

# EX. 18

NORTH CAROLINA GENERAL ASSEMBLY  
HOUSE COMMITTEE ON REDISTRICTING

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TRANSCRIPT OF THE PROCEEDINGS

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In Raleigh, North Carolina  
Friday, August 25, 2017  
Reported by Robbie W. Worley

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

1                   REP. SZOKA: Good morning. I'm  
2                   Representative John Szoka calling the meeting to  
3                   order. I'd just like to recognize our Sergeant at  
4                   Arms for today. We have Reggie Sills, Marvin Lee,  
5                   David Leighton, Thomas Terry and Joe Crook. And  
6                   that's going to pretty much be the extent of what I  
7                   have to say here. The Chairmen are still getting  
8                   some materials prepared, and they have asked me to  
9                   put the Committee into recess until 9:45. So we  
10                  stand in recess until 9:45. Thank you.

11                  (Recess, 9:31 - 9:45 a.m.)

12                  REP. DOLLAR: Committee will come back to  
13                  order. Members will take their seats. Any  
14                  extraneous conversations will be taken outside of  
15                  the Committee room at this time.

16                  The proposed Committee substitute for  
17                  House Bill 927 is properly before the Committee for  
18                  discussion without objection. So ordered. The --  
19                  at this time, I would also remind members that  
20                  since we did have a short delay in starting, that  
21                  we will -- all amendments -- all amendments will  
22                  need to be in to the Chairs at no later than 10:45.  
23                  So all amendments -- we had said 10:30, I believe,  
24                  in the communication last night. We will extend  
25                  that to 10:45 since we were slightly delayed.

1                   I do want to say prior to recognizing  
2                   Chairman Lewis for the presentation of the proposed  
3                   Committee substitute, just a couple of very quick  
4                   comments from myself. And I believe Chairman Lewis  
5                   may have some additional comments. I do want to  
6                   say after -- particularly after some of the  
7                   comments that I've read and -- and reports and  
8                   editorials, and some of the things that have been  
9                   said in public, that the two Chairs -- the two  
10                  joint Chairs are very honorable people. Some of  
11                  the things said about them, I felt, were personal  
12                  and -- and factually incorrect in terms of their  
13                  character, in terms of their approach to this  
14                  process, which I believe has been honorable and  
15                  above board. No court has found otherwise in all  
16                  of this process. In fact, the courts have found  
17                  just to the opposite of -- of that.

18                  I would also make just a quick personal  
19                  note in terms of Dr. Hofeller. Dr. Hofeller is the  
20                  same as any other central staff member or any  
21                  consultant that either side might employ to assist  
22                  them in the technical matters of drawing a map.  
23                  And maps are part of the legislative process and,  
24                  I believe, that when staff members or consultants  
25                  are -- are maligned in terms of their intent and

1 the like with -- with clearly no evidence, that is  
2 improper. It's incorrect and -- and it's quite  
3 unfortunate and -- and I don't believe that that's  
4 where our best politics lie. We should debate the  
5 issues and not debate the personalities of  
6 particular individuals. Particularly when those  
7 folks do not know and are clearly not apprised of  
8 what their actual roles are in this very important  
9 constitutional process.

10 With that said, at this time I will  
11 recognize Chairman Lewis to present the -- to the  
12 Committee the proposed Committee substitute. I  
13 will also announce that following Chairman Lewis'  
14 presentation and any discussion, we will take a  
15 recess. That recess will run until we're -- we  
16 have the amendments and then we'll -- we will --  
17 we'll come back and deal with -- with any  
18 amendments at that time. Representative Torbett,  
19 do you have a question?

20 REP. TORBETT: Just as a courteous  
21 reminder that members should state their name and  
22 their district when they make any comments for  
23 today.

24 REP. DOLLAR: Thank you, Representative  
25 Torbett. Your point is well taken. These

1 proceedings are the subject of Court record, or a  
2 record that could be potentially before the Court.  
3 We have a court reporter. And so if all members --  
4 thank you for the gentleman's reminder. If all  
5 members would please state your name when you are  
6 asking your question or making a comment. So with  
7 that, Chairman Lewis is recognized.

8 REP. LEWIS: Thank you, Mr. Chairman.  
9 I'm David Lewis, the senior Chair of the House  
10 Select Committee on Redistricting. I represent  
11 Harnett County. I want to welcome all the members  
12 and guests that are here today. Before I begin  
13 with presenting the 2017 House Redistricting Plan  
14 A, I want to go over some facts with this  
15 Committee.

16 After being ordered to do so by the  
17 Court, I, on behalf of the -- with authority  
18 designated by the speaker, produced a map within 14  
19 business days -- 19 total calendar days. We had  
20 sought and proposed to the Court a longer period of  
21 time which would allow for more public input and,  
22 hopefully, more participation in this process. The  
23 Court -- I say this with the utmost respect --  
24 chose, instead, to give us a deadline of September  
25 the 1st. In no way is that -- is this being

1 critical of the Court. This is stating for the  
2 record that the plan that I proposed publicly,  
3 which would have included a series of three  
4 statewide public hearing sessions, simply could not  
5 be met under the time frame that we were asked to  
6 act under by the Court.

7 I would like to also echo some of  
8 Chairman Dollar's comments. I will continue in  
9 every way I can to make this discourse as positive  
10 as it can be. I do think that there have been some  
11 erroneously-stated information regarding why we are  
12 here today. We are here today, based on my  
13 understanding of the Covington Court finding, that  
14 without substantial evidence -- without sufficient  
15 evidence, I should say, that race was a predominant  
16 factor in drawing 19 House seats. We were ordered  
17 to recreate the map in areas affected by those 19  
18 seats by September the 1st. At no time did the  
19 Court reference that anyone was packed into any  
20 district. At no time did the Court reference that  
21 there was any bad intent on the part of this  
22 legislature in the 2011 process.

23 Today I sincerely hope that this  
24 Committee, through free and open debate, will be  
25 able to set an example of how positive political

1           discourse and disagreement can and should be dealt  
2           with in this country and in our state. Mr.  
3           Chairman, with that, I'll move into a presentation  
4           on the proposed Committee substitute.

5                         First of all, I'd like to talk about the  
6           criteria that was used in the production of this  
7           map. The Committee -- this Committee adopted the  
8           criteria of equal population. The equal population  
9           means that one person, one vote. People's votes  
10          should count equally as much as they can. And by  
11          that, I mean the Court did give us a window to work  
12          in of plus or minus five percent. So the ideal  
13          population for a House district, as was stated in  
14          the earlier Committee meeting, is 79,462 people.  
15          You are allowed to go plus or minus that percentage  
16          by no more than five percent. So equal population  
17          was the first criteria adopted by this Committee.  
18          It was the criteria that was used in preparing this  
19          map.

20                         We've discussed further, in regards to  
21          equal population, that a -- a error -- a margin of  
22          plus or minus five percent is arranged and -- or is  
23          allowed for under the law. I would point out, in  
24          disclosure, that the largest House Districts, or  
25          those with the most people, are House Districts 10,



1           21, 22 and 51. Those are 300 -- or excuse me,  
2           3,972 people over the ideal county -- over the  
3           ideal district size.

4                       I would state again that, as explained to  
5           this Committee, there is a mandatory county  
6           grouping optimization formula that's required under  
7           the Stephenson decision. The smallest House  
8           District in the plan is actually House District  
9           109. It is 3,945 people below the ideal  
10          population, but I would point out that that was an  
11          unchanged House seat.

12                      I'll -- I'll pause for just a moment to  
13          say, as we discussed in this Committee in an  
14          earlier presentation, the -- there were -- there  
15          were areas of the state in which the county  
16          groupings did not have to be changed to comply with  
17          this Court order. We did not change those county  
18          groupings. If you all recall, there was a map  
19          distributed to you the first time we met jointly  
20          with the Senate that showed areas. I believe those  
21          areas were in green, to refresh your memory. Those  
22          areas were not changed or touched by this map.  
23          This is simply a visual illustration of some of the  
24          districts. Again, House District 109 is unchanged  
25          in this plan, but it is the plan so I wanted to

1 share it with you.

2 Contiguity; Legislative Districts shall  
3 be comprised of continuous territory. This simply  
4 means, in my understanding, that you can't start a  
5 district here, run another district here and  
6 continue it somewhere else. They need to be  
7 contiguous. Contiguity by water is sufficient.  
8 This is an over -- this is a picture of the plan.  
9 There are areas primarily, and almost exclusively,  
10 in the eastern part of our state where great bodies  
11 of water are encompassed or surrounded by our  
12 counties. The barrier islands of our state, one of  
13 the greatest treasures that we have, create  
14 situations in which counties include these  
15 tremendous bodies of water.

16 This Committee further adopted that we  
17 would comply, as we're required to, by the county  
18 grouping and traversal rule. It means that the  
19 county -- that the Committee would draw legislative  
20 districts within county -- within county groupings  
21 as required by Stephenson versus Bartlett and in  
22 other court cases. And within the county  
23 groupings, counties like -- county lines should not  
24 be traversed into except as authorized by the  
25 Courts in Stephenson and the subsequent cases.

1                   I put this back up only as a reminder.  
2                   This was presented in greater detail to the  
3                   Committee. You will notice that the purple color  
4                   is a county in which, if you take the ideal  
5                   population of 79,462 and divide it into the 2010  
6                   decennial -- the 2010 decennial census numbers, you  
7                   are able to draw a whole number of seats. In  
8                   certain examples, for instance in Lincoln County  
9                   which was not -- not a changed county, their  
10                  population is 80,000 people. That's within the  
11                  plus or minus five percent; Lincoln County gets one  
12                  seat. The counties that are one, that are kept  
13                  whole in this, are illustrated in purple.

14                  We were then required to go through and  
15                  group counties in the smallest possible number of  
16                  county groups. We were -- we had to optimize the  
17                  number of two-county groups, shown in red on this  
18                  map and also bordered by the darker black lines,  
19                  illustrate what the two-county groups are. In the  
20                  canary yellow color, shows the three-county groups.  
21                  That means when we were -- when we could combine no  
22                  more two-county groups, we then sought to combine  
23                  three-county groups. The canary -- the canary  
24                  yellow shows the three-county groups. The brighter  
25                  yellow shows the four-county groups. When we could

1 no longer combine three counties and make whole  
2 House seats, we had to combine four counties. The  
3 lime green color shows a five-county group. The  
4 darker green or Kelly green color shows a  
5 six-county group, and the blue color is a  
6 seven-county grouping.

7 I think we've spent pretty good time  
8 talking about this, but I did want to state it  
9 again for the record and so it could be more fully  
10 understood by the Committee. I would point out  
11 that I do believe the Committee's criteria on  
12 county groupings and traversals was, in fact, met.  
13 I would point out, for reference, that the number  
14 of split counties in the 2001 House plan was 60, in  
15 the 2009 plan it was 46, in the 2011 plan, known as  
16 Lewis-Dollar-Dockham, were 49 split counties. In  
17 the 2017 House Plan A that you have before you,  
18 there are 40.

19 Compactness; the Committees shall make  
20 reasonable effort to draw legislative districts in  
21 the 2017 House and Senate plan that improve the  
22 compactness of -- of the current districts. In  
23 doing so the Committee may use, as a guide, the  
24 Reock dispersion and the Polsby-Popper scores as  
25 identified by the people that invented that

1 particular score -- those particular scores. I  
2 would point out that the map that I present to you  
3 today complies with that criteria. The criteria  
4 minimum for Reock is 0.15. The minimum compactness  
5 found in this plan for Reock is 0.2. The maximum  
6 is 0.7. The mean is 0.41 and the standard  
7 deviation is 0.09. I say all that to say that we  
8 were able to comply with this Committee's criteria  
9 in regard to the Reock score.

10 In regard to the Polsby-Popper score, the  
11 minimum criteria is 0.05 -- excuse me, yes, the  
12 criteria minimum is 0.05, the minimum district on  
13 this plan is at 0.2. The maximum is at 0.71. The  
14 mean is 0.31 and the standard deviation is 0.11. I  
15 say all that to say again, that based on the  
16 compactness criteria defined in the Polsby-Popper  
17 test, this map is compact. I'll be happy to go  
18 into greater detail on compactness. I will simply  
19 say that based on the -- and I will submit this for  
20 the record -- based on a comparison of reports with  
21 prior enacted plans, this is a compact plan.

22 One of the Committee's goals was to have  
23 fewer split precincts. The total number of split  
24 precincts, or split VTD's in this plan, as drawn,  
25 is 19. It's important -- it's important to point

1 out that there are 49 total splits, but those  
2 additional splits, between 19 and 49, occur in  
3 areas of the plan that were not impacted by the  
4 regrouping -- the new county optimization formula.  
5 What that means is, what we drew splits only 19  
6 precincts. If you compare that with the 2011 plan,  
7 the Lewis-Dollar-Dockham 4 plan, there were 395  
8 split precincts. The 2009 House plan split 285.  
9 2001 House plan, as best we can tell, split 103. I  
10 would point out for the record, in total  
11 transparency, one of the -- there is one additional  
12 split VTD in Cumberland County. It -- it's a --  
13 it's on the base, the Army base, there are no  
14 people that live there, it makes the map look  
15 more -- more compact.

16 We wanted to respect municipal --  
17 municipal boundaries. The Committee adopted the  
18 criteria of municipal boundaries. We said that we  
19 may consider municipal boundaries when drawing  
20 legislative districts in 2017 House and Senate  
21 plan. Again, I think this plan meets that goal.  
22 The 2009 House plan split 123 municipalities. The  
23 2011 house plan, Lewis-Dollar-Dockham, split 144.  
24 This plan splits 78.

25 An additional criteria that was adopted

1 by this Committee is incumbency protection. It  
2 reads, "reasonable efforts and political  
3 considerations may be used to avoid pairing -- to  
4 avoid pairing incumbent members of the House or  
5 Senate with another incumbent in legislative  
6 districts drawn in the 2017 House and Senate plans.  
7 The Committee may make reasonable efforts to ensure  
8 voters have a reasonable opportunity to elect  
9 non-paired incumbents of either party to a district  
10 in the 2017 House and Senate plans." Again, this  
11 plan meets that criteria.

12 The 2017 House Plan A pairs eight  
13 representatives. Six of those are paired together  
14 by the county grouping formula. There is one pair  
15 of Republican legislators that are grouped and  
16 there are two opposite party pairings. Again,  
17 these were caused by the county grouping formula.  
18 I will state, for the record, that we absolutely  
19 sought to avoid pairing incumbents in the -- in the  
20 preparing of this map. The only discretionary  
21 double-bunking in this plan is of two Republican  
22 representatives. This was necessary to create  
23 districts that are reasonably compact and to avoid  
24 opposite party double-bunking.

25 Election data; political consideration.

1 Election results data may be used in the drawing of  
2 the legislative districts in the 2017 House and  
3 Senate plans. As I stated for the record, the last  
4 time this Committee met, the following 10 races  
5 were used as a guide in meeting this criteria of  
6 the map. They are 2010 US Senate, 2012 President,  
7 2012 Governor, 2012 Lieutenant Governor, 2014  
8 United States Senate, 2016 President, 2016 United  
9 States Senate, 2016 Governor, 2016 Lieutenant  
10 Governor, 2016 Attorney General.

11 A criteria that was adopted by this  
12 Committee involved no consideration of racial data.  
13 Again, as I said in my opening remarks, the  
14 consideration of race, the Court made clear that we  
15 had not created a substantial enough record to  
16 justify race as the factor or as a criteria in  
17 drawing the districts, and therefore, it was not  
18 used.

19 Mr. Chairman, if I may? A couple of the  
20 members had asked the difference between the  
21 original House map that was released and the  
22 amended House map that was released. I'd like to,  
23 with your permission, just get that on the record  
24 as well and --

25 REP. DOLLAR: The gentleman's recognized



1 for that purpose.

2 REP. LEWIS: Thank you. Members, the  
3 changes that were made in the map that was released  
4 on Friday and the map that was subsequently  
5 released yesterday, were in the following county  
6 groupings. There were -- in the county grouping  
7 that includes Surry, Alleghany and Wilkes, there  
8 were changes that were made. These changes were  
9 made -- it's simply moving precincts. These were  
10 at the requests of members who currently serve in  
11 those areas. There were also changes made in the  
12 county grouping that runs from Richmond to Davie.  
13 This was at the request of one of the members who  
14 currently represents that area.

15 There were changes made in the county  
16 grouping that stretches from Bladen up through  
17 Greene. This was at the request of members who  
18 serve in that area. We also, members, made several  
19 changes at the request of members whose -- who are  
20 currently serving whose districts were  
21 inadvertently mis-numbered in the new map.  
22 Requests were received from members in Mecklenburg  
23 County and in Forsyth County. We granted every  
24 request for a number change because those were  
25 inadvertent mistakes on my part when the map was

1 first released. We did grant every one of those  
2 requests.

3 REP. DOLLAR: Chairman Lewis, you may  
4 have said this and I just didn't hear it, but  
5 there -- there was one other set of changes in --  
6 in Johnston County --

7 REP. LEWIS: Yeah.

8 REP. DOLLAR: -- within Johnston County  
9 at -- at -- as I recall, at the -- the requests of  
10 those legislators.

11 REP. LEWIS: Yes, sir. Thank you, Mr.  
12 Chairman. I attempted to reference that when I  
13 said that there were some changes in the grouping  
14 that runs from Bladen to Greene, but yes. There  
15 were -- the requests were specifically in Johnston.  
16 Thank -- thank you for that clarification.

