote to give it a favorable report, and sent it to the House Floor.

On January 14, 1992, Senate Bill 2 was taken up on the House Floor, amended (technical amendment--attachment 2S/27H-6) and passed second and third reading. All Black House members present voted for Senate Bill 2 on second and third reading (attachment 2H/27H-7). The Senate concurred in the House technical amendment, and the bill was ordered enrolled as Chapter 4 of the 1991 Session Laws (Extra Session 1991).

For a detailed chronology of the Senate Redistricting process, see Attachment 2S/27H-10.
2S/27N: **Effect of Change on Minority Voters.**

The effect of the submitted changes to the Senate plan on racial minorities is included under 2S/27C.
Other Material Concerning the Purpose or Effect of Chapter 4.

Four additional Senate Redistricting proposals were presented to the General Assembly.

1. DAUGHTRY SENATE PLAN 12/30/91 (attachment 2S/27R-1).
   This plan was presented at the Public Hearing on January 8, discussed in the full Senate Redistricting Committee on January 9, formally submitted on the Senate floor by Senator Daughtry as an amendment to Senate Bill 2 (attachment 2S/27R-2) on January 13, and formally submitted and withdrawn on the House Floor as an amendment to Senate Bill 2 by Representative Rhyne on January 14.

   This plan purported to create two minority districts in the southeast. Daughtry District 2 has a black population of 40.72%. Black Voting Age Population of 37.46. and Black Registration of 50.07%. Daughtry District 6 has a Black Population of 53.24%. Black Voting Age Population of 49.89%, and Black registration of 47.34% (estimate-district not based on precincts). The plan was examined by the Chairman of the Senate Redistricting Committee and its staff, who found the relevant districts (#2 and #6) to have insufficient Black population, voting age population, and/or registration to assure minorities of the opportunity of electing candidates of their choice. In addition, this plan eliminated minority influence from surrounding districts, and was not based on voting precincts.

2. ACLU PLAN. (Attachment 2S/28F-2, Exhibit B). The ACLU presented a proposal at the Senate Redistricting public hearing on January 8, 1992. Kathleen Wilde of the ACLU claimed that it created two minority districts in the southeast. In order to see if two minority Senate districts could be created in the southeast could be created, the chairman and staff of the Senate Redistricting Committee examined the ACLU proposal. This examination revealed that the submitted ACLU data does not support the claim that two minority districts can be created in the southeast. The ACLU plan includes one district that is almost identical to the one proposed in enacted Senate Bill 2, including parts of Lenoir, Jones, Onslow, Pender and New Hanover. The second so-called minority district in the ACLU plan is illustrated only by a single map and the unsubstantiated claim that it contains "57.1% black population when the military in Wayne County are excluded." (quote from attachment 2S/28F-2, Exhibit B). Examination of the ACLU prepared maps and statistics by the Senate Redistricting Committee staff revealed that parts of New Hanover County with high minority population are placed in both ACLU districts. The plan thus claims to create two minority districts, but in fact creates only one, which is almost identical to the district submitted in Senate Bill 2.
3. NATIVE AMERICAN POLITICAL ACTION COMMITTEE PLAN, (2S/28F-2, Exhibit 2). This plan recommends that a Black/Native American majority district be created in the Robeson/Hoke/Scotland County area. Senate Bill 2 contains a Black/Native American Senate district (#30) in this area.

4. ALLRED PLAN. This plan proposes a Senate district in Alamance, Caswell, Person, Granville, Vance, Franklin, and Warren Counties, with a Black population of 46.46%, and 41.5% Black registration. The Black population of this proposal is insufficient for black citizens to have an effective black voting majority in this district. Senate Bill 2 contains a majority Black District (#2) in Vance and Warren Counties. Parts of Person, Granville and Vance are in a two-seat member Senate District (#13), one seat of which is currently held by a Black Senator.

The Senate Redistricting Committee Chairman and staff examined all proposals to create new minority districts in the southeastern part of the state, in order to satisfy the U.S. Justice Department's objection. No plan with more than one viable minority district in the southeast was ever presented to the Senate Redistricting Committee. Based on examination of all proposals, the Chairman of the Senate Redistricting Committee concluded that only one minority district could be created in the southeast that would assure minority voters the opportunity to elect candidates of their choice.

The enacted plan, Senate Bill 2, meets the objection of the U.S. Justice Department in its letter dated December 18, 1991, by creating a majority minority district in southeastern North Carolina.