17 With that, Mr. Chairman, I've concluded  
18 the formal part of my presentation. I'll be glad  
19 to try and answer questions or whatever's the will  
20 of the Committee at this point.

21 REP. DOLLAR: Questions from members of  
22 the Committee? And again, be sure when you're  
23 recognized to state your name. Questions from  
24 members of the Committee? Representative Pierce?

25 REP. PIERCE: Thank you, Mr. Chairman.

1 State representative Garland Pierce.

2 Representative Lewis, do you have a map of the --  
3 the change that you made yet? The ones that you  
4 just talked about?

5 REP. LEWIS: Thank you for the question,  
6 Representative Pierce. The map that you have  
7 before you, this is the new map.

8 REP. DOLLAR: Gentleman's recognized.

9 REP. LEWIS: I think Representative  
10 Michaux has a question.

11 REP. DOLLAR: I apologize. I was --  
12 Chair was distracted for a moment. So,  
13 Representative Pierce, you got your question  
14 answered? All right. In that -- Representative  
15 Michaux is recognized.

16 REP. MICHAUX: Representative Michaux,  
17 Durham County. Yesterday, I think, you were  
18 presented a map and some changes to -- that were --  
19 that were given you by the Plaintiffs in this  
20 matter.

21 REP. LEWIS: Yeah.

22 REP. MICHAUX: Were those matters  
23 considered in -- were redrawing, redistricting plan  
24 A?

25 REP. LEWIS: Thank you for that question,

1           Representative Michaux. I believe you're referring  
2           to the Covington Plaintiff's map, and I want to  
3           state, first of all, that I appreciate the  
4           submission of that map. I believe it came in at  
5           2:05 on Tuesday and I can assure you that I did  
6           consider the map very thoroughly. We evaluated the  
7           ideas that they had. There were many areas of the  
8           state where the Covington map was similar to what  
9           was drawn by this Committee. There were areas of  
10          the state where we don't feel the Covington map met  
11          the criteria, but the short answer is yes. I  
12          reviewed it very -- very thoroughly and appreciate  
13          its submission.

14                         REP. DOLLAR: Gentleman's recognized.

15                         REP. MICHAUX: I -- I guess --  
16          Representative Michaux again. I guess my question,  
17          did you incorporate any of the suggestions made by  
18          the Plaintiff's counsel in this -- in -- in  
19          these -- in the new maps that you drew?

20                         REP. LEWIS: No, sir. Not to my  
21          knowledge.

22                         REP. MICHAUX: Follow-up.

23                         REP. DOLLAR: Gentleman's recognized.

24                         REP. MICHAUX: You indicated that based  
25          on the criteria that this Committee passed on a

1           divided vote, that race was not used in making a  
2           determination. On the decision handed down by the  
3           three-panel court and by the United States Supreme  
4           Court, indicated that racial gerrymandering had  
5           occurred, which was unconstitutional. Can you tell  
6           me whether or not the matter of racial  
7           gerrymandering has been corrected by the maps that  
8           you -- the map that you have now drawn? And can  
9           you give me the statistics that show that that  
10          matter has been corrected?

11                        REP. LEWIS: Thank you for the question.  
12           It's my understanding that the Covington Court  
13           ruled that this Committee had not -- or the  
14           Committee in 2011 had not established a sufficient  
15           record to justify the use of race in drawing  
16           legislative districts, therefore race was not a  
17           criterion that was used. There was no racial data  
18           reviewed in the preparation of this map, and I can  
19           provide you only the statistics that we have  
20           already provided which were used in drawing this  
21           map.

22                        REP. MICHAUX: Further follow-up,  
23           Representative Michaux again.

24                        REP. DOLLAR: Gentleman's recognized.

25                        REP. MICHAUX: So you cannot give me any

1            statistic, any racial statistics, on the maps that  
2            you now have before this body for us to approve; is  
3            that correct?

4            REP. LEWIS: As race was not a criteria,  
5            that is absolutely correct. I would point out, I  
6            think, to the gentleman's larger question, though,  
7            it's my understanding that the Court said that  
8            without sufficient evidence, the General Assembly  
9            had drawn maps where race was the predominant  
10           factor. I'm aware of no additional data, that has  
11           been submitted to this Committee or to me for  
12           review, that would indicate that anybody else has  
13           developed a more -- that anyone has submitted any  
14           additional evidence that race should be considered.  
15           Therefore, it was not considered in the drawing of  
16           this map. And I do believe that by not considering  
17           race, that does correct the deficiency found by the  
18           Court.

19           REP. DOLLAR: Representative Jackson is  
20           recognized.

21           REP. JACKSON: Thank you, Mr. Chairman.  
22           On Page 151 of the Covington opinion, it lays out  
23           the testimony that was received by the defendants  
24           about racially polarized voting and the history and  
25           locations of VRA districts by prior general

1 assemblies. And then it goes on to say this should  
2 be considered during legislative redistricting.  
3 And I would ask, was that considered?

4 REP. LEWIS: Mr. Chairman, would the  
5 gentleman mind if I looked at -- if I got the  
6 material he was referencing from staff?

7 REP. JACKSON: It's on Page 151, starting  
8 with the second and third paragraph.

9 REP. LEWIS: Representative Jackson,  
10 apparently my staff tried to use Westlaw so our  
11 pages aren't lining up, but I can tell you that  
12 race was not used in the drawing of this map which  
13 I think is the -- the answer that you were trying  
14 to ask. I apologize for not having the exact case  
15 in front of me.

16 REP. JACKSON: Mr. Chairman, follow-up?

17 REP. DOLLAR: Gentleman is recognized for  
18 a follow-up.

19 REP. JACKSON: Okay. And on page 164 of  
20 the Court's conclusion it reads "Section 2 of the  
21 Voting Rights Act continues to play an important  
22 role in redistricting. And legislators must  
23 undertake a district-specific analysis to identify  
24 and cure potential Section 2 violations." So I  
25 would ask, did the map drawers undertake a

1 district-specific analysis to identify and cure  
2 potential Section 2 violations?

3 REP. LEWIS: Thank you for the question,  
4 Representative Jackson. The Committee had no  
5 additional information than what's provided in  
6 2011, which the Covington Court said was  
7 inadequate.

8 REP. DOLLAR: Further questions from  
9 members of the Committee? Any further questions at  
10 this time? Seeing none, I would ask this of the  
11 Committee. Are there any members who are -- we had  
12 extended the time to 10:45 for submission of  
13 amendments to the Chairs. Are there any amendments  
14 that people intend to offer that have not been  
15 submitted to the Chair or that you anticipate  
16 submitting? I mean, if we could -- if we could  
17 have those now, we can -- we can go into a brief  
18 recess and just shorten the process. But I do not  
19 want to -- if someone's still contemplating  
20 something in the next 15 minutes, I don't want to  
21 preclude that necessarily unless we have all  
22 amendments.

23 So I'm -- I'm seeing no hands of -- so  
24 I'm assuming that all amendments that any Committee  
25 member is wishing to have considered by the



1           Committee have already been sent in to the chair.  
2           And seeing no -- seeing indication from any member  
3           otherwise, the Committee will stand in recess until  
4           11:00. We'll come back at 11:00. We will take up  
5           any amendments that we have at that time, that have  
6           been already submitted at this time. Committee is  
7           in recess until 11:00.

8                           (Recess, 10:20 - 11:00 a.m.)

9           REP. DOLLAR: Come back to order.

10          Members, the first three amendments have been  
11          passed out. There's a fourth amendment, but since  
12          it's a little bit of a larger nature, we felt we  
13          could deal with these first three first before I --

14          REP. JORDAN: Mr. Chairman.

15          REP. DOLLAR: -- do that. Before I move  
16          forward -- Representative Jordan?

17          REP. JORDAN: I -- I only have two, Mr.  
18          Chairman.

19          FEMALE SPEAKER: I only have two.

20          REP. DOLLAR: You will have two that  
21          are -- have maps attached, one does not -- does not  
22          have a map attached. It's actually the first one  
23          that we're going to take up in just a moment.

24          AST-85V1 offered by Representative Jackson; it's a  
25          one-page technical -- essentially, a technical

1 amendment. Okay. Well, if you will hold for that,  
2 we'll -- we'll take these amendments up in just a  
3 moment. Chairman Lewis, I believe, had a couple of  
4 quick comments and then Representative Michaux  
5 wished to be recognized and I'll get back to him.

6 REP. LEWIS: Thank you, Mr. Chairman.  
7 This is David Lewis from Harnett County again. The  
8 additional comment that I wanted to add is  
9 Representative Reives notified my office and this  
10 Committee that he was now a resident of Chatham  
11 County. And when I spoke earlier about the number  
12 of paired incumbents, I did not include  
13 Representative Reives in that number. However, the  
14 map that you have shows that because my office  
15 failed -- I failed to notify central staff of that.  
16 So the new maps that will be produced by Monday  
17 will clearly show that Representative Reives lives  
18 in Chatham County. That is my mistake and I  
19 apologize for it.

20 REP. DOLLAR: And, Chairman Lewis, that  
21 lowers the number of paired representatives to six.  
22 Representative Michaux is recognized.

23 REP. MICHAUX: Thank you, Mr. Chairman,  
24 and we -- we welcome Representative Reives to the  
25 Durham County delegation.

1 REP. DOLLAR: Any -- any further  
2 questions at this time?

3 REP. MICHAUX: Yeah. Yeah, I've got a  
4 couple questions to --

5 REP. DOLLAR: Gentleman is recognized.

6 REP. MICHAUX: This is Representative  
7 Michaux again. Representative Lewis, can you tell  
8 me the party breakdown of the maps that you have  
9 redrawn that you have submitted to this Committee?

10 REP. LEWIS: I don't understand the  
11 question, Representative.

12 REP. MICHAUX: How many Republicans and  
13 how many Democrats show up in -- in the map that  
14 you're giving us?

15 REP. LEWIS: Well, Representative, as far  
16 as what shows up in the map, there should be 120  
17 Republicans and Democrats.

18 REP. MICHAUX: May I follow up?  
19 Representative --

20 REP. DOLLAR: Follow-up.

21 REP. MICHAUX: You know what I mean,  
22 Representative Lewis. I'm trying to find out how  
23 many Democrats make up the 120 and how many  
24 Republicans make up the 120.

25 REP. LEWIS: Representative Michaux, I

1 don't -- I don't have that -- that information at  
2 hand.

3 REP. MICHAUX: May I follow up again?

4 REP. DOLLAR: Follow-up.

5 REP. MICHAUX: My -- I have information,  
6 and I have not been able to personally check it out  
7 and you can, you know, but I -- my understanding  
8 that under the maps that you have submitted with  
9 the changes you've made that Republican  
10 representation will increase by four and the  
11 Democratic representation will decrease by four.  
12 Is that correct?

13 REP. LEWIS: Well, Representative, thank  
14 you for the question. I don't have that  
15 information. I will tell you that the stat packs  
16 that were -- there were stat packs passed out that  
17 illustrate every -- the 10 races that we've already  
18 discussed. You could infer different things from  
19 that; I don't think they paint as clear a picture  
20 as what you are saying.

21 REP. DOLLAR: Gentleman's recognized.

22 REP. MICHAUX: Let me go to one other  
23 question, and this is on black voting age  
24 population. Do you have any information on any of  
25 the districts that you have created under the map

1           that is under consideration that show the black  
2           voting age population of any of the districts at  
3           all?

4                         REP. DOLLAR:   Representative Michaux,  
5           thank you for the question.  I do not have any of  
6           that information.  Certainly you could request that  
7           of central staff.

8                         REP. MICHAUX:  One follow-up?

9                         REP. DOLLAR:  Gentleman is recognized.

10                        REP. MICHAUX:  Was that information used  
11           in drawing these district -- black voting age  
12           population statistics used in drawing these  
13           districts that you submit for our approval?

14                        REP. LEWIS:  No, sir.  And if I could  
15           expand on that answer, it's my reading of the  
16           Covington case that a district-specific analysis is  
17           required in order to use race.  We are not using  
18           race in the construction of this map.  We do not  
19           have information that says it would be required to  
20           be used.  If you have that information, I'm  
21           certainly willing to review it, but at this time we  
22           have not received any additional information that  
23           indicates that race should be used, which is our  
24           understanding of the Covington Court's Order.

25                        REP. DOLLAR:  Gentleman wish to be

1           recognized for further questions? Seeing -- seeing  
2           none -- Representative Jackson.

3                         REP. JACKSON: Thank you, Mr. Chairman.  
4           I just -- I wanted to ask a couple questions about  
5           public input. I know that I have not received any  
6           transcripts from the other sites that were cut off  
7           on Tuesday night. I was here until about 9:45  
8           watching the people here shut up in Wake County,  
9           but I want to know if the transcripts are available  
10          and if anybody's reviewed the public comments from  
11          the areas where they didn't personally attend.

12                        REP. DOLLAR: Chairman Lewis is  
13          recognized.

14                        REP. LEWIS: Thank you for the question,  
15          Representative Jackson. The answer -- the specific  
16          answer to your question is, we've been told by  
17          central staff that the written transcripts will be  
18          available by Monday. I will tell you that I  
19          reached out to central staff and obtained the audio  
20          recordings and have reviewed them myself.  
21          Certainly, they are available to you in that same  
22          way.

23                        I would speak, if I may, because there  
24          was -- the public hearings were not as smooth as I  
25          had hoped they would go. I would point out that we

1 had intended to have more public input, we  
2 certainly attempted to have public input and we  
3 value it. The -- it's come to my attention, after  
4 the fact, that some of the satellite sites weren't  
5 quite as big as perhaps we would have chosen if we  
6 could go back and do it again. Certainly, if we  
7 were going to have more than one, we would probably  
8 choose a different site.

9 I'm also aware that there were a few  
10 technical problems. I would say that the audio  
11 recordings that were made by both the House and  
12 Senate Sergeant at Arms -- well, let me be  
13 specific. The ones made by the House Sergeant at  
14 Arms don't seem to reflect that you were able to  
15 hear what the people are saying perfectly well. I  
16 did not listen to the Senate ones. They're  
17 supposedly the exact same.

18 REP. DOLLAR: Gentleman's recognized for  
19 a follow-up.

20 REP. JACKSON: And the online comments  
21 that were made, people who submitted comments  
22 online, who has been the person responsible for  
23 reviewing that? And have they all been reviewed?

24 REP. LEWIS: Thank you for that question.  
25 It is my understanding, and we can confirm this

1 with central staff, that a link to all the members  
2 of the Committee was sent with online comments. I  
3 asked for and received a printed version of the  
4 online comments that had been received prior to, I  
5 believe, Friday of last week. I've since gone  
6 through and looked at them. I don't know that any  
7 specific person was tasked to do it, but I did do  
8 it.

9 What you'll find when you look at them,  
10 there are -- and I'm only -- I'm only telling you  
11 this because I know that you will go and look at  
12 them. There's a couple of times in which the  
13 person tried to send as -- hit send and,  
14 apparently, it sent for -- four or five times. So  
15 when you look at it, you will notice that the same  
16 person just hit send more than one time. We've  
17 asked the staff when they have time, to go through  
18 and to kind of sort those out. But the only reason  
19 I point that out is that's one of the things that  
20 I -- that I saw when I reviewed the comments.

21 REP. DOLLAR: Representative Bell?

22 REP. JACKSON: Thank you, Mr. Chairman.  
23 John Bell, District 10. I have a question for  
24 Representative Lewis.

25 REP. DOLLAR: Now, gentleman's



1           recognized.

2                         REP. JACKSON: Thank you. Mr. Lewis,  
3           before you went to break, Representative Michaux  
4           asked a question about similarities and if any of  
5           the Plaintiff's maps were put into consideration  
6           and he mentioned there were some similarities. I  
7           went back and looked and saw a number of  
8           similarities. Can you expand upon that, please,  
9           for the Committee?

10                        REP. LEWIS: Yes, thank you for that  
11           question. What I understood him to ask was did we  
12           make any changes as a direct result of the map?  
13           And the short answer to that was no, but what I  
14           went on further to say is, I did analyze the map  
15           very closely and there are many districts,  
16           especially in the rural part of the state, that  
17           look exactly like the map that we submitted. So we  
18           did review the map district-by-district, and there  
19           is substantial similarities in many parts of the  
20           map.

21                        REP. DOLLAR: Thank you. Any -- any  
22           further questions before we move to amendments?  
23           Representative Michaux is recognized.

24                        REP. MICHAUX: Representative Michaux  
25           again, following up on Representative Bell's

1           question. There are also very distinct differences  
2           there to; are there not?

3                     REP. LEWIS: Yes, sir.

4                     REP. MICHAUX: Thank you.

5                     REP. DOLLAR: Representative Torbett for  
6           a comment.

7                     REP. TORBETT: Yeah, John Torbett, 1  
8           House District 108, Gaston County for a comment,  
9           Mr. Chairman.

10                    REP. DOLLAR: The gentleman is  
11           recognized.

12                    REP. TORBETT: Thank you. In regards to  
13           similar remarks Representative Jackson was saying,  
14           I was chairing the Charlotte meeting. And I just  
15           wanted to go on record to let you guys know that it  
16           was a heavily attended meeting. Perhaps the room  
17           could have been bigger, you never know until after  
18           the fact. We had well over, I guess, 115  
19           attendants. Most of the time the room was at  
20           occupancy. We had some waiting outside and even  
21           tried to manage an ante room to make adjustments  
22           for the people that were there.

23                    We had members of this Committee and  
24           delegation members from Mecklenburg present, in --  
25           in good attendance from both sides of the political

1 spectrum. And they were both attentive and  
2 respectful to any and all speakers that came  
3 forward. And we began at 4:00 and we ended at the  
4 last speaker. So it -- it was a very dignified  
5 process. The people speaking were -- were very  
6 respectful and very dignified. So there were very  
7 positive things that came out of those. So brief  
8 we held public comments in it, and perhaps in  
9 future years we will have ample enough time to have  
10 more of those where we can engage more of the  
11 public at these events.

12 REP. DOLLAR: Mr. Chair, thank you.  
13 Chairman Lewis is recognized.

14 REP. LEWIS: Thank you. I wanted to  
15 follow up on Representative Torbett's remarks. I  
16 don't know that we did a good enough job  
17 communicating this, but the reason the sign-up  
18 began when it did and ended when it did is we were  
19 trying to make sure folks knew that if they were  
20 able to go ahead and be there at 4:00, that they  
21 could. If it was going to take them a little bit  
22 later to be there -- that they could get there,  
23 they were allowed to sign up until 6:30. I had  
24 even -- and I'm happy to produce it -- I even had  
25 some e-mail traffic with folks where I had said if

1           you let me know that you are delayed in traffic,  
2           we'll extend it further. But the idea was to begin  
3           it at 4:00 so that people that were able to be here  
4           at 4:00 could go ahead start. But we knew that it  
5           was going to go on into the night, go on into the  
6           evening, which is why we had sign-up open until  
7           6:30.

8                           To the best of my knowledge, and we were  
9           still online by then with all the sites, nobody  
10          else showed up after 6:30 and asked to sign up. I  
11          can tell you, for the Raleigh site, we would have  
12          let that to happen. But we tried to accommodate as  
13          best we could with the time that we had.

14                          REP. DOLLAR: Thank you, Chairman Lewis.  
15          Any -- seeing no other hands, we'll move to  
16          amendments. The first amendment that will be  
17          considered is Amendment AST-85V1, AST-85V1.  
18          Representative Jackson, you are recognized to  
19          present your amendment.

20                          REP. JACKSON: Thank you, Mr. Chairman.  
21          We -- earlier, we talked about people -- district  
22          numbers getting switched. This is one of the  
23          circumstances where this would restore  
24          Representative Collins back to the current district  
25          number he represents and Representative Richardson

1 back to the current district she represents. It  
2 would not change the district lines in any way.

3 REP. DOLLAR: Chairman Lewis.

4 REP. LEWIS: Mr. Chairman, to be clear,  
5 what I understood Representative Jackson to say is  
6 that this is simply renumbering a district to  
7 reflect the current incumbent. That's certainly  
8 something that I would've done had I been made  
9 aware of it. I would urge the Committee to vote  
10 aye in support of this amendment.

11 REP. DOLLAR: All right. Seeing no  
12 further hands, all those in favor of the amendment,  
13 please signify by saying aye.

14 (Voice vote.)

15 REP. DOLLAR: Opposed, no. The ayes have  
16 it and the amendment is agreed to.

17 The next amendment is offered by  
18 Representative Hunter. It is amendment ABK-41V1,  
19 ABK-41V1. And, Representative Hunter, you are  
20 recognized to offer your amendment.

21 REP. HUNTER: Thank you, Mr. Chairman.  
22 Howard Hunter, 5th District. This amendment moves  
23 to amend the bill on Page 1, Lines 9 through 10 by  
24 deleting those lines and substituting District 1,  
25 Camden County, Chowan County, Pasquotank County and

1           Perquimans County. And on Page 2, Line 8, by  
2           deleting the line and substituting the following;  
3           District 5 Bertie County, Gates County, Hertford  
4           County, Tyrrell County, Washington County. This  
5           does not affect any other part of the state. It  
6           only redraws the grouping in District 1 and  
7           District 5. It falls in the plus or minus five  
8           percent.

9                           Representative Steinburg also supports  
10           this amendment. Thank you, Mr. Chairman. I  
11           appreciate the Committee's support.

12                          REP. DOLLAR: Chairman Lewis is  
13           recognized.

14                          REP. LEWIS: Thank you, Mr. Chairman.  
15           And I want to begin by thanking Representative  
16           Hunter for his legislative courtesy. He did share  
17           this with me in advance.

18                          I'm going to ask the members of the  
19           Committee to oppose the amendment because it does  
20           not match the county optimization schedule and  
21           requirement that we're required to meet. What it  
22           does is it will do away with a three-county  
23           grouping that's in the current map which includes  
24           Hertford, Gates and Pasquotank. And it will  
25           replace that with a five-county group that includes

1 Gates, Hertford, Bertie, Washington and Tyrrell.  
2 Because this does not -- this would then take the  
3 map out of optimal compliance with the Stephenson  
4 criteria, I will ask the Committee to vote no on  
5 this amendment.

6 REP. DOLLAR: Representative Stevens is  
7 recognized.

8 REP. STEVENS: Thank you. I have a --  
9 Representative Stevens from District 90. I have a  
10 question for Representative Hunter, if I may?

11 REP. DOLLAR: Chairman, yield?

12 REP. LEWIS: I yield.

13 REP. DOLLAR: Gentleman yields.

14 REP. STEVENS: Representative Hunter,  
15 did -- is race a factor in any of these districts?

16 REP. HUNTER: I didn't consider race a  
17 factor in any of these districts.

18 REP. STEVENS: Was there any political  
19 consideration in the changing of this district?

20 REP. HUNTER: No. My district does not  
21 want to split the Roanoke-Chowan area, which is  
22 Hertford, Bertie and Gates.

23 REP. STEVENS: But you -- do you  
24 understand the criteria used about the optimum  
25 potting that we had to go with these particular

1 kind of constitutional potting?

2 REP. HUNTER: I understand the criteria.  
3 I'm just doing what my citizens asked me to do.

4 REP. DOLLAR: Any further questions?  
5 Hearing none, all in favor of the amendment, please  
6 signify by saying aye.

7 (Voice vote.)

8 REP. DOLLAR: Opposed, no.

9 (Voice vote.)

10 REP. DOLLAR: The ayes appear have it.

11 REP. LEWIS: The noes do.

12 REP. DOLLAR: The ayes -- excuse me. The  
13 noes appear to have it. And -- the noes do have it  
14 and the amendment is as agreed to.

15 REP. BELL: Representative Bell. Can we  
16 do a roll call on that vote for clarity, please?

17 REP. DOLLAR: Well, the vote -- the vote  
18 has been taken at this time. The next amendment is  
19 offered by Representative Speciale. It is  
20 ABK-41 -- no, excuse me. ABK-42V1, ABK-42V1.  
21 Representative Speciale, you are recognized to  
22 explain your amendment.

23 REP. SPECIALE: Ladies and gentlemen,  
24 this -- this really is a simple -- a simple thing  
25 here. It changes a couple of precincts and puts



1 two people back reasonably in the districts that  
2 they started out in so that the people that they  
3 represent know who they are. It -- there's --  
4 there is a double-bunking. It was -- I don't know  
5 why it was switched around. I have not been able  
6 to -- to figure that out. But the bottom line --  
7 I'm doing this for one of the other representatives  
8 who is not on the Committee and not able to submit  
9 this.

10 But it changes -- it does not change  
11 county groupings. All it does is put these -- two  
12 people back into the districts that they originally  
13 were in and takes away the confusion as to why in  
14 the world they were switched to begin with.

15 REP. DOLLAR: Chairman Lewis, you're  
16 recognized.

17 REP. LEWIS: Thank you, Mr. Chairman.  
18 Mr. Chairman, I also want to thank Representative  
19 Spiale for the proactive way he participated in  
20 the legislative process. He did share this  
21 amendment with me. I don't know if it was  
22 yesterday or the day before. So I wanted to speak  
23 about why I oppose the amendment, but I want to  
24 explain what created the need for this conversation  
25 at all.

1                   If you refer to your county groupings,  
2                   you'll see that there is a county grouping that  
3                   contains six counties; a stretch from Davie in the  
4                   north to Richmond in the south. Contained within  
5                   that county grouping currently is one more member  
6                   of this body than those counties' population would  
7                   afford to be allocated to that area. That means  
8                   that because of the county groupings, two of the  
9                   incumbents in this group are going to be paired.

10                   I spent a lot of time in trying to  
11                   establish some kind of measurable criteria for  
12                   deciding how that would be done. The options that  
13                   I had, literally, were to draw a pairing perhaps in  
14                   the extreme north of the district or the extreme  
15                   south of the district. That was an option.  
16                   Another option would've been to simply select at  
17                   random.

18                   The option that I chose to use, because  
19                   it fits the criteria that the Committee adopted,  
20                   which includes incumbency. So I looked at the --  
21                   the incumbency in terms of the number of years and  
22                   the seniority of the members that were involved.  
23                   The members that are paired in this county grouping  
24                   are those that have served the least number of  
25                   years here. It is no reflection on the quality of

1           their service or on them individually.

2                       I can tell you if there was any way that  
3           I could have figured out how not to pair folks --  
4           I've already said, that I did not intentionally  
5           pair any incumbent of any party in this map. This  
6           was forced by the county groups. I offer my  
7           rationale as to why the two that are paired are  
8           paired in this group. I would respectfully request  
9           that the Committee vote no on this amendment.

10                   REP. DOLLAR: Representative Speciale is  
11           recognized for a second time.

12                   REP. SPECIALE: So what I'm trying to --  
13           what I'm trying to do is put it back where it was  
14           so that the -- there is no sacrificial lamb.  
15           They -- they drew this -- the way they drew it  
16           to -- they made the decision of who they wanted to  
17           get rid of. I mean, I'm not implying anything bad  
18           about Representative Lewis; I have the fullest  
19           faith in him, but that's the reality of what he  
20           just said. They decided who was going to stay and  
21           who was going to go.

22                   And I say the fair thing to have done  
23           would have been not to have taken away those  
24           districts from the one person in the first place.  
25           So this will put the -- put it back where it was

1 and -- and make it much more fair in the end.

2 That's why I ask for your support on this.

3 REP. LEWIS: Mr. Chairman?

4 REP. DOLLAR: Chairman Lewis is  
5 recognized.

6 REP. LEWIS: Thank you. I just wanted to  
7 speak a second time on the amendment. Just to be  
8 clear, the amendment that Representative Spiale  
9 has proposed still creates paired incumbents.  
10 There is no way around not pairing incumbents in  
11 this particular county group.

12 REP. DOLLAR: Further questions or  
13 comments from the Committee on the amendment?  
14 Seeing none, all those who favor the amendment,  
15 signify by saying aye.

16 (Voice vote.)

17 REP. DOLLAR: All those who are opposed  
18 to the amendment, please signify by saying no.

19 (Voice vote.)

20 REP. DOLLAR: The noes appear to have it.  
21 The noes have it and the amendment fails. At this  
22 time, the Sergeant at Arms will pass out the final  
23 amendment and Vice-Chairman Szoka is asked to come  
24 to the podium.

25 REP. SZOKA: All right. Just -- thank

1           you for your patience in passing out this latest  
2           amendment. Do all members of the Committee have a  
3           copy of Amendment H [inaudible] 27-ASA-101, Version  
4           3? If you're a member of the Committee and you  
5           don't have a copy of that, please signify by  
6           raising your hand. We are still -- we're still in  
7           session here? Okay. Okay. Representative  
8           Jackson, you are free to present your amendment,  
9           sir.

10                         REP. JACKSON: Okay. Mr. Chairman.  
11           Okay. Thank you, I'm going -- in an attempt to  
12           speed up things today, I'm just going to make some  
13           overall comments and then -- to explain why I'm  
14           introducing the amendment. Then I'll explain the  
15           amendment, if that's okay with the Chair.

16                         REP. DOLLAR: That's fine.

17                         REP. JACKSON: Okay. You know, the --  
18           the public and House Democrats haven't had a very  
19           long time to review this plan. And of course, even  
20           less for the PCS, but it really is much of the same  
21           as what we've seen before. The same mapmaker was  
22           hired, who racially gerrymandered the first map.  
23           He drew the maps so unconstitutional that all nine  
24           Supreme Court justices reached agreement, which is  
25           kind of odd these days.

1                   You know, we -- you sought public input,  
2                   but from the public input that I heard, it appears  
3                   that it's been ignored. The PCS wasn't even made  
4                   public, to my knowledge, until about 10:10 this  
5                   morning, when I saw it being handed out to members  
6                   of the public. The transcripts of the public  
7                   hearings have not been provided to anyone for us to  
8                   review prior to today day.

9                   It is clear from this drawing of this map  
10                  that you have manipulated the drawing of  
11                  African-American voters to diminish their influence  
12                  in the general assembly. And you have doubled down  
13                  on one of the most sweeping partisan gerrymanders  
14                  in history, attempting to relegate us to a  
15                  super-minority at a time when our electoral  
16                  restraint is roughly equal to yours in this state.

17                  However, you made a few new mistakes in  
18                  this map that you didn't make in prior ones.  
19                  You're violating our state constitutional  
20                  prohibition on mid-decade redistricting by  
21                  redrawing districts that do not need to be changed.  
22                  You're violating the Stephenson decision and our  
23                  state constitution by unnecessarily crossing county  
24                  lines in several places. That is the reason why I  
25                  am offering an alternative map, one that I believe

1 demonstrates the unconstitutional --  
2 unconstitutionality [sic] of the PCS and provides  
3 a fair framework for North Carolina voters to elect  
4 members of the general assembly next year.

5 I am introducing this amendment, but I  
6 did not draw this map. I'll try to answer any  
7 questions I can to the best of my knowledge. The  
8 Plaintiffs in the Covington case did. They are not  
9 politicians picking their voters, but fair-minded  
10 people looking to move North Carolina along this  
11 decades-long redistricting travesty.

12 So why do I think this amendment is  
13 better? First, I'll -- I'll call it a firewall,  
14 but this amendment adopts a few simple rules.  
15 Districts and unchanged clusters that do not touch  
16 unconstitutional districts do not have to be  
17 changed. It's a rule required by our state  
18 constitution which prohibits mid-decade  
19 redistricting. In fact, the constitution reads,  
20 "When established, the Senate districts and the  
21 apportionment of Senators shall remain unaltered  
22 until the return of another decennial census of  
23 population taken by order of Congress." And then  
24 it still has the same exact thing for members of  
25 the House.

1                   These provisions are cited in both of the  
2                   Stephenson decisions. In Stephenson Number 1, it  
3                   points out that the state constitution specifically  
4                   enumerates four limitations upon redistricting.  
5                   And number four is "Once established, the Senate  
6                   and Representative districts and apportionment of  
7                   senators and representatives shall remain unaltered  
8                   until the next decennial census of population taken  
9                   by order of Congress." That is cited in both  
10                  Stephenson 1 and Stephenson 2, the exact same  
11                  language.

12                  Furthermore, the Court gave us a list of  
13                  districts to change. And I would note that the  
14                  districts in Wake County that number 40, 41, 36 and  
15                  37 were not in that list of districts that had to  
16                  change nor was District 105 in Mecklenburg County.  
17                  The PCS that's been introduced today does not adopt  
18                  this approach of fixing the fewest number of  
19                  districts because it wants to actually fix. And by  
20                  fix, I mean it wants to improve the Republican  
21                  performance in the remaining districts in Wake and  
22                  Mecklenburg County.

23                  My -- this amendment shows that you can  
24                  fix the unconstitutional districts in Wake and  
25                  Mecklenburg County and do that without changing the



1 noncontiguous districts. You can also do it  
2 better. And so I'm going to read you a little bit  
3 of what this map does in Wake County in particular.  
4 It splits fewer municipalities and the  
5 municipalities that it does split, it splits in  
6 fewer ways. And that's even taking into  
7 consideration that House districts 40, 41, 36 and  
8 37 were frozen. So that I have -- I'm stuck with  
9 their splits that occurred in that map, but even  
10 considering that, I was able to split fewer  
11 municipalities.

12 One of the things from the 2001 plan  
13 that was mentioned earlier today was that that plan  
14 has actually been ruled -- was ruled  
15 unconstitutionally -- unconstitutional. It's not  
16 on the wall, I believe, but it was fixed by the  
17 2003 plan. But one of the things people in my area  
18 really wanted is they wanted to see eastern Wake  
19 County as a community of interest put together in a  
20 complete district, and that was done in 2003. It  
21 is a community of interest. The mayor -- a  
22 different mayor came in 2011 and submitted  
23 testimony to the Redistricting Committee that  
24 eastern Wake County still believed it needed to be  
25 put together. And so in the amendment you see, you

1 will see that the towns of Knightdale, Wendell and  
2 Zebulon are considered a community of interest and  
3 are, in fact, together.

4 The Wake County portion of the map that  
5 I'm submitting is also superior on compactness  
6 scores to the map that the PCS puts before us. In  
7 Wake County, your compactness scores of the average  
8 for those 11 districts are .38 on the Reock score.  
9 The amendment that I'm putting forth has an average  
10 Reock score of .40. And that is taking, again, the  
11 four districts that had been drawn in the 2011 map  
12 which really pulled down the average because  
13 Districts 40 and 41 were .28. So really, I was  
14 redrawing seven districts and was able to do them  
15 in a much more compact way than the PCS does it.

16 On the other score of Polsby-Popper, the  
17 PCS score is -- at average of these 11 districts of  
18 .30. Again, the map that I've introduced drawn by  
19 the Covington Plaintiffs had a score of .32.  
20 Again, a superior drawing on one of the criteria  
21 determined by this Committee.

22 I do not -- we did not double-bunk any of  
23 the incumbents in Wake County or Mecklenburg  
24 County, I don't believe. I don't believe we did,  
25 but if we did, I could stand corrected, when --

1           when I finish speaking. Again, I didn't draw the  
2           map and so I'm just -- by my review of it.

3                       In my drawing of Wake County, I didn't  
4           split one single precinct. In the seven districts  
5           that I had to redraw, I didn't split not one single  
6           precinct or VTD, is my understanding. And I'll --  
7           I'll note that even this PCS that's being  
8           introduced, it's -- it splits precincts, especially  
9           in the southern part of the county. And, you know,  
10          there's been no explanation for why these precincts  
11          were split.

12                      I do believe that this body is under a --  
13          a court order to correct the racial gerrymander.  
14          And I do not believe that a total -- totally  
15          ignoring race is the way you fix a racial  
16          gerrymander. However, I would note that based on  
17          this prior percentage of African-Americans in the  
18          Wake County districts, this plan is superior to the  
19          enacted plan and reduces those numbers to below 50  
20          percent. And the Court specifically held that we  
21          had to give a reason if you went above 50 percent.  
22          So that these districts should not go above 50  
23          percent and would not -- we would not have to  
24          provide any reasoning for that.

25                      As to why the amendment is better on the

1 whole county provision, I'd ask you to look at the  
2 Greene, Wayne, Johnston, Harnett, Lee, Sampson,  
3 Bladen cluster. In the PCS, House District 10 goes  
4 across three counties; Wayne, Greene and Johnston.  
5 This amendment has House District 21 cutting across  
6 only two; Wayne and Greene. There is no reason for  
7 this extra county transfers and it violates the  
8 whole county provision as interpreted by  
9 Stephenson.

10 If you also look at Rowan, Cabarrus,  
11 Stanley and Montgomery County -- and Richmond  
12 cluster, the PCS has two districts located solely  
13 within one county: House District 82 and House  
14 District 76. The amendment proposed has three:  
15 House District 77, House District 83 and House  
16 District 82.

17 And then on the -- the issue of racial  
18 gerrymandering. The original plan was an  
19 unconstitutional racial gerrymander. It's our  
20 opinion that your solution of ignoring race  
21 completely ignores the Voting Rights Act and  
22 federal law. It ignores the court order in the  
23 Covington case. It ignores the reality that in the  
24 South, race does matter and should be a factor in  
25 drafting a redistricting plan that is fair to all.

1 I don't know exactly how you can fix a racial  
2 gerrymander when you claim not to use race.

3 Your mapmaker claims extensive experience  
4 in North Carolina politics. He has drawn many,  
5 many maps over the years for North Carolina.  
6 Keeping racial data out of the computer does not  
7 preclude the use of race in drawing the maps.  
8 Certain election results, geography and the most  
9 rudimentary knowledge of North Carolina and its  
10 politics can lead to the illegal use of race in  
11 drawing map. The fact that he has lived here in  
12 North Carolina for at least the last three years  
13 gives him even more knowledge. I understand that  
14 in the partisan gerrymandering case that your GOP  
15 expert has admitted that you don't have to have  
16 racial data to pack black voters.

17 Like I said earlier, I did not draw the  
18 amendment map. My understanding, though, is the  
19 Plaintiffs did not use -- artificially cut  
20 themselves off from racial data. They used racial  
21 data as well as other political and demographic  
22 information to draw a map that treated  
23 African-Americans fairly. The amended map does not  
24 create artificially high concentrations of minority  
25 voters to diminish those voters' overall electoral

1           influence.

2                                 Finally, I believe that this amendment is  
3           better on the issue of partisan gerrymandering.  
4           The majority clearly thinks partisan gerrymandering  
5           is legal in this state. We -- we saw that in the  
6           congressional redistricting and we see it again  
7           today. I personally think the days are numbered on  
8           that -- that belief and the number might be getting  
9           pretty low. The US Supreme Court will decide the  
10          issue in the Wisconsin case being argued in, I  
11          believe, early October.

12                                 What is not uncertain is how  
13          gerrymandering, however, is undermining our  
14          democracy. My friends in the majority said that  
15          Democrats did it and now it's Republicans' turn.  
16          And I think if you believe that two wrongs make a  
17          right, then that makes perfect sense to me. But  
18          you can't ignore these numbers. Every statistical  
19          analysis of the current maps and the PCS  
20          demonstrate that North Carolina is the most  
21          gerrymandered state in history. What you've done  
22          and what you want to continue to do is beyond  
23          extreme.

24                                 Some say we are a purple state. Some say  
25          we are more of a reddish-purple state. The PCS

1 draws districts where a statewide winner, like  
2 Attorney General Stein, only wins 42 districts on  
3 this map. That's one third of this body.  
4 Republicans like to say that is not gerrymandering;  
5 that is just where Democrats live. Well, the  
6 amended map proves that this is not so. It draws a  
7 line where Attorney General Stein will win 56  
8 districts. And reflecting where North Carolina is  
9 politically, that seems about right to me.

10 I believe the PCS is an extreme partisan  
11 gerrymander, but the amended map is not a  
12 democratic gerrymander. It simply sets the  
13 political table for the North Carolina House to  
14 reflect the political inclinations of the voters of  
15 the state. And I think that should be our goal. I  
16 would move for adoption of the amendment.

17 REP. DOLLAR: Representative Lewis, you  
18 are recognized.

19 REP. LEWIS: Thank you, Mr. Chairman. As  
20 I've stated earlier, I do want to thank  
21 Representative Jackson for the legislative courtesy  
22 of sharing with me that he was going to offer this  
23 map. I want to speak briefly about the map itself,  
24 but I think I want to speak a little bit about also  
25 some of the comments that Representative Jackson

1           made.

2                           The ways in which this map is similar to  
3           the Committee substitute that has been offered is,  
4           in fact, a result of the way the counties are  
5           combined. And I think Representative Jackson hit  
6           on a good point towards the end of his excellent  
7           remarks. About the way the pesky in the rural  
8           districts just won't vote for the extreme  
9           Democrats, so you've got to do everything you can  
10          to bust them up into ways that guarantee the  
11          election of Democrats.

12                        Mr. Chairman, I want to send forward a  
13          blog post by Thomas Mills that he posted yesterday,  
14          in which he references that Democrats have got to  
15          broaden their appeal in rural areas of North  
16          Carolina and Virginia and redefine themselves with  
17          an economic message that has broad appeal --  
18          appeal. Right now, most rural residents see them  
19          as a party consumed with pushing an agenda of  
20          social change while ignoring the huge hurdles  
21          facing working class families outside a major --  
22          outside of major urban areas. I couldn't have said  
23          it any better than this Democratic hack did. I'd  
24          like to send this forward as a part of the record.

25                        I also want to go further regarding this



1 map. There are some differences. Representative  
2 Michaux asked me earlier about the differences in  
3 this map and the proposed Committee substitute  
4 that's before us. One, the Covington Plaintiffs'  
5 proposed map was drawn in secret with no public  
6 input that I'm aware of.

7 Representative Jackson mentioned several  
8 times that this map was better because he knew the  
9 race -- the race stats of certain areas. If those  
10 stats exist, I'd like for Representative Jackson to  
11 send them forward. Because it sounds like that  
12 there was some kind of mechanical target or quota  
13 that was used without the supporting evidence to do  
14 so, which is in direct violation to what the  
15 Covington Court said that we could do.

16 Regarding the map itself, I refute that  
17 the map better complies with the Stephenson rules.  
18 There are examples and I will give you the pods.  
19 There are examples of multiple transversals into  
20 counties that are not present in our map. That is  
21 a violation of the Stephenson criteria. I also  
22 would point out the gentleman mentioned the  
23 Bladen-Sampson area and in -- in particular  
24 criticized District 21. I would point out that one  
25 of the adopted criteria that the Committee had was,

1           in fact, incumbency protection. This double-bunks  
2           unnecessarily two seated members of the House.

3                       Mr. Chairman, the map that Representative  
4           Jackson is seeking to amend, I will of course  
5           provide -- and have provided for the record -- does  
6           exceed -- the map that I have proposed, even as  
7           amended, does exceed in Reock score overall, the  
8           map that he has proposed. It is better in the  
9           Pol sby-Popper score than the map that he has  
10          proposed.

11                      With all due respect, I understand his  
12          comments were tailored largely around Wake County.  
13          The rest of the state has an interest in this too.  
14          And the Democratically-gerrymandered map that  
15          Representative Jackson has sent forward fails in  
16          those -- in those regards.

17                      Further, I will ask the members to reject  
18          this map. The one point that Representative  
19          Jackson made that I think needs to be addressed,  
20          because we -- we spent a lot of time thinking about  
21          this. He references that districts that aren't  
22          touched by the districts that were declared  
23          unconstituti onal should themselves be frozen.  
24          The -- I disagree with that, and I think it's a  
25          flawed legal theory because you definitely have to

1           consider race if you are trying to redraw lines  
2           that you're freezing around.

3                         In other words, Wake County had districts  
4           that were struck down. Therefore, we redrew  
5           districts within Wake County. That is what the  
6           Court required us to do. We did not redraw  
7           districts that were in unaffected areas. And I  
8           know Representative Jackson may not be aware of  
9           this, but I believe this map does change the Onslow  
10          County drawings that were not touched. So I don't  
11          think that was an -- a completely accurate  
12          statement, but I don't think he misspoke. I think  
13          he was misled to that -- to that point.

14                        There are some more points that I would  
15          like to make and may very well ask to speak a  
16          second time on this, but my initial reaction is  
17          certainly to ask members to vote this Democratic  
18          gerrymander down.

19                        REP. SZOKA: Thank you, Chairman Lewis.  
20          Representative Dollar, you are recognized.

21                        REP. DOLLAR: Thank you, Mr. Chair. A  
22          couple of points to -- to Chairman Lewis. Onslow  
23          Districts 15 and 14 violate what the gentleman said  
24          and that's very -- very clear and we won't  
25          necessarily accept that, but we didn't -- we didn't

1 change those lines. I have, in terms of traversals  
2 that are -- that we believe are not allowable,  
3 Districts 28, 90 and 67 appear to have multiple  
4 traversals that -- that are not in -- in line with  
5 those decisions of the -- of the United States  
6 Supreme Court as applied to North Carolina and --  
7 and other court decisions, state and federal.

8 I would like to ask a question here of  
9 the gentleman, my colleague from Wake. Who -- who  
10 drew these maps?

11 REP. SZOKA: Does the chairman yield?

12 REP. JACKSON: I yield. I believe the  
13 Covington Plaintiffs, which are many groups  
14 including the NAACP, which was present at Tuesday  
15 night's meeting, had these maps drawn. They,  
16 themselves, introduced into the record, I believe,  
17 two of the -- I think maybe the Wake County and the  
18 Mecklenburg County drawings of this map. And then  
19 after Ms. Earls' letter to the Committee's chairs  
20 on Tuesday or Wednesday -- I can't -- whatever day  
21 she sent that and made that offer, I contacted her  
22 and asked her to share the entire map, which she  
23 did and I forwarded it to staff.

24 REP. DOLLAR: Follow-up, please. Thank  
25 you. So Representative Jackson, and -- and I

1           apologize 'cause I have bad hearing and -- but --  
2           so could you tell us the -- much discussion has  
3           been made of the -- the technical map drawer that  
4           has assisted the -- the majority here in -- in  
5           drawing maps. So you do have the name of the  
6           individual who drew this underlying -- underlying  
7           map?

8                         REP. SZOKA: Representative Jackson?

9                         REP. JACKSON: I'm not trying to avoid  
10           your question, Representative Dollar, but I believe  
11           Susan Sitze and Erika Churchill drew this map from  
12           data provided by the Covington Plaintiffs. I know  
13           that they hired a former legislative staffer, Bill  
14           Gilkeson, who was assisting them with map drawing.  
15           But how many other people they may have employed or  
16           who had made -- had impact or input into that map,  
17           I couldn't possibly know.

18                        REP. DOLLAR: Okay. Thank you. I say we  
19           got at least one name. Thank you. I mean, my  
20           question -- my observation would be on that is  
21           that, you know, it -- people criticize maps and  
22           want things to be transparent. And yet it's --  
23           it's been very difficult the last two days  
24           determining who actually came up with -- with this  
25           particular -- that this amendment is based on.

1                   But, you know, I have an observation here  
2                   and it may be a question in just a moment, Mr.  
3                   Chairman, and that is, to me this is clearly a  
4                   political document. It double-bunks 18 individuals  
5                   and members in total; 12 more than what the -- than  
6                   what the PCS, in fact, actually does. Several of  
7                   these appear to be quite political and gratuitous.  
8                   For example, Representative Millis is paired with  
9                   Representative Brenden Jones. Would the gentleman  
10                  from Wake yield for a question?

11                 REP. JACKSON: Representative Dollar, I'd  
12                 be happy to yield to any questions you have as long  
13                 as you're not going to try to infer motivation on  
14                 things that you're not aware of.

15                 REP. SZOKA: Does the gentleman yield for  
16                 the question?

17                 REP. JACKSON: I do. As long as it's a  
18                 fair question.

19                 REP. DOLLAR: Well, the -- see if this is  
20                 a fair question. Do you -- my question is very  
21                 straightforward. Why did you pair those two  
22                 incumbents when the criteria did not call for that,  
23                 that this Committee adopted, and I certainly see no  
24                 particular reason to do that. Can you tell us why  
25                 that was done?

1 REP. SZOKA: Representative Jackson?

2 REP. JACKSON: I cannot answer your  
3 question about why the Plaintiffs chose to  
4 double-bunk these particular two incumbents. I can  
5 tell you that the criteria that this Committee  
6 adopted did not give a -- a listing of priority.  
7 And so to the extent -- and I don't know if it's  
8 true, Representative -- Chairman Lewis appears to  
9 have the compactness scores for all these  
10 districts. To the extent, and possibly, the way  
11 the Plaintiffs drew it is more compact than the way  
12 the PCS draws it. So maybe they put compactness  
13 ahead of incumbency. I don't know the answer to  
14 that.

15 I know that there are nine or ten  
16 adopted criteria, no particular order was given. I  
17 assumed they did the constitutional requirements  
18 first. That's the way I would've drawn it. But  
19 other -- other way how -- what they've chose to put  
20 the next is -- you know, I have no way of knowing.

21 I would also answer to your previous  
22 question about the number of incumbents that you're  
23 including. That is you should not consider people  
24 who have announced their retirements. And so, I  
25 believe, this map does it to the extent of the

1 double e-cut [sic] -- double e-bunk some members, it  
2 does so in areas where there's already been a  
3 member announced that they're stepping down.

4 REP. DOLLAR: Follow-up?

5 REP. SZOKA: Follow-up.

6 REP. DOLLAR: So clearly, you -- you --  
7 you're not precluding that politics may have been  
8 part of it. And to your point about the others,  
9 you -- this map bunks Representative Hardister and  
10 Representative Harrison. It bunks Representative  
11 Lambeth and Representative Terry. It bunks  
12 Representative Dulin and Representative Carney. I  
13 am not aware of any of those individuals. And --  
14 and, again, in terms of Representative Millis and  
15 Representative Brenden Jones, I'm not aware that  
16 any of those eight individuals are -- are currently  
17 planning on leaving the General Assembly.

18 REP. SZOKA: Representative Jackson?

19 REP. JACKSON: Again, I can't speak for a  
20 map that I didn't draw, but I am familiar with some  
21 of the double-bunkings that you just mentioned. I  
22 believe the double-bunking in Guilford County was  
23 necessitated because your -- your PCS drew  
24 Representative Harrison with a greater than 60  
25 percent, I believe, percentage of African-Americans



1           in her district, which was, in fact, one of the  
2           challenged districts that was ruled, I believe,  
3           unconstitutional. And so that was an attempt to  
4           fix that.

5                         The gentleman -- I believe the lady and  
6           gentleman you discussed in Mecklenburg County were  
7           potentially double-bunked because of the freezing  
8           of House District 105 since it did not touch an  
9           affected district. And so that probably  
10          necessitated one double-bunking in the lower end of  
11          Mecklenburg County. That would be just a guess.

12                        REP. DOLLAR: Follow-up?

13                        REP. SZOKA: Follow-up.

14                        REP. DOLLAR: You offered an amendment  
15          and -- and yet, you're -- you're kind of wanting to  
16          take ownership and not wanting to take ownership,  
17          which is strange to me in my legislative experience  
18          when it comes to -- to amendments. So again, I --  
19          I -- I -- I mean, maybe -- I'll just ask it one  
20          more time in terms of these double-bunks.

21                        I mean, these are -- are -- are -- are  
22          good members that I've mentioned. I think they're  
23          productive members and -- and, you know -- and some  
24          in both parties. And it just seems to me that  
25          there was no need for these double-bunkings. And

1           so -- so, Representative Jackson, do you -- you  
2           have no reason why you were putting all of your --  
3           these colleagues that didn't have to be  
4           double-bunked together?

5                     REP. SZOKA: Representative Jackson?

6                     REP. JACKSON: Chairman Dollar, it is my  
7           understanding from reading the Covington opinion  
8           and from the different oral arguments and hearings  
9           that have been held since that decision, that the  
10          Federal Court instructed the Plaintiffs to give  
11          input to the General Assembly about when they  
12          saw -- when this process was taking place.

13                    And so you provided a map on Saturday;  
14          data on Monday morning. The Plaintiffs responded  
15          with a map that they thought showed the defects  
16          that they saw in your -- in your -- in -- in your  
17          piece -- well, in the original proposal before the  
18          PCS. They sent that in letter format. I had  
19          drafted into an actual map so that everyone in the  
20          body could be aware of what it was -- what it was  
21          or what it did and that we could debate that. And  
22          that's simply what I did.

23                    It's -- this is not the -- the map I  
24          would've drawn. I would've drawn Wake County a  
25          little differently 'cause I'm familiar with that.

1           And I would have gotten other members, perhaps,  
2           from Guilford or Forsyth County to help draw that  
3           area as well, if I'd have been doing it. The  
4           Plaintiffs may have done that; I'm just not aware.

5                         REP. DOLLAR: Mr. Chairman, I -- I may  
6           come back for some other -- for some other  
7           questions. I would just -- and I know there's  
8           other members who have questions they want to ask  
9           and I don't want to dominate all the time. Except  
10          I would just make the observation -- I mean, it's  
11          just very clear to me, particularly on the issue of  
12          double-bunking here, that these were done for  
13          purely political and -- and -- and partisan  
14          reasons. And -- and I particularly regret when  
15          it's done to a number of members of both parties  
16          that are certainly good members.

17                        REP. SZOKA: Thank you, sir. Next on my  
18          list here is Representative Stevens.

19                        REP. STEVENS: Thank you, Mr. Chair. I  
20          have a couple of question for Representative  
21          Jackson, if you'll yield?

22                        REP. SZOKA: Will the gentleman yield?

23                        REP. JACKSON: Yes, I will yield.

24                        REP. STEVENS: Thank you. You indicated  
25          that a letter was sent and, based on that letter,

1           you had these maps drawn; is that correct?

2                       REP. JACKSON: Based on that letter -- I  
3           asked the assignor of that letter, Ms. Anita Earls,  
4           to provide me with the data that showed those  
5           things could be fixed in the way she said they  
6           could be. I then took that data, which I believe  
7           was furnished in a Dropbox format, and sent it to  
8           staff and asked them to draw the map.

9                       In the drawing of the map, they  
10          identified a few small errors such as, I think,  
11          unpopulated movements or something like that. And  
12          so there were a few technical corrections, so that  
13          this map is not identical to the data that was sent  
14          but is, I believe, in all relevant ways, the map  
15          that was sent.

16                      REP. STEVENS: Has that --

17                      REP. SZOKA: Follow-up?

18                      REP. STEVENS: Please. Has that letter  
19          been offered into the -- to the record here?

20                      REP. JACKSON: Yes, it -- it was. It was  
21          sent to everybody and was entered as part of the  
22          record, to my understanding. And I imagine it will  
23          be entered into the Federal Court record as well.

24                      REP. STEVENS: Follow-up?

25                      REP. SZOKA: Follow-up.

1                   REP. STEVENS: Do you know how that  
2                   differed from the criteria that this Committee used  
3                   at all, if it did?

4                   REP. JACKSON: Well, I -- I -- she -- and  
5                   if you have not seen her letter, I can certainly  
6                   get you a copy of it. I believe I do have it in my  
7                   large paper folder here. She -- she noted some of  
8                   the things that I went over today. One was  
9                   changing districts that didn't need to be changed.  
10                  One was some differences with the whole county  
11                  provision and the Greene, Wayne, Johnston, Harnett,  
12                  Lee, Sampson, Bladen cluster and the Rowan,  
13                  Cabarrus, Stanly, Montgomery, Richmond cluster.  
14                  And then she talks about the racial gerrymandering  
15                  issue as well.

16                  REP. STEVENS: Follow-up?

17                  REP. SZOKA: Follow-up.

18                  REP. STEVENS: So did she in -- did they,  
19                  in fact, include racial data as a consideration in  
20                  drawing the Covington map?

21                  REP. JACKSON: Representative Stevens,  
22                  I'm not sure if that is listed in the letter, but  
23                  to my knowledge, the -- the racial data was  
24                  considered in the drawing of their map; yes, ma'am.

25                  REP. STEVENS: And -- and have --

1 REP. SZOKA: Follow up?

2 REP. STEVENS: Follow-up. And have you  
3 also listed or considered that racial data and  
4 posted it to the website?

5 REP. SZOKA: Representative Jackson?

6 REP. JACKSON: I want to make sure you're  
7 clear; they sent what's called, I believe, a  
8 shapefile, which is something that we can use to  
9 recreate the map that they drew. The data that you  
10 have before you is the data that has been created  
11 by staff, and it is in the same format as all the  
12 other amendments that you have requested.

13 However, if you request of staff, they  
14 can do you racial data based upon any amendment, as  
15 well as the PCS, the original proposal and this one  
16 as well. But I think what they've handed out is  
17 what you've used on every other map you've drawn,  
18 so that they remain consistent. But it does exist  
19 in the computer and can be pulled for you.

20 REP. STEVENS: Follow-up?

21 REP. SZOKA: Follow-up.

22 REP. STEVENS: Who requested the racial  
23 data? Was that you or was that the Covington  
24 Plaintiffs?

25 REP. JACKSON: Well, again, I -- it -- I

1 believe the Covington Plaintiffs considered it,  
2 but, again, they did not send us data. As far as  
3 what I have requested, I requested racial data on  
4 your original map that was released Saturday. I  
5 requested and received that data. Other members, I  
6 am aware, have requested racial data on other maps.  
7 And maybe the same map more than once and have seen  
8 posted in different areas, have been e-mailed to  
9 members' accounts and things of that nature. The  
10 only thing I requested was the racial data, I  
11 believe, for the original map.

12 REP. STEVENS: Follow-ups?

13 REP. SZOKA: Follow-up.

14 REP. STEVENS: Representative Jackson,  
15 are you aware on the Reock score that the mean  
16 score in Covington is 42 where it's only 41 in the  
17 House plan? And the standard deviation in  
18 Covington is 10 -- is .10, where the standard  
19 deviation of the House plan's only .09?

20 REP. JACKSON: No, I am not familiar with  
21 the compactness scores of any area in the proposal  
22 I listed other than in Wake County. Originally, I  
23 had planned to run a Wake County amendment, a  
24 Mecklenburg County amendment and a statewide  
25 amendment. But it -- just like all of your

1           questions, I think it's very clear what the vote  
2           total is going to be today. And so in the interest  
3           of time, I did not choose to cross examine members  
4           about how things were drawn and I've chosen not to  
5           waste your time by introducing multiple amendments  
6           that are doomed to fail.

7                        REP. STEVENS: And if -- if I can follow  
8           up?

9                        REP. SZOKA: Follow-up.

10                      REP. STEVENS: Representative Jackson,  
11           did you know the House plan splits only 19  
12           precincts in the impacted areas? Did you -- did  
13           you realize that?

14                      REP. JACKSON: I believe I saw the  
15           Chairman's presentation and, I believe, there was a  
16           change from 40 some -- maybe 40 to 19 or something  
17           like that.

18                      REP. STEVENS: Follow-up?

19                      REP. DOLLAR: Follow-up.

20                      REP. STEVENS: Did you look closely at  
21           your Covington plan to indicate that there were  
22           either 43 or 44 precincts impacted?

23                      REP. JACKSON: So I -- I have not. I can  
24           tell you that the majority of those precincts that  
25           are split under the Covington plan are split as a



1 result of freezing in place those districts. That,  
2 we did not do as this PCS does, an attempt to split  
3 precincts for partisan advantage or to avoid an --  
4 a potential primary or general election opponent or  
5 anything like that. The precincts are what you  
6 originally split in 2011. And because we didn't  
7 touch those districts, we can't touch those splits.

8 I will also say that that -- now,  
9 looking at that number can sometimes be confusing  
10 because a VTD may appear to be split, but in fact,  
11 it has been split by the Board of Election in two  
12 separate precincts. So you may look at a number  
13 and say oh, you've got to split VTD, but in fact,  
14 you just split it along precinct lines and did not,  
15 in fact, split precincts.

16 REP. STEVENS: Well, did you -- did  
17 you --

18 REP. DOLLAR: Would you like a follow-up?

19 REP. STEVENS: Follow-up, please. I'm  
20 sorry. Follow-up. Did you look at a split  
21 precinct in Pitt County that wound up being split  
22 between three different districts by the Covington  
23 Plan?

24 REP. JACKSON: Again, I have not. I -- I  
25 looked at Wake County and a little bit of

1 Mecklenburg County. Otherwise, I did not look.

2 REP. STEVENS: Follow-up?

3 REP. DOLLAR: Follow-up.

4 REP. STEVENS: And did you recognize that  
5 the Covington House plan also splits 15  
6 municipalities, which is more than the House plan  
7 split?

8 REP. DOLLAR: Representative Jackson  
9 recognized.

10 REP. JACKSON: Can you tell me how many  
11 precincts the PCS for the House plan split?  
12 Because I believe -- I'm sorry. I'm assuming a  
13 fact not into evidence, Your Honor.

14 REP. STEVENS: The -- the -- the -- the  
15 House plan splits 19 precincts in impacted areas.  
16 There are clearly some legitimate reasons for  
17 those. But the Covington plan splits 43 or 44.

18 REP. JACKSON: Well, I think you'd moved  
19 on to ask me about municipalities, Representative  
20 Stevens.

21 REP. STEVENS: The municipalities -- the  
22 Covington plan split 50 municipalities and that's  
23 five more than the House plan.

24 REP. JACKSON: Okay. That -- so the  
25 House -- if based upon your representation that the

1 House plan only split 45, then if you say Covington  
2 splits 50, I would have no reason to disagree.

3 I would tell you that in the county I  
4 looked at, like Wake County, I -- I did a -- the  
5 Covington plan does a much better job of splitting  
6 the municipalities that does have to split in fewer  
7 places. For instance, Raleigh is split in eight --  
8 into eight districts instead of nine. And I think  
9 Apex is split, maybe, into three instead of five  
10 and things of that nature. But because of the  
11 freezing, we cannot minimize the total amount of --  
12 of -- of municipalities split.

13 REP. STEVENS: Follow-up?

14 And I'm particularly, I guess, looking at  
15 Wake, Guilford and Mecklenburg. I'm -- I don't  
16 think my microphone's coming on. Okay. It's still  
17 not -- okay. There it is.

18 REP. SPECIALE: Mr. Chairman?

19 REP. SZOKA: Representative Speciale?

20 REP. SPECIALE: Just as a point of order,  
21 could you please let the Plaintiff and the  
22 Defendant know that we're not in a court of law?

23 REP. SZOKA: This is an issue of great  
24 importance to not only this body, but all of the  
25 citizens of the state. And we'll hear all the

1           questions and responses until whenever we need to  
2           be here. Representative Stevens, you're  
3           recognized.

4                         REP. STEVENS: Thank you. Thank you.  
5           And -- and Representative Jackson, I promise not to  
6           be much longer, but I'm particularly looking at  
7           Guilford and Mecklenburg. And the way they're  
8           split, don't they look more like a pinwheel than a  
9           compact district?

10                        REP. SZOKA: Representative Jackson  
11           recognized.

12                        REP. JACKSON: Thank you, Mr. Chairman.  
13           Representative Stevens, I don't have the PCS map in  
14           front of me, so I can't do a comparison  
15           necessarily. But I would say that these maps do  
16           appear to be more start in the center and move  
17           outward. I believe, based upon -- in Guilford  
18           County, I believe, that's based upon, again, the  
19           need to get Representative Harrison's district to a  
20           different level for racial data. And -- and it --  
21           it looks like, to me, to create more compact  
22           districts. But, again, you -- you might be better  
23           addressing these to the -- questions to the people  
24           who drew the maps.

25                        REP. STEVENS: Mr. Chair?

1 REP. SZOKA: Yes, ma'am?

2 REP. STEVENS: I -- I just want to point  
3 out for the record that while I would like to  
4 address these to the people who made the map,  
5 they're not here.

6 REP. SZOKA: So noted.

7 REP. JACKSON: Mr. Chairman?

8 REP. SZOKA: Yes, sir?

9 REP. JACKSON: Are you sure they're not  
10 here?

11 REP. DOLLAR: Well, can -- if you  
12 would -- Representative Jackson, if you would call  
13 their names again, we will see if they are here.

14 REP. JACKSON: I don't know who drew the  
15 maps. Again, I know that Mr. Gilkeson had -- I  
16 think -- I don't think the Plaintiffs were invited  
17 to today's Committee, but if -- if you want to take  
18 a recess and invite them, maybe they'd be willing  
19 to come and answer your questions for you.

20 REP. SZOKA: Well, they may, but this is  
21 your amendment. I would've hoped that you would  
22 have brought the people necessary to support your  
23 amendment.

24 REP. STEVENS: Yeah --

25 REP. SZOKA: Representative Stevens?

1                   REP. STEVENS: Mr. Chair, I just want to  
2                   make the comment that, you know, he's -- he's  
3                   trying to somewhat disavow himself now of the very  
4                   map he's offered. Maybe it's not his dog, but he's  
5                   walking it. He should have some obligation to  
6                   know.

7                   REP. DOLLAR: Ma'am, are you finished?

8                   REP. SZOKA: Thank you very much. Next  
9                   on the list -- and I have you all on the list, be  
10                  assured -- is Representative Torbett.

11                 REP. TORBETT: Thank you, Mr. Chairman.  
12                 And at this time, if -- I would beg your  
13                 difference. The maps that were presented when it  
14                 comes down to your more heavily populated counties  
15                 are -- are just -- aren't that clear. So I've had  
16                 Mecklenburg pretty much magnetized or -- or  
17                 magnified. If you would, Sergeant at Arms, can I  
18                 ask, respectfully, if those would be distributed to  
19                 the members?

20                 REP. SZOKA: Yes, Sergeant at Arms,  
21                 directed to you, pass those maps.

22                 REP. TORBETT: And thank you. I do have  
23                 a series of questions, Mr. Chairman. I would like  
24                 to direct those questions to Representative Jackson  
25                 of Wake.

1                   REP. SZOKA: Does Representative Jackson  
2 yield to the questions? Thank you, sir.  
3 Representative -- well, Representative Torbett,  
4 let's hold on a minute until we get the maps passed  
5 out so that everybody's looking at the same thing.

6                   REP. TORBETT: Thank you, Mr. Chairman.  
7 (Pause.)

8                   REP. LEWIS: Mr. Chairman?

9                   REP. SZOKA: Yes, sir?

10                  REP. LEWIS: Mr. Chairman, Representative  
11 Jackson referenced earlier a letter that was sent  
12 to -- to me and signed by Anita Earls and Edward M.  
13 Speas and some other attorneys, I believe. Ms.  
14 Earls did send me an e-mail and asked this to be  
15 included in the Committee record. With your  
16 permission, I'd like to send it forward and I'd  
17 like the Sergeant at Arms to distribute it as well.

18                  REP. SZOKA: Absolutely. I have it in my  
19 possession as stated and signed by the lady, and it  
20 will be entered into the Committee record and will  
21 be distributed to members of the Committee.

22                  (Pause.)

23                  REP. DOLLAR: Do all the members of the  
24 Committee have the map and a copy of the letter  
25 that has just been passed out? All right. It

1           would appear, seeing nothing to the contrary, that  
2           all members of the Committee have a copy of this  
3           map that Representative Torbett has passed out.  
4           And also, a member -- a copy of the letter that  
5           Representative Lewis asked to be passed out.  
6           Therefore, Representative Torbett, you have the  
7           floor.

8                         REP. HARRISON: Excuse me, Mr. Chair, I  
9           don't have the map.

10                        REP. SZOKA: Okay. Is she a member of  
11           the Committee?

12                        REP. LEWIS: Mr. Chairman?

13                        REP. SZOKA: And the Committee?  
14           Representative Lewis?

15                        REP. LEWIS: Mr. Chairman, I think this  
16           might help Representative Harrison's request. The  
17           map was passed out as The Jackson Amendment. That  
18           is the map we're referring to. She's got it.

19                        REP. SZOKA: Okay. I see that you've  
20           received everything now so, Representative Torbett,  
21           the floor is yours.

22                        REP. TORBETT: Thank you, Mr. Chairman.  
23           Representative Jackson, do you feel the issue we're  
24           debating today is a -- one person, one vote in  
25           North Carolina is a -- a serious issue?



1 REP. JACKSON: Sir?

2 REP. TORBETT: I'm sorry, I'll repeat it.  
3 Do you feel the issue that we're addressing today  
4 in North Carolina as under one person, one vote and  
5 how those votes are defined and -- and relegated --  
6 do you feel that's a pretty important issue?

7 REP. JACKSON: I do, Representative  
8 Torbett. I think my legislative record speaks for  
9 itself.

10 REP. TORBETT: Thank you, sir.  
11 Follow-up?

12 REP. SZOKA: Follow-up.

13 REP. TORBETT: Thank you, Mr. Chairman.  
14 In -- in your comments, you said you -- you  
15 would've drawn maps. And if you would have drawn  
16 maps, that this would have been different and that  
17 would have been different. As a member of the  
18 Committee, it's my understanding that myself and  
19 every member and you, as Minority Leader in the  
20 House of Representatives, had the opportunity to do  
21 just that and draw alternative maps. Is that a  
22 fair statement?

23 REP. JACKSON: I guess, theoretically.

24 REP. TORBETT: Thank you. So --

25 REP. SZOKA: Follow-up?

1                   REP. TORBETT: The -- the importance that  
2                   I -- I -- that I'm -- I'm concerned about this, is  
3                   that you chose not to draw maps under an -- an  
4                   issue that is extremely important to the people of  
5                   North Carolina. But I'm also understanding that  
6                   the map you presented today is not the map that you  
7                   drew. Is that correct?

8                   REP. JACKSON: Well, Representative  
9                   Torbett, I mean, could you -- that's several  
10                  questions in one, so --

11                  REP. TORBETT: I can break them up if  
12                  you'd like.

13                  REP. JACKSON: Well, let's just -- if I  
14                  don't answer your question, you can let me know. I  
15                  did not draw this map; I think I made that very  
16                  clear. I did attempt to draw some areas of the  
17                  map. It would take one person not familiar with  
18                  the computer system, with no -- you know, I have to  
19                  go through staff to do these things. It -- it  
20                  would take me quite a bit of time to draw the --  
21                  the entire state.

22                  REP. TORBETT: I understand, as it would  
23                  take any of us the same amount of time.

24                  REP. JACKSON: Yeah, so, you know, I --  
25                  to do it right, you know, I would want to bring in

1 members from that area. I would've wanted to take  
2 public comment. You know, the week we weren't  
3 doing anything where Mr. Hofeller was drawing the  
4 map, you know, I would've -- if I had done it, I  
5 would've taken public comment that week about what  
6 do you want to see in the map. Then I would have  
7 released the map and took public comment. Okay.  
8 What's wrong with the map?

9 So I would've done things a little  
10 differently if I was drawing the map, but, again, I  
11 would have brought Representative Torbett in and,  
12 'Tell me about the communities of interest in your  
13 area, Representative Torbett.'

14 You know, I -- I've talked about eastern  
15 Wake County being together. You know, I have a  
16 paper, Eastern Wake News; I would've asked -- you  
17 know, how to -- you got a [inaudible] fire station  
18 that your community rallies upon. I would've done  
19 things like that. So it would've taken me more  
20 than since this map was released on Saturday to get  
21 that done, yes, sir.

22 REP. TORBETT: Follow-up, Mr. Chairman.

23 REP. SZOKA: Follow-up.

24 REP. TORBETT: And -- and as -- would you  
25 think that it was within your purview or within

1           your opportunity to do exactly that, because I --  
2           that -- I was feeling the same thing and could have  
3           done that any time. And you feel that you were --  
4           that you couldn't, as Minority Leader, do that?

5                         REP. JACKSON: Let's -- let's say it this  
6           way. I think it was a -- a task made more  
7           difficult by the majority, and I -- and I'll give  
8           you an example if you so -- so choose. Your  
9           mapmaker was retained, I believe, June 26th;  
10          they're joining 27th of this year. And he agreed  
11          that he would redraw the map for \$50,000, a flat  
12          fee, so that he would have some -- so both sides  
13          would have some semblance of what it was going to  
14          cost and be certain. That same \$50,000 was offered  
15          to the Democrat and the -- the leaders of the  
16          minority party in both the House and the Senate.  
17          However, it was offered in June, when you took  
18          advantage of it and got started. It was not  
19          offered to us until August 4th, that written  
20          letter. So, technically, did I have the ability?  
21          Yes, sir. Did I have the same ability that the  
22          majority party, I would dispute.

23                         REP. TORBETT: Okay. Follow-up, Mr.  
24          Chairman.

25                         REP. SZOKA: Follow-up.

1                   REP. TORBETT: Thank you. Also in -- in  
2                   your -- your opinion that you were stating about  
3                   the map, that -- the secret map, which they -- I  
4                   think it was stated earlier. You mentioned about  
5                   the criteria, and -- and the criteria that was  
6                   selected by this Committee. Based on the map that  
7                   I've asked to be passed out, because the -- the  
8                   larger map -- just, you can't see. Based on this  
9                   map addressing Charlotte, which is right next to  
10                  me, which is why I -- it's kind of -- I guess I'm  
11                  asking you these questions. Can -- can you show me  
12                  a town on that map that was not split, a  
13                  municipality that was not split to obtain a certain  
14                  voting outcome? Because I thought under our  
15                  criteria that we would try to -- our -- our -- our  
16                  absolute best to keep the municipalities in whole.  
17                  Are you aware of any towns that weren't split; are  
18                  you aware of any towns that were split?

19                 REP. JACKSON: Representative Torbett,  
20                 again, I will try to answer your questions and if I  
21                 don't do a good job, please, tell me what I miss.

22                 REP. TORBETT: Sure.

23                 REP. JACKSON: One thing is, you referred  
24                 to this as the secret map, and I take great offense  
25                 to that description. I'd shared this map with

1           this -- this Committee in whole and -- well,  
2           particularly with the chairman of this Committee,  
3           immediately upon receiving it. Okay. So it -- I  
4           don't know where the word secret comes, but I  
5           shared it.

6                         I didn't wait 'til the amendment deadline  
7           at 10:30, which got moved to 10:45. I actually  
8           shared this way earlier. In fact, I shared it  
9           before your side shared the PCS for today with us.  
10          So -- so I think calling it a secret map's a little  
11          unfair to me and how I do business. As far as  
12          municipalities, all I know about Mecklenburg County  
13          is what you've just handed me. It would appear to  
14          me that Huntersville is kept whole in this map. It  
15          would -- it would -- again, if I -- if -- when I'm  
16          talking, if I could be the only one [inaudible] --

17                         REP. DOLLAR: The gentleman has the  
18          floor.

19                         REP. JACKSON: It appears from your map  
20          that Huntersville applies all in the blue area,  
21          Davidson's all in yellow and that Cornelius appears  
22          to be across two different colors. Mount Holly  
23          appears to be all in green to the extent that it is  
24          all in Mecklenburg County; could be one of those  
25          municipalities that carries them to two counties

1           for all I know. Pineville, it looks like it's the  
2           majority in pink, but it's got the letter E on the  
3           gray area, which, again, in our map was a frozen  
4           district, so we didn't change that. So if it is  
5           split, it's split by that rule, the state  
6           constitution not changing anything. It looks like  
7           Matthews is clearly probably split. I have been to  
8           Matthews -- it's a pretty large city -- so I'll --  
9           I'll -- I believe that that is split. Looks like  
10          Mint Hill split. And, of course, Charlotte is  
11          split into most, if not all of these districts.  
12          But --

13                        REP. JACKSON: Thank you. Thank you  
14                        for your answer and just for the -- for the record,  
15                        Mount Holly is actually in Gaston County. So you  
16                        approached on the map probably a little bit  
17                        different there. Are -- are you aware that it  
18                        splits almost every town possible just simply to  
19                        retain or -- or to actually change or -- or give  
20                        the voters more of an edge to not elect  
21                        Republicans, but elect Democrats.

22                        REP. JACKSON: So if you say more  
23                        municipalities were split, then I'll take you at  
24                        your word. Again, I'm very careful when I speak on  
25                        the floor and when I speak in Committee. I've

1           given motivations to people that I don't know  
2           about. So I'm not going to agree with your --  
3           your -- your description that they were motivated  
4           by partisanship because I don't know that. They  
5           will -- they'll have to answer that question for  
6           themselves. I can tell you that I understand the  
7           criteria they used were to freeze District 105,  
8           which was not contiguous to an impacted district  
9           and to cure the racial gerrymander that existed in  
10          several districts in Mecklenburg County. What they  
11          did after doing those two things and how they did  
12          it, you would have to ask them.

13                         REP. TORBETT: Thank you. Follow-up, Mr.  
14                         Chairman?

15                         REP. DOLLAR: Follow up.

16                         REP. TORBETT: Thank you. And I -- just  
17                         for the record, I personally believe that the  
18                         voters -- a lot of this debate that we have is  
19                         useless because voters are of high intellect to  
20                         understand that they vote for the individual more  
21                         than the party anyway and that a lot of this is  
22                         just, I guess, what we have to go through about  
23                         every ten years.

24                                 Now, let me ask you something else. So  
25                                 also in your -- in your comments, you -- you



1 address -- and I think this question, I don't --  
2 it's been a while since your comments were made.  
3 You addressed Chairman Lewis as -- as to offer an  
4 explanation on why these precincts were split, and  
5 I think you asked that in a pretty definitive  
6 question. So I would ask you, sir, on the map that  
7 you've submitted, could you provide the explanation  
8 why 10 precincts were split in Mecklenburg? And I  
9 can wait for your answer.

10 REP. JACKSON: (No response.)

11 REP. TORBETT: Mr. Chairman, just -- I  
12 think that will conclude my questions based on  
13 that.

14 REP. DOLLAR: Thank you, Representative  
15 Torbett.

16 REP. JACKSON: It appears from the lifting  
17 of split -- of split VTDs that we've been given  
18 that 10, in fact, are split. The number one -- the  
19 first one is VTD 87. That is split because it  
20 includes House District 105, which is a frozen  
21 precinct, so it couldn't be -- frozen district, so  
22 it couldn't be fixed under our state constitution.  
23 VTD 88 includes House District 105, which is frozen  
24 under the state constitution and could not be  
25 fixed. VTD 91 includes District 105, which -- so

1           that's a frozen district and could not be fixed.  
2           VTD 121 includes House District 105 and it's frozen  
3           and therefore it could not be fixed. VTD 129  
4           includes House District 105, which is frozen and  
5           cannot be fixed.

6                         VTD 225 includes House District 105; it's  
7           frozen and could not be fixed. VTD 227 includes  
8           House District 105 and could not be fixed. By my  
9           calculation, there are three VTDs that are split  
10          that did not include House District 105. I could  
11          not tell you if those were done for population,  
12          deviation -- to make the deviations right, if it  
13          was done for compactness, if it was done for  
14          incumbency or if it was done for political reasons  
15          or racial -- you know, to equalize the racial  
16          numbers in those districts. I couldn't tell you  
17          because I didn't draw it. I will tell you that  
18          only three of them were split as a result of any  
19          other reason other than the frozen district of  
20          House District 105.

21                         REP. SZOKA: Thank you. Representative  
22          Gill, you're recognized.

23                         REP. GILL: Thank you. I was just going  
24          to ask for the roll call at -- at the -- at the  
25          time of it.

1 REP. DOLLAR: Okay. Thank you.

2 Representative Michaux, you're recognized.

3 REP. MICHAUX: Mr. Chairman. I've got  
4 a -- more of a statement than a -- than a question.

5 REP. SZOKA: That's fine.

6 REP. MICHAUX: These -- this map that you  
7 have before you in the amendment, introduced by  
8 Representative Jackson, who was asked to do it as  
9 constituents asked all of you to do. The half of  
10 you don't know what you're doing with them anyway,  
11 when the ask you to do it. He was asked to  
12 introduce these on behalf of the Plaintiffs in this  
13 matter, I don't know anybody in this body that is a  
14 member of the Plaintiffs, who -- in this body. The  
15 maps were drawn by the Plaintiff -- the map was  
16 drawn by the Plaintiffs, not using statewide money.  
17 They didn't -- they didn't get \$50,000 to draw that  
18 map. They drew it as part of the action that they  
19 took that has found that you racially gerrymandered  
20 these districts.

21 So you can sit up here and talk about all  
22 the numbers that you got in there that you want.  
23 These people went out and said you did them wrong  
24 and they're the ones paying for trying to correct  
25 what you did wrong. And if you talk about

1 Democratic gerrymander on this map, what about the  
2 Republican gerrymander on your map? I mean, give  
3 me a break, folks. We can sit up hear all day and  
4 are you going to pass this. You going to sit up  
5 here and try to make a record, and we're doing the  
6 same thing. Fortunately, our record seems to be a  
7 little bit better than yours because you're trying  
8 to make up something that just ain't there. And  
9 you've got more to go even there -- even further  
10 down the line, you going to be looking at political  
11 gerrymandering, not racial gerrymandering, which is  
12 coming up very soon in the United States Supreme  
13 Court.

14 So you can sit here all day. I'm not  
15 going to sit here all day. I'm going to leave,  
16 because I know what you're going to do. You're  
17 going to pass it and you're going to send it on to  
18 the Court. The Court's going to look at it and I  
19 don't know what they're going to say, but I can  
20 give you a pretty darn good idea that somebody else  
21 is going to be drawing some maps somewhere down the  
22 line. So, have fun, y'all.

23 REP. SZOKA: Representative Brawley,  
24 you're recognized.

25 REP. BRAWLEY: Thank you, Mr. Chairman.

1           As I've watched this debate -- first, I -- I would  
2           like to say something to Representative Jackson.  
3           And, to the gentleman, I was not intending to imply  
4           that you were misleading the Committee. I realize  
5           that you were presenting a plan you did not draw  
6           and believe that when you were making  
7           misstatements, they were honest errors because you  
8           were not familiar with the areas with which you  
9           were speaking. And if I gave any impression that I  
10          was questioning your honesty or that you were  
11          deliberately misleading this Committee, I would  
12          like to correct that. You are a man with whom I  
13          frequently disagree on issues, but who I find  
14          personably honorable.

15                        I would also like to draw the Committee's  
16          attention to a court case a few years ago involving  
17          the Ford Pinto in a rear-end collision, which led  
18          to an explosion. During jury selection it was one  
19          of the first times that psychological testing was  
20          used to determine the jurors. And the people  
21          defending the case realized that women were much  
22          more likely to find for the Plaintiff, but  
23          discovered that if they asked the woman a question,  
24          can you drive a truck, that gave her the same view  
25          towards automobile maintenance that a man would

1           have. And one of the key things in the case was  
2           the gas cap had been left off of the car and that  
3           was the reason the Ford Motor Company said it  
4           actually blew up, because gas was splashing out.

5                       I think that question is like this thing  
6           about freeze District 105 in Mecklenburg County.  
7           It looks innocuous, but it's actually the key to  
8           achieving the aims that -- I believe that the  
9           Democrats would like to achieve in this issue. By  
10          freezing 105, but having to move everything else,  
11          it allowed them to split Matthews and Mint Hill, a  
12          clear community of interest, into three pieces.  
13          Now, the reason -- well, one, I'm very familiar  
14          with it because I represent that area. I've lived  
15          in Matthews since 1982, and Matthews and Mint Hill  
16          or on Matthews-Mint Hill Road. We read the  
17          Matthews-Mint Hill weekly. We share a Park  
18          Commission slot on Mecklenburg County Board of Park  
19          Commissioners. Kids in Matthews go to middle  
20          school and elementary school in Mint Hill. Kids in  
21          Mint Hill go to high school in Matthews. We play  
22          in both sports leagues. They -- sometimes we  
23          wonder why the towns don't just merge. They do  
24          tend to vote very Republican; however, not always.  
25          Those towns have always elected whoever's in that

1 district, from Jim Black, Larry Di gg, Sean LeMonde,  
2 Jim Gulley and me.

3 By chopping this into three pieces,  
4 northern Mint Hill is now part of Representative  
5 Autry's Democratic district and it will vote  
6 Democratic and will probably elect a Charlotte  
7 Democrat. The southern portion of Mint Hill and  
8 the northern portion of Matthews now runs into  
9 Charlotte and will probably elect a Democrat from  
10 Charlotte. And 104, having only the southern  
11 portion of Mathews, once -- is also subsumed in  
12 Democratic portions of the City of Charlotte. So  
13 these two southern towns, Matthews and Mint Hill,  
14 with a combined population of almost 60,000, will  
15 not be able to elect their own representative.

16 This also meant that redrawing 104  
17 created a double bunk situation where  
18 Representative Dulin is now in the seat  
19 Representative Carney represents. The shifts  
20 around by holding 105 steady allowed the map  
21 drawers to create in District 107 a district that  
22 pulls a lot of Republican votes out of Huntersville  
23 and Cornelius and subsumes them into Democratic  
24 votes in Charlotte. I've been through the data on  
25 this. This map will elect 11 Democrats and one

1           Republican. To me, this looks like a partisan  
2           gerrymander of some of the most blatant types, by  
3           breaking apart communities which have separate  
4           identities and putting them under the dominance of  
5           the City of Charlotte. I would have to vote  
6           against this. My people would go crazy if I sold  
7           them out. Thank you.

8                     REP. SZOKA: Thank you. Next on the list  
9           is Representative Jones.

10                    REP. JONES: Thank you, Mr. Chair. Just  
11           a brief comment and, during my comment, if I may  
12           pose a question to Chairman Lewis if he would  
13           respectfully yield.

14                    REP. SZOKA: Will -- will the gentleman  
15           yield?

16                    REP. JONES: I have listened closely to  
17           the a lot of the comments that have been made today  
18           and just over and over considered how -- how  
19           misleading some of the comments have been made,  
20           particularly regarding race and how I believe a  
21           casual observer who would be listening to this  
22           Committee meeting or -- just -- perhaps online  
23           or -- or whatever, could misconstrue something.  
24           But, Representative Lewis, you were here in the  
25           general assembly during some of the terms of the



1 past decade when the -- when the Democrats were in  
2 the majority and -- and drew the maps. And now  
3 you've been here during this decade when the  
4 Republicans have been in the majority and drawn the  
5 maps. As far as the racial makeup in the general  
6 assembly, after the Republicans drew the maps in  
7 2011, the racial minorities end up with more seats  
8 in the general assembly or less seats?

9 REP. LEWIS: Thank you for that question,  
10 Representative Jones. I'll do my very best to  
11 answer it. Obviously, I can't speak for decades  
12 prior to me serving. I will tell you that, in  
13 2011, we conducted extensive research and expert  
14 reports that indicated that racially polarized  
15 voting existed in the state. We interpreted that  
16 to mean that we needed to construct districts where  
17 minority populations would have an opportunity  
18 to elect the candidate of their choice. The  
19 Covington case -- the Covington Court reviewed the  
20 evidence -- the same evidence, the same expert  
21 reports that we had before us and determined that  
22 we did not have sufficient information to use race  
23 as a factor. Therefore, we did not use race when  
24 we drew these maps. I think the net result of what  
25 you asked, to my knowledge, there probably are more

1 African-Americans serving in both chambers today  
2 than there were in 2010. Excuse me, than there  
3 were in the prior -- yeah, than there were in -- in  
4 2010, but I -- I also haven't personally looked at  
5 that number.

6 REP. JONES: Just a brief follow-up.

7 REP. SZOKA: Follow up.

8 REP. JONES: Representative Lewis, would  
9 you be surprised if I -- if I told you we currently  
10 have 25 racial minorities serving in the general  
11 assembly and that is a greater number, than we  
12 had -- than when the Democrats were drawing the  
13 maps during the past decade? Would that surprise  
14 you?

15 REP. LEWIS: I would have no reason to  
16 question your -- what you said. No, sir.

17 REP. JONES: Thank You.

18 REP. SZOKA: Representative Brockman,  
19 you're recognized.

20 REP. BROCKMAN: Okay. I -- I have a --  
21 two questions and a comment. And I want to just  
22 comment on the last question or the last thing that  
23 Representative Jones said. Yes, there may be more  
24 African-Americans, but we have less power. We have  
25 a super-minority, so, you know, we have less power;

1 we have less influence. So, you know, you're  
2 really diluting the African-American voice, which  
3 is really kind of the point of why we're here. But  
4 then -- so my two questions are --

5 REP. SZOKA: Sir, who are your questions  
6 directed to?

7 REP. BROCKMAN: The Chairs.

8 REP. SZOKA: Specifically both or --

9 REP. BROCKMAN: Either Chair -- either  
10 Chair will be fine.

11 REP. SZOKA Okay.

12 REP. BROCKMAN: Thank you. I just want  
13 to know if any of the Chairs agree with Leader  
14 Jackson's statement that North Carolina is a purple  
15 state? That's my first question.

16 REP. LEWIS: Thank you for the question,  
17 representative. To be clear, I don't remember  
18 Representative Jackson using those words, but I  
19 will go with the presumption that he did. I would  
20 say that there are certain areas in North Carolina  
21 that tend to vote strongly Democratic. There are  
22 certain areas in North Carolina that tend to vote  
23 strongly Republican, and oftentimes those areas  
24 have direct correlation to where these communities  
25 lie within the state. But, as you know, we do not

1           have a proportional system of representation. The  
2           reason that it is -- yes, it is clear that a state  
3           that can elect a Democratic governor and a  
4           Republican lieutenant governor and a Republican  
5           senator and a Democratic AG, yes, it is clear that  
6           our state votes in different ways, but, as you  
7           know, those are at-large races. Nobody, to my  
8           knowledge -- except for one speaker at the public  
9           hearing in the Raleigh site, nobody, to my  
10          knowledge, has proposed completely changing our  
11          constitution to go into a proportional  
12          representation way.

13                        We talked about this earlier and I kind  
14          of made it -- and by earlier I mean one of the  
15          earlier Committee meetings, I kind of made a joke  
16          that we elect members from districts who then  
17          choose a speaker and choose a president pro tem.  
18          We don't elect a prime minister because we have an  
19          executive branch. If we were to move to the kind  
20          of system that acknowledges a purple state, which  
21          is kind of a code word for there ought to be some  
22          way to change to have proportional representation,  
23          I think that far exceeds what the Covington Court  
24          has asked us to do and far exceeds the time in  
25          which we have to -- to do it.

1                   REP. BROCKMAN: Okay. I was just simply  
2 asking if you think North Carolina is -- my  
3 follow-up question is, do you think North Carolina  
4 is a super red state, then, by you answering that  
5 question -- by the way you answered that question?  
6 In a way that produces -- in a way that that's  
7 super-majority for either party; would you say  
8 that? Is North Carolina -- do you think North  
9 Carolina -- North Carolinians would prefer a -- or  
10 the representation of North Carolina would be a  
11 supermajority for either party?

12                   UNKNOWN SPEAKER: Mr. Chairman?  
13 Representative Dollar?

14                   REP. LEWIS: I know that Representative  
15 Dollar wants to address this, but if I could and --  
16 13 out of 17 statewide races this time were won by  
17 the person that had an R behind their name. Do  
18 I -- I don't particularly like, to be candid with  
19 you, the deep red or deep blue or whatever else.  
20 In fact, up until 20 years ago when they talked  
21 about the folks that are registered like me, they'd  
22 use blue and they'd use red for folks that are  
23 registered like you. So -- but I'll concede that  
24 when commentators talk about our state now, they  
25 may say red state and blue state and all this, I --

1 I get that. I'm trying to tell you that I think  
2 it's more complicated than -- than -- than that. I  
3 don't know that I would acknowledge that a state  
4 that elects 13 out of 17 statewide offices is  
5 necessarily a purple state. But maybe  
6 Representative Dollar might want to add to that.

7 REP. SZOKA: Representative Dollar, would  
8 you like to answer that question?

9 REP. DOLLAR: The gentleman made my  
10 point.

11 REP. SZOKA: Representative Brockman?

12 REP. BROCKMAN: And I'll just end with  
13 this comment. You know, North Carolina -- I think  
14 most political folks who look at North Carolina  
15 would say North Carolina is a purple state, a state  
16 that goes back and forth. Our governor's race was  
17 very tight and most of our statewide races are  
18 tight. You know, they go back and forth. You  
19 know, the problem with your argument, with due  
20 respect, is a county like Guilford County that  
21 has -- is a Democratic county, Wake County is  
22 probably a Democratic county. My county, for  
23 example, Guilford County, we've got three Democrats  
24 and three Republicans. You know, I don't  
25 necessarily think your argument holds up in those

1           particular counties.

2                       I would urge this Committee to vote for  
3           Representative Jackson's amendment because this  
4           amendment would bring our state back to a more  
5           50-50 equal playing field. And will, you know,  
6           make our state -- make our General Assembly a -- a  
7           purple General Assembly, which is what our state  
8           is. Thank you.

9                       REP. LEWIS: Chairman.

10                      REP. SZOKA: Representative Lewis?

11                      REP. LEWIS: I don't want to jump in the  
12           queue. Was I next or --

13                      REP. SZOKA: I thought you were going to  
14           respond to --

15                      REP. LEWIS: Well, yeah, just to -- if I  
16           can, to speak on the point of the amendment. I  
17           actually agree with Representative Brockman said.  
18           Voting for this amendment that was submitted by the  
19           Covington Plaintiffs, which is clearly Democratic  
20           gerrymander, will find a way to take Democrats into  
21           areas that they can't currently win because their  
22           messaging problem will not allow them to win  
23           elections.

24                      REP. SZOKA: Next in the queue is  
25           Representative Michaux for a second time.

1                   REP. MICHAUX: Yeah -- yeah, Mr.  
2                   Chairman, I have just more of a statement than a  
3                   question. Representative Jones is absolutely  
4                   right. As time went on, we picked up more black  
5                   representation in this body. When I came to this  
6                   body, Representative Jones, decades ago, there were  
7                   only three of us here. Now there are 25 of us  
8                   here. Through no thanks but anybody but hard work  
9                   on folks who lived in those communities that did it  
10                  because they got an opportunity to elect folks of  
11                  their choice.

12                 Now, you weren't responsible for that. I  
13                 can tell you this, that during slavery time there  
14                 were more black folks on plantations than white  
15                 folks, but who ruled the roost? That's what the  
16                 situation is now, if you want to get right down to  
17                 it. There are plenty of us here, but we don't have  
18                 the power or authority because of racial  
19                 gerrymandering. And that's where we are.

20                 REP. SZOKA: I have two members left in  
21                 the queue and Representative Jackson, I have a  
22                 procedural question for you. Because when you  
23                 offered the amendment I didn't hear a motion for  
24                 it, so before it slips the Chair's mind, I would  
25                 like to make sure that there is a motion for your



1 amendment. You may have, but I can't remember.

2 REP. JACKSON: Thank you, Mr. Chairman.  
3 I'm not sure if I did that as well. I would say  
4 that I would agree with some of the comments today  
5 about this amendment not being perfect, but I do  
6 believe it's superior to the PCS and, therefore, I  
7 would move for adoption.

8 REP. SZOKA: Thank you, sir.  
9 Representative Dollar, you're recognized.

10 REP. DOLLAR: Thank you. And I -- I  
11 realize the time and so I'll -- I'll try to -- I'll  
12 try to make this a little briefer than before. And  
13 that is -- but I do -- would like to ask, just so I  
14 can understand. Representative Jackson, would you  
15 yield for a question?

16 REP. JACKSON: I yield.

17 REP. DOLLAR: Thank you. My question  
18 would be, you mentioned redistricting resources  
19 that you became aware of in -- in April, on the --  
20 on the Republican side. I guess my question is, at  
21 that point in time, did you put anything in writing  
22 to the speaker requesting any -- any resources at  
23 that time?

24 REP. JACKSON: In April, no, sir.

25 REP. DOLLAR: Thank you. Let me just

1           make some comments. I would -- I would just,  
2           again, comment, you know, in terms of resources and  
3           I -- I know Chairman Lewis has mentioned this, that  
4           resources equal on both sides were offered and the  
5           gentleman answered my question in terms of when he  
6           became aware. I would also make some broader  
7           points, though. One is that, along this line, you  
8           know, we've been talking about, well, you know,  
9           certain people get resources, certain people in  
10          General Assembly. But I would certainly think that  
11          folks should be reminded that when Republicans and  
12          others were challenging, successfully, the  
13          constitutionality of maps drawn by the general  
14          assembly in previous decades, I don't think the  
15          General Assembly offered them any new resources to  
16          carry forward what -- what were, in many cases,  
17          successful challenges in state and federal court  
18          that repaired a number of unconstitutional items  
19          that -- that were -- that we had in this state.  
20          And so, certainly, Republicans have been on -- on  
21          the -- in the -- about reforming and making our  
22          system better for a host of decades.

23                        The other thing that I would just mention  
24                        very quickly is -- and that is, when I look back at  
25                        Wake County -- and I will not trouble my colleague

1           with any more questions at this point, but it's  
2           just very clear to me that there's some political  
3           gerrymandering going on here with the map that --  
4           that these Plaintiffs, that -- that Representative  
5           Jackson is -- is offering.

6                       Clearly, you have far more seats there  
7           that are Democrat. I mean what's -- what's being  
8           done to Representative Malone's district is clearly  
9           political motivation to make sure that  
10          Representative Malone cannot be re-elected. I  
11          think the same thing is true when you -- when you  
12          look at Mecklenburg County. This is just an  
13          attempt to gerrymander for the Democrats' purposes  
14          when, as Chairman Lewis points out, they have a  
15          hard time in a number of the rural areas and small  
16          towns to try to use a political gerrymander to  
17          attempt to make up for that in a -- in urban areas.  
18          And I would ask you to defeat the amendment.

19                      REP. SZOKA: Further discussion for the  
20          debate? Representative Jackson?

21                      REP. JACKSON: I thought I was in the  
22          cue?

23                      REP. SZOKA: You're recognized now.

24                      REP. JACKSON: Thought it would be fair  
25          if I got to respond to some things people had said

1 about me and motivations and things, if that's  
2 okay?

3 REP. SZOKA: You have the floor.

4 REP. JACKSON: First of all, there's been  
5 a lot of referring to this as a partisan  
6 gerrymander, this plan. You know, again, I will  
7 point out that Attorney General Stein, who won  
8 statewide in the PCS, only won in 42 districts and  
9 this -- this PCS -- this amendment, he wins in only  
10 56 districts. If that's a Democratic partisan  
11 gerrymander and if the Republican one isn't a  
12 partisan gerrymander, I'd sure hate to see them. I  
13 think that those type of statewide numbers prove  
14 that, in fact, it is not a -- a gerrymander.

15 There were some questions about April and  
16 when I became aware. I became aware that \$50,000  
17 had been given to Mr. Hofeller when I read about it  
18 in the News and Observer. That was not in April;  
19 that was earlier this month. I can't remember if  
20 it was a day or two days before the offer was  
21 formally made to me. I will note, Mr. Hofeller was  
22 paid to do the clustering map because a clustering  
23 map was done last year about this time and that no  
24 offer was made to me or to Senator Blue, to my  
25 knowledge, to allow us to have money in addition to

1 do a clustering map. Clustering map is a  
2 mathematical thing under the Stephenson decisions.  
3 It takes a mathematician to develop some algorithms  
4 to do that and so I think it's a little unfair to  
5 say we've had an equal opportunity because that  
6 certainly is not true.

7 The purpose of this map is to show that  
8 the Plaintiffs' objections to the map that's being  
9 introduced today, the PCS, can be cured. I would  
10 not expect you to take my version of Wake or  
11 Mecklenburg County. However, when an attorney who  
12 has been fighting these redistricting maps since  
13 2011 and, as Representative Dollar likes to say,  
14 has been extremely successful, in -- in fact, in  
15 getting the 9-0 result in front of the United  
16 States Supreme Court that the map was in fact  
17 racially gerrymandered, that she pointed out some  
18 constitutional deficiencies with your map -- your  
19 PCS. I would have expected you to go back in to  
20 Wake County and to Mecklenburg County and draw  
21 something that fit more to your liking in the  
22 partisan nature that would have protected  
23 Representative Malone. And it can be done, but you  
24 chose not to and so I guess we'll leave it up to  
25 the federal court whether they draw it themselves,

1           whether the adopt the Plaintiffs' map or whether  
2           they approve the PCS.

3                       I do want to also follow up on what  
4           Representative Michaux was saying. Racial  
5           gerrymandering isn't about electing a higher number  
6           of African Americans. It's about giving African  
7           Americans the ability to elect candidates of their  
8           choice in more areas. For instance, Representative  
9           Michael Wray represents a majority minority  
10          district. In his counties, they have chosen him to  
11          represent them in several elections over minority  
12          opponents. That's their candidate of choice. The  
13          fact that he does -- is not black, doesn't mean  
14          they didn't get to elect their candidate of choice.  
15          In fact, they did do that.

16                      Representative Harrison represents a very  
17          similar district and I, in fact, represent a  
18          district that, at the percentage of only 30 percent  
19          African American elected its candidate of choice in  
20          two elections before I was appointed to represent  
21          them, in fact, against me. She defeated me in her  
22          first election. And so that's what racial  
23          gerrymandering is about. It's not about creating a  
24          certain number of African Americans. It's about  
25          diluting their ability to elect their candidates of

1 choice by putting a high number of them into  
2 certain districts so that they don't have the  
3 opportunity to elect their candidate of choice in  
4 all the districts that surround them. That's what  
5 racial gerrymandering is all about.

6 I would just move for adoption of the  
7 amendment, mister -- Mr. Chairman.

8 REP. SZOKA: There's one more member that  
9 raised his hand. I recognize him, then we'll move  
10 to a vote on the amendment. Representative Jones?

11 REP. JONES: Thank you, Mr. Chair, and I  
12 appreciate your indulgence. I just wanted an  
13 opportunity to speak briefly, since -- since I was  
14 addressed personally by some of the members since I  
15 spoke.

16 You know, I was elected and I would just  
17 recall that the Republican majority was elected in  
18 2010 under maps that the Democrats had drawn at the  
19 time and the whole suggestion that somehow we're  
20 here as a majority today because of Republican  
21 maps, I think, is -- is -- is incorrect. I think  
22 Representative Lewis alluded to it. We don't need  
23 to get into the red, blue, purple state, but I  
24 think it does, by saying that in the last 10  
25 presidential elections, North Carolinians have

1           voted Republican nine times. In the last 16 US  
2           Senate elections, they've voted Republican 13  
3           times.

4                        So, you know, I seem to recall the time  
5           in the not too distant past when this body was 114  
6           Democrats and 6 Republicans. And I'm -- I'm pretty  
7           sure there was never a time in this state where 95  
8           percent of the people in the state were voting  
9           Democrat. Yeah, it was a -- more of a Democrat  
10          state in those days, but I say all that to say  
11          that, you know, some of the comments that came  
12          back, well, we have more racial minorities here  
13          than we've ever had, but we have less power.

14                      And I would simply say, if that is the  
15          case, it is not because of race, it's because of  
16          your party. You've chosen to affiliate with a  
17          party that has less power in this state, less  
18          influence in this state because people of this  
19          state have moved away from your party and are no  
20          longer voting for your party like maybe they once  
21          did. And I think that's -- that's fair to point  
22          out. Whether you want to agree with it or not, it  
23          is the case. So, Mr. Chair, that is -- that's all  
24          I've got to say.

25                      REP. SZOKA: Thank you. Having a motion



1 to adopt amendments --

2 MALE SPEAKER: Mr. Chair? Mr. Chairman?

3 REP. SZOKA: H327-AS-[inaudible] properly  
4 before us and Representative Gill having called for  
5 a roll call vote, the clerk will read the roll.

6 THE CLERK: Representative Bell?

7 REP. BELL: No.

8 THE CLERK: Representative Bell, no.  
9 Representative Jackson?

10 REP. JACKSON: Yes.

11 THE CLERK: Representative Jackson, yes.  
12 Representative Stevens?

13 REP. STEVENS: Yes.

14 THE CLERK: Representative Stevens, no.  
15 Representative Brawley?

16 REP. BRAWLEY: No.

17 THE CLERK: Representative Brawley, no.  
18 Representative Brockman?

19 REP. BROCKMAN: Yes.

20 THE CLERK: Representative Brockman, yes.  
21 Representative Burr?

22 REP. BURR: No.

23 THE CLERK: Representative Burr, no.  
24 Representative Davis?

25 REP. DAVIS: No.

1 THE CLERK: Representati ve Davi s, no.  
2 Representati ve Di xon?

3 REP. DI XON: No.

4 THE CLERK: Representati ve Di xon, no.  
5 Representati ve Dobson?

6 REP. DOBSON: No.

7 THE CLERK: Representati ve Dobson, no.  
8 Representati ve Dul i n?

9 REP. DULI N: No.

10 THE CLERK: Representati ve Dul i n, no.  
11 Representati ve Farmer- Butterfi el d?

12 REP. FARMER-BUTTERFI ELD: Yes.

13 THE CLERK: Representati ve  
14 Farmer-Butterfi el d, yes. Representati ve Floyd?

15 REP. FLOYD: Yes.

16 THE CLERK: Representati ve Floyd, yes.  
17 Representati ve Garri son?

18 REP. GARRI SON: Yes.

19 THE CLERK: Representati ve Garri son, yes.  
20 Representati ve Gi l l ?

21 REP. GI LL: Yes.

22 THE CLERK: Representati ve Gi l l , yes.  
23 Representati ve Grange?

24 REP. GRANGE: No.

25 THE CLERK: Representati ve Grange, no.

1           Representati ve Hal l ?

2                         REP. HALL:   No.

3                         THE CLERK:   Representati ve Hal l , no.

4           Representati ve Hanes?

5                         REP. HANES:   Yes.

6                         THE CLERK:   Representati ve Hanes, yes.

7           Representati ve Hardi ster?

8                         REP. HARDI STER:   No.

9                         THE CLERK:   Representati ve Hardi ster, no.

10          Representati ve Harri son?

11                        REP. HARRI SON:   Yes.

12                        THE CLERK:   Representati ve Harri son, yes.

13          Representati ve Hasti ngs?

14                        REP. HASTI NGS:   No.

15                        THE CLERK:   Representati ve Hasti ngs, no.

16          Representati ve Howard?

17                        REP. HOWARD:   No.

18                        THE CLERK:   Representati ve Howard, no.

19          Representati ve Hurl ey?

20                        REP. HURLEY:   No.

21                        THE CLERK:   Representati ve Hurl ey, no.

22          Representati ve Hunter?

23                        REP. HUNTER:   Yes.

24                        THE CLERK:   Representati ve Hunter, yes.

25          Representati ve Johnson?

1 REP. JOHNSON: No.

2 THE CLERK: Representative Johnson, no.  
3 Representative Jones?

4 REP. JONES: No.

5 THE CLERK: Representative Jones, no.  
6 Representative Jordan?

7 REP. JORDAN: No.

8 THE CLERK: Representative Jordan, no.  
9 Representative Malone?

10 REP. MALONE: No.

11 THE CLERK: Representative Malone, no.  
12 Representative Michaux?

13 REP. MI CHAUX: Yes.

14 THE CLERK: Representative Michaux, yes.  
15 Representative Moore?

16 REP. MOORE: Yes.

17 THE CLERK: Representative Moore, yes.  
18 Representative Pierce?

19 REP. PIERCE: Yes.

20 THE CLERK: Representative Pierce, yes.  
21 Representative Reives?

22 REP. REIVES: Yes.

23 THE CLERK: Representative Reives, yes.  
24 Representative Willingham?

25 REP. WILLINGHAM: Yes.

1 THE CLERK: Representative Willingham,  
2 yes. Representative Speciale?

3 REP. SPECIALE: No.

4 THE CLERK: Representative Speciale, no.  
5 Representative Rogers.

6 REP. ROGERS: No.

7 THE CLERK: Representative Rogers, no.  
8 Representative Saine?

9 REP. SAINNE: No.

10 THE CLERK: Representative Saine, no.  
11 Representative Wray?

12 REP. WRAY: Yes.

13 THE CLERK: Representative Wray, yes.  
14 Representative Torbett?

15 REP. TORBETT: No.

16 THE CLERK: Representative Torbett, no.  
17 Representative Yarborough?

18 REP. YARBOROUGH: No.

19 THE CLERK: Representative Yarborough,  
20 no. Were there any members that missed? I  
21 apologize. There's a -- I had to make a new sheet.  
22 Oh, the Chairs, I'm sorry. Representative Lewis?

23 REP. LEWIS: No.

24 THE CLERK: Representative Lewis, no.  
25 Representative Dollar?

1 REP. DOLLAR: No.

2 THE CLERK: Representative Dollar, no.  
3 Representative Szoka?

4 REP. SZOKA: No.

5 THE CLERK: Representative Szoka, no.

6 REP. SZOKA: By a vote of 15 ayes, 26  
7 no's, the amendment fails. We're back on -- we're  
8 back on the PCS. Representative Lewis, you're  
9 recognized.

10 REP. LEWIS: Mr. Chairman, I'd like to be  
11 recognized for a motion.

12 REP. SZOKA: You are recognized for a  
13 motion, sir.

14 REP. LEWIS: Mr. Chairman, I move that  
15 the proposed Committee substitute for House Bill  
16 927 be reported favorably as to the PCS as amended  
17 and that that PCS be rolled into a new PCS and that  
18 the short title of that PCS be amended to read 2017  
19 House Redistricting Plan A1.

20 REP. SZOKA: We have a motion before us.  
21 All those in favor should --

22 FEMALE SPEAKER: Mister --

23 REP. SZOKA: -- imply their support by  
24 say aye.

25 FEMALE SPEAKER: Mr. Chair?

1 REP. SZOKA: All those opposed, no.

2 MALE SPEAKER: Division.

3 MALE SPEAKER: Division.

4 REP. LEWIS: I think -- I think what  
5 happened is, they wanted to speak on the one  
6 question, but you should --

7 REP. SZOKA: Division having been called,  
8 clerk will call the roll.

9 MALE SPEAKER: We already started, right?

10 THE CLERK: Representative Jackson?

11 REP. JACKSON: No.

12 THE CLERK: Representative Jackson, no.

13 REP. HARRISON: Mr. Chair, are we going  
14 to be allowed to discuss the motion?

15 REP. SZOKA: Suspend for a moment. All  
16 right. All right. The chair apologizes. I did  
17 not see any hands raised. So since this isn't --  
18 we'll suspend this vote and allow those people to  
19 be recognized that wish to speak on the PCS. So --  
20 so who -- Representative Harrison recognized.  
21 Whoever else wants to talk, if you would raise your  
22 hand so I can look around and make sure that you're  
23 properly recognized?

24 REP. HARRISON: Thank you, sir.

25 REP. DOLLAR: Representative Harrison,

1           you have the floor.

2                         REP. HARRISON: Thank you, Mr. Chair.  
3           Pricey Harrison, District 57. Just a brief  
4           comment, I share many of the concerns that  
5           Representative Jackson articulated, but I did want  
6           to say, specifically with the district that I  
7           currently represent, which is House District 57, it  
8           was one of the constitutional -- one of the  
9           districts deemed to be unconstitutional based on  
10          racial gerrymandering. The current  
11          African-American composition is 47 percent and --  
12          and -- African American and 47 percent white. The  
13          proposed district is now -- now I see 60 percent  
14          African American, which doesn't seem to cure the  
15          constitutional issue of racial gerrymandering.

16                         There -- I do believe that there are ways  
17          to have -- to the extent that Democratic  
18          performance needed to be taken into account for the  
19          criteria that -- that the Midland Park  
20          neighborhood, which is split Precincts 15 and 48,  
21          that could've been included in the district and  
22          would've achieved a little bit more racial balance.  
23          That's why I was at Precinct 16 and -- and 35,  
24          which were adjacent -- I want to maintain the  
25          compactness. So I just wanted to make that point



1 for the record and I appreciate that. Thank you.

2 REP. SZOKA: Thank you. And, again, I  
3 apologize for my mistakes. Further discussion,  
4 further debate? Further discussion, further  
5 debate? I see now no one is indicating they wish  
6 to debate or discuss this further. Therefore, we  
7 have the motion properly before us and we have  
8 cancelled the last vote, so if anybody wants to say  
9 something about the vote because I'm about to call  
10 for the ayes and the no's. All right. Having said  
11 that, those in favor of the PSC submission made by  
12 Representative Lewis, please say aye.

13 (Voice vote.)

14 REP. SZOKA: Those opposed [inaudible] --

15 REP. MICHAUX: Mr. Chairman, I thought  
16 you were going to call the ayes and noes.

17 REP. SZOKA: Again, it was my mistake  
18 earlier that that was for the previous vote, which  
19 was cancelled, which I asked here again. If you --  
20 are you calling division, sir?

21 REP. MICHAUX: Yes, I am.

22 REP. SZOKA: All right. The clerk will  
23 call the roll.

24 THE CLERK: Representative Jackson?

25 REP. JACKSON: Aye.

1 THE CLERK: Representati ve Stevens?

2 REP. STEVENS: Yes.

3 THE CLERK: Representati ve Stevens,  
4 yes -- Representati ve Stevens, aye. Representati ve  
5 Bell ?

6 REP. BELL: Aye.

7 THE CLERK: Representati ve Bell , aye.  
8 Representati ve Brawley?

9 REP. BRAWLEY: Aye.

10 THE CLERK: Representati ve Brawley, aye.  
11 Representati ve Brockman?

12 REP. BROCKMAN: No.

13 THE CLERK: Representati ve Brockman, no.  
14 Representati ve Burr?

15 REP. BURR: Aye.

16 THE CLERK: Representati ve Burr, aye.  
17 Representati ve Davi s?

18 REP. DAVI S: Yes.

19 THE CLERK: Representati ve Davi s, aye.  
20 Representati ve Di xon?

21 REP. DI XON: Aye.

22 THE CLERK: Representati ve Di xon, aye.  
23 Representati ve Dobson?

24 REP. DOBSON: Aye.

25 THE CLERK: Representati ve Dobson, aye.

1           Representative Dulin?

2                   REP. DULIN:   Aye.

3                   THE CLERK:   Representative Dulin, aye.

4           Representative Farmer-Butterfield?

5                   REP. FARMER-BUTTERFIELD:   No.

6                   THE CLERK:   Representative

7           Farmer-Butterfield, no.   Representative Floyd?

8                   REP. FLOYD:   No.

9                   THE CLERK:   Representative Floyd, no.

10          Representative Garrison?

11                  REP. GARRISON:   No.

12                  THE CLERK:   Representative Garrison, no.

13          Representative Gill?

14                  REP. GILL:   No.

15                  THE CLERK:   Representative Gill, no.

16          Representative Grange?

17                  REP. GRANGE:   Aye.

18                  THE CLERK:   Representative Grange, aye.

19          Representative Hall?

20                  REP. HALL:   Aye.

21                  THE CLERK:   Representative Hall, aye.

22          Representative Hanes?

23                  REP. HANES:   No.

24                  THE CLERK:   Representative Hanes, no.

25          Representative Hardister?

1 REP. HARDISTER: Aye.

2 THE CLERK: Representative Hardister,  
3 aye. Representative Harrison?

4 REP. HARRISON: No.

5 THE CLERK: Representative Harrison, no.  
6 Representative Hastings?

7 REP. HASTINGS: Aye.

8 THE CLERK: Representative Hastings, aye.  
9 Representative Howard?

10 REP. HOWARD: Aye.

11 THE CLERK: Representative Howard, aye.  
12 Representative Hunter?

13 REP. HUNTER: No.

14 THE CLERK: Representative Hunter, no.  
15 Representative Hurlley?

16 REP. HURLEY: Aye.

17 THE CLERK: Representative Hurlley, aye.  
18 Representative Johnson?

19 REP. JOHNSON: Aye.

20 THE CLERK: Representative Johnson, aye.  
21 Representative Jones?

22 REP. JONES: Aye.

23 THE CLERK: Representative Jones, aye.  
24 Representative Jordan?

25 REP. JORDAN: Aye.

1 THE CLERK: Representati ve Jordan, aye.

2 Representati ve Mal one?

3 REP. MALONE: Aye.

4 THE CLERK: Representati ve Mal one, aye.

5 Representati ve Mi chaux?

6 REP. MI CHAUX: No.

7 THE CLERK: Representati ve Mi chaux, no.

8 Representati ve Moore?

9 REP. MOORE: No.

10 THE CLERK: Representati ve Moore, no.

11 Representati ve Pi erce?

12 REP. PI ERCE: No.

13 THE CLERK: Representati ve Pi erce, no.

14 Representati ve Rei ves?

15 REP. REIVES: No.

16 THE CLERK: Representati ve Rei ves, no.

17 Representati ve Wi lli ngham?

18 REP. WI LLINGHAM: No.

19 THE CLERK: Representati ve Wi lli ngham,

20 no. Representati ve Speci ale?

21 REP. SPECIALE: No.

22 THE CLERK: Representati ve Speci ale, no.

23 Representati ve Rogers?

24 REP. ROGERS: Aye.

25 THE CLERK: Representati ve Rogers, aye.

1           Representati ve Sai ne?

2                         REP. SAI NE:   Aye.

3                         THE CLERK:   Representati ve Sai ne, aye.

4           Representati ve Wray?

5                         REP. WRAY:   No.

6                         THE CLERK:   Representati ve Wray, no.

7           Representati ve Yarborough?

8                         REP. YARBOROUGH:   Aye.

9                         THE CLERK:   Representati ve Yarborough,  
10           aye.   Representati ve Torbett?

11                        REP. TORBETT:   Aye.

12                        THE CLERK:   Representati ve Torbett, aye.

13           Representati ve Lewi s?

14                        REP. LEWI S:   Aye.

15                        THE CLERK:   Representati ve Lewi s, aye.

16           Representati ve Dol lar?

17                        REP. DOLLAR:   Aye.

18                        THE CLERK:   Representati ve Dol lar, aye.

19           Representati ve Szoka?

20                        REP. SZOKA:   Aye.

21                        THE CLERK:   Representati ve Szoka, aye.

22                        REP. SZOKA:   Five out of -- 25 in the  
23           affi rmative and 16 in negative.   The moti on passes.

24           Thank you all for your attendance today.   I know we  
25           were gone a l i t t l e l o n g.   Representati ve Jackson?

1                   REP. JACKSON: If I could ask a question,  
2                   Mr. Chairman, about next week?

3                   REP. SZOKA: Going to be be directed  
4                   to -- I yield the chair to Representative Lewis.

5                   REP. LEWIS: The gentleman may state his  
6                   inquiry.

7                   REP. JACKSON: Yes, sir, Mr. Chairman. I  
8                   was just wondering if we will go through the same  
9                   process again when the senate map crosses over or  
10                  if that will just be done on the floor or we'll  
11                  have to bring it back through and do amendments and  
12                  stuff like that? I'm just planning for next week.  
13                  That's all.

14                  REP. LEWIS: Thank you for the question,  
15                  Representative Jackson. The House rules that a  
16                  bill received from the Senate is heard in the House  
17                  Committee, so yes, we will hear the Senate plan in  
18                  this Committee next week. The Senate -- I do not  
19                  know -- and I would state for the record that -- I  
20                  know the speaker made this same comment yesterday.  
21                  We have the court reporter here today -- that we  
22                  did have -- we did have consultation with you and  
23                  also with Representative Bell that in lieu of  
24                  having a session tomorrow that the House would do  
25                  both its second and third readings on Monday.

1 I don't know what the Senate has agreed  
2 to. I do not know if the plan will arrive today or  
3 if it will arrive on Monday, but as soon as it  
4 arrives, we'll refer it to Committee and we will  
5 hear the bill. And depending on the day it  
6 arrives, the House will either take up the -- the  
7 Senate plan on Tuesday and Wednesday or Wednesday  
8 and Thursday, depending on when it arrives. And  
9 that answer, of course, assumes that we don't do  
10 second and third on the same day. Are there  
11 further inquiries for the Chair?

12 REP. FLOYD: Question, Representative  
13 Lewis.

14 REP. LEWIS: What purpose -- the  
15 gentleman, Representative Floyd may state his  
16 inquiry?

17 REP. FLOYD: Inquire. So that may be a  
18 Tuesday and Wednesday session next week?

19 REP. LEWIS: There will absolute -- there  
20 will absolutely be session on Tuesday and Wednesday  
21 of next week. I do not know if will take votes on  
22 two separate days. But, again, the goal is to have  
23 this ratified by the court deadline of September  
24 1st, which is Friday. I think we'll -- if all goes  
25 to plan and it really does, we will beat the



1 court's deadline by one day.

2 REP. FLOYD: Thank you.

3 REP. LEWIS: Before we adjourn, I -- I do  
4 want to thank each and every one of you for your  
5 time today. I want to thank -- and I'm going to  
6 say this on the floor. The one thing that I think  
7 all of us can agree on, despite the divided votes,  
8 is how fortunate we are to -- I apologize -- to be  
9 served by great staff. This is a -- this has been  
10 a long day; for all our central staff, it's been a  
11 long week, for our sergeant-at-arms staff as well.  
12 So I will certainly thank them all on the server,  
13 but I think it was entirely appropriate to thank  
14 them from this -- from this chair as well.

15 Is there any further business for the  
16 Committee or any other inquires to the chair? The  
17 chair sees no one seeking recognition. This  
18 Committee, having completed its business, stands  
19 adjourned.

20 (End of proceedings.)

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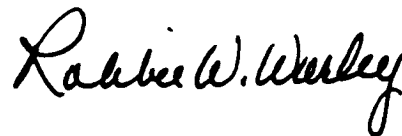
STATE OF NORTH CAROLINA

COUNTY OF WAKE

CERTIFICATION OF TRANSCRIPT

This is to certify that the foregoing transcript of proceedings held on August 25, 2017, is a true and accurate transcript of the proceedings as transcribed by me or under my supervision. I further certify that I am not related to any party or attorney, nor do I have any interest whatsoever in the outcome of this action.

This 5th day of September, 2017.

A handwritten signature in black ink that reads "Robbie W. Worley". The signature is written in a cursive style with a large initial 'R' and a distinct 'W'.